

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORPORATION,
Petitioner,

v.

FLECTERE LLC,
Patent Owner.

IPR2020-00400
Patent 6,401,094 B1

Before JOHN A. HUDALLA, AMBER L. HAGY, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

Petitioner, FedEx Corporation (“Petitioner”), filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–24 of U.S. Patent No. 6,401,094 B1 (Ex. 1001, “the ’094 patent”). Patent Owner, Flectere LLC (“Patent Owner”), waived the filing of a Preliminary Response. Paper 7. We determined that the information presented in the Petition established that there was a reasonable likelihood that Petitioner

would prevail with respect to at least one of the challenged claims. Pursuant to 35 U.S.C. § 314, we instituted this proceeding on July 9, 2020, as to all challenged claims and all grounds of unpatentability. Paper 8 (“Dec. on Inst.”).

During the course of trial, Patent Owner filed a Patent Owner Response (Paper 10, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 13, “Pet. Reply”). Patent Owner did not file a sur-reply. No oral hearing was held. *See* Paper 16.

Petitioner filed Declarations of Benjamin B. Bederson, Ph.D., with its Petition (Ex. 1003) and its Reply (Ex. 1021).

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–24 of the ’094 patent. For the reasons discussed below, Petitioner has demonstrated by a preponderance of the evidence that claims 1–24 of the ’094 patent are unpatentable.

I. BACKGROUND

A. *Real Parties-in-Interest*

Petitioner identifies FedEx Corporation as the real party-in-interest. Pet. 77; Paper 6, 1; Paper 12, 1. Patent Owner identifies Flectere LLC as the real party-in-interest. Paper 5, 2.

B. *Related Proceedings*

Petitioner identifies the following terminated proceedings related to the ’094 patent (Pet. 77; Paper 6, 1; Paper 12, 1):

Flectere LLC v. Costco Wholesale Corp., No. 2:19-cv-00017 (E.D. Tex. filed Jan. 18, 2019);

Flectere LLC v. FedEx Corp., No. 2:19-cv-00018 (E.D. Tex. filed Jan. 18, 2019);

Flectere LLC v. United Parcel Serv., Inc., No. 2:19-cv-00020 (E.D. Tex. filed Jan. 18, 2019);

Flectere LLC v. Academy, Ltd., No. 2:18-cv-00227 (E.D. Tex. filed May 24, 2018);

Flectere LLC v. Sears Brands, LLC, No. 2:18-cv-00228 (E.D. Tex. filed May 24, 2018);

Flectere LLC v. Staples, Inc., No. 2:18-cv-00229 (E.D. Tex. filed May 24, 2018); and

Flectere LLC v. Office Depot, Inc., No. 2:18-cv-00230 (E.D. Tex. filed May 24, 2018).

We also note that Petitioner has challenged other patents owned by Patent Owner in IPR2020-00402 and IPR2020-00403. We previously issued a Final Written Decision in IPR2020-00403. We issue a Final Written Decision in IPR2020-00402 concurrently herewith.

C. The '094 patent

The '094 patent is titled “System and Method for Presenting Information in Accordance with User Preference” and generally relates to a system and method for presenting information in Hypertext Markup Language (“HTML”) or other customized documents according to a user’s personality traits. Ex. 1001, code (54), 1:7–9. The system dynamically formats information for each user in accordance with that user’s personality

traits rather than storing it in a static HTML document. *Id.* at 2:17–19.

Figure 1 of the '094 patent, reproduced below, is illustrative.

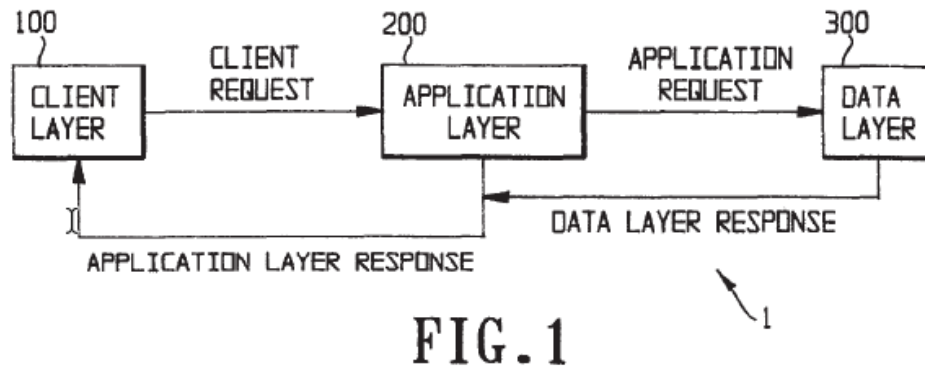


Figure 1 illustrates a block diagram showing an overview of a system organized into three layers.

Id. at 2:50–52. As illustrated in Figure 1, system 1 is organized as three layers: client layer 100, application layer 200 (alternatively known as a middle layer), and data layer 300. *Id.* at 3:14–17. Client layer 100 submits a request to the application layer 200, which in turn sends a request and passes the appropriate parameters into the store procedures on data layer 300. *Id.* at 3:17–20. Data layer 300 processes those parameters and returns the requested information to application layer 200. *Id.* at 3:20–22. Application layer 200 formats the information on the fly in accordance with a business object and passes the formatted information to client layer 100, which creates a front end for the user. *Id.* at 3:22–25.

Figure 2 of the '094 patent, reproduced below, illustrates system 1 of Figure 1 in greater detail.

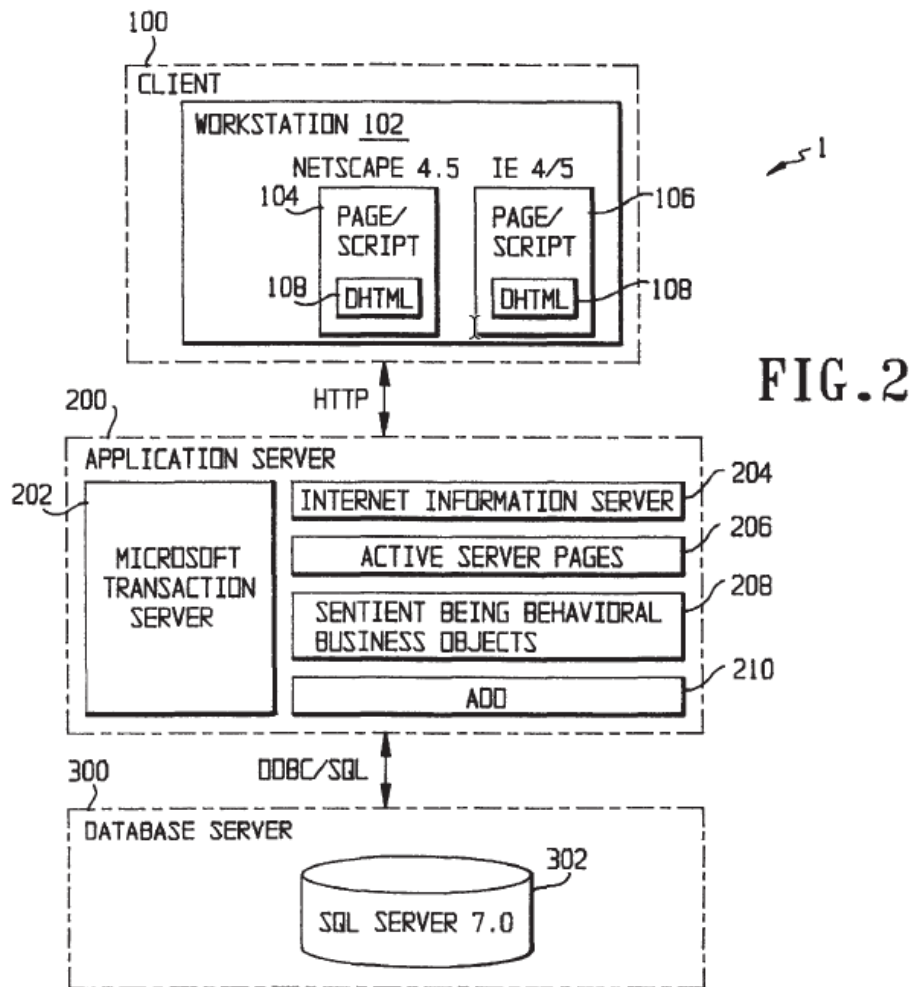


Figure 2 illustrates a block diagram showing the three layers of the system of Figure 1 in greater detail.

Ex. 1001, 2:53–54. Client layer 100 is implemented on a user’s desktop computer or other workstation 102 running Web browser 104, 106. *Id.* at 3:52–55. Browser 104 or 106 handles dynamic HTML (“DHTML”) pages or scripts 108. *Id.* at 3:59–60. Application layer 200 is implemented on a server and is based on Microsoft Transaction Server (“MTS”) 202, Internet Information Server (“IIS”) 204, Active Server Pages (“ASP”) 206, behavioral business objects 208, and Active Data Objects (“ADO”) 210. *Id.* at 3:61–66. Behavioral business objects 208 allows the formatting of the

information in accordance with the user's personality type. *Id.* at 4:2–4.
Data layer 300 is implemented on a database server including database 302, which is accessible through the MTS 202. *Id.* at 4:6–8.

Figure 3 of the '094 patent, reproduced below, is a schematic diagram showing the interaction between different users in system 1 of Figure 1.

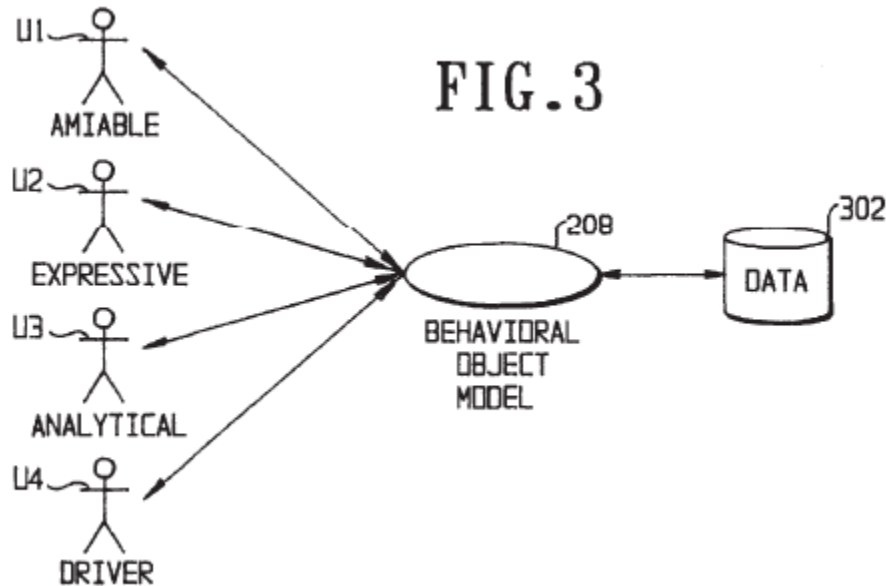


Figure 3 illustrates the interaction of users with system 1.

Ex. 1001, 2:55–56, 4:13–14. Figure 3 depicts four personality types, amiable user U1, expressive user U2, analytical user U3, and driver user U4, though system 1 can be scaled to any number of types of user. *Id.* at 4:14–20. Characteristics of the various personality types associated with users U1–U4 may be based on assertiveness and responsiveness or other measures of personality, such as the Myers-Briggs type indicator. *Id.* at 6:45–49; *see also id.* at 6:50–7:54 (listing characteristics of the four personality types used in the exemplary embodiment shown in Figure 3). Users U1–U4 access database 302 via behavioral business objects 208 in application layer 200. *Id.* at 4:20–25.

Figure 6 of the '094 patent, reproduced below, depicts a home page displayed by the system of Figure 1.

