

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINKEDIN CORPORATION,
Petitioner,

v.

EBUDDY TECHNOLOGIES B.V.,
Patent Owner.

IPR2022-00177
Patent 9,584,453 B2

Before GARTH D. BAER, JASON M. REPKO, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

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

Denying-in-Part and Dismissing-in-Part Patent Owner's Motion to Exclude
37 C.F.R. § 42.64

I. INTRODUCTION

LinkedIn Corporation (“Petitioner”) filed a petition requesting *inter partes* review of claims 1–16 of U.S. Patent No. 9,584,453 B2 (Ex. 1001, “the ’453 patent”). Paper 2 (“Pet.”). eBuddy Technologies B.V. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

On May 17, 2022, we instituted an *inter partes* review of all challenged claims based on all grounds in the Petition. Paper 13 (“Inst. Dec.”). Patent Owner filed a Response. Paper 18 (“PO Resp.”). Petitioner filed a Reply. Paper 26 (“Reply”). Patent Owner filed a Sur-reply. Paper 33 (“Sur-reply”). An oral hearing was held on February 21, 2023. A transcript of that hearing has been entered into the record. Paper 35 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued under 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has shown by a preponderance of the evidence that claims 1–16 are unpatentable.

A. Related Matters

According to the parties, the ’453 patent has been asserted in *eBuddy Technologies B.V. v. LinkedIn Corporation.*, No. 1:20-cv-01501 (D. Del.). Pet. 1; Paper 4, 1 (Mandatory Notices).

B. The ’453 Patent

The ’453 patent relates to contact-list aggregation across different networks. Ex. 1001, 1:55–57. An aggregated contact list may list designated client contacts from instant-message (IM) networks, such as MSN Messenger, Yahoo! Instant Messenger, and AIM, for example. *See id.* at 6:56–62, 8:36–30. Figure 3, below, is a block diagram showing components in an example of a system for contact aggregation. *Id.* at 2:21–22.

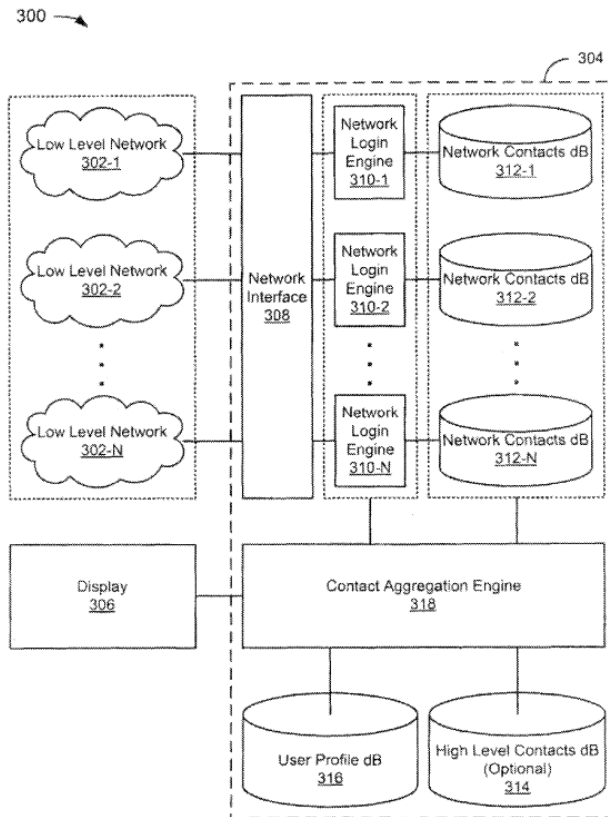


FIG. 3

As shown in Figure 3, system 300 includes low level networks 302-1 to 302-N. *Id.* at 5:52-56. Low-level networks 302 may include “MSN Messenger, Yahoo! Instant Messenger, AIM, or any other known or convenient network.” *Id.* at 5:56-57, 8:27-30. Network login engines 310-1 to 310-N help the user login to low-level networks 302. *Id.* at 6:5-17.

Network contacts database 312-1 to 312-N includes contacts data associated with the networks that a user has logged into. *Id.* at 6:18-20. High-level contacts database 314 has the high-level network’s contacts. *Id.* at 6:24-26. According to the ’453 patent, network contacts database 312 and high-level contacts database 314 “are accessed in such a way that a list of contacts stored in the network contacts database 412 is aggregated and displayed on the display.” *Id.* at 6:43-45; *see id.*, Figs. 4A-4B.

C. *Claims*

Petitioner challenges claims 1–16. Claims 1, 7, and 12 are independent:

1. A system for contact list aggregation across a plurality of different networks comprising:

a network interface;

a network login engine coupled to the network interface;

a network contacts database embodied in one or more non-transitory computer-readable mediums;

a server coupled to the network contacts database;

a contact aggregation engine coupled to the network login engine and the network contacts database;

wherein, in operation, the contact aggregation engine controls the network login engine to login or facilitate login to a plurality of low level networks associated with a plurality of messaging services through a high level network using the network interface to access contact information from the plurality of messaging services, updates the networks¹ contacts database based on the contact information associated with the plurality of low level networks to create an aggregated contact list, stores the aggregated contact list in a non-transitory computer-readable medium at the server, and provides the aggregated contact list including the contact information to a display device.

Ex. 1001, 12:49–13:3.

7. A method for contact list aggregation across a plurality of different networks comprising:

joining a high level network;

joining a plurality of low level networks associated with a plurality of messaging services through the high level network;

¹ In this decision, we treat “a *network* contacts database” as the antecedent basis for “the *networks* contacts database.” See Ex. 1001, 12:49–13:3 (emphasis added).

obtaining a first contact list associated with the plurality of low level networks;

maintaining a second contact list associated with the high level network;

maintaining a contact list associated with the plurality of low level networks for the plurality of messaging services;

logging into the high level network;

displaying contacts from the plurality of low level networks and the high level network in an aggregated contact list, the contacts retrieved by logging into the high level network.

Id. at 13:23–40.

12. A non-transitory computer readable medium comprising executable instructions, the instructions being executable by a processor to perform a method for contact list aggregation across a plurality of different networks, the method comprising:

joining a high level network;

joining a plurality of low level networks associated with a plurality of messaging services through the high level network;

obtaining a first contact list associated with the plurality of low level networks;

maintaining a second contact list associated with the high level network;

maintaining a contact list associated with the plurality of low level networks for the plurality of messaging services;

logging into the high level network;

displaying contacts from the plurality of low level networks and the high level network in an aggregated contact list, the contacts retrieved by logging into the high level network.

Id. at 14:7–28.

D. Evidence

Name	Reference	Exhibit No.
Odell	US 7,590,696 B1, issued Sept. 15, 2009	1006
Daniell	US 7,185,059 B2, issued Feb. 27, 2007	1007

Petitioner relies on the Declarations of Dean Willis. Exs. 1004, 1040.
Patent Owner relies on the Declaration of Dr. Rajeev Surati. Ex. 2006.

E. Asserted Grounds

Petitioner asserts that claims 1–16 are unpatentable on the following grounds. Pet. 6.

Claims Challenged	Pre-AIA ² 35 U.S.C. §	Reference(s)/Basis
1–16	102	Odell
1–16	103	Odell, Daniell

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner asserts that a person of ordinary skill in the art would have a Bachelor’s degree in Computer Science, Computer Engineering, Electrical Engineering, or a related field, plus at least two years of professional experience in telecommunications or computer networking and would have been familiar with popular Internet applications like web browsers, Google’s Gmail, AOL Instant Messenger, ICQ, Jabber, Trillian, and Yahoo Instant Messenger; development using Microsoft Windows, Java, Javascript, Linux and the X-Window System (X11); and Internet Engineering Task Force (IETF) standards including the Session Initiation Protocol and its messaging extension, as well as the “Extensible Messaging and Presence Protocol”

² Congress amended §§ 102 and 103 when it passed the Leahy-Smith America Invents Act (AIA). Pub. L. No. 112–29, § 3(c), 125 Stat. 284, 287 (2011). Here, Petitioner asserts that the previous versions of §§ 102 and 103 apply. *See* Pet. 6.

Pet. 7 (citing Ex. 1004 ¶¶ 31–34). Further, Petitioner asserts that “[a]lternatively, a [person of ordinary skill in the art] would possess equivalent additional formal education such as graduate studies, or work experience to replace formal education.” *Id.* (citing Ex. 1004 ¶ 33).

Patent Owner does not dispute Petitioner’s definition. *See* PO Resp.; Sur-reply.

Considering the full record developed during trial, including our review of the ’453 patent and the types of problems and solutions described there and in the cited prior art, we apply Petitioner’s definition in this Decision. Pet. 7.

B. Claim Construction

We interpret claim terms using “the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b), including construing the 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) (2021). We apply the claim construction standard from *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). We need only construe terms that are in controversy. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

Petitioner contends that “the claim terms in the ’453 Patent are accorded their ordinary and customary meaning that they would have to a person having ordinary skill in the art at the time of the alleged invention.” Pet. 6.

1. “contact aggregation engine” (claim 1)

Claim 1 recites, in part, “a contact aggregation engine coupled to the network login engine and the network contacts database.” Ex. 1001, 12:56–57. According to the “wherein” clause of claim 1, contact aggregation engine, in operation, must perform four functions:

wherein, in operation, the contact aggregation engine

[1] controls the network login engine to login or facilitate login to a plurality of low level networks associated with a plurality of messaging services through a high level network using the network interface to access contact information from the plurality of messaging services,

[2] updates the networks contacts database based on the contact information associated with the plurality of low level networks to create an aggregated contact list,

[3] stores the aggregated contact list in a non-transitory computer-readable medium at the server, and

[4] provides the aggregated contact list including the contact information to a display device.

Id. at 12:58–67 (formatting and numbering added). The other independent claims do not recite a “contact aggregation engine.” *See id.* at 1:23–40 (claim 7), 14:7–28 (claim 12).

Petitioner asserts that a content aggregation engine can be one or more servers. *See* Pet. 42–43 (quoting Ex. 1001, 3:6). Generally, the parties agree that “engine” means “a system or software component.” Reply 10; Sur-reply 11.

As for the term “contact aggregation,” Petitioner asserts that claim 1 “defines the generic functions that the ‘contact aggregation engine’ performs, including ‘maintaining’ an ‘aggregated contact list.’” Reply 10. According to Petitioner, “the plain meaning of this phrase should control, as

in the Petition, which is merely a ‘system or software component for contact aggregation.’” *Id.* (citing Ex. 1039, 116:5–11; Ex. 1040 ¶¶ 12–18).

Patent Owner argues that the term “contact aggregation engine” requires storing the aggregated contact list on a network, not locally:

In the context of the ‘453 Patent, a POSITA would consider the term contact aggregation engine to mean “a system or software component that, at minimum, updates a networks contacts database contact information and provides an aggregated contact list *that is stored on a network and not stored locally.*”

PO Resp. 38 (citing Ex. 2006 ¶¶ 46–51) (emphasis added). Patent Owner argues that “contact aggregation engine” does not have a plain and ordinary meaning. Sur-reply 11. According to Patent Owner, it “acted as its own lexicographer in coining this term.” Sur-reply 11 (citing Ex. 2006 ¶¶ 86–91; Ex. 1001, 1:55–61, 1:67–2:4, 8:38–50, 12:67–13:1, 13:25–40). Patent Owner argues that “a proper understanding of the term in the context of the claims and specification leads to” a construction that requires network storage. *Id.*

Claim 1, though, already recites that the contact aggregation engine “stores the aggregated contact list in a non-transitory computer-readable medium at the server.” So we see no reason to construe the term “contact aggregation engine” itself to require network storage. Rather, Patent Owner’s network-storage argument supports the conclusion that “contact aggregation engine” is defined by the functions expressly recited in the claim. *See* Sur-reply 11.

We also disagree that Patent Owner acted as its own lexicographer. PO Resp. 38. “The patentee’s lexicography must . . . appear ‘with reasonable clarity, deliberateness, and precision’ before it can affect the claim.”

Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1249 (Fed. Cir. 1998). Here, the passages cited by Patent Owner lack the requisite clarity, deliberateness, and precision for lexicography. Sur-reply 11 (citing Ex. 1001, 1:55–61, 1:67–2:4, 8:38–50, 12:67–13:1, 3:25–40). Specifically, the patent describes how the contact aggregation engine may function, without discussing the term's meaning or otherwise attempting to define it. Ex. 1001, 1:55–61, 1:67–2:4, 8:38–50, 12:67–13:1, 3:25–40. In fact, the patent states that those embodiments do not limit the claims. *See id.* at 1:48–54 (explaining that the embodiments “are meant to be exemplary and illustrative, not limiting in scope.”).

Patent Owner disagrees that the passages it cites are non-limiting. Sur-reply 12. In Patent Owner's view, “a contact aggregation engine would be an ‘aspect’ of certain embodiments, not the ‘systems, tools, and methods’ that such aspects are ‘described and illustrated in conjunction with’” *Id.* (quoting Ex. 1001, 1:48–54). But it does not matter whether the contact aggregation engine is an “aspect” or an “embodiment” because the '453 patent indicates that aspects, embodiments, and aspects of embodiments are illustrative and non-limiting. *See* Ex. 1001, 12:34–34 (“As used herein, the term ‘embodiment’ means an embodiment that serves to illustrate by way of example but not limitation.”); 1:48–54 (referring to “embodiments *and* aspects”) (emphasis added); 2:42 (referring to “aspects *of* various embodiments”) (emphasis added). Thus, we disagree with Patent Owner's argument about lexicography. PO Resp. 38; Sur-reply 12. For the same reasons, we assign little weight to the corresponding testimony from Dr. Surati's declaration. Ex. 2006 ¶¶ 86–91.

It is undisputed that “engine” means “a system or software component.” *See, e.g.*, Reply 10; Sur-reply 11; Ex. 1039, 116:5–11

(testifying on cross-examination that “engine” simply means “code that accomplishes something”). The claim expressly recites what the contact aggregation engine performs in the wherein clause: “controls the network login engine . . . , updates the networks contacts database . . . , stores the aggregated contact list . . . , and provides the aggregated contact list . . . to a display device.” Ex. 1001, 12:58–67. We see no reason to impose additional unrecited limitations on the contact aggregation engine’s operation. Nor do we need to define the term “contact aggregation engine” itself to require the functions explicitly recited in the “wherein” clause.