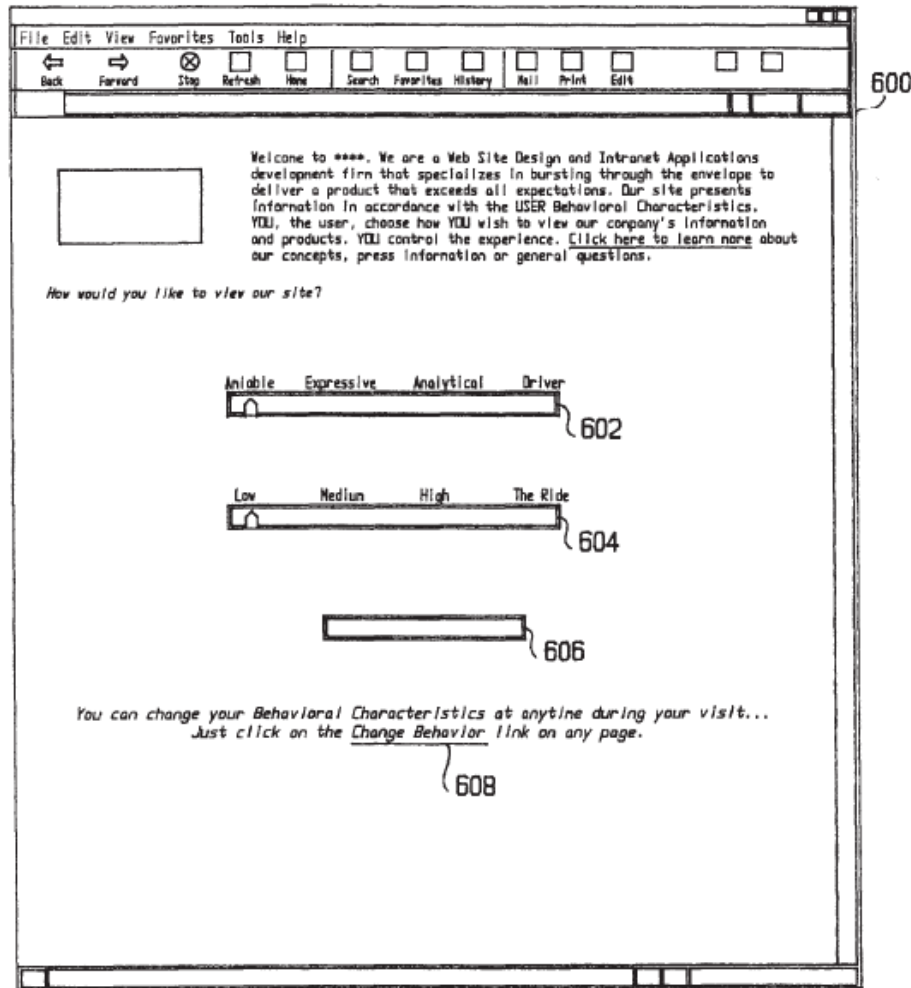


FIG. 6

Figure 6 illustrates a home page accessed by users of system 1.

Ex. 1001, 3:1–2, 7:66–67. Home page 600 includes slider bars 602, 604 that allow a user to select the form in which subsequent pages are to be displayed. *Id.* at 7:66–83. In particular, first slider bar 602 allows the user to select from among amiable, expressive, analytical, and driver personality types, and second slider bar 604 allows the user to select four levels of graphics. *Id.* at 8:3–6. The user may confirm selections made with slider

bars 602, 604 by clicking the “Accept Characteristics” button 606. *Id.* at 8:6–7. Home page 600 also includes “Change Behavior” link 608, which the user may click at any time on any page to change characteristics. *Id.* at 8:7–9.

The '094 patent issued from an application that was filed May 27, 1999. Ex. 1001, code (22). As discussed below, Petitioner’s asserted references qualify as prior art relative to the May 27, 1999, filing date of the application that led to the '094 patent.

D. Illustrative Claim

Of the challenged claims, claims 1 and 13 are independent. Claims 2–12 depend directly or indirectly from claim 1, and claims 14–24 depend directly or indirectly from claim 13. Claim 1 is illustrative of the challenged claims:

1. A system for presenting information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation, the system comprising:
 - a database server for storing the information; and
 - an application server, in communication with the database server and the workstation, for receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation, retrieving the information from the database server, dynamically formatting the information in accordance with the preference to form custom-formatted information and sending the custom-formatted information to the workstation.

Ex. 1001, 8:44–57.

E. Prior Art

Petitioner relies on the following prior art:

U.S. Patent No. 6,632,248 B1, filed Dec. 6, 1996, issued Oct. 14, 2003 (Ex. 1005, “Isaac”);

U.S. Patent No. 6,446,076 B1, filed Nov. 19, 1998, issued Sept. 3, 2002 (Ex. 1006, “Burkey”); and

U.S. Patent No. 6,016,484, filed Apr. 26, 1996, issued Jan. 18, 2000 (Ex. 1007, “Williams”).

F. The Instituted Grounds

We instituted *inter partes* review of claims 1–24 of the ’094 patent on the following grounds (Dec. on Inst. 27), which are all the grounds presented in the Petition (Pet. 5):

Claims Challenged	35 U.S.C. §	References
1–24	103(a) ¹	Isaac, Burkey
8, 14–17, 20	103(a)	Isaac, Burkey, Williams

II. ANALYSIS

A. Legal Standards

A claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103. Because the ’094 patent was filed before March 16, 2013 (the effective date of the relevant amendment), the pre-AIA version of § 103 applies.

The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations.² See *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). We also recognize that prior art references must be “considered together with the knowledge of one of ordinary skill in the pertinent art.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (quoting *In re Samour*, 571 F.2d 559, 562 (CCPA 1978)).

B. Level of Ordinary Skill in the Art

Citing testimony from Dr. Bederson, Petitioner contends that a person of ordinary skill in the art in the field of the '094 patent would have had at least a Bachelor's degree in electrical engineering or computer science, and would have had approximately one year of relevant experience in the field of web design and development. Pet. 5–6 (citing Ex. 1003 ¶¶ 39–41).

Petitioner further contends that less work experience may be compensated by a higher level of education, such as a Master's degree, and vice versa. *Id.* at 6 (citing Ex. 1003 ¶¶ 39–41). In our Decision on Institution, we adopted Petitioner's articulation of the level of ordinary skill in the art. Dec. on Inst. 6–7. After institution, neither party put forth arguments related to the level of ordinary skill. We discern no reason to change the level of ordinary skill in the art and again adopt Petitioner's articulation in this Final Written Decision.

² The record does not contain any evidence of secondary considerations of nonobviousness.

C. Claim Interpretation

In an *inter partes* review, we construe each claim “in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b) (2019). Accordingly, our claim construction standard is the same as that of a district court. *See id.* Under the standard applied by district courts, claim terms are generally given their plain and ordinary meaning as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc). “There are only two exceptions to this general rule: 1) when a patentee sets out a definition and acts as his own lexicographer, or 2) when the patentee disavows the full scope of a claim term either in the specification or during prosecution.” *Thorner v. Sony Comput. Entm’t Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012).

Petitioner contends that we should apply the plain and ordinary meaning to all terms of the ’094 patent. Pet. 6. This includes the term “personality type” recited in claim 11. *Id.*; Pet. Reply 3. Patent Owner provides comments regarding the construction of “personality type,” but Patent Owner does not put forth any specific construction for this term. *See* PO Resp. 8–12. We now consider Patent Owner’s comments regarding “personality type.”

Patent Owner contends “[t]he inventors of the challenged patent describe what this claimed personality type is over a dozen times throughout Claim 11 and the Specification.” PO Resp. 8–9 (citing Ex. 1001, code (57), 4:2–5:19, 6:44–8:10, 9:34–41, 10:46–54). In particular, Patent Owner notes

the Figure 3 embodiment with amiable user, expressive user, analytical user, and driver user as personality types. *Id.* at 9 (citing Ex. 1001, Fig. 3). Patent Owner further notes “the invention can be scaled to any number of types of user” beyond these four exemplary personality types. *Id.* at 10 (citing Ex. 1001, 4:19–20). Patent Owner also contends the ’094 patent “illustrate[s] personality types of users based on assertiveness, responsiveness and ‘other measures of personality, such as the Myers-Briggs type indicator.’” *Id.* (quoting Ex. 1001, 6:44–48). In particular, Patent Owner notes that Figure 6 includes a slider a user can manipulate “by sliding between four personality types.” *Id.* at 10–11 (citing Ex. 1001, Fig. 6). Patent Owner further notes the resulting exemplary displays depicted in Figures 7–9. *Id.* at 11–12 (citing Ex. 1001, Figs. 7–9).

Petitioner argues that amiable user, expressive user, analytical user, and driver user personality types in Figure 3 of the ’094 patent are just examples of personality types that do not limit the claims. Pet. Reply 3–6. Specifically, Petitioner highlights the Specification’s express statement about personality types that “the invention can be scaled to any number of types of user.” *Id.* at 3 (quoting Ex. 1001, 4:14–20) (emphasis omitted). Petitioner also highlights another statement in the Specification that “other measures of personality, such as the Myers-Briggs type indicator, could be used.” *Id.* at 4 (quoting Ex. 1001, 6:45–49) (emphases omitted). Petitioner further cites the slider bar in the embodiment of Figure 6, which ostensibly could be used to “select personalities between the four express types” described in Figure 3. *Id.* at 5 (citing Ex. 1001, 7:55–8:10, Fig. 6).

We agree with Petitioner that the personality types described in the Specification of the ’094 patent are non-limiting examples. Patent Owner’s

comments merely reflect exemplary embodiments of the '094 patent, but these exemplary embodiments do not limit the scope of the term “personality type.” In particular, the Specification of the '094 patent contemplates personality types for “any number of types of user” and personality types based on “other measures of personality.” Ex. 1001, 4:14–20, 6:45–49. These express statements suggest a broad scope for the term “personality type.” We further note that slider bar 602 in Figure 6 of the '094 patent suggests a user may select among infinite numbers of personality types. *See id.* at 7:66–8:10 (“[P]ersonality type . . . can be selected with [the] slider bar[] for an infinite number of display formats.”). Thus, we decline to limit the term “personality type” based on certain examples in the Specification of the '094 patent.

Patent Owner also contends “personality type” was “defined during prosecution of the '094 patent.” PO Resp. 13. In particular, Patent Owner makes certain arguments about U.S. Patent No. 5,793,964 (“Rogers”), a reference that was used to reject claims during prosecution.³ *Id.* at 13–14. Petitioner argues that Patent Owner does not identify the purported definition of “personality type” in the prosecution history. Pet. Reply 1. Petitioner argues Patent Owner’s arguments regarding Rogers are “undeveloped and irrelevant” and do not narrow the meaning of “personality type.” *Id.* at 14–15. Petitioner also asserts that the patentee’s arguments during prosecution merely reflect examples of “personality types” from the

³ Patent Owner also purports to draw parallels between Rogers and Burkey (*see* PO Resp. 14 (“Like *Rogers*, *Burkey* does not teach . . .”)), but Patent Owner’s arguments regarding Burkey effectively relate to the merits of Burkey’s combination with Isaac as applied to claim 11. We treat those arguments below. *See infra* § II.D.13.

Specification without limiting the term. *Id.* at 6–8 (citing Ex. 1002, 139–40). Petitioner further cites the patent examiner’s statements that “[t]here is no support in the Specification for a technical definition of personality type” and that “any set of user preferences determines a personality type.” *Id.* at 6–7 (quoting Ex. 1002, 134) (emphasis omitted).

We agree with Petitioner (*see* Pet. Reply 1) that Patent Owner offers no supporting evidence that “personality type” was defined during prosecution of the ’094 patent. Moreover, Patent Owner’s arguments about what is disclosed in Rogers (*see* PO Resp. 13–14) do not limit the proper construction of “personality type” in the ’094 patent. We further agree with Petitioner (Pet. Reply 6–8) that the patentee’s arguments during prosecution, as here, merely reflect exemplary embodiments that do not define or limit the term “personality type.” The patent examiner reflected this sentiment with his comment that “any set of user preferences determines a personality type.” Ex. 1002, 134 (emphasis omitted).