Thus, based on the entire record, we determine that “contact aggregation engine” means a system or software component that aggregates contacts by performing the functions recited in the “wherein” clause—i.e., controlling, updating, storing, and providing as recited. That is, using Dr. Surati’s phrasing that an “engine” is “code that accomplishes something” (Ex. 1039, 116:5–11), the functions recited in the “wherein” clause define what that “something” is. Under this construction, claim 1 does not require any additional unrecited functions.

Lastly, we note that the term “contact aggregation” modifying “engine” is not meaningless for at least the reason that it serves to distinguish the “contact aggregation engine” from the “network login engine.”

2. *“high level network” and “low level networks”*

Patent Owner provides a construction for “high level network” and “low level network.” PO Resp. 25. According to Patent Owner, “a ‘high level network’ is ‘an IM network that joins or has joined another IM network to access the contact list of the other IM network.’” *Id.* (citing Ex. 2006 ¶¶ 86–91; Ex. 1001, 1:61–66, 2:5–10, 8:30–41, 12:56–57, 13:12–

14:4). Patent Owner argues that “a ‘low level network’ is ‘IM network that is joined or has been joined from another IM network which accesses its contact list.’” *Id.* (citing Ex. 2006 ¶¶ 96–99; Ex. 1001, 1:61–63, 2:5–10, 8:30–41).

As with its construction for “contact aggregation engine,” Patent Owner’s construction contains limitations that are recited elsewhere in the claim. *See id.* For example, Patent Owner’s construction incorporates the concept of joining: “IM network that is joined or has been joined from another IM network” (low level network) and “an IM network that joins or has joined another IM network” (high level network). *See* PO Resp. 25. Yet claims 7 and 12 already recite “joining a plurality of low level networks associated with a plurality of messaging services through the high level network.” Ex. 1001, 13:26–28 (claim 7), 14:14–16 (claim 12). Thus, we agree with Patent Owner to the extent that the claims already recite high- and low-level network to require joining in claims 7 and 12.

Also, Patent Owner’s construction requires that the purpose of joining is “to access the contact list of the other IM network” (high level network) or “another IM network which accesses its contact list” (low level network). PO Resp. 25. Claims 7 and 12, though, expressly require this feature by reciting “obtaining a first contact list associated with the plurality of low level networks.” Ex. 1001, 13:29–30 (claim 7), 14:17–18. Claim 1 also recites a similar limitation: “to access contact information from the plurality of messaging services.” *Id.* at 12:49–13:3. Thus, we agree with Patent Owner to the extent that the claims already recite this contact-list access.

Patent Owner adds that the high-level network stores an aggregated contact list in non-local storage. PO Resp. 25. Claim 1 recites that the contact aggregation engine “stores the aggregated contact list in a non-

transitory computer readable medium *at the server*.” Ex. 1001, 12:67–13:1 (emphasis added). In the context of claim 1, “at the server” is more specific than “non-local storage.” Thus, Patent Owner’s requirement about non-local storage is already reflected in the language claim 1.

In sum, Patent Owner’s constructions for “high level network” and “low level network” as “an IM network that joins or has joined another IM network to access the contact list of the other IM network” and “IM network that is joined or has been joined from another IM network which accesses its contact list,” respectively (PO Resp. 25), incorporate features expressly required elsewhere in the claims.

In some ways, however, Patent Owner’s construction imposes additional limitations not found in claims 1, 7, or 12.

First, unlike claim 1, claims 7 and 12 do not recite a server. Ex. 1001, 24–40 (claim 7), 14:7–28 (claim 12). Because the ’453 patent describes the server embodiment as a non-limiting, it would be improper to import an unrecited server feature into claims 7 and 12. *See, e.g., id.* at 12:34–34.

Second, Patent Owner’s constructions rely on the concept of joining, which is not expressly recited in claim 1. Instead, claim 1 recites that “the contact aggregation engine controls the network login engine to *login or facilitate login* to a plurality of low level networks . . . *through* a high level network.” *Id.* at 12:58–62 (emphasis added). That is, claim 1 requires a login to the low-level network is “through a high level network,” instead of joining the low-level networks “through the high level network,” as in claims 7 and 12. *See id.*

Figure 5 of the challenged patent, for example, has separate modules to join a network (502, 504) and to login to a network (510, 512). Figure 5 is reproduced below.

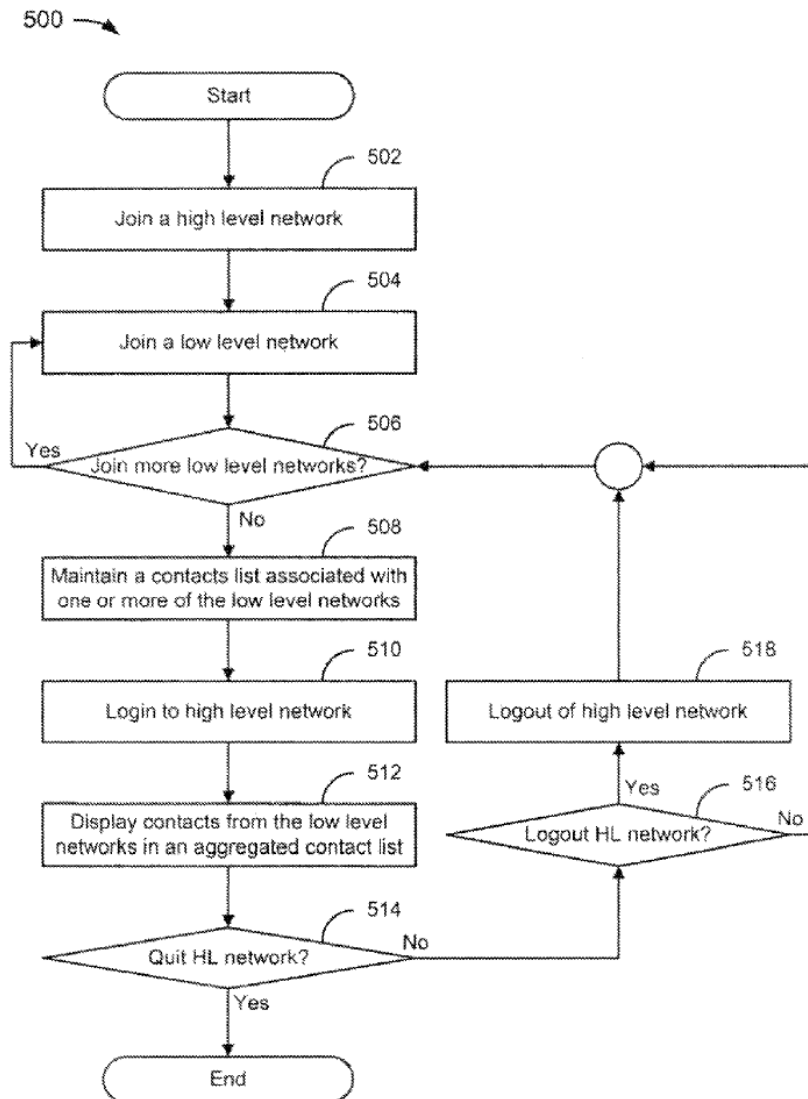
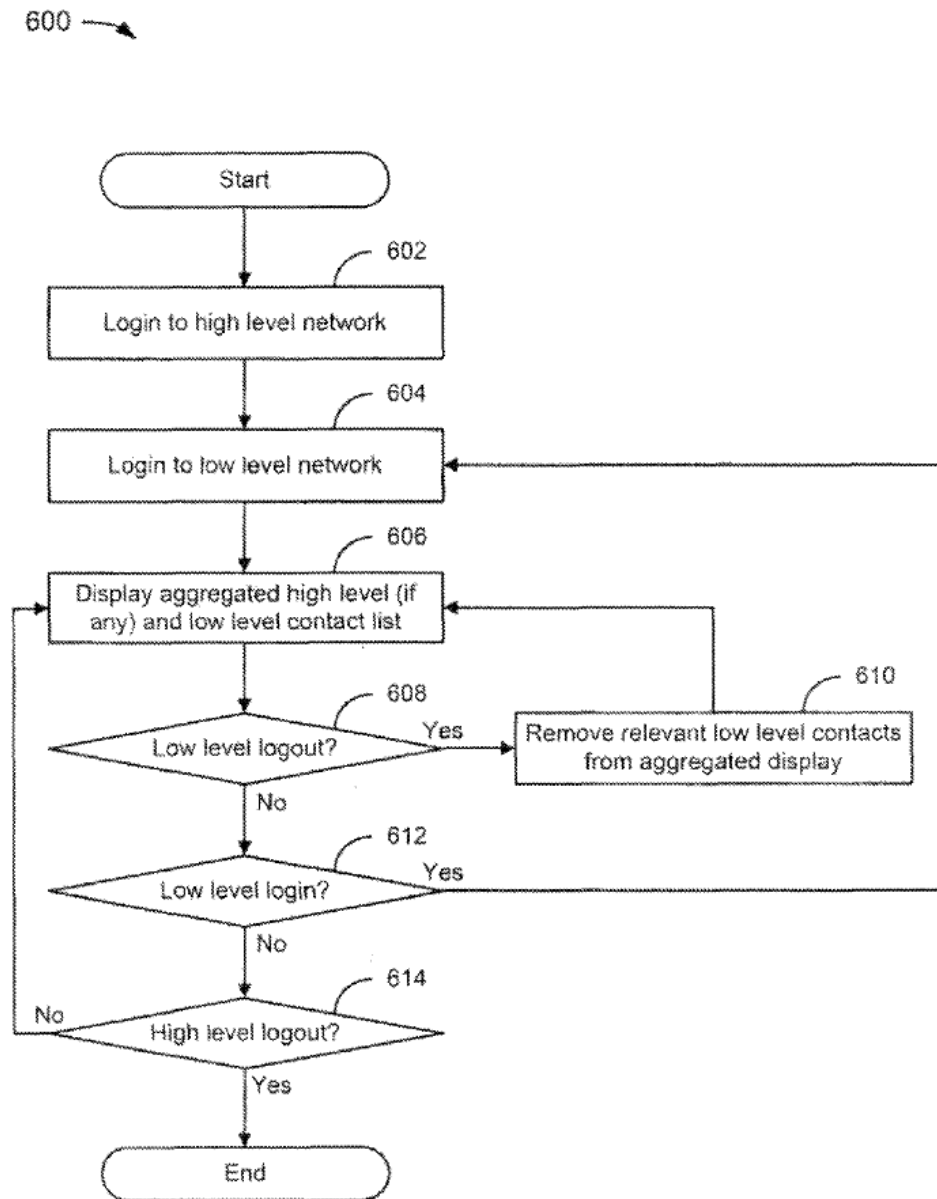


Figure 5 above shows flowchart 500 of an example of a method for contact list aggregation and display. *Id.* at 8:26–29. The flowchart begins with module 502: “Join a high level network.” *Id.*, Fig. 5. The flowchart continues to module 504, “Join low level network,” and 506, “Join more low level networks?” *Id.* If more low level networks are to be joined (506-Y), then flowchart 500 returns to module 504. *Id.* at 8:46–48. After these modules, the flowchart proceeds to module 510: “Login to high level network”. *Id.*, Fig. 5.

Flow chart 600 in Figure 6, below, begins when a member logs into a high-level network (module 602). *Id.* at 9:30–32.



After module 602, flowchart 600 shows module 604: “Login to low level network.” *Id.* As for module 604, the challenged patent explains that “a user logs into a low level network through the high level network.” *Id.* at 9:30–32. Thus, in Figures 5 and 6, the network is joined before it is logged into. *See id.* at 8:42–10:4.

To the extent joining and logging in are different, we see no persuasive reason on this record to include in claim 1 the unrecited limitations regarding joining networks from the non-limiting examples shown in Figures 5 and 6, as in Patent Owner’s construction. *See id.* at 8:42–10:4 (describing Figures 5 and 6); *id.* at 2:13–16 (explaining that the “figures are illustrative rather than limiting”). For this additional reason, we disagree with Patent Owner’s construction.

Rather, we construe “high-level network” and “low-level network” to be conventional IM networks that are defined by the functions recited in the claims. Our analysis of the Petition under this construction is the same in many respects to the analysis under Patent Owner’s construction because Patent Owner’s construction simply repeats the functions recited in the claims. PO Resp. 25. But, unlike Patent Owner’s construction, our construction does not improperly import unclaimed examples and better aligns with the ’453 patent’s written description. *Id.*

The written description supports the interpretation that high- and low-level networks can be conventional networks. For example, the ’453 patent describes, “The low level networks 302 may include, by way of example but not limitation, various IM networks.” Ex. 1001, 5:56–57. These IM networks could be “MSN Messenger, Yahoo! Messenger, AIM AOL, ICQ, QQ, Jabber, Google Talk, IRC, *or some other known or convenient IM network.*” *Id.* at 3:47–50 (emphasis added); *see also id.* at 8:27–30 (the IM network could be “MSN Messenger, Yahoo! Instant Messenger, AIM, *or any known or convenient network.*”) (emphasis added).

A low-level network need not be structurally different from a high-level network. *See* Tr. 48:25–49:9 (Patent Owner acknowledging that low- and high-level are defined by what they do). Conventional IM networks

could function as low-level networks or high-level networks. *See* Ex. 1001, 8:27–30. Patent Owner acknowledged this scenario at the oral hearing:

JUDGE BELISLE: And counsel, just to follow up on that, and I think from some arguments that Petitioner has made earlier, can a low level network be a high level network in some situations and vice versa? It just depends which one has been logged into first and then accesses the other networks?

MR. SCHLATHER: Well, I think there's -- to answer the first part of your question, I think there could be a scenario where a low level network could become a high level network. I mean, that's not something that's described in Odell but I could maybe think of a scenario where that could be true including, for example, if one of the low level networks then joins additional networks, if that what we're calling a low level network logs into those and the '453 and '395 patents talk specifically about that example in column 8, I believe, how those kind of example would work. So I think there could be a scenario where that would be true.

Tr. 49:11–24. In column 8, the '453 patent describes a scenario where a high-level network could be “thought of as a mid-level network” or “treated as a low level network.” Ex. 1001, 8:30–41. So the record here shows that low- and high-level networks are conventional instant-messaging networks that are defined by how they function within the system. *See id.* at 8:27–41, 5:56–57, 8:27–30, 9:30–38; Tr. 48:25–49:9.