For these reasons, we apply the plain and ordinary meaning of the term “personality type” consistent with the Specification. Furthermore, we apply the same standard to all other terms and determine that no terms require explicit construction. *See, e.g., Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

D. Obviousness Ground Based on Isaac and Burkey

Petitioner contends the subject matter of claims 1–24 would have been obvious over the combination of Isaac and Burkey. Pet. 12–16, 20–77; Pet. Reply 11–26. Patent Owner disputes Petitioner’s contentions only as to claim 11. PO Resp. 13–18.

1. Isaac

Isaac is a U.S. patent titled “Customization of Network Documents by Accessing Customization Information on a Server Computer Using Unique User Identifiers.” Ex. 1005, code (54) (as modified by Certificate of Correction). Isaac is directed to automatically providing selected or customized information to a user who accesses a document at a site on a computer network, such as the Internet or an intranet. *Id.* at 1:9–13. Isaac describes a user navigating to a network address (*e.g.*, Uniform Resource Locator) associated with a customizable HTML document and being offered the ability to customize the HTML document. *Id.* at 2:16–19. A server returns an HTML customization document to the user. *Id.* at 2:24–25. The HTML customization document is an HTML form that includes topical groupings of customization options relating to, for example, favorite links, news, sports, financial matters, entertainment, science and technology, life, weather, etc. that a user selects with graphical check boxes, buttons, etc. *Id.* at 2:25–30. Figure 2 of Isaac, reproduced below, is illustrative.

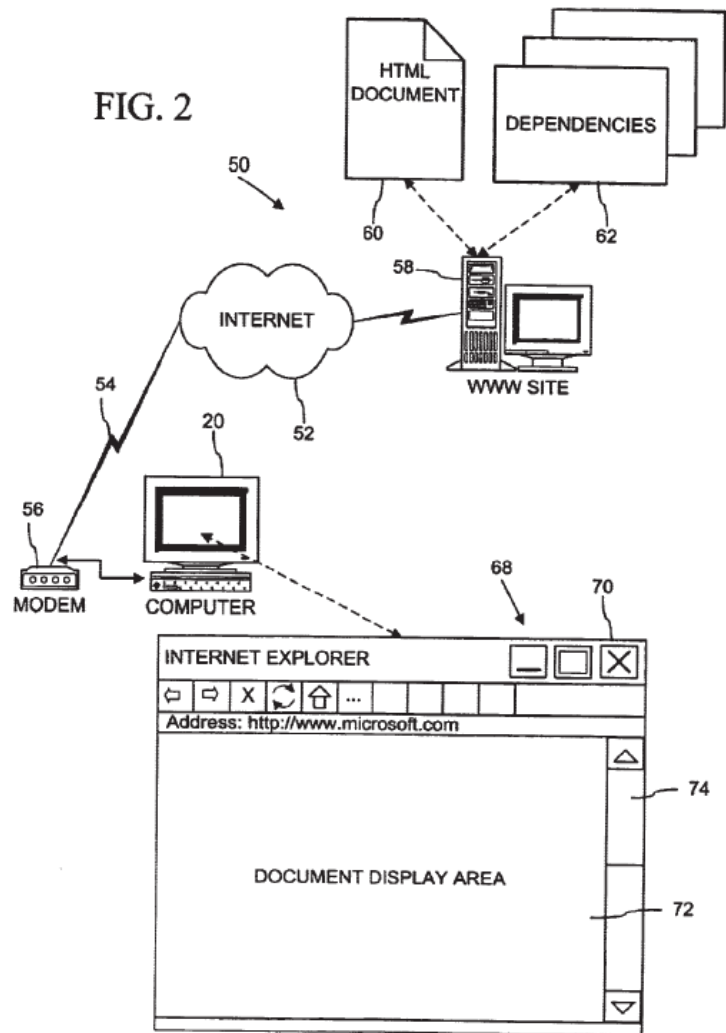


Figure 2 illustrates a block diagram of a computer system connected to a remote computer network (e.g., the Internet) for locally browsing electronic documents residing at a remote computer site.

Id. at 3:14–17. As illustrated in Figure 2, browsing environment 50 includes computer 20⁴ where a client runs a browser for unified browsing of electronic documents and other documents from secondary storage 42 and

⁴ Isaac describes reference number 20 variously as “computer system 20,” “computer 20,” and “client 20.” *See, e.g.*, Ex. 1005, 3:31–32, 4:35, 5:19. We further note that in Isaac’s description of Figure 1, “computer system 20” is said to include “computer 22.” *Id.* at 3:31–32.

remote computer network 52. *Id.* at 4:34–38. Document 60 resides at remote computer 58 connected to computer network 52. *Id.* at 4:56–61. The illustrated browser displays the document in window 68 of the computer's display 30, where the illustrated window comprises frame 70, document display area 72, and user interface controls 74. *Id.* at 5:9–15.

Figure 4 of Isaac, reproduced below, is illustrative of an HTML customization document.

Fig. 4

Internet Explorer

FAVORITE LINKS Latest Updates ☐ Link of the Day ☒

URL	Address	Site Name
http://	www.microsoft.com	MS Information
http://		
http://		

NEWS World News ☐ National News ☒

COMMERCE Commerce News ☒ Investor News ☐

Stock Ticker - Enter stock symbols to track stocks

SPORTS Sports News ☐

Sports Scores Baseball ☒ College Football ☐
NFL ☒ College Basketball ☐
NHL ☐ NBA ☒

ENTERTAINMENT Culture & Opinion ☒ Music News ☒
Movie Reviews ☒ Movie Times ☐
TV Listings ☐ Concerts & Events ☒

SCI-TECH Sci-Tech News ☐ Computer News ☒

WEATHER National ☐ World ☒

ACCEPT CANCEL

92

Figure 4 illustrates an HTML customization document as it appears when rendered on the display of a user's computer.

Ex. 1005, 3:20–22. As illustrated in Figure 4, HTML customization document 92 includes a set of selections used to customize a HTML document displayed to a user. *Id.* at 7:45–49.

Figure 5 of Isaac, reproduced below, is illustrative of a delivery method of a customized HTML document.

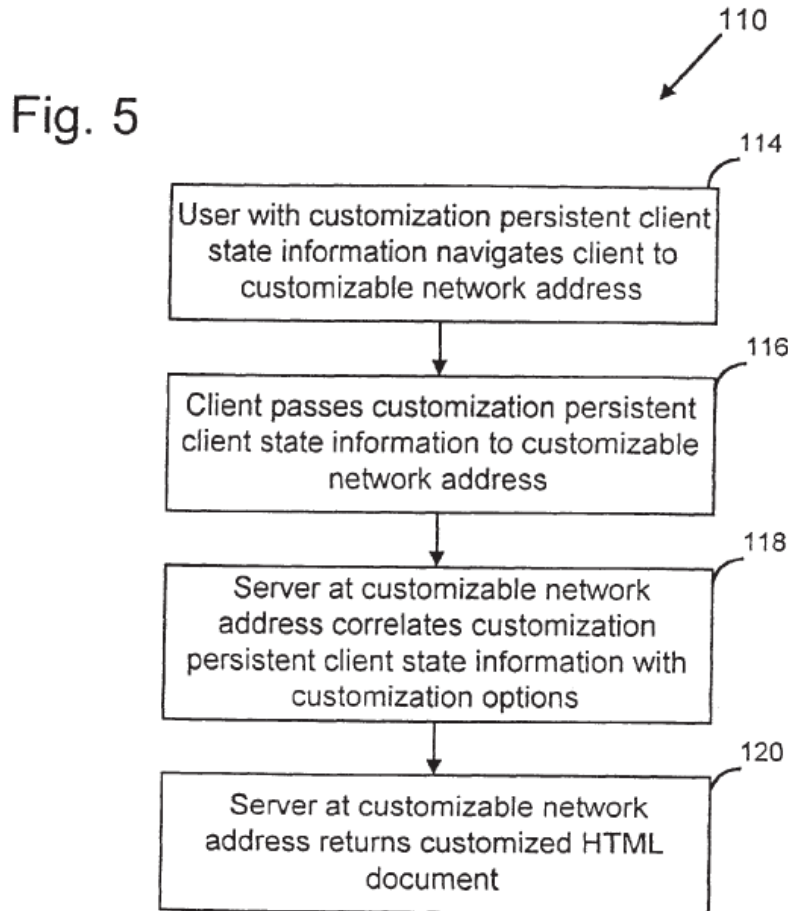


Figure 5 illustrates a flow diagram of a customized HTML document delivery method.

Ex. 1005, 3:24–25. Isaac describes process block 114, which indicates that a user navigates client 20 to the network address (e.g., Uniform Resource Locator) of customizable HTML document at site 58. *Id.* at 7:50–52. The browser on user client 20 has customization persistent client state

information. *Id.* at 7:52–54. Process block 116 indicates that the browser on user client 20 passes the customization persistent client state information to server 58. *Id.* at 7:55–58. Process block 118 indicates that server 58 correlates the customization persistent client state information with the customization options stored at server 58. *Id.* at 7:59–62. Process block 120 indicates that server 58 returns to user client 20 customized HTML document 112 formed in accordance with customized options stored at server 58. *Id.* at 8:9–11.

Figure 6 of Isaac, reproduced below, is illustrative of a customized HTML document.

Fig. 6

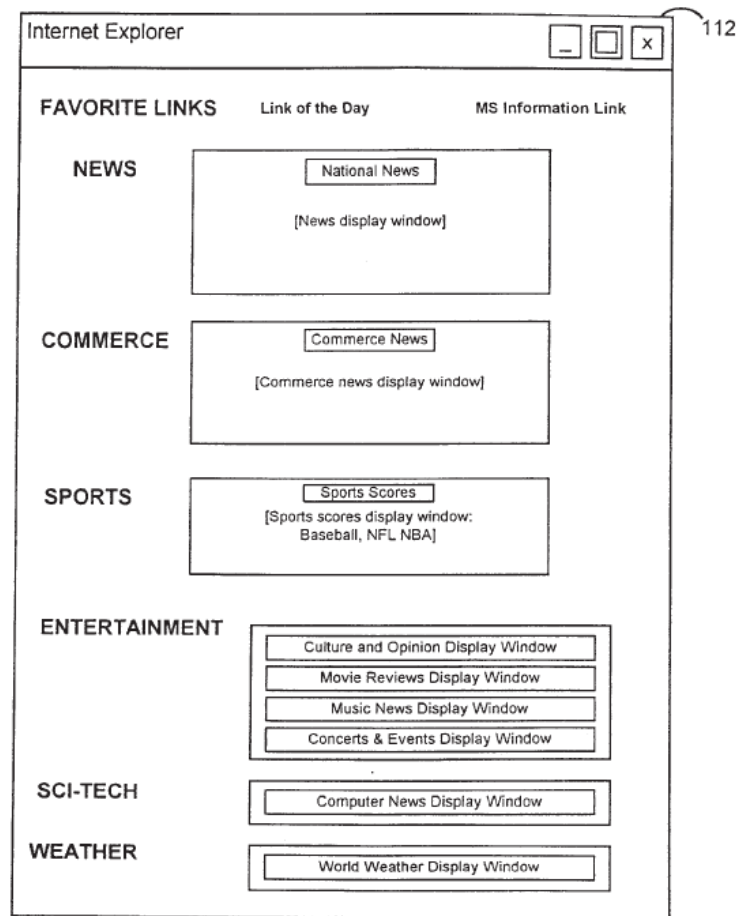


Figure 6 illustrates a customized HTML document.

Ex. 1005, 3:26–27. As illustrated in Figure 6, customized HTML document 112 is delivered to user client 20. *Id.* at 7:43–45.

Petitioner contends that Isaac qualifies as prior art under 35 U.S.C. § 102(e) based on its filing date. Pet. 5. Patent Owner does not contest the prior-art status of Isaac.