Petitioner argues that a high-level network can be one that is “used to sign in to the communications system, which then successively and automatically signs into other ‘low level’ linked networks.” Pet. 58. We agree with Petitioner that “[t]his is consistent with how the '495 Patent discloses the potential and purported difference between a ‘high level’ network and a ‘low level’ network.” *Id.* (citing Ex. 1001, 6:48–52). The '453

patent provides an example of how a user logs into a low-level network “through” the high-level network:

In the example of FIG. 6, the flowchart 600 continues to module 604 where a *user logs into a low level network through the high level network*. Depending upon the implementation and/or user configurations, the user may be logged into the low level network automatically when logging into the high level network, explicitly by the user, or the user may be logged into the low level network when the user selects a contact that is associated with the low level network.

Ex. 1001, 9:30–38 (emphasis added). Here, the user can explicitly log into the low-level network, or the system can do it automatically. *Id.*

As with the example above (*id.* at 9:30–38), logging in or joining the low-level network “through” the high-level network is expressly recited in all the claims. *Id.* at 12:58–62 (claim 1), 13:26–28 (claim 7), 14:14–16 (claim 12). In this way, the claims already expressly define how the high- or low-level networks operate within the system.

Thus, based on the totality of the record, in this decision, we construe “high-level network” and “low-level network” to be conventional IM networks that perform the corresponding functions recited in the claims. *See id.* at 3:47–50, 5:56–57, 8:27–30.

3. “aggregated contact list”

All challenged independent claims recite an “aggregated contact list.” *Id.* at 12:66 (claim 1), 13:38–39 (claim 7), 14:26–27 (claim 12). In claim 1, the aggregated contact list is stored at the recited server and provided to a display. *Id.* at 12:67–13:3. In claims 7 and 12, the recited contacts are displayed in an aggregated contact list. *Id.* at 13:37–40 (claim 7), 14:25–28 (claim 12).

Petitioner contends that “the claim terms in the ’453 Patent are accorded their ordinary and customary meaning that they would have to a person having ordinary skill in the art at the time of the alleged invention.” Pet. 6. Petitioner asserts “that a ‘contact list’ is an ordinary term that includes ‘buddy lists,’ as in Odell, and that the plain English term, ‘aggregated,’ simply means gathered or collected.” Reply 3 (citing Ex. 1039, 16:25–17:10, 34:19–35:25, 98:5–14; PO Resp. 5). Thus, Petitioner argues that “the plain and ordinary meaning of ‘aggregated contact list’ is simply contacts that have been put together, gathered, or collected.” *Id.* (citing Ex. 2013, 57:15–59:8).

Patent Owner disagrees and argues that “a POSITA would consider the term ‘aggregated contact list’ to mean ‘a single, integrated contact list that has been aggregated from contacts of a plurality of contact lists and is a separate list from the other contact lists from which it is aggregated.’” PO Resp. 4 (citing Ex. 2005 ¶ 54).

Patent Owner argues that Figure 4A, below, shows an aggregated contact list. *Id.*

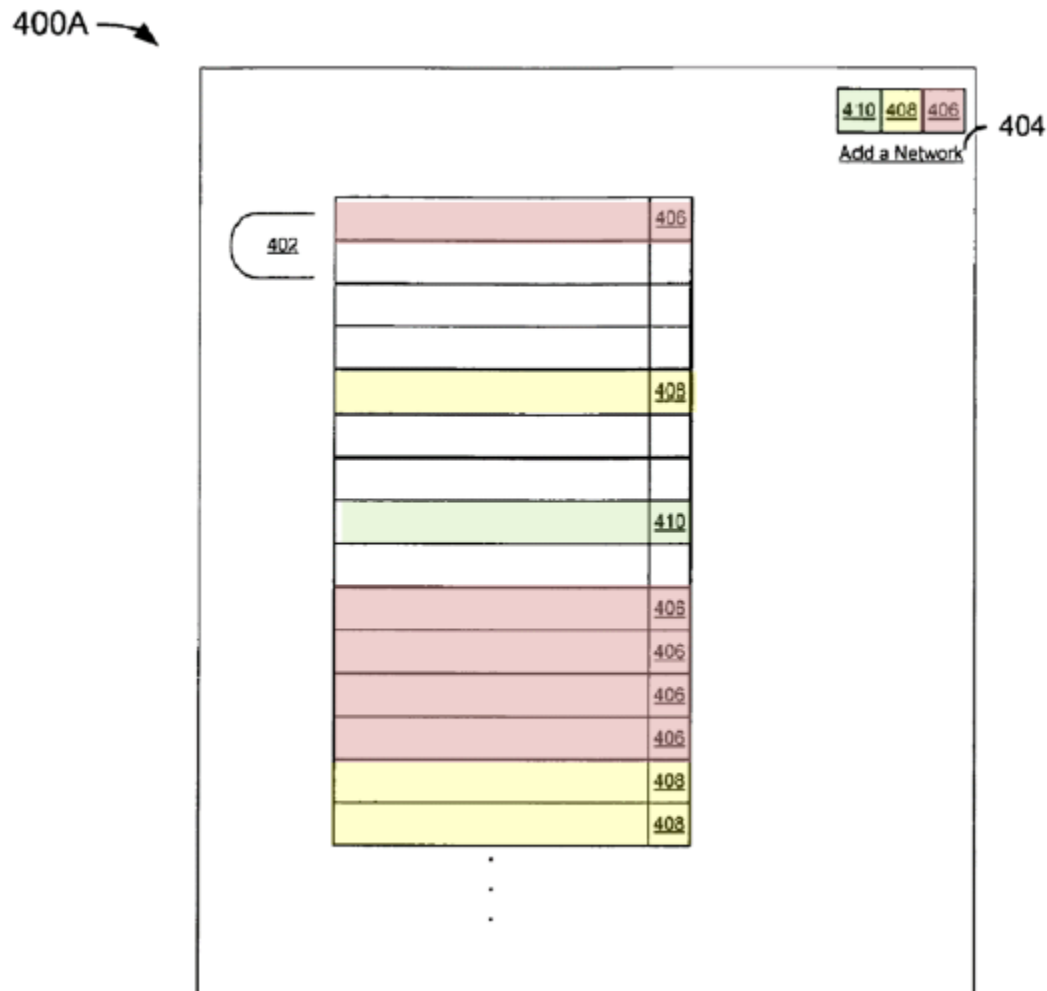


Figure 4A, above, shows a “multi-network IM display.” Ex. 1001, 2:23–24. When a network is added, the user’s contacts for that network are added to the contacts-list tab 402. *Id.* at 7:9–11. Icons 406, 408, and 410 correspond to the contact’s associated network. *Id.* at 7:11–13, 25–30. Patent Owner highlights contacts associated with MSN, Yahoo!, and AIM in red, yellow, and green. PO Resp. 4.

Patent Owner argues that Figure 4A supports its construction because the figure shows a single integrated contact list with contacts from lists associated with several networks: MSN, Yahoo!, and AIM. *Id.* at 4–5 (citing

Ex. 2006 ¶ 58). According to Patent Owner, the figure shows “a separate list from the contact lists from which it is aggregated,” instead of multiple separate lists. *Id.* at 5 (citing Ex. 2006 ¶ 58). In Patent Owner’s view, Figure 4A shows that “aggregated” means “collecting or gathering into a whole.” *Id.* at 5–6 (citing Ex. 2006 ¶ 57; Ex. 2017; Ex. 2018; Ex. 2019).

Both parties agree that the term “aggregated” means collected or gathered. *See* Reply 3; PO Resp. 4–6. The experts’ testimony in this case sufficiently supports this position. *See, e.g.,* Ex. 2013, 58:12–14 (testifying that “putting a bunch of things together” is aggregation); Ex. 1039, 99:11–12 (testifying that aggregation includes collecting or gathering “into a mass or whole”); Ex. 1040 ¶¶ 19–22.

Petitioner argues that the claim requires an aggregation of contacts. Reply 3. Patent Owner’s construction further explains that the source of aggregated contacts is “a plurality of contact lists.” PO Resp. 4; *see also* Sur-reply 6 (arguing there must already be two lists to aggregate). Patent Owner’s additional detail about the contacts’ source is largely consistent with Petitioner’s position. *See, e.g.,* Pet. 40 (discussing aggregation of buddy lists “obtained from accounts in a multitude of networks”).

From the plain language of the claims, we determine that the recited contacts come from other contact lists: Claim 1 recites accessing contact information from the plurality of messaging services. *See* Ex. 1001, 12:58–13:3. Claims 7 and 12 recite a first and second contact lists, and that contacts from the plurality of networks are displayed as aggregated contact list. *See id.* at 13:29–40 (claim 7); 14:17–28 (claim 12). Thus, we determine that a contact-list aggregation means gathering and collecting contacts from multiple contacts lists, resulting in the recited “aggregated contact list.” Patent Owner’s construction incorporates these features to the extent that it

requires a “contact list that has been aggregated from contacts of a plurality of contact lists.” PO Resp. 4; *see also* Sur-reply 6.

a. A Single and Integrated List

According to Patent Owner’s construction, though, the “aggregated contact list” must also be (1) a single list, (2) an integrated list, and (3) “a separate list from the other contact lists from which it is aggregated.” PO Resp. 4 (citing Ex. 2005 ¶ 54); Sur-reply 4–7.

In Patent Owner’s view, “A ‘set’ of individual lists, especially one involving non-simultaneous display, is not an aggregated list.” PO Resp. 9; *see also id.* at 46; Sur-reply 20 (distinguishing multiple lists from an aggregated list). Patent Owner argues that a person of ordinary skill in the art “would *not* understand that simultaneously displayed separate contact lists, especially when each separate list can be individually collapsed and thus not displayed in the set, constitute an aggregated contact list.” PO Resp. 9 (citing Ex. 2006 ¶ 59) (emphasis added); *see also id.* at 32 (discussing collapsing individual lists); Sur-reply 2, 6.

Contrary to Patent Owner’s arguments, though, the ’453 patent discloses splitting and organizing contacts into individual folders. Ex. 1001, 6:60–7:30. Specifically, Figure 4A shows contacts list tab 402. *Id.* at 6:60–61. One embodiment adds a user’s contacts to the tab 402 when a network is added. *Id.* at 7:9–11. A user, however, may organize contacts in various folders. *Id.* at 7:2. For example, the “Offline” folder contains all contacts who are not currently online. *Id.* at 7:5–7. The “Offline” folder could be “split into two folders”—“one which indicates a contact is offline, and one that indicates a contact is a member of network that has not been added.” *Id.* at 7:20–24.

This description of splitting contacts contradicts Patent Owner's argument because it shows that an aggregated contact list need not be a single or integrated list. PO Resp. 4, 9, 32. Rather, the '453 patent's description of splitting and organizing contacts into folders suggests at least some division, separation, or grouping. Ex. 1001, 6:60–7:30, 7:20–24. For example, the '453 patent's description of “two folders” for offline contacts indicates that a single, visually uninterrupted list is not required. *Id.*

Patent Owner argues that the Petition's prior art adds a screen name to one list, which causes the screen name to be added to other lists. PO Resp. 10–11. In Patent Owner's view, this duplication “would be unnecessary if a single, aggregated buddy list were present because it would simply result in duplicate entries in that single list.” *Id.* But the '453 patent also discloses that a single contact may be listed in multiple folders. Ex. 1001, 7:4–6; *see also* Tr. 31:23–26. This duplication of contacts shows that the recited aggregated contact list is not limited in the way that Patent Owner describes. PO Resp. 10–11. Rather, the contacts within an aggregated contact list can be found in multiple folders.

Similarly, Patent Owner argues that the lists must not be separate. *See, e.g., id.* at 11 (discussing “separateness”); 12 (arguing Odell disclosing each account has a separate buddy list); 14 (arguing about Odell's separate accounts or aliases and display of separate lists); Sur-reply 4. But the '453 patent's description of organizing contacts into multiple folders indicates at least some level of separation. *See* Ex. 1001, 6:60–7:30. For example, the description of splitting the “Offline” folder into two folders indicates that contacts are separated into those folders by the disclosed criteria. *Id.* at 7:20–30.

Patent Owner argues that, in the context of the prior art, “organizing or maintaining multiple separate buddy lists, including by screen name, would not result in an aggregated contact list.” PO Resp. 12–13 (citing Ex. 2006 ¶ 156). To the contrary, the ’453 patent suggests that a folder may contain contacts from a particular network. Ex. 1001, 7:20–24. The particular network may have an associated “user name.” *Id.* at 6:8–10. Thus, these passages indicate that contacts can be organized by screen name in the system described in the ’453 patent. *See id.*

Patent Owner’s arguments rely heavily on Figure 4A to support its construction. *See* PO Resp. 4–14. But Figures 4A through 4B are “examples.” Ex. 1001, 2:23. The patent explains that the “preceding examples . . . are exemplary and not limiting to the scope of the present invention.” *See id.* at 12:37–46. So, although we have considered these examples in our analysis of the “aggregated contact list” as discussed above, we disagree with Patent Owner to the extent that the claims should be limited to the specific ordering and layout shown in the exemplary figures. *See* PO Resp. 4–14.

We do not credit Surati Declaration on this issue of a “single,” “integrated” list (*see* Ex. 2006 ¶¶ 42, 55–59, 145–146, 150, 155–156, 168, 188) because Dr. Surati does not give sufficient weight to the folders described in the ’453 patent and mischaracterizes the examples as limiting the claim (*see, e.g.*, Ex. 1001, 6:60–7:30, 12:37–46).

Considering the totality of the arguments and evidence presented in this proceeding, we determine that “aggregated contact list” means a contact list resulting from gathering and collecting contacts from multiple contacts lists.

C. Obviousness: Odell and Daniell

Petitioner asserts that claims 1–16 are unpatentable as obvious over Odell and Daniell. Pet. 73. Petitioner’s obviousness-based challenge incorporates by reference the reasoning from the challenge based on anticipation. *See id.* at 74–78. Thus, we analyze and cite to the parts of Petitioner’s challenge based on Odell that are incorporated in its challenge based on Odell and Daniell.

1. Odell

Odell’s system links multiple user accounts in an instant-messaging system. Ex. 1006, 1:31–32, 2:65–67. In particular, the system provides a single graphical user interface (GUI) showing a buddy list, or a list containing the users of the communications system for the primary account and each of the linked accounts. *Id.* at 3:12–17. Figure 4C, below, is an

common GUI” for sending communications “substantially simultaneously to and from the primary account and the aliases.” *Id.* at 7:60–61, 8:2–5.