We have no evidence of an invention date other than the filing date of the application that led to the challenged claims. Thus, we determine that Isaac qualifies as prior art under 35 U.S.C. § 102(e) because Isaac's filing date of December 6, 1996, is before the May 27, 1999, filing date of the

application that led to the '094 patent. Ex. 1001, code (22); Ex. 1005, code (22).

2. *Burkey*

Burkey is a U.S. patent titled “Voice Interactive Web-Based Agent System Responsive to a User Location for Prioritizing and Formatting Information.” Ex. 1006, code (54). Burkey is directed to an interactive web-based agent system that responds to a particular user with information pertinent to the user’s requirements. *Id.* at 1:13–16. Burkey describes an “Egocentric Interface,” which is a user interface that utilizes a user’s personal information stored in a central profile database to customize the interface. *Id.* at 29:7–11.

Figure 10B of Burkey, reproduced below, is illustrative of a method for creating a user interface with customized content.

Fig. 10B

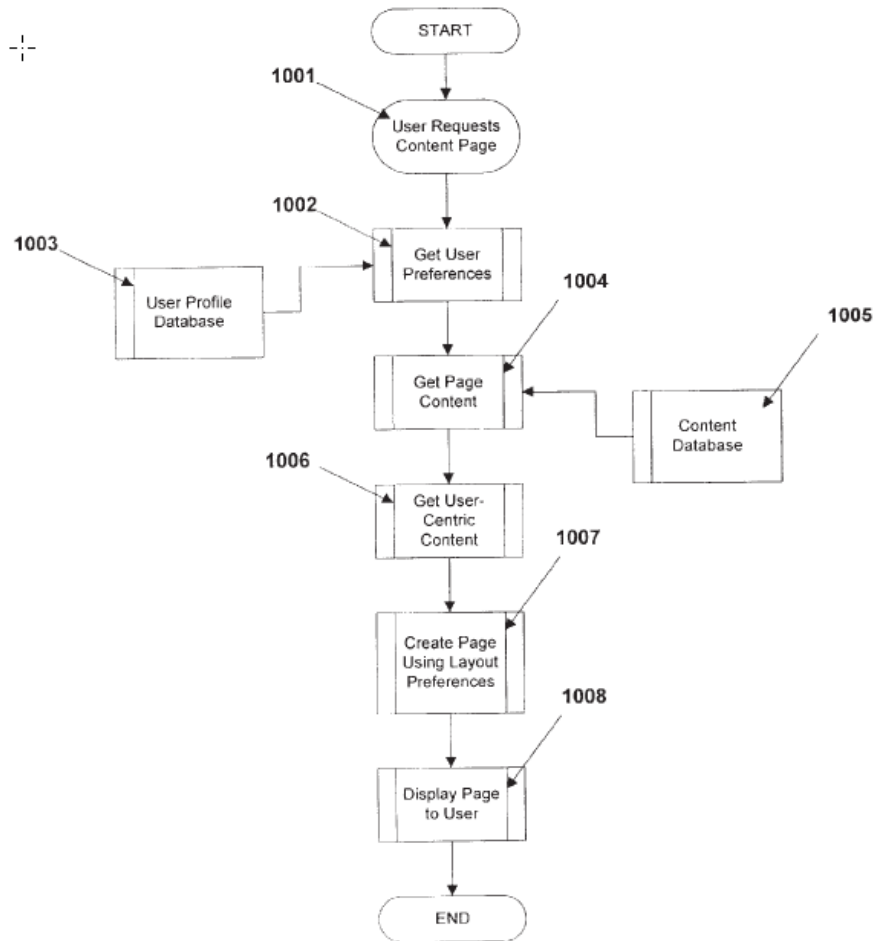


Figure 10B illustrates a flowchart depicting the logic associated with creating a customized content web page.

Ex. 1006, 2:45–48. Figure 10B illustrates a flowchart providing logic utilized to create a web page within the Egocentric Interface. *Id.* at 30:7–8. At step 1001, the client (i.e., web browser) makes a request to the server (i.e., web server) for a particular web page. *Id.* at 30:15–16. At step 1002, the web server gets the layout and content preferences for a particular user, with a request to a database keyed off a unique user identity stored in the

client (i.e., web browser) and user profile database 1003. *Id.* at 30:18–22. At step 1004, the web server then retrieves the content for the page that has been requested from content database 1005. *Id.* at 30:22–24. At step 1006, the relevant user-centric content is retrieved. *Id.* at 30:24–26. At step 1007, the content that is returned is formatted into a web page according to the layout preferences defined in the user profile. *Id.* at 30:30–32. At step 1008, the web page is then returned to the client and displayed to the user. *Id.* at 30:32–33.

Burkey’s disclosed system allows a user to create a number of different personas that aggregate profile information into sets that are useful in different contexts. Ex. 1006, 30:52–54. For example, a user may create personas for work, primary home, and cabin home. *See id.* at 30:54–67, 31:8–28. Each persona acts as a container for profile information. *See id.* at 31:29–48.

Petitioner contends that Burkey qualifies as prior art under 35 U.S.C. § 102(e) based on its filing date. Pet. 5. Patent Owner does not contest the prior-art status of Burkey.

We have no evidence of an invention date other than the filing date of the application that led to the challenged claims. Thus, we determine that Burkey qualifies as prior art under 35 U.S.C. § 102(e) because Burkey’s filing date of November 19, 1998, is before the May 27, 1999, filing date of the application that led to the ’094 patent. Ex. 1001, code (22); Ex. 1006, code (22).

3. *Claim 1*

a. Preamble

The preamble of claim 1 recites “[a] system for presenting information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation.” Ex. 1001, 8:44–47. Petitioner cites Isaac’s disclosure of a system including computer 20 (i.e., a “workstation”) having a browser that displays HTML documents (i.e., “present[s] information to a user”) on the computer’s display 30. Pet. 21 (citing Ex. 1005, 5:9–15, Fig. 2). Petitioner further cites Isaac’s disclosure that HTML documents are presented “in accordance with a preference specified by the user through the workstation” because server 58 returns to computer 20 a customization document (e.g., a form) that allows the user to select customization options (i.e., “preference specified by the user”), wherein the specified customization options are used to customize an HTML document returned to computer 20 and displayed on display 30. *Id.* at 20–22 (citing Ex. 1005, 1:9–13, 2:16–19, 2:25–30, 2:35–37, 2:49–56, 4:34–39, 6:26–27, Fig. 2).

Patent Owner does not dispute Petitioner’s analysis of the preamble of claim 1. Neither party addresses whether the preamble is limiting. We are persuaded that Isaac teaches a system with computer 20 (“a workstation”) that presents HTML documents (“information”) on display 30. *See, e.g.*, Ex. 1005, 5:9–15, Fig. 2. Isaac also teaches that a user returns customization options (“preference specified by the user”) for customizing the display of HTML documents. *See, e.g., id.* at 2:16–19, 2:25–30, 2:35–37, 2:49–56. Because Petitioner has shown that Isaac teaches the preamble, we need not determine whether the preamble is limiting. *See Nidec*, 868 F.3d at 1017.

b. “a database server for storing the information”

Claim 1 further recites “a database server for storing the information.” Ex. 1001, 8:48. Petitioner cites Isaac’s disclosure of server 58 pulling “information”—e.g., news stories—out of a database. Pet. 23 (citing Ex. 1005, 8:11–17). Petitioner argues that a skilled artisan would have understood Isaac’s disclosure of a database to refer to a “database server,” because the database is described as containing information. *Id.* (citing Ex. 1003 ¶ 65). Petitioner further argues that Burkey confirms it would have been obvious to store the information in a database server. *Id.* (citing Ex. 1003 ¶ 66). According to Petitioner, both Isaac and Burkey disclose systems that retrieve user preferences from a stored profile when a user requests a web page, and Burkey explicitly discloses that such preferences are stored in a server, namely content database 1005. *Id.* (citing Ex. 1005, 8:9–17; Ex. 1006, 30:7–33).

Petitioner contends that the “database server” limitation would have been obvious regardless of whether the database in Isaac is disclosed as being in the same physical machine, i.e., server 58, as Isaac’s “application server” (*see infra* § II.D.3.c), or in a separate physical machine from the application server. Pet. 23–24. Citing various contemporaneous references, Petitioner contends that it was “known that implementing a database server (1) as a separate computer or (2) as a separate software program running on a computer along with other server software were two interchangeable options.” *Id.* (citing Ex. 1003 ¶ 67); *see also id.* (citing Ex. 1012, 1:43–50 (Wesinger online directory patent); Ex. 1013, 7:32–35 (Popp internet transaction management patent); Ex. 1014, 11:20–23 (Curry wireless internet gateway patent)). Petitioner argues that this understanding

regarding software servers also is consistent with the '094 patent, which provides “numerous examples of software implemented servers.” *Id.* at 25 (citing Ex. 1001, 3:61–4:12, 4:6–12, Fig. 2); *see also id.* (citing Ex. 1001, 3:39–41, 3:33–37; Ex. 1003 ¶ 69).

Patent Owner does not dispute Petitioner’s analysis of the “database server” limitation. We are persuaded that Isaac teaches storing news stories in a database. *See, e.g.*, Ex. 1005, 8:11–17. Burkey also teaches retrieving web page content from content database 1005. *See, e.g.*, Ex. 1006, 30:7–33. Thus, based on Petitioner’s analysis, we are persuaded that the combination of Isaac and Burkey teaches “a database server for storing the information,” as recited in claim 1.

c. “an application server, in communication with the database server and workstation”

Claim 1 further recites “an application server, in communication with the database server and workstation.” Ex. 1001, 8:49–50. For the recited “application server,” Petitioner relies on Isaac’s disclosure of server 58, which executes application programs and returns customized HTML documents to computer 20. Pet. 26 (citing Ex. 1003 ¶¶ 70–72; Ex. 1005, 8:9–12). Petitioner argues Isaac’s server 58 is in communication with the workstation, i.e., computer 20. *Id.* Furthermore, based on Isaac’s teaching of the server pulling appropriate news stories out of a database, Petitioner contends an ordinarily skilled artisan would have understood that the application server must be in communication with the database in order to “pull” information from it. *Id.* at 27 (citing Ex. 1005, 8:15–17; Ex. 1003 ¶ 72). Petitioner additionally argues that Burkey describes retrieving content (i.e., information) from content database 1005, and to retrieve such content,

the web server (i.e., application server) would need to be in communication with database 1005. *Id.* (citing Ex. 1006, 30:7–33; Ex. 1003 ¶ 72).

Patent Owner does not dispute Petitioner’s analysis of the “application server” limitation. We are persuaded Isaac teaches that server 58 (“an application server”) is in communication with computer 20 (the “workstation”). *See, e.g.*, Ex. 1005, 8:9–12. We also are persuaded that an ordinarily skilled artisan would have known that server 58 is in communication with the database (“the database server”) when it pulls news stories from it. *See, e.g.*, Ex. 1003 ¶ 72; Ex. 1005, 8:15–17. Burkey also teaches a web server (“an application server”) in communication with content database 1005 (“the database server”). *See, e.g.*, Ex. 1006, 30:7–33. Thus, based on Petitioner’s analysis, we are persuaded that the combination of Isaac and Burkey teaches “an application server, in communication with the database server and workstation,” as recited in claim 1.

- d. an application server “for receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation”

Claim 1 further recites “an application server . . . for receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation.” Ex. 1001, 8:49–53. For the recited “receiving . . . a request for the information,” Petitioner cites Isaac’s teaching of server 58 (“an application server”) receiving a user request from computer 20 (“the workstation”) for an HTML document from a network address. Pet. 28 (citing Ex. 1005, 6:50–51). Petitioner asserts “the information” includes news articles, which

are returned to computer 20 as part of a customized HTML document sent in response to a user request from computer 20. *Id.* (citing Ex. 1003 ¶ 74; Ex. 1005, 8:9–10).