2. Daniell

Daniell’s user interface displays multiple contacts from multiple instant-messaging systems. Ex. 1007, code (57). Daniel’s “roster window” displays the user’s contacts. *Id.* at 7:45–51; *see id.* at 18:3–19. Figure 14, below, shows an exemplary roster window. *Id.* at 18:1–2.

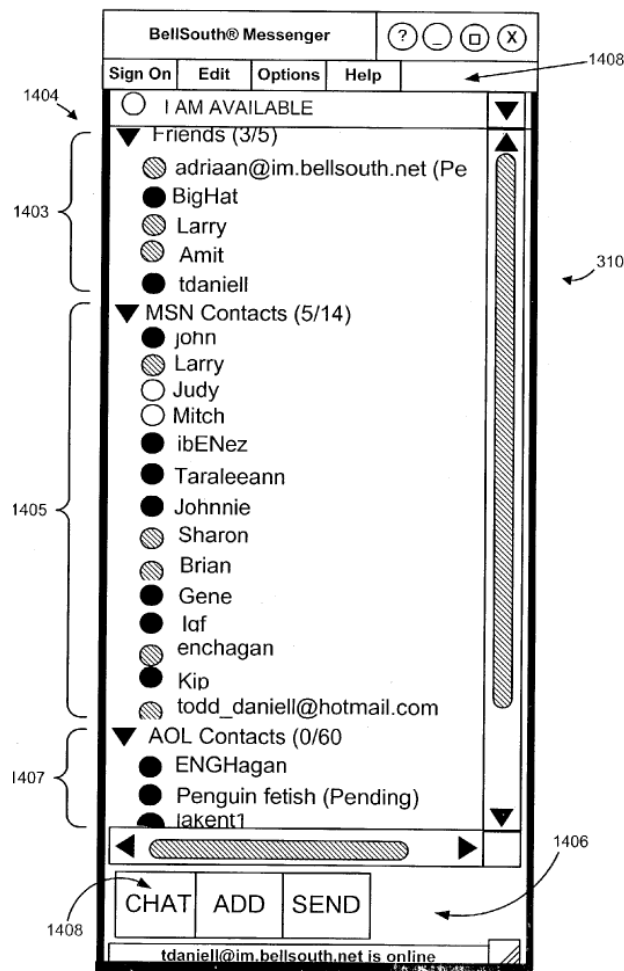


FIG. 14

Roster window 310 in Figure 14, above, displays a list of contacts (1404). *Id.* at 18:3–11.

3. Claim 1

a. Preamble

Claim 1 recites, in part, “A system for contact list aggregation across a plurality of different networks.” Ex. 1001, 12:49–50.

Petitioner asserts that, to the extent that the preamble is limiting, Odell discloses this limitation. Pet. 18–20 (citing Ex. 1006, 2:34–41, 2:65–67, Fig. 3; Ex. 1004 ¶¶ 61–66). Petitioner asserts that Odell’s Figure 3, below, shows an exemplary communications system 300. *Id.* at 19–20.

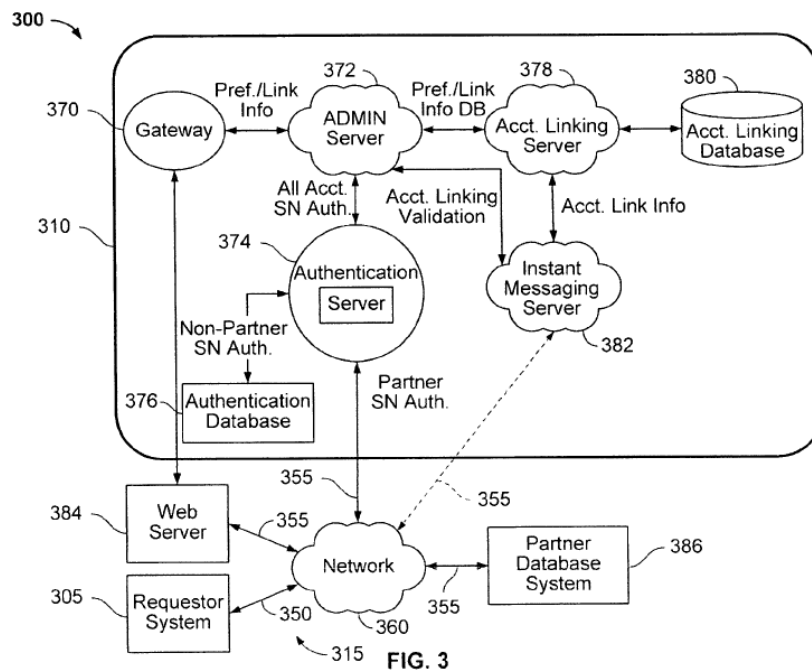


Figure 3, above, is a block diagram of communications system 300. Ex. 1006, 1:53–55, 6:32. In system 300, provider system 310 enables communications with other systems. *Id.* at 4:18–21. Provider system 310 includes gateway server 370, administrative (“admin”) server 372, authentication server 374, authentication database 376, account linking server 378, account linking database 380, and instant messaging server 382. *Id.* at 6:47–51.

Patent Owner does not dispute that Odell discloses a system, generally. *See* PO Resp; Sur-reply. Rather, Patent Owner argues that Odell lacks contact-list aggregation across several different networks, among other features recited elsewhere in the claim. *See, e.g.*, PO Resp. 6–14, 38–49.

Petitioner asserts that Odell’s system is “for contact list aggregation across a plurality of different networks.” Pet. 20. According to Petitioner, Odell’s buddy lists are contact lists. *Id.* at 20–21 (citing Ex. 1006, 2:47). Petitioner asserts that Odell’s admin server 372 includes a contact aggregation engine that aggregates or links buddy lists from accounts across multiple networks. *Id.* at 40 (citing Ex. 1006, 6:57–65, 7:4–10).

We need not decide whether the preamble is limiting because Petitioner has shown Odell discloses the recited subject matter. In particular, Petitioner has shown that Odell system 300 is a “system for contact list aggregation across a plurality of different networks” for the reasons discussed in Section II.C.3.c, analyzing the recited “contact aggregation engine.” In that section, we also address Patent Owner’s arguments about the recited aggregation. *See infra* § II.C.3.c.

b. Network Interface

Claim 1 recites, in part, “a network interface” and “a network login engine coupled to the network interface.” Ex. 1001, 12:51–52.

Petitioner asserts that Odell’s authentication server 374 discloses the recited “network login engine.” Pet. 27 (citing Ex. 1004 ¶¶ 67–75). According to Petitioner, authentication server 374 facilitates logging into multiple networks. *Id.* at 25–27 (citing Ex. 1006, 14:36–15:3).

Petitioner asserts that, like the recited network login engine, authentication server 374 is coupled to a “network interface.” *Id.* at 27–28 (citing Ex. 1006, 4:6–10, 6:32–46). Petitioner asserts that Odell’s Figure 3

shows that authentication server 374 operates within one or more Local Area Networks (LANs) or Wide Area Networks (WANs). *Id.* According to Petitioner, a person of ordinary skill in the art “would understand that such network communication between the authentication server 374 and the other components, as described above, would necessarily be facilitated through a coupled ‘network interface,’ as claimed.” *Id.* at 28 (citing Ex. 1004 ¶ 76). Petitioner also asserts that Odell discloses a “communications interface” enabling communication between provider system 110 and other systems through communications link 115, for example. *Id.* (citing Ex. 1006, 4:11–21).

Patent Owner does not specifically dispute these assertions about Odell’s network interface. *See* PO Resp.; Sur-reply. Rather, Patent Owner’s arguments are directed to the network login engine’s functions that are recited in the “wherein” clause. *See* PO Resp. 30–35; Sur-reply 13–15. We analyze those functions and address Patent Owner’s arguments about them in Section II.C.3.c *infra*, discussing Petitioner’s assertions about the “wherein” clause.

Considering the entire record before us, Petitioner has shown that Odell discloses the recited network interface. Pet. 27–28 (Ex. 1004 ¶¶ 76–78). Specifically, Odell discloses that authentication server 374 is a component of provider system 110. Ex. 1006, 6:47–48, *discussed in* Pet. 21–22. Provider system 110 communicates with other internal and external components. *Id.* at 4:11–21, *cited in* Pet. 28. To accomplish this, provider system 110 uses the communications interface and communications link 115. *Id.* at 4:18–21. These parts of Odell adequately support Dean Willis’s assertion that network communication between the authentication server 374 and the other components would necessarily be facilitated through a coupled

network interface. Ex. 1004 ¶ 76. Thus, we credit Dean Willis’s testimony on this issue. Ex. 1004 ¶¶ 76–78.

c. Contact Aggregation Engine

Claim 1 recites, in part, “a contact aggregation engine coupled to the network login engine and the network contacts database.” Ex. 1001, 12:56–57.

Petitioner asserts that “the combination of the admin server 372 and the account linking server 378 discloses the claimed ‘contact aggregation engine.’” Pet. 42. Petitioner asserts that “Odell’s admin server 372 includes ‘a contact aggregation engine’ and is ‘coupled to the network login engine and the network contacts database.’” *Id.* at 39 (citing Ex. 1004 ¶¶ 97–105). Petitioner asserts that account linking database 380 “stores and maintains user buddy list and account linking information,” and “account linking server 378 is configured to manage the information flow to and from the account linking database 380.” *Id.* at 42 (citing Ex. 1006, 7:20–24).

Patent Owner’s arguments are not specifically directed to whether the contact aggregation engine is coupled to the network login engine and the network contacts database. *See* PO Resp. 38–44. Rather, Patent Owner’s arguments are based on whether Odell aggregates contacts or stores aggregated contact lists on a server. *See id.*

For the reasons discussed in Section II.B on claim construction, *supra*, that “contact aggregation engine” means a system or software component that aggregates contacts by performing the functions recited in the “wherein” clause—i.e., controlling, updating, storing, and providing as recited. Under this construction, Petitioner has shown that Odell’s admin server 372 and account linking server 378 perform these functions for the reasons discussed

in the sections that follow. *See infra* §§ II.C.3.c.i–vii. We disagree with Patent Owner’s arguments and explain why in the sections that follow. *Id.*

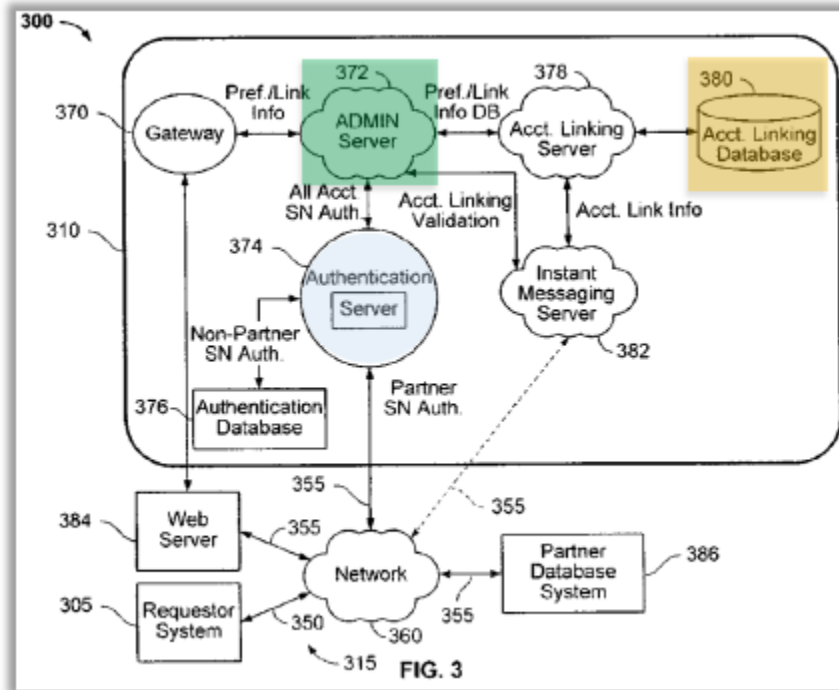
Patent Owner argues that the Willis Declaration incorrectly stated that Odell’s admin server alone discloses the contact aggregation engine. PO Resp. 39 (citing Ex. 2013, 41:10–16). In Patent Owner’s view, the deposition of Dean Willis makes this point clear. *Id.*; Ex. 2013, 41:13–16; *see also* Sur-reply 25–26 (citing Reply 26; Ex. 2013, 37:7–11; 41:10–16).

Even so, for all the reasons discussed in Section II.C.3.c, we agree with Petitioner that “the combination of the admin server 372 and the account linking server 378 discloses the claimed ‘contact aggregation engine.’” Pet. 42–43. We need not also resolve the issue of whether Odell’s admin server alone discloses the contact aggregation engine because it is an alternative, cumulative rationale.

As for the “coupled to” limitation, Petitioner asserts that admin server 372 and account linking server 378 are “coupled to the network login engine and the network contacts database”—i.e., authentication server 374 and the account linking database 380, under Petitioner’s rationale. *See id.* at 39–43.

Patent Owner does not specifically dispute the assertion that Odell’s admin server 372, account linking server 378, authentication server 374 and the account linking database 380 are coupled or communicate in this way. *See* PO Resp.; Sur-reply.

Considering the totality of the evidence, we agree with Petitioner that admin server 372 and account linking server 378 are “coupled to” authentication server 374 and the account linking database 380. *See* Pet. 39–43. In particular, Odell’s Figure 3 is reproduced below with Petitioner’s annotations:



Odell’s Figure 3 shows admin server 372 (highlighted in green) and account linking database 380 (highlighted in yellow). *Id.* at 41. The figure shows a double arrow between admin server 372 and authentication server (the recited “network login engine”). *Id.* The figure also shows admin server 372 connected to account linking database 380 via two double-headed arrows to the account linking server 378. *Id.*

According to Odell, “account linking server 378 interacts with the account linking database 380, which stores and maintains user buddy list and account linking information,” and the “account linking server 378 is configured to manage the information flow to and from the account linking database 380.” Ex. 1006, 7:20–24, *quoted in* Pet. 42. Petitioner asserts that Figure 3 “shows that ‘Acct. Link Info’ is communicated between each ‘Instant Messaging Server’ and the account linking server 378.” Pet. 42.

In this way, Petitioner shows that admin server 372 and account linking server 378 (the recited “contact aggregation engine”) are “coupled

to” authentication server 374 (the recited “network login engine”) and the account linking database 380 (the recited “network contacts database”). *See Id.* at 39–43.