Petitioner further notes that Isaac’s computer 20 sends server 58 an HTML customization document as shown in Figure 4 of Isaac. Pet. 28–30 (citing Ex. 1003 ¶ 75–77; Ex. 1005, 2:35–40, 2:42–47, 2:49–60). Regarding the recited “receiving . . . an indication of the preference,” Petitioner cites Isaac’s teaching of the user designating customization options in the HTML customization document at computer 20 and then returning the customization document to server 58, where it is received. *Id.* at 22, 28–29 (citing Ex. 1003 ¶ 75; Ex. 1005, 2:25–30, 2:35–37).

Patent Owner does not dispute Petitioner’s analysis of the “application server . . . for receiving” limitation. We are persuaded that Isaac teaches that server 58 receives a user request for an HTML document (“the information”) from computer 20 (“the workstation”). *See, e.g.*, Ex. 1005, 6:50–51. Isaac also teaches that server 58 receives from computer 20 preference indications specified by a user in an HTML customization document. *See, e.g.*, Ex. 1005, 2:25–30, 2:35–40, 2:42–47, 2:49–60, Fig. 4. Thus, based on Petitioner’s analysis, we are persuaded that Isaac teaches “an application server . . . for receiving,” as recited in claim 1.

- e. an application server for “retrieving the information from the database server”

Claim 1 further recites “an application server . . . for . . . retrieving the information from the database server.” Ex. 1001, 8:49–50, 8:53–54. Petitioner cites Isaac’s disclosure of server 58 (“an application server”) pulling appropriate news stories (“the information”) out of a database.

Pet. 23, 27, 31 (citing Ex. 1003 ¶¶ 78–80; Ex. 1005, 8:11–17). Petitioner argues further that Burkey confirms it would have been obvious to store in the database not only news stories, but also other content or information used to create the web page requested by the user. *Id.* at 31–32 (citing Ex. 1003 ¶¶ 79–80; Ex. 1006, 30:7–33).

Patent Owner does not dispute Petitioner’s analysis of the “application server . . . for . . . retrieving” limitation. We are persuaded that Isaac teaches retrieving news stories (“the information”) from a database. *See, e.g.*, Ex. 1005, 8:11–17. Thus, based on Petitioner’s analysis, we are persuaded that Isaac teaches “an application server . . . for . . . retrieving,” as recited in claim 1.

- f. an application server for “dynamically formatting the information in accordance with the preference to form custom-formatted information”

Claim 1 further recites “an application server . . . for . . . dynamically formatting the information in accordance with the preference to form custom-formatted information.” Ex. 1001, 8:49–50, 8:54–56. Petitioner cites Isaac’s teaching of “returning a ‘customized HTML document *formed in accordance with the customized options*’ stored at the server.” Pet. 33 (quoting Ex. 1005, 2:53–57). Petitioner contends that an ordinarily skilled artisan would have known that forming an HTML document based on customized options is “an example of the claimed ‘dynamically formatting the information’ because the document is ‘formed’ based on those options.” *Id.* (citing Ex. 1003 ¶ 81). Petitioner further cites Isaac’s teaching of “changing the colors, shapes, and textures of the displayed information in

accordance with the user preferences.” *Id.* at 34–35 (quoting Ex. 1005, 8:16–18).

Patent Owner does not dispute Petitioner’s analysis of the “application server . . . for . . . dynamically formatting” limitation. We are persuaded that Isaac teaches formatting HTML documents, including changing the colors, shapes, and textures of displayed information, based on a user’s customization options. *See, e.g.*, Ex. 1005, 2:53–57, 8:16–18. Thus, based on Petitioner’s analysis, we are persuaded that Isaac teaches “an application server . . . for . . . dynamically formatting,” as recited in claim 1.

- g. an application server for “sending the custom-formatted information to the workstation”

Claim 1 further recites “an application server . . . for . . . sending the custom-formatted information to the workstation.” Ex. 1001, 8:49–50, 8:56–57. Petitioner cites Isaac’s teaching of server 58 returning customized HTML documents to client 20 after they are formed by server 58. Pet. 37 (citing Ex. 1005, 2:53–57, 8:9–20).

Patent Owner does not dispute Petitioner’s analysis of the “application server . . . for . . . sending” limitation. We are persuaded that Isaac’s server 58 (“an application server”) returns to client 20 (“the workstation”) HTML documents that are formatted based on a user’s customization options. *See, e.g.*, Ex. 1005, 2:53–57, 8:9–20. Thus, based on Petitioner’s analysis, we are persuaded that Isaac teaches “an application server . . . for . . . sending,” as recited in claim 1.

h. Conclusion Regarding Preamble and Claim Limitations

On the entire trial record, Petitioner has established that the combination of Isaac and Burkey teaches all limitations of claim 1.

i. Reasons for the Combination

Petitioner contends that an ordinarily skilled artisan would have found it obvious to combine Isaac and Burkey in order to “implement a content database, layouts, and personas (as taught in Burkey) in a system providing customized web pages based on user preferences, as taught in Isaac.”

Pet. 12 (citing Ex. 1003 ¶¶ 49–53). Petitioner notes common teachings in Isaac and Burkey of systems for providing customized web pages to users. *Id.* (citing Ex. 1005, code (57); Ex. 1006, 30:7–33). In particular, Petitioner details Isaac’s disclosure of providing customized web pages to users in accordance with customization options stored at server 58 and pulling requested information from a database. *Id.* (citing Ex. 1005, 8:9–17). Nevertheless, Petitioner acknowledges that Isaac does not detail the structure or form of the database. *Id.* To remedy this shortcoming, Petitioner argues that Burkey expressly discloses content database 1005 that stores content 1004 used by a web server to form HTML web pages. *Id.* at 12–13 (citing Ex. 1006, 30:21–24). Petitioner also notes that Burkey uses the content database for web content that is custom-formatted according to user preferences. *Id.* at 13 (citing Ex. 1006, 30:7–33). Thus, in view of Isaac’s teachings of pulling content from a database to form HTML documents, Petitioner contends that an ordinarily skilled artisan would have been motivated and found it obvious to look to known ways of storing content used for HTML documents, such as those disclosed in Burkey. *Id.* (citing

Ex. 1003 ¶ 51). Petitioner further contends an ordinarily skilled artisan would have expected predictable results based on the “well-known use of database servers.” *Id.*

Petitioner also contends it would have been obvious to implement Burkey’s layout preferences in Isaac. Pet. 13–14 (citing Ex. 1003 ¶ 52; Ex. 1006, 30:7–33). Petitioner notes Isaac’s teaching that “customization information can be virtually arbitrary.” *Id.* at 14 (quoting Ex. 1005, 8:4–5). According to Petitioner, an ordinarily skilled artisan “would have readily recognized Burkey’s layout options as simply another example of a user preference among the ‘virtually arbitrary’ possibilities for providing customization options to users, as disclosed in Isaac.” *Id.* (citing Ex. 1003 ¶ 52). Therefore, Petitioner contends an ordinarily skilled artisan would have found it obvious to implement Burkey’s layout preferences—in addition to the other formatting preferences already disclosed in Isaac—to provide the user with greater formatting choices/options. *Id.* Petitioner further contends adding Burkey’s layout preferences would have involved combining known prior art elements according to known methods, thus yielding the predictable result of providing the user with increased formatting choices/options. *Id.*

Petitioner additionally argues that it would have been obvious to implement Burkey’s teaching of different user personas, for example a “work” persona and “home” persona, in Isaac. Pet. 14–15 (citing Ex. 1003 ¶ 53; Ex. 1006, 31:29–49). According to Petitioner, doing so would have allowed users to tailor their experiences to particular contexts, such as one set of settings for home use and another set of settings for a more business-like work environment. *Id.* at 15 (citing Ex. 1003 ¶ 53). Petitioner also

argues that adding Burkey's user personas to Isaac would have predictably resulted in more user customization. *Id.*

Patent Owner does not dispute Petitioner's rationale for the combination of Isaac and Burkey. We are persuaded by Petitioner's rationale, which is based on the unrebutted testimony of Dr. Bederson. *See, e.g.*, Ex. 1003 ¶¶ 49–53. In particular, Petitioner establishes that an ordinarily skilled artisan would have implemented Burkey's content database 1005 (Ex. 1006, 30:7–33) in Isaac given that (1) Burkey's content database stores web content that is custom-formatted according to user preferences; and (2) Isaac does not detail the structure of the database from which its system pulls customized web pages. Ex. 1003 ¶¶ 50–51. Petitioner further establishes that an ordinarily skilled artisan would have implemented Burkey's layout preferences (Ex. 1006, 30:7–33) and user personas (*id.* at 31:29–49) in Isaac for additional user customization. Ex. 1003 ¶¶ 52–53. We also are persuaded that an ordinarily skilled artisan would have expected success in implementing these database enhancements in the well-known field of database servers. *Id.* ¶¶ 51–53.

Based on the entire trial record, we are persuaded that an ordinarily skilled artisan would have had reasons to combine Isaac and Burkey.

j. Conclusion Regarding Claim 1

Petitioner has persuasively shown that the combination of Isaac and Burkey teaches all limitations of claim 1. Petitioner also has put forth persuasive reasons for combining these references and has established that an ordinarily skilled artisan would have had a reasonable expectation of success in making the combination. On the entire trial record, we determine

Petitioner has shown, by a preponderance of the evidence, that the subject matter of claim 1 would have been obvious over the combination of Isaac and Burkey.

4. *Claim 2*

Claim 2 depends from claim 1 and recites that “the application server presents to the user a home page providing links to a plurality of preferences to allow the user to specify the preference from among the plurality of preferences.” Ex. 1001, 8:58–61. For the recited “home page,” Petitioner cites Isaac’s Figure 4 (reproduced above), which depicts a “simplified HTML customization document as it would appear when rendered on the display of the user’s computer.” Pet. 37–38 (citing Ex. 1005, 3:21–22, Fig. 4). Petitioner notes that Isaac’s server “returns” the HTML customization document to the user. *Id.* at 37 (citing Ex. 1005, 2:24–25). Petitioner further notes that Isaac’s HTML customization document includes a plurality of customization options from which a user may choose; Petitioner contends that an ordinarily skilled artisan would have known to expand these options based on Isaac’s teaching that options may be “virtually arbitrary” and Burkey’s teachings of additional options discussed above. *Id.* at 38–40 (citing Ex. 1003 ¶¶ 88, 90; Ex. 1005, 5:51–57, 5:61–62, 8:4–5, 8:16–17, Fig. 4); *see also supra* § II.D.3.i (detailing the combination of Isaac with Burkey).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 2. We are persuaded that Isaac’s HTML customization document in Figure 4, which allows a user to specify preferences, teaches the recited “home page” that the server presents to a user. *See, e.g.,* Ex. 1005, 2:24–25,

3:21–22, 5:51–57, 5:61–62, 8:4–5, 8:16–17, Fig. 4. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 2 would have been obvious over the combination of Isaac and Burkey.

5. *Claim 3*

Claim 3 depends from claim 2 and recites that “the application server stores the preference in at least one file and retrieves the preference when the user makes an additional request for information.” Ex. 1001, 8:62–65. Petitioner cites Isaac’s teachings of storing “customization persistent client state information,” including a unique identifier for the user, in the form of a cookie on the user’s workstation. Pet. 41–42 (citing Ex. 1005, 2:38–47, 6:36–38). Petitioner further cites Isaac’s teaching of the client sending the cookie to the server, whereupon the server correlates the “customization persistent client state information” with stored customization options in order to return a customized HTML document to the user. *Id.* at 42 (citing Ex. 1005, 2:49–60). Based on testimony from Dr. Bederson, Petitioner contends that an ordinarily skilled artisan would have known that storing preference information directly within the cookie was a known alternative to merely storing a unique identifier. *Id.* at 41–43 (citing Ex. 1003 ¶¶ 97–99). Petitioner contends that this alternative was known to be preferable because it obviated the need for a database of preference information at the server and for correlation routines at the server to retrieve preference information associated with a user’s unique identifier. *Id.* at 42 (citing Ex. 1003 ¶ 98). Thus, in Petitioner’s proposed system, “the server would store the preference information itself in the cookie (instead of a unique identifier), and the

server would receive the preference information (rather than the unique identifier) when the user makes an additional request by ‘navigat[ing] back to the network address associated with the customizable HTML document.’” *Id.* at 43 (quoting Ex. 1005, 2:49–53) (citing Ex. 1003 ¶ 99) (alteration by Petitioner).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 3. We are persuaded that Isaac teaches “customization options stored at [the] server.” Ex. 1005, 2:53–57. Isaac’s server correlates cookie information from a user’s computer with these stored customization options in order to return a customized HTML document with each request for information associated with a network address. *Id.* at 2:49–57. We also are persuaded that, based on Isaac’s teachings and the benefits of offloading the storage of preference information from the server, an ordinarily skilled artisan would have known to store customization information in the cookie itself for storage on the client. *See* Ex. 1003 ¶¶ 97–99. Thus, we determine that Petitioner has shown by a preponderance of the evidence that the subject matter of claim 3 would have been obvious over the combination of Isaac and Burkey.

6. *Claim 4*

Claim 4 depends from claim 3 and recites that “the at least one file comprises a cookie left on the workstation.” Ex. 1001, 8:66–67. Similar to its analysis for claim 3 above, Petitioner cites Isaac’s teaching of storing customization persistent client state information, i.e., a cookie, at user client 20. Pet. 43–44 (citing Ex. 1005, 2:38–47, 6:36–38). Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 4. We are

persuaded that Isaac teaches storing cookies with customization information on client 20 (“the workstation”). *See, e.g.*, Ex. 1005, 2:38–47, 6:36–38.

Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 4 would have been obvious over the combination of Isaac and Burkey.

7. *Claim 5*

Claim 5 depends from claim 4 and recites

when the user accesses the application server and the application server receives the cookie, the application server retrieves the preference in accordance with the cookie and forms the custom-formatted information in accordance with the preference thus retrieved; and

when the user accesses the application server and the application server does not receive the cookie, the application server presents to the user the home page providing the links to the plurality of preferences.

Ex. 1001, 9:1–10. For the first part of claim 5 regarding the application server receiving the cookie, Petitioner cites Isaac’s Figure 5 flowchart, “which outlines the steps taken by the server when a user with customization persistent client state information navigates to a customizable network address.” Pet. 44–45 (citing Ex. 1003 ¶¶ 101–103; Ex. 1005, Fig. 5). In particular, Petitioner cites Isaac’s teaching of a “user navigat[ing] client 20 to the network address . . . of customizable HTML document at site 58,” whereupon the “browser on the user client 20 passes the customization persistent client state information to server 58 as a result of accessing the network address.” *Id.* at 45 (quoting Ex. 1005, 7:50–58) (second alteration by Petitioner). Petitioner notes its proposed modification of Isaac to store preferences in the cookie itself rather than in a database, as discussed above.

Id. at 45–46 (citing Ex. 1003 ¶ 102; Ex. 1005, 7:59–62); *see also supra* § II.D.5. Based on this modification, Petitioner contends “the application server would retrieve the preference information from the cookie, which would be an example of retrieving the preference in accordance with the cookie.” Pet. 46 (citing Ex. 1003 ¶ 102). Petitioner further contends that Isaac teaches forming a customized HTML document based on the retrieved preference. *Id.* (citing Ex. 1003 ¶ 103; Ex. 1005, 8:9–19).

For the second part of claim 5 regarding the application server not receiving the cookie, Petitioner cites Isaac’s teaching of returning a default HTML document when a user has not previously set up customizations. Pet. 46 (citing Ex. 1005, 5:33–47, Fig. 4). In such a case, a user “is offered the ability to customize the HTML document.” *Id.* at 46–47 (quoting Ex. 1005, 2:19–24) (citing Ex. 1005, claims 1, 5) (emphasis omitted). Petitioner contends an ordinarily skilled artisan “would have understood this disclosure to be an example of the claimed feature because the server does not receive the cookie if the user has not previously customized the HTML document.” *Id.* at 47 (citing Ex. 1003 ¶ 105).

Patent Owner does not dispute Petitioner’s analysis of the limitations in claim 5. We are persuaded that, in light of Isaac’s teachings, an ordinarily skilled artisan would have known to retrieve customization information stored in a cookie from a user computer. *See, e.g.*, Ex. 1003 ¶ 102; Ex. 1005, Fig. 5. Isaac also teaches creating customized HTML documents based on customization information. *See, e.g.*, Ex. 1005, 8:9–19. Isaac additionally teaches offering the ability to customize HTML documents when a user has not previously set customization options. *See, e.g., id.* at 2:19–24. This teaching corresponds to the case where there is no

customization cookie. *See, e.g.*, Ex. 1003 ¶ 105. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 5 would have been obvious over the combination of Isaac and Burkey.

8. *Claim 6*

Claim 6 depends from claim 1 and recites that “the custom-formatted information comprises a link to be clicked by the user to change the preference.” Ex. 1001, 9:11–13. Petitioner cites Isaac’s teaching that the “customized HTML document includes a link by which the user can navigate to an HTML customization document.” Pet. 47 (quoting Ex. 1005, 5:39–43). Petitioner also cites Isaac’s Figure 4 and its teaching that the customization document “is an HTML form that includes topical groupings of customization options.” *Id.* at 47–48 (quoting Ex. 1005, 5:50–56) (citing Ex. 1005, Fig. 4).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 6. We are persuaded that Isaac’s customized HTML document includes a link to an HTML customization document, where a user may change various options. *See, e.g.*, Ex. 1005, 5:39–43, 5:50–56, Fig. 4. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 6 would have been obvious over the combination of Isaac and Burkey.

9. *Claim 7*

Claim 7 depends from claim 6 and recites that “when the user changes the preference, the application server re-formats the custom-formatted

information and subsequent information in accordance with the preference changed by the user.” Ex. 1001, 9:14–17. Petitioner cites Isaac’s teaching that the browser on the user’s computer passes a cookie to the server “[w]henver the user navigates back to the network address associated with the customizable HTML document.” Pet. 48 (quoting Ex. 1005, 2:49–52) (alteration by Petitioner). According to Petitioner, the server then “returns to the user client a customized HTML document formed in accordance with the customized options stored at the server,” including, for example, “information on . . . selected topics[] obtained from other sites.” *Id.* at 48–49 (quoting Ex. 1005, 2:53–60). Petitioner contends an ordinarily skilled artisan “would have understood this to be an example of ‘re-format[ing] the custom-formatted information’ because the server ‘forms’ the customized HTML document each time it is sent to the user.” *Id.* at 48 (citing Ex. 1003 ¶ 107).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 7. We are persuaded that an ordinarily skilled artisan would have understood Isaac to teach customization of HTML documents based on the most recent preferences associated with the cookie, and, as such, the information presented would be reformatted accordingly. *See, e.g.*, Ex. 1003 ¶ 107; Ex. 1005, 2:49–57. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 7 would have been obvious over the combination of Isaac and Burkey.

10. *Claim 8*

Claim 8 depends from claim 6 and recites that “when the user clicks the link to change the preference and specifies a changed preference, the

application server immediately formats the information in accordance with the changed preference so that the user sees the information formatted in accordance with the changed preference immediately.” Ex. 1001, 9:18–23. Petitioner contends that this limitation would have been obvious in light of Isaac’s teachings. Pet. 49 (citing Ex. 1003 ¶¶ 108–109). In particular, Petitioner cites the user’s selection of options and subsequent actuation of the “ACCEPT” button using Isaac’s Figure 4 HTML customization document. *See id.* at 49–51 (citing Ex. 1005, 5:51–57, Fig. 4); *see also* Pet. Reply 20. Petitioner explains its position as follows:

[W]hen the user (1) navigates to the customization document of Fig. 4 by clicking a link on the customized document . . . (i.e., the user clicks the link to change the preference, as claimed) and (2) selects preferences and actuates the accept button (i.e., the claimed “and specifies a changed preference”), the server returns the selected customization options to the server as customization information (user preferences).

Pet. 50–51 (citing Ex. 1003 ¶ 109; Ex. 1005, 5:40–62); *see also*

Pet. Reply 20–21. According to Petitioner, an ordinarily skilled artisan would have understood this sequence to result in “immediate reformatting of the customized HTML page.” Pet. 51 (citing Ex. 1003 ¶ 109); *see also* Pet. Reply 21–26 (citing Ex. 1021 ¶¶ 13–21) (explaining Dr. Bederson’s further testimony about the same in response to comments in our Decision on Institution).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 8. Based on, *inter alia*, Dr. Bederson’s unrebutted testimony, we are persuaded that an ordinarily skilled artisan would have known that specifying and accepting changes in Isaac’s HTML customization document (e.g., Isaac’s Figure 4) would have resulted in immediate changes to the

appearance of a customized HTML document. *See, e.g.*, Ex. 1003 ¶ 109; Ex. 1005, 5:40–62, Fig. 4; Ex. 1021 ¶¶ 13–21. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 8 would have been obvious over the combination of Isaac and Burkey.

11. Claim 9

Claim 9 depends from claim 1 and recites “the custom-formatted information is formatted as dynamic HTML; and the application server runs dynamic HTML server software and behavioral business objects for receiving the information from the database server and controlling the dynamic HTML server software to format the information as the dynamic HTML.” Ex. 1001, 9:24–32. Regarding the use of “dynamic HTML” and the server running “dynamic HTML server software,” Petitioner cites Isaac’s teaching of forming customized HTML documents according to user preferences. Pet. 54–55 (citing Ex. 1005, 8:9–20). Petitioner contends that an ordinarily skilled artisan “would have understood this to be an example of formatting information as ‘dynamic HTML’ because the server dynamically formats or forms the HTML based on user preferences.” *Id.* at 54 (citing Ex. 1003 ¶ 115). Petitioner likewise contends this teaches using “dynamic HTML server software (e.g., server software capable of dynamically formatting HTML), receiving the information from the database server, and controlling the software to format information as the dynamic HTML.” *Id.* at 55 (citing Ex. 1003 ¶ 116).

Regarding the recited “behavioral business objects for receiving the information,” Petitioner contends the use of objects would have been

obvious in light of Burkey’s teachings of using object oriented programming techniques. Pet. 55–56 (citing Ex. 1006, 3:53–57, 3:64–4:11, 4:64–67, 5:1–18, 5:28–36, 5:61–6:10, 6:12–8:45). Petitioner asserts that, in light of these teachings, an ordinarily skilled artisan “would have found it obvious to implement (or try implementing) Isaac’s system in an object-oriented manner.” *Id.* at 56 (citing Ex. 1003 ¶ 117). Petitioner further asserts that “[i]mplementing Isaac in an object-oriented manner would have resulted in creating an ‘object’ for performing each of Isaac’s functions, which would have been an example of the claimed ‘behavioral business objects.’” *Id.* at 57 (citing Ex. 1003 ¶ 119).

Patent Owner does not dispute Petitioner’s analysis of the limitations in claim 9. We are persuaded that an ordinarily skilled artisan would have known Isaac’s HTML customization scheme to be a type of “dynamic HTML” using “dynamic HTML server software” based on Isaac’s teaching of forming customized HTML documents according to user preferences. *See, e.g.*, Ex. 1003 ¶¶ 115–116; Ex. 1005, 8:9–20. We are further persuaded that an ordinarily skilled artisan would have known to implement Isaac’s system using “behavioral business objects for receiving the information,” i.e., object-oriented programming techniques, based on Burkey’s teachings. *See, e.g.*, Ex. 1003 ¶¶ 117–120; Ex. 1006, 3:53–57, 3:64–4:10, 4:64–67, 5:1–18, 5:28–36, 5:61–6:10, 6:12–8:45. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 9 would have been obvious over the combination of Isaac and Burkey.