Claim 1 expressly recites four functions that the contact aggregation engine performs “in operation.” Ex. 1001, 12:58–67. Because the contact aggregation engine is defined by how it operates, we address whether admin server 372 and account linking server 378 are a “contact aggregation engine” in the sections that follow.

i. Network Login Engine

Claim 1 further recites that “in operation, the contact aggregation engine controls the network login engine.” Ex. 1001, 12:51–64 (emphasis added).

Petitioner argues that Odell’s admin server 372 controls authentication server 374 (the recited “network login engine”) to login or facilitate login to numerous networks. Pet. 43.

Patent Owner argues that “the Petition fails to provide any description, including any disclosure from Odell, of whether or how the combination of the admin server [372] and the account linking server [378] controls the [authentication] server [374].” PO Resp. 43³ (citing Ex. 2006 ¶ 135). We disagree.

Petitioner supports its position by pointing out that “Odell’s admin server 372 controls the network login engine (the authentication server 374)

³ Here, Patent Owner uses the term “*authorization* server” instead of “*authentication* server.” PO Resp. 43 (emphasis added). Because Petitioner maps Odell’s authentication server 374 to the “network login engine” (Pet. 27–28), we understand Patent Owner’s references to “authorization server” to mean “authentication server” (PO Resp. 43).

by sending requests for account validation and login.” Pet. 44 (citing Ex. 1004 ¶ 108). Petitioner’s assertion and Dean Willis’s corresponding testimony is adequately supported by Odell’s disclosure.

Odell describes admin server 372 as a “clearinghouse” for “linked account validation functions.” Ex. 1006, 6:57–60 *quoted in* Pet. 44. Odell’s “authentication server 374 is configured to process and to validate account authentication requests from the admin server 372 against the authentication database 376 and any partner database system 386.” Ex. 1006, 7:4–7, *quoted in* Pet. 44. We agree with Petitioner that, in at least this way, admin server 372 controls authentication server 374, and we credit the declaration of Dean Willis on this issue. *See* Pet. 43–44; Ex. 1004 ¶ 108.

Odell describes admin server 372 as a “clearinghouse” for “account linking information” as well. Ex. 1006, 6:57–60 *quoted in* Pet. 44. Odell discloses that accounts from multiple communication systems are linked together, and accounts linked to the primary account are signed into sequentially and automatically. *See id.* at 7:60–65, 8:14–32, 14:36–15:3, *cited in* Pet. 44. We agree with Petitioner that, in this additional way, admin server 372 controls authentication server 374, to sequentially login to multiple networks, and we credit the declaration of Dean Willis on this issue. *See* Pet. 44–45; Ex. 1004 ¶¶ 106–110.

Dr. Surati’s testimony on this issue does not give sufficient weight to Odell’s disclosure of how authentication server 374 is configured to process and to validate account authentication requests from admin server 372. *See* Ex. 2006 ¶ 135. Thus, we do not credit Dr. Surati’s testimony on this issue. *See id.*

In sum, Petitioner has shown that Odell discloses that “in operation, the contact aggregation engine controls the network login engine.” Pet. 43–45.

ii. Login

Claim 1 further recites that the recited control is “to login or facilitate login to a plurality of low level networks associated with a plurality of messaging services.” Ex. 1001, 12:51–64.

(a) Messaging Services

Petitioner asserts that Odell discloses “numerous networks associated with more than one messaging service, such as a first network associated with America Online (AOL) and a second network associated with America Online Instant Messenger (AIM) or ICQ.” Pet. 43 (citing Ex. 1001, 1:34–37). According to the Petition, Odell’s “admin server 372 facilitates login to the plurality of low level networks associated with the plurality of messaging services through a high level network—i.e., the network associated with the ‘primary account’ in Odell.” *Id.*

Indeed, the ’453 patent recognizes that AIM and ICQ are distinct messaging services:

Popular instant messaging services on the public Internet include .NET Messenger Service, *AOL Instant Messenger*, Excite/Pal, Gadu-Gadu, Google Talk, iChat, *ICQ*, Jabber, Qnext, QQ, Meetro, Skype, Trillian and Yahoo! Messenger.

Ex. 1001, 1:34–37 (emphasis added), *cited in* Pet. 43. Patent Owner does not dispute this. *See, e.g.*, Tr. 40:13–19, 42:14–19. Dr. Surati also stated that they can be considered separate services:

Q And in this passage, AOL Instant Messenger is listed separately from ICQ; correct?

A Yeah. They're -- they can be considered separate communication services.

Ex. 1039, 120:12–16. Thus, we agree with Petitioner's assertion that Odell describes a plurality of distinct messaging services. Pet. 43; Reply 13.

(b) *High- and Low-Level Networks*

We also determine that the evidence favors the conclusion that the distinct messaging services have different associated networks, which correspond to the recited high- and low-level networks. *See* Pet. 43.

On this point, we disagree with Patent Owner's characterization of the Petition. *See* Sur-reply 14. According to Patent Owner, Petitioner "argues that an 'account' is a 'network.'" *Id.* (citing Reply 12). This mischaracterizes Petitioner's position. Petitioner characterizes Patent Owner's argument as divorcing "accounts from networks," not that the accounts themselves are networks. Reply 12–13. Petitioner explains that "[c]ommunications 'systems' include networks," and argues that Patent Owner "equates 'systems' with 'networks' as well." *Id.* at 13 (citing Ex. 1001, 1:34–37, 3:47–50; PO Resp. 42–43). Petitioner's assertions about networks were made in support of its rebuttal that Odell is not limited to a single network. *See id.* at 13–14.

To be clear, Petitioner asserts that the accounts are *associated with* a network. *Id.* at 14. And we agree there are multiple networks. *See id.* For example, Odell discloses that the accounts come "from multiple communication systems," and they "may be linked together." Ex. 1006, 8:14–32. The accounts can be from AOL, AIM, and ICQ. *Id.* According to the Petition, Odell's primary account is in the AIM network, and Odell's linked accounts can be on the ICQ network, among others. Pet. 23–28, *discussed in* Reply 14. The Petition's analysis of the claimed "network

engine” relies on Odell’s authentication server 374. *Id.* at 27. According to the Petition, authentication server 374 logs into the networks. *See id.* (citing Ex. 1004 ¶¶ 67–75).

We agree with Petitioner that Odell’s multiple networks are high and low-level. *Id.* at 20–21, 27, 43–45. We construe recited “high-level network” and “low-level network” to be conventional IM networks that perform the corresponding functions recited in the claims. *See supra* § II.B.2.

Petitioner has shown that Odell discloses such networks. In particular, Petitioner asserts that the networks associated with Odell’s primary account and linked accounts correspond to the recited high-level network and low-level networks. Pet. 43–44. According to Dean Willis, each “screen name” in Odell represents an account, the primary service provider corresponds to the recited high-level network, and a third-party “linked account” service provider corresponds to the recited low-level network. Ex. 1004 ¶¶ 111–112 (citing Ex. 1006, 6:58–7:10). Petitioner asserts that Odell discloses “the network login engine to login or facilitate login to a plurality of low level networks,” as recited, because Odell’s authentication server 374 facilitates “a user’s login to multiple networks, including a ‘primary account’ in order to automatically sign in to other ‘linked accounts’ across various networks.” Pet. 27 (citing Ex. 1004 ¶¶ 67–75).

Like the high- and low-level networks claimed, Petitioner has shown that Odell’s system logs the user into the network associated with the linked account when logging the user into the network associated with the primary account. *See* Pet. 43–45. Specifically, Petitioner asserts that Odell’s ‘primary account’ is associated with a ‘high-level’ messaging network because it is used to sign in to the communications system, which then successively and automatically signs into other ‘low level’ linked networks” Reply 23–

24. Petitioner asserts that, in Odell’s embodiments, the high- and low-level networks are the AOL network and the networks associated with AIM or ICQ:

the admin server 372 controls the authentication server 374 (the claimed “network login engine”) to login or facilitate the login to numerous networks associated with more than one messaging service, such as a first network associated with America Online (AOL) and a second network associated with America Online Instant Messenger (AIM) or ICQ.

Pet. 43.

We agree that Odell’s networks are similar to the recited networks in this way. *See id.* Odell discloses that first “authentication information for a primary account for signing into the communication system is entered and verified,” and later, a set of accounts are “linked to the primary account.” Ex. 1006, 14:38–49, *quoted in* Pet. 25–27, 44. Odell explains that “the accounts that are linked to the primary account are signed in to the communications system sequentially.” *Id.* at 14:65–67. These passages indicate that the networks have different roles in Odell, and they are not a single network for this reason.

We find Patent Owner’s arguments to the contrary unavailing. *See* PO Resp. 23, 28, 31. Patent Owner argues that Odell’s accounts “are merely aliases for the same user of the system and network provided by a single messaging service provider.” *Id.* at 23. Patent Owner argues that “Odell discloses that the primary account and ‘the linked accounts all may appear to be logged into the communications system simultaneously,’” i.e., in a single network.” *Id.* at 28 (citing Ex. 2006 ¶ 73); *see also id.* at 31 (arguing that Odell has a single network); *see also* Ex. 1006, 3:3–6.

But Patent Owner’s argument that Odell discloses one system (PO Resp. 28) does not give sufficient weight to Odell’s disclosure of several messaging services, i.e., AIM, and ICQ, that are linked and are associated with other systems and networks. For the same reason, we do not credit the corresponding parts of Dr. Surati’s Declaration. *See* Ex. 2006 ¶ 73. In fact, Patent Owner acknowledged at oral argument that its arguments about message service providers do not apply to the claims of the ’453 patent. Tr. 41:21–23.

The record better supports Petitioner’s argument that Odell discloses “numerous networks associated with more than one messaging service, such as a first network associated with America Online (AOL) and a second network associated with America Online Instant Messenger (AIM) or ICQ.” Pet. 43 (citing Ex. 1001, 1:34–37). The relationship between Odell’s networks is similar to the relationship between high- and low-level networks in the ’453 patent:

The network login engines 310 may include logic and storage that facilitates login to the various low level networks 302. For example, the network login engine 310-1 may include a user name (and perhaps a password, if the password is not requested from the user at each login) associated with the low level network 302-1.

Ex. 1001, 6:5-11, *quoted in* Pet. 27. Likewise, Odell’s servers sequentially log into a first account associated with the AOL and a second account associated with AIM or ICQ, through a network associated with the “primary account”—i.e., the primary network. *See* Pet. 44–45. Because it is consistent with Odell on this point, we credit the Willis Declaration. Ex. 1004 ¶¶ 106–110.

Nor do we agree with Patent Owner's argument that Odell describes a single system because "either account may be used to sign on to the communications system initially and then any other linked accounts may be signed on to *the communications system* automatically." PO Resp. 32 (quoting Ex. 1006, 7:63–65) (emphasis added). That is, Patent Owner argues "the communications system" means that Odell uses a single system. *Id.* at 32–33. But, even if "the communication system" were a single system, we see little support for the proposition that the linked account can only login to that system and no other. *Id.* For example, Odell's linked accounts may be used to sign on to "the communication system" as well as other third-party messaging services. *See* Ex. 1006, 7:63–65.

Still, Patent Owner's argument that the same account can be used to sign on to the communication system (PO Resp. 33) does not account for Odell's disclosure that "account attributes may be forwarded from the authentication database 376 through the authentication server 374." Ex. 1006, 7:12–15. This disclosure indicates that Odell's system facilitates communication with other systems and is not a single system or network. *See id.*

We disagree with Patent Owner that the Petition "fails to specify any 'low level network.'" PO Resp. 24. In the context of the '453 patent, AIM and ICQ, which are used in Odell, can be low-level networks. Ex. 1001, 3:47–50. Specifically, "low level networks 302 may include, by way of example but not limitation, various IM networks." *Id.* at 5:56–57. These IM networks could be "MSN Messenger, Yahoo! Messenger, AIM AOL, ICQ, QO, Jabber, Google Talk, IRC, or some other known or convenient IM network." *Id.* at 3:47–50; *see also id.* at 8:27–30 (the IM network could be "MSN Messenger, Yahoo! Instant Messenger, AIM, or any known or

convenient network.”) Thus, the patent indicates that AIM and ICQ, as used in Odell, can be “low level networks.” *See id.* at 5:56–57, 3:47–50, 8:27–30.

We also find Patent Owner’s arguments about the high-level network unavailing. PO Resp. 25. Patent Owner disagrees that Odell’s primary account is on the high-level network because the “primary account is merely ‘chosen by the user to sign into the communications system.’” *Id.* (citing Ex. 1006, 3:11–12; Ex. 2006 ¶ 105).

But we see no reason why the user’s choice disqualifies Odell’s network from being a high-level network. For example, the patent describes that the method could also work by joining high-level networks as if the high-level networks were low level. Ex. 1001, 8:30–41 (describing Figure 5), *cited in* PO Resp. 25. During oral argument, Patent Owner’s counsel explained that the same network could be a high-level network or a low-level network. Tr. 49:11–24. That is, the challenged patent discloses that a high-level network is not a ridged classification that must be established at the time of design. *See* Ex. 1001, 8:30–41. Rather, how a network functions in the system determines whether it is a high- or low-level network, which means that the network’s role could be chosen during the operation of the system—e.g., by a user. *See id.* at 8:30–41; Tr. 49:7–9; *see also supra* § II.B.2.

Patent Owner argues that the Willis Declaration “admits that Odell does not disclose ‘high level’ and ‘low level’ networks.” PO Resp. 27 (citing Ex. 1004 ¶ 154). We disagree. The cited part of the Willis Declaration explains that Odell uses different language to describe the same thing: “Instead of ‘high level’ and ‘low level’ networks, ‘696 Odell *uses the language* ‘primary account’ and ‘linked account(s).’” Ex. 1004 ¶ 154 (citing Ex. 1006, 3:11–16) (emphasis added). Again, the high- and low-level

networks are classified as such based on how they function. *See, e.g.*, Ex. 1001, 8:30–41; Tr. 49:7–9. On this point, we credit the Willis Declaration for all the reasons discussed above. Ex. 1004 ¶ 154.

Patent Owner argues that the high-level network stores an aggregated contact list in non-local storage. PO Resp. 25. Patent Owner argues that, “in the absence of an aggregated contact list stored in non-local storage, Odell does not disclose a high level network.” *Id.* at 27 (citing Ex. 2006 ¶¶ 86–91). But, as discussed in Section II.B.2 on claim construction, claim 1 already recites that the contact aggregation engine “stores the aggregated contact list in a non-transitory computer readable medium *at the server.*” Ex. 1001, 12:67–13:1 (emphasis added). We disagree with Patent Owner’s argument for the same reasons discussed in Section II.B.2—i.e., the claim does not require non-local storage beyond what is otherwise recited elsewhere in the claim. Also, we disagree that Odell lacks non-local storage or storage “at a server” for the same reasons discussed in section II.B.1.