12. *Claim 10*

Claim 10 depends from claim 1 and recites “the user accesses the database server only through the application server.” Ex. 1001, 9:33–34. Petitioner cites Isaac’s teaching of providing web pages from a database via server 58, and Petitioner notes that Isaac discloses no other way of accessing the database. Pet. 58 (citing Ex. 1003 ¶ 121; Ex. 1005, 8:11–17, Fig. 2). Petitioner also cites Burkey’s teaching of a web server retrieving web page content from a content database. *Id.* (citing Ex. 1006, 30:7–33). Petitioner contends an ordinarily skilled artisan would have been motivated to provide access to the database only through the application server to ensure the user receives customized web pages (in accordance with Isaac) and to obtain the benefits of increased security and reliability. *Id.* at 58–59 (citing, *inter alia*, Ex. 1003 ¶¶ 122–123; Ex. 1005, 2:49–60).

Patent Owner does not dispute Petitioner’s analysis of the limitations in claim 9. Isaac and Burkey both teach accessing databases via a server. *See, e.g.*, Ex. 1005, 8:11–17, Fig. 2; Ex. 1006, 30:7–33. Further, based on Dr. Bederson’s un rebutted testimony, we are persuaded that an ordinarily skilled artisan would have had reasons to provide access to the database only through the application server. *See, e.g.*, Ex. 1003 ¶¶ 122–123. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 10 would have been obvious over the combination of Isaac and Burkey.

13. *Claim 11*

Claim 11 depends from claim 1 and recites
the preference comprises a selection of a personality type from
among a plurality of personality types; and

the application server runs business objects representing the plurality of personality types and dynamically formats the information under control of the business objects in accordance with the personality type selected in the preference.

Ex. 1001, 9:35–42. For the recited “preference” comprising “a personality type from among a plurality of personality types,” Petitioner cites Isaac’s teaching of dynamically formatting information based on user preferences by returning a customized HTML document formed in accordance with those preferences. Pet. 60 (citing Ex. 1003 ¶ 124); *see also id.* at 33 (citing, *inter alia*, Ex. 1005, 2:53–57). Although Petitioner acknowledges Isaac does not expressly characterize differing user preferences as examples of “personality types,” Petitioner contends an ordinarily skilled artisan “would have recognized that varying user preferences are examples of varying personality types.”⁵ *Id.* (citing Ex. 1002, 134; Ex. 1003 ¶ 124).

Petitioner additionally cites Burkey’s teaching of “different personas that aggregate profile information into sets that are useful in different contexts” including, for example, home and work personas. Pet. 60 (quoting Ex. 1006, 30:51–54) (citing Ex. 1006, 30:54–31:28) (emphasis omitted). According to Petitioner, each of Burkey’s personas “acts as a container for

⁵ In its Reply, Petitioner characterizes this argument as independent of its citations to Burkey discussed below and sufficient on its own to establish obviousness. Pet. Reply 11–12. Yet the Petition does not clearly set forth its contentions based on Isaac as an independent argument. *See* Pet. 60 (stating “Isaac *and* Burkey render this feature obvious” (emphasis added) and “[a]dditionally” citing Burkey’s teachings), 61 (proposing a combination of Isaac and Burkey). Nor will we assume that Petitioner adopts Dr. Bederson’s testimony to that effect. *See* Ex. 1003 ¶ 124. Notwithstanding, we find below that the combination of Isaac and Burkey teaches the added limitations of claim 11.

structures called profiles, which contain user personal profile information.” *Id.* (citing Ex. 1006, 31:29–49). Petitioner further cites Burkey’s teaching that web pages are formatted “according to the layout preferences defined in the user profile.” *Id.* at 61 (citing Ex. 1006, 30:30–32). Petitioner contends it would have been obvious “to include multiple ‘*personas*’ to allow users to have finer control over their formatting preferences.” *Id.* (citing Ex. 1003 ¶ 126). Petitioner further contends it would have been obvious to include Burkey’s personas in Isaac because both references “describe the ability to set and save user preferences regarding both the selection of content . . . and the formatting of content.” *Id.* (citing Ex. 1003 ¶ 126, Ex. 1005, 5:51–57, 8:4–5, 8:16–18; Ex. 1006, 30:27–32).

For “business objects representing the plurality of personality types,” Petitioner cites the same analysis regarding objects that it relies on for claim 9. Pet. 61–62 (citing Ex. 1003 ¶ 127); *see also supra* § II.D.11. Petitioner contends that, in light of Burkey’s teachings on object-oriented programming, it would have been obvious to implement the combined Isaac–Burkey system in an object-oriented manner. *Id.* at 62 (citing Ex. 1003 ¶ 127; Ex. 1006, 3:64–4:10).

Patent Owner disputes Petitioner’s analysis for claim 11. PO Resp. 13–18. Specifically, Patent Owner argues that Burkey “does not disclose dynamically formatting the information in accordance with the personality type.” *Id.* at 14; *see also id.* at 16–17 (same argument). Patent Owner characterizes Burkey as “merely disclos[ing] the user customizing a layout or choosing a layout template.” *Id.* at 16–17. Patent Owner contends there is no evidence that Burkey’s layout templates are based on a user-selected personality type or are selected based on a user’s personality type

input.” *Id.* at 17. Patent Owner further contends that an ordinarily skilled artisan

would not have recognized [Burkey’s] personalization layouts and template layouts as being dynamically formatted in accordance with the layout defined by a database in the ’094 patent. Doing so would add additional steps other than merely allowing users to tailor their experiences to particular contexts, e.g., with one set of settings for home use and one set for a more business-like work environment.

Id. at 17–18.

In reply, Petitioner contends that Burkey’s personas are user profiles that contain information “stored in a central database [and used] to customize [an] interface” in the same way that personality types are used in the ’094 patent. Pet. Reply 12 (quoting Ex. 1006, 29:6–17) (citing Ex. 1001, 4:60–5:5, 5:6–55; Ex. 1006, 30:30–32) (alterations by Petitioner). Petitioner explains that Burkey’s “persona is a selectable user type or preference stored in a user profile” and “[t]he information in the user profile influences the formatting of internet content presented to the user.” *Id.* at 13–14 (citing Ex. 1006, 30:30–32, 31:29–47). As such, Petitioner contends Burkey’s personas teach claim 11’s “selection of a personality type” because “a ‘persona’ is within the scope of ‘selection of a personality type,’ and both operate in the same way to allow a user to establish preferences in a user profile that modify how content is displayed to the user.” *Id.* at 14 (citing, *inter alia*, Ex. 1006, 30:30–33). Petitioner further notes that its contentions regarding Burkey’s personas are supported by the unrebutted testimony of Dr. Bederson. *Id.* (citing Ex. 1003 ¶ 126; Pet. 61).

Petitioner also provides evidence from dictionaries contemporaneous to the ’094 patent showing that “personality” is defined as “characteristics of

a person,” whereas “persona” is defined as “a projection of personality.” Pet. Reply 9–11 (citing Ex. 1017, 1362–63; Ex. 1018, 1351; Ex. 1019, 1219–20). Petitioner contends the personality type selected by the user in claim 11 “is the persona the user chooses via the system,” so “Burkey’s ‘persona’ is encompassed within the ‘selection of a personality type.’” *Id.* at 11; *see also id.* at 12–13 (citing Ex. 1006, code (57), 29:6–17, 30:7–33, 30:52–54, 31:29–49).

We are persuaded by Petitioner’s contentions. Isaac and Burkey both teach dynamically formatting web page information in accordance with a user’s preferences. *See, e.g.*, Ex. 1005, 2:53–57; Ex. 1006, 30:30–32, 31:29–49. Burkey further teaches personas, such as home and work personas, “that aggregate profile information into sets that are useful in different contexts,” wherein the profile information sets are used for formatting. *See, e.g.*, Ex. 1006, 30:30–32, 30:51–31:28. We are persuaded by Dr. Bederson’s testimony that an ordinarily skilled artisan would have understood Burkey’s personas to be examples of the claimed “personality type” and that the artisan would have known to include multiple personas to provide users finer control over their formatting preferences. Ex. 1003

¶ 126. We also note Petitioner’s evidence that a “persona” is “a projection of personality.” *See* Ex. 1017, 1362–63; Ex. 1018, 1351; Ex. 1019, 1219–20. Thus, we find Petitioner’s contentions to be consistent with the plain and ordinary meaning of “personality type” in light of the Specification. *See, e.g.*, Ex. 1001, 4:60–5:5 (“Each user 430 has a user role 432 which, in this illustrative example, is one of the four personality types of FIG. 3. The database 400 defines a profile 434 for each user [T]he user 430 is identified as having a user role 432 corresponding to one of the four

personality types U1–U4.”), 6:16–44 (describing how web pages are formatted according to personality type); *see also supra* § II.C (applying plain and ordinary meaning to “personality type”).

Furthermore, to the extent that Petitioner’s contentions conflict with Patent Owner’s arguments, we credit Petitioner’s contentions, which are backed by the testimony of Dr. Bederson and evidence from contemporaneous dictionaries. *See* Ex. 1003 ¶¶ 124–126; Ex. 1017, 1362–63; Ex. 1018, 1351; Ex. 1019, 1219–20. In particular, we do not credit Patent Owner’s arguments (PO Resp. 17–18) about what an ordinarily skilled artisan would have understood about Burkey’s personas because they represent unsupported attorney arguments. We also do not agree with Patent Owner’s arguments (*id.* at 14, 16–17) about Burkey failing to teach dynamic formatting of information based on personality type. To the contrary, Burkey teaches user-created “personas that aggregate profile information into sets that are useful in different contexts” and the formatting of web pages “according to the layout preferences defined in the user profile.” Ex. 1006, 30:30–32, 30:52–55. Therefore, we are persuaded that Burkey teaches “selection of a personality type from among a plurality of personality types” and “dynamically format[ing] the information. . . in accordance with the personality type,” as recited in claim 11.

For the “business objects” limitations in claim 11, we are persuaded that Burkey teaches these limitations for the same reasons discussed above with respect to claim 9. *See supra* § II.D.11. In particular, we are persuaded that Burkey teaches object-oriented programming techniques that an ordinarily skilled artisan would have been implemented in the combined Isaac–Burkey system. *See, e.g.,* Ex. 1003 ¶ 127; Ex. 1006, 3:64–4:10.

Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 11 would have been obvious over the combination of Isaac and Burkey.

14. Claim 12

Claim 12 depends from claim 1 and recites “the custom-formatted information comprises HTML code which varies in accordance with the preference specified by the user.” Ex. 1001, 9:43–45. Petitioner cites Isaac’s teachings of forming customized HTML documents in accordance with user preferences. Pet. 62 (citing Ex. 1005, 8:9–14). Petitioner further contends that an ordinarily skilled artisan would have known HTML documents to include HTML code, e.g., tags. *Id.* at 62–63 (citing Ex. 1003 ¶ 128; Ex. 1005, 1:28–34). Petitioner additionally contends that, in light of the customization teachings of Isaac and Burkey, an ordinarily skilled artisan would have known that the HTML code/tags in customized HTML documents vary with user preferences. *Id.* at 63–64 (citing Ex. 1003 ¶ 129; Ex. 1005, 1:30–31, 8:4–5, 8:9–11, 8:16–17; Ex. 1006, 30:30–33).

Patent Owner does not dispute Petitioner’s analysis of the limitation in claim 12. We are persuaded that Isaac teaches customization of HTML documents based on user preferences. *See, e.g.*, Ex. 1005, 8:9–14. Petitioner also puts forth Dr. Bederson’s unrebutted testimony that, in light of Isaac’s and Burkey’s teachings, an ordinarily skilled artisan would have known that an HTML document includes HTML code that is changed as the HTML document is customized based on user preferences. *See, e.g.*, Ex. 1003 ¶¶ 128–129; Ex. 1005, 1:28–34, 8:4–5, 8:9–11, 8:16–17; Ex. 1006, 30:30–33. Thus, we determine Petitioner has shown by a preponderance of

the evidence that the subject matter of claim 12 would have been obvious over the combination of Isaac and Burkey.

15. Claim 13

Independent claim 13 is a method claim with nearly identical limitations to those of claim 1. Claim 13 recites:

13. A method for presenting information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation, the method comprising:
- (a) storing the information;
 - (b) permitting the user to specify the preference through the workstation and receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation;
 - (c) retrieving the information from a database server;
 - (d) dynamically formatting the information in accordance with the preference to form custom-formatted information; and
 - (e) sending the custom-formatted information to the workstation.

Ex. 1001, 9:46–10:2. Petitioner relies on essentially the same analysis from claim 1. *See* Pet. 64–66. Patent Owner does not dispute Petitioner’s analysis for claim 13.

We have compared claims 1 and 13 in conjunction with Petitioner’s obviousness contentions as set forth for claim 1, and we are persuaded that the combination of Isaac and Burkey teaches all limitations of claim 13 for the same reasons discussed above with respect to claim 1. *See supra* § II.D.3.a–h. Also based on the same reasons discussed above, we find that Petitioner has put forth persuasive reasons for combining Isaac and Burkey and has established that an ordinarily skilled artisan would have had a

reasonable expectation of success in making the combination. *See supra* § II.D.3.i. On the entire trial record, we determine Petitioner has shown, by a preponderance of the evidence, that the subject matter of claim 13 would have been obvious over the combination of Isaac and Burkey.

16. *Claim 14*

Claim 14 depends from claim 13 and further recites that step (b) of claim 13 comprises:

- (i) presenting to the user a home page providing links to a plurality of preferences to allow the user to specify the preference from among the plurality of preferences; and
- (ii) receiving the indication of the preference when the user selects a corresponding one of the links.

Ex. 1001, 10:3–9. For part (i) of claim 14, Petitioner relies on the same analysis regarding presenting a “home page” that it put forth for claim 2. Pet. 66; *see supra* § II.4. For part (ii) of claim 14, Petitioner cites Isaac’s teaching of a user returning customization options to server 58. Pet. 67 (citing Ex. 1005, 5:62–65). Petitioner contends that an ordinarily skilled artisan “would have understood from this disclosure that the server receives the customization when the user selects the options or preferences on the customization document and clicks the accept button.” *Id.* (citing Ex. 1003 ¶ 139).

Patent Owner does not dispute Petitioner’s analysis of the limitations in claim 14. We are persuaded that Isaac teaches part (i) of claim 14 for the same reasons discussed above. *See supra* § II.4. We also are persuaded that Isaac teaches receipt of customization options at server 58. *See, e.g.*, Ex. 1005, 5:62–65. Thus, we determine Petitioner has shown by a

preponderance of the evidence that the subject matter of claim 14 would have been obvious over the combination of Isaac and Burkey.

17. Claim 15

Claim 15 depends from claim 14 and further recites that step (b) of claim 13 comprises “(iii) storing the preference in at least one file; and (iv) retrieving the preference when the user makes an additional request for information.” Ex. 1001, 10:10–15. Petitioner relies on the same analysis from claim 3. *See* Pet. 70–71. Patent Owner does not dispute Petitioner’s analysis for claim 15.

We have compared claims 3 and 15 in conjunction with Petitioner’s obviousness contentions as set forth for claim 3, and we are persuaded that the combination of Isaac and Burkey teaches the limitations of claim 15 for the same reasons discussed above with respect to claim 3. *See supra* § II.D.5. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 15 would have been obvious over the combination of Isaac and Burkey.

18. Claim 16

Claim 16 depends from claim 15 and further recites that “the at least one file comprises a cookie left on the workstation.” Ex. 1001, 10:16–17. Petitioner relies on the same analysis from claim 4. *See* Pet. 71. Patent Owner does not dispute Petitioner’s analysis for claim 16.

We have compared claims 4 and 16 in conjunction with Petitioner’s obviousness contentions as set forth for claim 4, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 16 for

the same reasons discussed above with respect to claim 4. *See supra* § II.D.6. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 16 would have been obvious over the combination of Isaac and Burkey.

19. *Claim 17*

Claim 17 depends from claim 16 and further recites that “when the cookie is received, step (b)(iv) comprises retrieving the preference in accordance with the cookie and, step (d) comprises forming the custom-formatted information in accordance with the preference thus retrieved; and when the cookie is not received, step (b)(i) is performed.” Ex. 1001, 10:18–24. Petitioner relies on the same analysis from claim 5. *See* Pet. 71–72. Patent Owner does not dispute Petitioner’s analysis for claim 17.

We have compared claims 5 and 17 in conjunction with Petitioner’s obviousness contentions as set forth for claim 5, and we are persuaded that the combination of Isaac and Burkey teaches the limitations of claim 17 for the same reasons discussed above with respect to claim 5. *See supra* § II.D.7. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 17 would have been obvious over the combination of Isaac and Burkey.

20. *Claim 18*

Claim 18 depends from claim 13 and further recites that “the custom-formatted information comprises a link to be clicked by the user to change the preference.” Ex. 1001, 10:25–27. Petitioner relies on the same analysis

from claim 6. *See* Pet. 73. Patent Owner does not dispute Petitioner’s analysis for claim 18.

We have compared claims 6 and 18 in conjunction with Petitioner’s obviousness contentions as set forth for claim 6, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 18 for the same reasons discussed above with respect to claim 6. *See supra* § II.D.8. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 18 would have been obvious over the combination of Isaac and Burkey.

21. Claim 19

Claim 19 depends from claim 18 and further recites “when the user changes the preference, re-formatting the custom-formatted information and subsequent information in accordance with the preference changed by the user.” Ex. 1001, 10:28–31. Petitioner relies on the same analysis from claim 7. *See* Pet. 73. Patent Owner does not dispute Petitioner’s analysis for claim 19.

We have compared claims 7 and 19 in conjunction with Petitioner’s obviousness contentions as set forth for claim 7, and we are persuaded that the combination of Isaac and Burkey teaches the limitations of claim 19 for the same reasons discussed above with respect to claim 7. *See supra* § II.D.9. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 19 would have been obvious over the combination of Isaac and Burkey.

22. *Claim 20*

Claim 20 depends from claim 18 and further recites that “when the user clicks the link to change the preference and specifies a changed preference, the information is immediately formatted in accordance with the changed preference so that the user sees the information formatted in accordance with the changed preference immediately.” Ex. 1001, 10:33–37. Petitioner relies on the same analysis from claim 8. *See* Pet. 73. Patent Owner does not dispute Petitioner’s analysis for claim 20.

We have compared claims 8 and 20 in conjunction with Petitioner’s obviousness contentions as set forth for claim 8, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 20 for the same reasons discussed above with respect to claim 8. *See supra* § II.D.10. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 20 would have been obvious over the combination of Isaac and Burkey.

23. *Claim 21*

Claim 21 depends from claim 13 and further recites that “the custom-formatted information is formatted as dynamic HTML; and step (d) comprises formatting the information as the dynamic HTML in accordance with behavioral business objects.” Ex. 1001, 10:38–44. Petitioner relies on the same analysis from claim 9. *See* Pet. 74. Patent Owner does not dispute Petitioner’s analysis for claim 21.

We have compared claims 9 and 21 in conjunction with Petitioner’s obviousness contentions as set forth for claim 9, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 21 for

the same reasons discussed above with respect to claim 9. *See supra* § II.D.11. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 21 would have been obvious over the combination of Isaac and Burkey.

24. *Claim 22*

Claim 22 depends from claim 13 and further recites that “the user accesses the information stored in step (a) only through steps (b)-(e).” Ex. 1001, 10:45–46. Petitioner relies on the same analysis from claim 10. *See* Pet. 75. Petitioner further explains that “the information stored in step (a) . . . is stored in a database” and “steps (b)-(e) in claim 13 are performed by the Isaac’s server 58, the application server.” *Id.* Petitioner contends that, based on its analysis for claim 10, an ordinarily skilled artisan “would have been motivated to allow access to information stored in the database server (i.e., information stored in step a) only through the application server (i.e., by performing steps (b)-(e)).” *Id.* (citing Ex. 1003 ¶ 157); *see supra* § II.D.12. Patent Owner does not dispute Petitioner’s analysis for claim 22.

We have compared claims 10 and 22 in conjunction with Petitioner’s obviousness contentions as set forth for claim 10, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 22 for the same reasons discussed above with respect to claim 10. *See supra* § II.D.12. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 22 would have been obvious over the combination of Isaac and Burkey.

25. *Claim 23*

Claim 14 depends from claim 13 and recites that the preference comprises a selection of a personality type from among a plurality of personality types; and step (d) comprises:

- (i) providing business objects representing the plurality of personality types; and
- (ii) dynamically formatting the information under control of the business objects in accordance with the personality type selected in the preference.

Ex. 1001, 10:47–55. Petitioner relies on the same analysis from claim 11. *See* Pet. 76. Patent Owner does not dispute Petitioner’s analysis for claim 23.⁶

We have compared claims 11 and 23 in conjunction with Petitioner’s obviousness contentions as set forth for claim 11, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 23 for the same reasons discussed above with respect to claim 11. *See supra* § II.D.13. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 23 would have been obvious over the combination of Isaac and Burkey.

⁶ Even if we were to consider Patent Owner’s arguments against claim 11 (*see* PO Resp. 13–18) in conjunction with Petitioner’s contentions for claim 23, Patent Owner’s arguments would not undermine Petitioner’s persuasive showing for the same reasons discussed above. *See supra* § II.D.13.

26. *Claim 24*

Claim 24 depends from claim 13 and further recites that “the custom-formatted information comprises HTML code which varies in accordance with the preference specified by the user.” Ex. 1001, 10:56–58. Petitioner relies on the same analysis from claim 12. *See* Pet. 74. Patent Owner does not dispute Petitioner’s analysis for claim 24.

We have compared claims 12 and 24 in conjunction with Petitioner’s obviousness contentions as set forth for claim 12, and we are persuaded that the combination of Isaac and Burkey teaches the limitation of claim 24 for the same reasons discussed above with respect to claim 12. *See supra* § II.D.14. Thus, we determine Petitioner has shown by a preponderance of the evidence that the subject matter of claim 24 would have been obvious over the combination of Isaac and Burkey.

E. Obviousness Ground Based on Isaac, Burkey, and Williams

Petitioner contends the subject matter of claims 8, 14–17, and 20 would have been obvious over the combination of Isaac, Burkey, and Williams. Pet. 16–19, 51–53, 68–70, 73. As discussed above, Petitioner has demonstrated that the subject matter of claims 1–24 would have been obvious over the combination of Isaac and Burkey, so we do not reach the ground based on Isaac, Burkey, and Williams. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding a petitioner “is entitled to a final written decision addressing all of the claims it has challenged”); *Boston Sci. Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App’x 984, 990 (Fed. Cir. 2020) (non-precedential) (recognizing that the “Board need not address issues that are not necessary to the resolution of the proceeding” and, thus, agreeing

that the Board has “discretion to decline to decide additional instituted grounds once the petitioner has prevailed on all its challenged claims”).

III. CONCLUSION

Petitioner has shown, by a preponderance of the evidence, that the subject matter of claims 1–24 would have been obvious over the combination of Isaac and Burkey.⁷

IV. ORDER

Accordingly, it is

ORDERED that claims 1–24 of the '094 patent are unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to this proceeding seeking judicial review of our decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

⁷ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Decision, we draw Patent Owner’s attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

In summary:

Claims	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not shown Unpatentable
1–24	103(a)	Isaac, Burkey	1–24	
8, 14–17, 20	103(a) ⁸	Isaac, Burkey, Williams		
Overall Outcome			1–24	

⁸ As explained above, we do not reach this ground. *See supra* § II.E.

IPR2020-00400
Patent 6,401,094 B1

PETITIONER:

Jeffrey Berkowitz
Daniel Tucker
Guang-Yu Zhu
Alexander Boyer
Bradley Edgington
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
jeffrey.berkowitz@finnegan.com
daniel.tucker@finnegan.com
guang-yu.zhu@finnegan.com
alexander.boyer@finnegan.com
bradley.edgington@finnegan.com

PATENT OWNER:

Jonathan Szarzynski
SZARZYNSKI PLLC
jon@patentdallas.com