Thus, Petitioner has shown that Odell discloses “in operation, the contact aggregation engine controls the network login engine to login or facilitate login to a plurality of low level networks associated with a plurality of messaging services through a high level network using the network interface to access contact information from the plurality of messaging services,” as recited in claim 1.

(c) Messaging Service Provider

The term “messaging service provider” is not recited in any challenged claim. Nor does it appear in the patent’s written description. *See* Ex. 1001. Rather, the claim recites “plurality of messaging services.” Patent Owner argues that a messaging service provider may provide more than one messaging service. *See, e.g.*, Tr. 46:13–14. So claim 1 does not preclude

using a single messaging service provider to provide the recited “plurality of messaging services.” In fact, Patent Owner acknowledged that the ’453 patent “does not require a messaging service provider [(MSP)]. So the arguments related to MSP specifically would not apply to that patent.” *Id.* at 41:21–23.

Still, we disagree with Patent Owner’s reasoning about message service providers, even assuming that it is relevant to the ’453 patent or the issue of whether Odell discloses or teaches a plurality of messaging services or multiple networks (high- or low-level), as recited.

For example, Patent Owner argues that Odell discloses a single network and a single messaging service provider. PO Resp. 23 (citing Ex. 1006, Figs. 1, 3; 3:57–60, 6:32–34), 31 (citing Ex. 1006, 7:62–65). In Patent Owner’s view, Odell has no need for high- or low-level networks because the America Online network is the only network. *Id.* at 27 (citing Ex. 2006 ¶ 175), 28 (citing Ex. 2006 ¶ 176). Patent Owner argues that “AOL, AIM, and ICQ were owned and provided by America Online at the time of the inventions of the ’453 Patent.” *Id.* at 31 (citing Ex. 2006 ¶¶ 110–115, Ex. 2002, Ex. 2014, Ex. 2015, Ex. 2016). Patent Owner argues that, even if “AOL, AIM, and ICQ were separate communications systems,” each were associated with a single messaging service and by only a single messaging service provider. *Id.* at 33–34 (emphasis added).

Patent Owner argues that Figures 6A through D show that the AIM and AOL screen names can be linked, but AOL and AIM were commonly owned and operated by America Online. *Id.* at 34. Patent Owner argues that the buddy lists in Figure 4C are from the same communications system and same network: AIM. *Id.* at 23–24 (citing Ex. 2006 ¶ 145; Ex. 1006, 9:15–26).

We disagree with Patent Owner's arguments about Odell's figures, and do not credit Dr. Surati on these points. *See id.* at 23–24, 34–35; Ex. 2006 ¶¶ 84, 117–118, 145. Odell describes an AIM account as being different from a dating-service or gaming-club account:

In addition, accounts from partner domains may be linked. For example, accounts of an online gaming club may communicate using the AIM communications system, and *the accounts from the gaming club may be linked to AIM accounts* such that communications may be sent and received by gaming club accounts while not signed into the gaming club on a gaming device. Similarly, *accounts from a dating service that uses the AIM communications system may be linked to other accounts* such that the members of the dating service can communicate *with their dating service accounts* while not logged in to the dating service.

Ex. 1006, 8:19–29. This suggests that Odell uses more than a single system.

Also, Patent Owner and Dr. Surati do not give sufficient weight to Odell's disclosure that not all accounts are maintained by the provider system. *See* PO Resp. 23–25, 34–35; Ex. 2006 ¶¶ 84, 117–118, 145. According to Odell, “For accounts that are *not maintained by the provider system 310*, the authentication server 374 is configured to communicate the authentication requests to an appropriate partner database system 386 for authentication and validation.” Ex. 1006, 7:15–19 (emphasis added). These authentication requests suggest that an IM network must join another IM network to access the contact list of the other IM network, even under Patent Owner's definition. *See, e.g.*, PO Resp. 25 (arguing that “a ‘high level network’ is ‘an IM network that joins or has joined another IM network to access the contact list of the other IM network.’”). Petitioner's position is further bolstered by Patent Owner's evidence showing that the AIM and ICQ networks were “not interoperable.” Ex. 2015, 5.

Even assuming all the networks described in Odell were commonly owned, it is possible that the networks were still separate in other ways. For example, Dr. Surati's testimony suggests that Odell might use multiple instant-messaging servers. *See, e.g.*, Ex. 1039, 134–135. Specifically, Dr. Surati described Odell's client as capable of reconstituting a buddy list from separate lists on separate servers:

Q What do you mean, stored separate from what --

A In other words, if he wants to reconstitute, in the case of Odell, what's going on, right, you can, you can log in again, right, and all that information can be reconstituted from logging into those other accounts.

Q So what you're saying is when the buddy list information is constituted at a user's device --

A Right.

Q -- it's still maintained at the original IM server from which it came?

A That's right.

Ex. 1039, 132:14–133:9. Dr. Surati indicates that such a system can use multiple IM servers:

Q But the IM server is where that data's coming from; correct?

A Right. But if you say to someone, How do I reconstitute my accounts on *this server, this server, and this server*, I can; right?

Id. at 133:15–20 (emphasis added).

In general, Patent Owner has not provided a workable standard to distinguish between these various relationships, or importantly, one that is rooted in the '453 patent. *See* PO Resp. 34. Rather, treating the IM services together based on common ownership would appear to contradict the '453

patent’s describing them as distinct services. *See* Ex. 1001, 3:47–50; *see also id.* at 8:27–30. For this reason, we disagree with Patent Owner that IM-network or service ownership affects our analysis of the recited “messaging services” or “networks” (PO Resp. 32–34), and assign little weight to Dr. Surati’s testimony on this point (Ex. 2006 ¶¶ 114–118).

Also, the extrinsic evidence cited by Patent Owner explains that, in mid-1998, America Online (AOL) acquired ICQ. Ex. 2015, 5; *see also* Ex. 2002, 3 (“America Online bought [ICQ] for \$400-million five years ago”); Ex. 2014, 1 (America Online to Buy Internet Chat Service ICQ). The CNET article explained, after being purchased by AOL, “Mirabilis will continue to be based in Tel Aviv, Israel, and operated by its founding team as a free Web-based service with its own brand identity,” and “AOL will continue to develop the ICQ technology.” Ex. 2016, 1. The other cited evidence suggests that AIM and ICQ technology were not interoperable: “With the introduction of AIM, ICQ, Yahoo! Messenger, and MSN Messenger IM because a field where large corporations were developing proprietary code, *which were not interoperable*.” Ex. 2015, 5 (emphasis added).

In sum, we disagree with Patent Owner because its common-ownership argument does not give sufficient weight to the evidence that suggests AIM and ICQ were separate instant-messaging services and networks. *See* PO Resp. 34. For the same reasons, we do not credit the corresponding parts of the Surati Declaration on this point. Ex. 2006 ¶¶ 110–118.

iii. Network Contacts Database

Claim 1 recites, in part, “a network contacts database embodied in one or more non-transitory computer-readable mediums,” and “wherein, in

operation, the contact aggregation engine . . . updates the networks contacts database based on the contact information associated with the plurality of low level networks to create an aggregated contact list.” Ex. 1001, 12:49–13:3.

Petitioner asserts that Odell’s account linking database 380 is a network database because (1) it communicates with account linking server 378 and (2) provider system 310, which includes the account linking database 380, operates within one or more networks. Pet. 30 (citing Ex. 1006, 4:6–10, 6:43–46). Also, Petitioner asserts that Odell’s account linking database 380 stores and maintains buddy-list information. *Id.* at 31 (citing Ex. 1006, 34:64–35:13).

Patent Owner argues that Odell’s account linking database 380 does not store buddy lists. PO Resp. 36–37. In particular, Odell states that account linking database 380 “maintains user buddy list and account linking *information.*” Ex. 1006, 7:20–22 (emphasis added). Patent Owner argues that, here, Odell’s “buddy list information” is not the buddy list itself. PO Resp. 36 (citing Ex. 1001, 7:20–22). In Patent Owner’s view, “buddy list information” could be information about the buddy list, and “account linking information” could be a pointer or other locator that identifies the actual location where the user’s linked buddy lists are stored. *Id.* at 37, 38 (citing Ex. 1006, 7:24–27; Ex. 2006 ¶ 122). Patent Owner argues that Odell does not disclose where the buddy lists are stored. *Id.* at 36, 38.

Based on the totality of the record, Petitioner has shown by a preponderance of the evidence that Odell discloses that account linking database 380 is a network contacts database that stores a list of contacts. Pet. 30–31.

According to the Willis Declaration, “[t]he ‘buddy list information’ stored and maintained in account linking [database] 380 would by necessity include the ‘network contacts,’” and “account linking database 380 must store all buddy lists for a user from all linked accounts across multiple communication [systems] as part of storing all ‘buddy list information.’” Ex. 1004 ¶ 80 (citing Ex. 1006, 14:36–15:3). On this point, the Willis Declaration is adequately supported: The cited part of Odell explains that buddy lists for the primary and linked accounts are displayed. *See, e.g.*, Ex. 1006, 15:1–3. And Odell states that “account linking database 380 . . . stores and maintains user buddy list and account linking information.” *Id.* at 7:20–22, *cited in* Pet. 29.

As for this passage, we disagree with Patent Owner’s argument that buddy lists are different from the buddy list information. Prelim. Resp. 29. Under Patent Owner’s reasoning, for example, Odell would store buddy lists locally on the user’s machine, and account linking database 380 would store some other information associated with the locally stored lists. *Id.* at 29–30. We see no evidence that indicates that Odell’s account linking database 380 would need to store additional information somehow corresponding to the buddy list but excluding the contacts themselves. *See id.*

Rather, Odell’s system needs the contacts from the buddy list because the interface displays those contacts to the user. *See, e.g.*, Ex. 1001, 2:47–49, 14:67–15:3. Dr. Surati explained that “if it’s going to display [the buddy list], it has to have the buddy list somewhere.” Ex. 1039, 129:17–19. Storing information other than the buddy list would require additional steps to create the displayed buddy list. *See, e.g., id.* at 131:1–13 (discussing the possibility of constituting the buddy lists at the client right before it is displayed). We see no evidence that such additional steps would provide any benefit or

outweigh the costs of the extra processing that the client must perform, for example. Instead, Petitioner has provided sufficient evidence to show that Odell's account linking database 380 must store a list of contacts, so that Odell's system can perform the account-linking and display functions. *See* Pet. 30–31; Ex. 1004 ¶ 80 (citing Ex. 1006, 14:36–15:3).

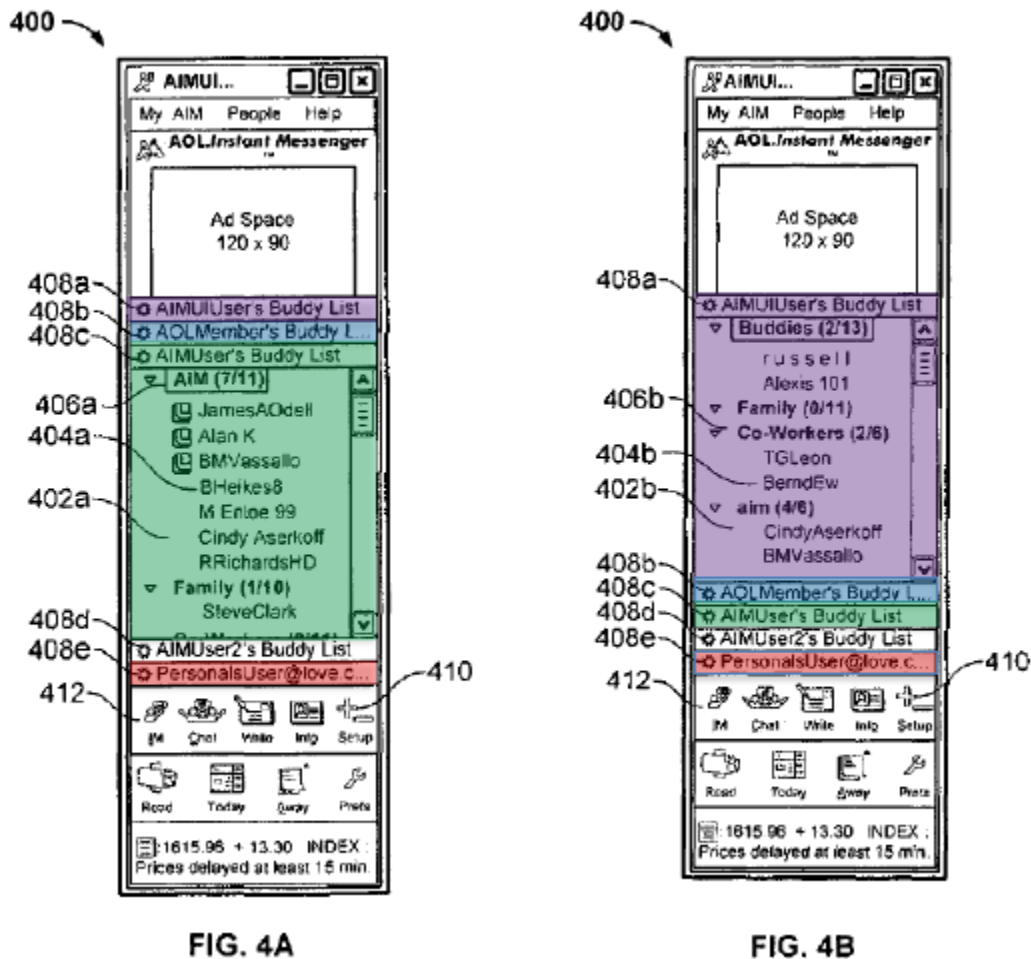
Thus, we determine that Petitioner has shown that Odell's "buddy list . . . information" includes at least the collection of contacts that are displayed to the user. Pet. 29–30.

iv. Aggregated Contact List

As for creating the aggregated contact list, Petitioner asserts that "Odell's contact aggregation engine—functionality within its admin server 372—facilitates login to a first network associated with a first messaging service (e.g., AOL) and a second network associated with a second messaging service (e.g., AIM or ICQ) and facilitates storage of all buddy lists from those networks as an aggregated contact list in account linking database 380." *Id.* at 45. Petitioner asserts that Odell's account linking database 380 corresponds to the recited network contacts database. *Id.* at 46.

Petitioner argues that Odell's admin server 372 updates account linking database 380 with contact information from all linked accounts across IM networks. *Id.* (citing Ex. 1006, 6:58–7:10). Petitioner asserts that the linked accounts include "contact information associated with the plurality of low level networks," as recited. *Id.* at 47 (citing Ex. 1004 ¶¶ 111–13). For the reasons discussed above, we agree with Petitioner that Odell's account linking database 380 corresponds to the recited network contacts database, and the linked accounts are from low level networks. *See supra* §§ II.C.3.c.iii & II.C.3.c.ii(b).

As for the aggregated contact list, Petitioner asserts that Odell's Figures 4A through C present the buddy lists for multiple accounts as an aggregated list. Pet. 47–50. Petitioner annotates Odell's Figures 4A and 4B. *Id.* at 49.



According to Petitioner, Figures 4A and 4B show contact lists aggregated from multiple messaging service networks. *Id.* at 48–49. Petitioner highlights tabs 408a–e in different colors. *Id.* “[T]ab 408a is for an account named [AIMUIUser], tab 408b is for an account named AOLMember, tab 408c is for an account named AIMUser, tab 408d is for an account named AIMUser2, and tab 408e is for an account named PersonalsUser@love.com, an account from a partner domain.” Ex. 1006, 8:50–55.

The Petition explains that “Figure 4C shows all lists simultaneously.” Pet. 48 (citing Ex. 1006, 1:56–59, 3:17–31, 8:33–9:42). Odell’s Figure 4C is reproduced below.

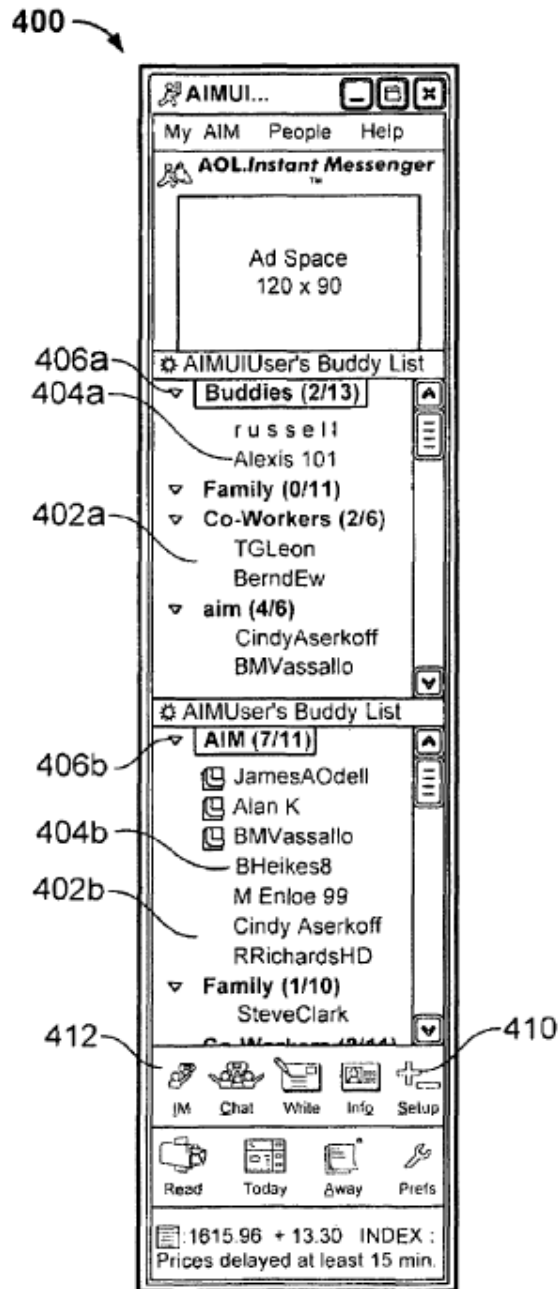


FIG. 4C

Odell's Figure 4C, above, shows "buddy list interface 400 includes a buddy list 402a for an account with a screen name AIMUIUser and a buddy list 402b for an account with a screen name AIMUser." Ex. 1006, 9:12–15.

Patent Owner argues that Odell's Figure 4C shows a "set of buddy lists," not an aggregated list. PO Resp. 7–8 (citing Ex. 1006, 2:43–49, 3:23–36, 8:55–56; Ex. 2006 ¶¶ 59, 145). In Patent Owner's view, Odell's GUI simultaneously displays multiple, single, non-aggregated lists. *Id.* at 7–8, 32 (citing Ex. 2006 ¶ 59), 40, 46–47 (citing Ex. 2006 ¶ 150), 49. Patent Owner annotates Odell's Figure 4C to support its argument. *Id.* at 8.

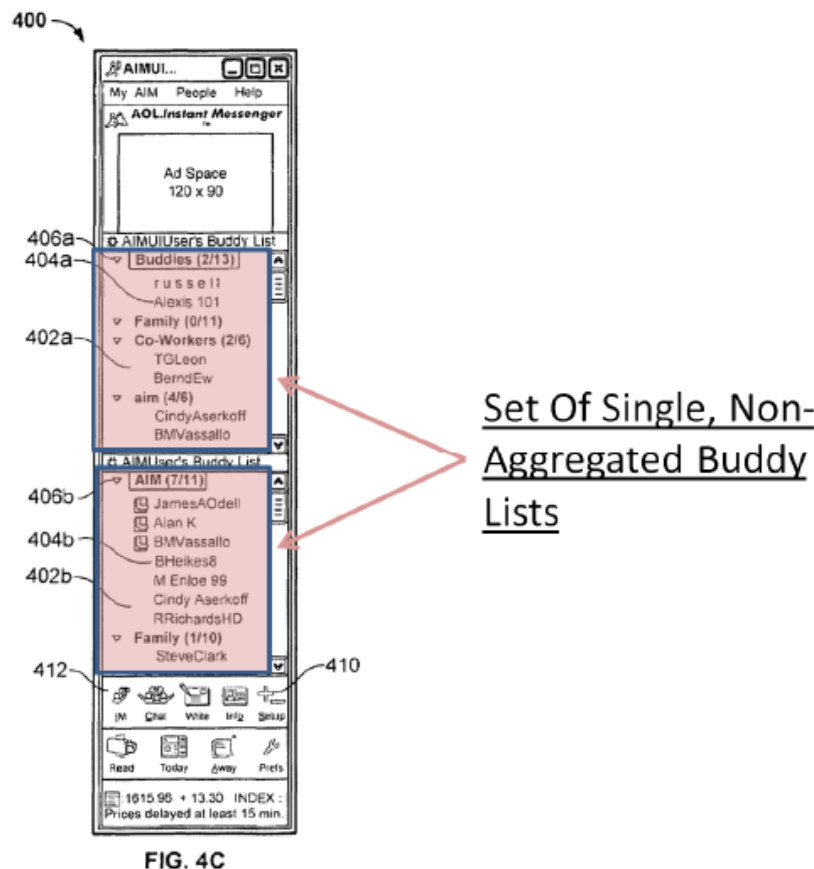


Figure 4C is reproduced above with Patent Owner's annotation on the contacts shown in Odell's GUIs. *Id.* Patent Owner's annotation identifies what it believes are a set of single, non-aggregated buddy lists. *Id.* Patent Owner argues that Odell's list can be individually collapsed and each linked

account has one tab, which further shows that it is not aggregated. *Id.* at 9–10 (citing Ex. 2006 ¶ 59; Ex. 1006, 8:47–40, 8:55–59). Patent Owner argues that Figures 4A and B are different embodiments that show only a single list at a time. *Id.* at 8 (citing Ex. 1006, 2:43–49, 3:23–36, 8:55–56; Ex. 2006 ¶¶ 59, 145); *id.* at 11 (arguing that Petitioner blurs the lines between embodiments).

As discussed in Section II.B.3, we disagree that the aggregated contact list cannot have its contacts organized into folders or other divisions, collapsible or not. Rather, it is sufficient that Odell teaches that “a single GUI shows a buddy list . . . for the primary account and each of the linked accounts.” Ex. 1006, 3:11–16. Like the disclosed GUI, Odell’s buddy list has contacts organized or split into groups and tabs. *Compare* Ex. 1001, 6:60–7:30 (describing tabs and folders), *with* Ex. 1006, 8:47–63 (describing tabs). In at least this way, Odell is similar to the aggregated contact list described in the ’453 patent.

Patent Owner argues that Odell discloses that each account has a separate buddy list. PO Resp. 12 (citing Ex. 1006, 3:17–25; Ex. 2006 ¶ 155). Patent Owner argues that Odell emphasizes “separateness and non-aggregation” throughout its disclosure. *Id.* at 11–12 (citing Ex. 1006, 17:34–40). Patent Owner argues that separate lists are not aggregated lists. *Id.* at 13–14 (citing Ex. 2006 ¶ 120). In Patent Owner’s view, Odell’s Figures 4A and B, in particular, display individual buddy lists. *Id.* (citing Ex. 1006, 8:47–49, 9:1–5).

Patent Owner’s argument here (*id.*) is undermined by the ’453 patent’s disclosure that a folder may contain contacts from a particular network. Ex. 1001, 7:20–24. That particular network may have an associated “user name.” *Id.* at 6:8–10. This indicates that, like Odell, the ’453 patent

can organize contacts by screen name. *See id.* at 7:20–24. In fact, Odell discloses that its system can organize information in different ways. Ex. 1006, 7:27–32, *discussed in* PO Resp. 12. This bolsters Petitioner’s argument that Odell’s list discloses the claimed list. *See* Pet. 45–47. For this reason, we disagree that the claim somehow excludes Odell’s GUI on the basis that it organizes the contacts in a particular way, and we give little weight to Dr. Surati’s testimony on the issue of screen-name organization. *See* Ex. 2006 ¶ 156.

Patent Owner points out that “Odell clarifies that ‘adding a screen name to a buddy list of a linked account causes the screen name to be added to the buddy lists of the other linked accounts.’” PO Resp. 10 (quoting Ex. 1006, 9:1–5). In Patent Owner’s view, “[t]his would be unnecessary if a single, aggregated buddy list were present because it would simply result in duplicate entries in that single list.” *Id.* at 10–11. Patent Owner argues that “Odell must perform this action, however, because Odell maintains separate buddy lists, not an aggregated buddy list.” *Id.* at 11 (citing Ex. 2006 ¶¶ 145–146.).

We disagree for reasons similar to those discussed in Section II.B.3. In particular, Patent Owner’s argument about duplicate contacts is undermined by the ’453 patent’s disclosure that a single contact may be listed in multiple folders. Ex. 1001, 7:4–6; *see also* Tr. 31:23–26. We give little weight to Dr. Surati’s testimony on this issue (Ex. 2006 ¶¶ 145–146) because the testimony is not consistent with the patent’s written description, and it is based on Patent Owner’s improperly narrow claim construction. *See supra* § II.B.3.

Also, we see little support for Patent Owner’s claim that Odell’s tabs somehow indicate that the buddy lists are separately maintained. PO

Resp. 10–11 (citing Ex. 1006, 8:47–50, 8:55–59; Ex. 2006 ¶ 150). Rather, for the reasons discussed in Section II.C.3.c.iii, Petitioner has shown that Odell’s account linking database 380 stores and maintains buddy-list information. Pet. 31 (citing Ex. 1006, 34:64–35:13). Also, for the reasons discussed in Section II.C.3.c.v, Petitioner has shown that storing the aggregated contact list at Odell’s admin server 372 or webserver 384 would have been obvious in view of Daniell. *Id.* at 77–78. For this additional reason, we disagree with Patent Owner’s argument (PO Resp. 10–11) and give little weight to Dr. Surati’s testimony on this issue (Ex. 2006 ¶¶ 145–146).

According to Patent Owner, “the fact that Odell must link to each different list in order to have it included [in] Odell’s GUI” shows that Odell lacks an aggregated contact list. PO Resp. 41. But it is unclear why. Patent Owner provides no support for this statement. Patent Owner offers no citations to the testimony of Dr. Surati or any evidence of record. Nor is there any reasoning apart from this bare assertion. For at least these reasons, this argument is unclear. Also, to the extent this argument relies on Patent Owner’s construction, we disagree with it for the reasons discussed in Section II.B.3. To the extent that the unstated reasoning behind this argument is similar to Patent Owner’s reasoning about Odell’s tabs (*id.* at 10–11), we disagree for the same reasons discussed above.

Patent Owner argues that “the only simultaneous display of the separate buddy lists, which is found on Fig. 4C, only involves AIM accounts.” *Id.* at 8 (citing Ex. 1006, Fig. 4A; Ex. 2006 ¶¶ 59, 145; Ex. 1006, 9:15–26), 13 (arguing Figure 4C shows two AIM accounts). According to Patent Owner, “[t]his is described in the specification as groups, i.e., buddy lists 406a and 406b, which are described as being from ‘the communications

system,’ i.e., from ‘the’ same communications system.” *Id.* (citing Ex. 2006 ¶¶ 59, 145; Ex. 1006, 9:15–26).

For reasons similar to those discussed in Section II.C.3.c.ii, we disagree with Patent Owner’s argument (*id.*) and give little weight to Dr. Surati’s testimony on this issue (Ex. 2006 ¶¶ 59, 145). In particular, Patent Owner’s argument that Odell discloses one system (PO Resp. 8) does not give sufficient weight to Odell’s disclosure of several messaging services, i.e., AIM and ICQ, that are linked and are associated with other systems and networks, as discussed in Section II.C.3.c.ii. For the same reason, we do not credit the corresponding parts of Dr. Surati’s Declaration. *See* Ex. 2006 ¶¶ 59, 145. Instead, the record better supports Petitioner’s argument that Odell discloses more than one system and messaging service. *See, e.g.*, Pet. 43. (citing Ex. 1001, 1:34–37).

Patent Owner argues that a single GUI is “only a convenient way of displaying multiple, separate lists,” but it is not an aggregated buddy list. PO Resp. 14 (citing Ex. 2006 ¶¶ 145–146); Sur-reply 18 (arguing Odell “merely displays non-aggregated buddy lists on the same screen”). Although Petitioner notes that Odell displays lists from three messaging service providers in a single GUI, that is not the sole basis for its challenge. *See* Pet. 48, *cited in* PO Resp. 14. Patent Owner’s argument here does not give sufficient weight to Dean Willis’s testimony about the interaction with the networks and messaging services (Ex. 1004 ¶¶ 111–115) or Petitioner’s explanation of how Odell gathers and collects the buddy lists (*see, e.g.*, Pet. 29, 45–50).

For example, Petitioner has shown that Odell teaches gathering and collecting contacts from multiple contacts lists, and the result is the recited “aggregated contact list.” *See supra* § II.B.3. In particular, we agree that

Petitioner shows that Odell's system logs into a first network associated with a first messaging service (e.g., AOL) and a second network associated with a second messaging service (e.g., AIM or ICQ), and the system stores all buddy lists from those networks in account linking database 380. Pet. 45; *supra* § II.C.3.c.iii. For example, Odell explains that "buddy lists for the primary and linked accounts" are displayed. *See, e.g.*, Ex. 1006, 15:1–3. Odell's account linking database 380 "stores and maintains user buddy list and account linking information." *Id.* at 7:20–22, *cited in* Pet. 29. Also, as discussed in Sections II.C.3.c.v and vi, *infra*, Petitioner shows that the Odell-Daniell combination stores aggregated contact list at the server and provides the aggregated contact list to the display device, as claimed. We credit Dean Willis's testimony about the aggregated contact list because it is consistent with the above-cited parts of Odell. *See* Ex. 1004 ¶¶ 111–115.

Thus, Petitioner has shown that Odell teaches or suggests "a network contacts database embodied in one or more non-transitory computer-readable mediums," and "wherein, in operation, the contact aggregation engine . . . updates the networks contacts database based on the contact information associated with the plurality of low level networks to create an aggregated contact list," as recited in claim 1.

v. Server

Claim 1 recites, in part, "a server coupled to the network contacts database;" and "wherein, in operation, the contact aggregation engine . . . stores the aggregated contact list in a non-transitory computer-readable medium at the server." Ex. 1001, 12:49–13:3.

Petitioner argues that "because Odell's admin server 372 (the claimed 'server') aggregates contact lists, stores this information, accesses and facilitates storage of this information in account linking database 380, and

provides it to a user's system, the aggregated contact list in Odell is stored at the admin server 372." Pet. 53 (citing Ex. 1004 ¶¶ 116–123). Alternatively, Petitioner argues that Odell's web server 384 stores the aggregated contact list that it serves to the user's system for display. *Id.* at 54 (citing Ex. 1004 ¶¶ 116–125). Petitioner asserts that both admin server 372 and web server 384 store the list in "non-volatile memory," which corresponds to the recited non-transitory computer-readable medium. *Id.* at 53–54 (citing Ex. 1006, 34:64–35:13).

Alternatively, Petitioner argues that storing the aggregated contact list at Odell's admin server 372 or webserver 384 would have been obvious in view of Odell alone or Daniell. *Id.* at 77–78.

As for Odell alone, Petitioner asserts that, "because both the admin server 372 and web server 384 access, process, and communicate the user's aggregated contact list, it would have been obvious for those servers to store the list necessarily as part of that processing and/or to improve the speed and integrity of the system (e.g., more copies means more data fault tolerance)." *Id.* at 78 (citing Ex. 1004 ¶ 207).

As for the combination with Daniell, Petitioner also asserts that one of ordinary skill in the art would have been motivated to combine Odell and Daniell for numerous reasons including (1) both are directed to communications over multiple IM services, (2) Odell and Daniell provide express motivation for the combination, e.g., data duplication, and (3) "the combination involves the use of known techniques to improve similar devices in a predicable way." *Id.* at 79–85.

Patent Owner argues that Daniell only stores an address book and requires the user to manually enter contact information into it. PO Resp. 64 (citing Ex. 2006 ¶¶ 205–206). In Patent Owner's view, combining Daniell

and Odell would not have been obvious to try because “the manual input and potentially large database of contact information” would have made the combination impractical. *Id.*

We disagree that Petitioner is relying on manual input. *See id.* Rather, Petitioner relies on the operation of admin server 372:

[I]t would have been obvious, in view of this teaching in Daniell, to store the aggregated contact list in Odell (presented in the interfaces in Figures 4A-C and at least stored in the account linking database 380) at the admin server 372—as this server facilitates the authentication and logging-in operations for the user as discussed with respect to Claim 1 in Ground 1, akin to the arrangement disclosed in Daniell—or at Odell’s web server 384 that the user’s requestor system 305 logs into through the network 360.

Pet. 85 (citing Ex. 1004 ¶¶ 210–213). In this rationale, Petitioner relies on Daniell for its teachings about storing contacts. *Id.* at 80. Petitioner acknowledges that Daniell’s user “must manually add and edit” the contact. *Id.* But we disagree that this presents a technical hurdle for one of ordinary skill in the art (*see* PO Resp. 64; Ex. 2006 ¶¶ 205–206) because, under Petitioner’s rationale, “Odell discloses a method to automate the obtaining, storing, and presentation of an aggregated contact list of all contacts from across multiple messaging service networks.” Pet. 80–81. Thus, we disagree with Patent Owner for at least the reason that the arguments against the Odell-Daniell combination do not squarely address Petitioner’s obviousness rationale. *See* PO Resp. 64–65.

Also, Patent Owner’s argument assumes that Petitioner’s rationale depends on incorporating all the features from Daniell without further modification. *See id.* But a person of ordinary skill in the art is also a person of ordinary creativity, not an automaton. *KSR Int’l Co. v. Teleflex Inc.*, 550

U.S. 398, 421 (2007). So we see no reason why it would be necessary to incorporate manual input in the Odell-Daniell combination because we agree with Petitioner that using Odell's automation to collect the contacts would not have been beyond the capabilities of one of ordinary skill in the art. *See* Pet. 80–81 (citing Ex. 1004 ¶ 199). Because Dr. Surati also assumes that Petitioner's combination requires manual input, we do not credit his testimony on this issue. *See* Ex. 2006 ¶¶ 205–206.

Rather, we agree with Petitioner that Daniell discloses advantages of storing IM contacts on a server. *See* Pet. 30. For example, Daniell's address book database 110 contains a user's contacts from multiple messaging services. Ex. 1007, 4:15–34. Daniell's Figure 13A, reproduced below, shows an example address book database 110. *Id.* at 17:1–3.

110 ADDRESS BOOK DATABASE				
ADDRESS BOOK DATABASE				
1310 1320 1330 1340 1350				
ID	EMAIL ADDRESS	IM ADDRESS 1	IM ADDRESS 2	IM ADDRESS 3
C1 ID	C1 EMAIL ADDR. 1	C1 IM ADDR. 1	C1 ADDR. 2	C1 ADDR. 3
C2 ID	C2 EMAIL ADDR. 1	C2 IM ADDR. 1		
C3 ID		C3 IM ADDR. 1	C3 ADDR. 2	C3 ADDR. 3
C4 ID	C4 EMAIL ADDR. 1	C4 IM ADDR. 1	C4 ADDR. 2	
C5 ID	C5 EMAIL ADDR. 1			
C6 ID				
.	.	.	.	.
C _{I-1} ID	C _{I-1} EMAIL ADDR. 1			
C _I ID	C _I EMAIL ADDR. 1	C _I IM ADDR. 1		
C _{I+1} ID	C _{I+1} EMAIL ADDR. 1	C _{I+1} IM ADDR. 1		
.	.	.	.	.
C _{N-2} ID		C _{N-2} IM ADDR. 1	C _{N-2} ADDR. 2	C _{N-2} ADDR. 3
C _{N-1} ID	C _{N-1} EMAIL ADDR. 1	C _{N-1} IM ADDR. 1	C _{N-1} ADDR. 2	C _{N-1} ADDR. 3
C _N ID	C _N EMAIL ADDR. 1	C _N IM ADDR. 1	C _N ADDR. 2	C _N ADDR. 3

Figure 13, above, shows address book database 110 storing email address 1320 and corresponding contact identifier 1310. *Id.* at 17:20–23. The database also correlates IM addresses 1330, 1340, and 1350 with contact identifier 1310. *Id.* at 17:23–24.

Daniell explains that a client stores address book database 110 and a server stores a duplicate copy. *Id.* at 5:14–16. When the user logs into or out of the server, the server’s copy can be updated with the client machine’s copy. *Id.* at 5:16–26. Dean Willis explains that duplicating the address book

at the server would improve system performance and provide fault tolerance. Ex. 1004 ¶ 198. We credit Dean Willis’s testimony on this issue because it is consistent with the teachings from the references. *See id.*

We also find persuasive Petitioner’s argument that Daniell’s teachings are compatible with Odell’s. *See* Pet. 80–81 (citing Ex. 1004 ¶ 199; Ex. 1007, 8:58–63; Ex. 1006, title page, 8:14–20). For example, like Odell, Daniell teachings relate to the AOL messaging service network and interface. *See* Ex. 1007, 8:58–63; Ex. 1006, title page, 8:14–20. We agree that Odell and Daniell address a similar problem: communication over multiple IM services. Pet. 79. We find persuasive and credit Dean Willis’s testimony on this issue. *See* Ex. 1004 ¶¶ 194–199.

Patent Owner argues that Odell lacks an aggregated contact to be stored. PO Resp. 63–65 (citing Ex. 2006 ¶¶ 203, 204, 208). We disagree for the reasons discussed in Section II.C.3.c.v. We also further note that, under the Odell-Daniell combination, Petitioner has provided ample additional support from Daniell’s Figure 13, which shows database 110 storing contacts from multiple messaging services. *See* Pet. 82–84 (citing Ex. 1007, 4:15–34, 5:14–26, 8:34–38, 8:57–63, 12:17–29, 17:1–8, Fig. 13A). Patent Owner characterizes Daniell as disclosing “generally the concept of storing information on a sever,” but this fails to give sufficient weight to Daniell’s teachings in Figure 13 of an aggregated contact list. *See* Sur-reply 25.

Patent Owner argues that Petitioner does not specify “a single embodiment of Odell that would combine with Daniell to allegedly meet all claim elements.” PO Resp. 65. According to Patent Owner, Odell’s Figure 4C shows a simultaneous display of linked buddy lists, but Figure 4A shows linked lists from AIM accounts on the same AIM communications system. *Id.* Patent Owner argues that, putting aside that AOL, AIM, and ICQ are on

the same network, Figures 4A and 4B show buddy lists from AOL, AIM, and ICQ, but the embodiments in those figures “only allow for non-simultaneously display of different buddy lists.” *Id.*

We disagree. Petitioner’s challenge is based on obviousness. *See* Pet. 79–85. So even assuming that Petitioner is relying on multiple embodiments, the Petition sufficiently explains how the teachings from Odell would have been combined with Daniell. *See id.* To the extent that Odell discloses multiple embodiments, the Petition also has a sufficient rationale for combining those embodiments. *See id.* at 74–78. For example, Petitioner argues that “it would have been obvious for [Odell’s] servers to store the list necessarily as part of that processing and/or to improve the speed and integrity of the system (e.g., more copies means more data fault tolerance).” *Id.* at 78 (Ex. 1004 ¶ 207). Also, Petitioner explains that the components described in Odell’s figures perform the same functions. *See, e.g., id.* at 76. We disagree with Patent Owner’s arguments (*see, e.g.,* PO Resp. 65) because they do not squarely address Petitioner’s rationale here.

In sum, we determine that Petitioner provides articulated reasoning, supported by rational underpinnings, why one of ordinary skill in the art would have made the proposed combination. *See KSR*, 550 U.S. at 418. Considering the Petition’s analysis, we find that a person of ordinary skill in the art would have combined Odell and Daniell, and doing so would have been within the level of ordinary skill in the art. *Id.*

Thus, by a preponderance of the evidence, we determine that Petitioner has shown that the Odell-Daniell combination teaches or suggests “a server coupled to the network contacts database;” and “wherein, in operation, the contact aggregation engine . . . stores the aggregated contact list in a non-transitory computer-readable medium at the server.”

vi. *Display Device*

Claim 1 further recites, in part, that “the contact aggregation engine . . . provides the aggregated contact list including the contact information to a display device.” Ex. 1001, 12:49–13:3.

Petitioner asserts that Odell’s Figures 4A–C show contact lists aggregated from multiple messaging-service networks. Pet. 55 (citing Ex. 1006, 3:16–31, 8:33–9:42, Figs. 4A, 4B).

Patent Owner argues that Odell does not teach an aggregated contact list because it displays “multiple, single, non-aggregated lists,” instead of “a single, aggregated contact list.” We disagree with Patent Owner for reasons discussed above. *See supra* §§ II.B.3 & II.C.3.c.iv. Specifically, we disagree with Patent Owner’s construction of an “aggregated contact list” for the reasons discussed in II.B.3, and we determine that Odell’s GUI shows an aggregated contact list, as properly construed, for the reasons discussed in II.C.3.c.iv. Rather, for the reasons discussed on those sections, we agree that Odell teaches or suggests the aggregated contact list including the contact information.

As for the display device and the providing function, Petitioner asserts that Odell’s client system displays the aggregated contact list. Pet. 56–57. Patent Owner does not present arguments specifically directed to Odell’s display. PO Resp.; Sur-Reply. We agree with Petitioner that Odell’s system provides the aggregated contact list including the contact information to a display device. Pet. 56–57. In particular, Odell discloses a general-purpose computer that views content, which includes an instant-messaging client. Ex. 1006, 5:33–53, *cited in* Pet. 56–57; *see also* Ex. 1006, 3:47–62 (discussing computers), 5:24–26 (describing the communication system), 6:32–46 (describing the system in Figure 3), *cited in* Pet. 57. We credit Dean

Willis’s analysis of these sections because the analysis is consistent with Odell’s description of the display and communication systems.

Ex. 1004 ¶¶ 126–127.

Thus, Petitioner has shown by a preponderance of the evidence that claim 1 is unpatentable as obvious over the Odell-Daniell combination.

4. *Claim 2*

Claim 2 recites, “The system of claim 1 further comprising a high level contacts database embodied in a non-transitory computer readable medium, wherein, in operation, contacts from the high level contacts database are included in the aggregated contact list.” Ex. 1001, 13:4–8.

Petitioner asserts that Odell’s account linking database 380 meets the recited “network contacts database” limitation. Pet. 57 (citing Ex. 1004 ¶ 128). According to the Petition, Odell’s account linking database 380 stores the buddy lists for all accounts linked from the multiple messaging service networks. *Id.* According to the Petition, admin server 372 in combination with linking server 378 aggregates all buddy lists, including the user’s contacts, for display as an aggregated list. *Id.* Petitioner asserts that Odell’s “‘primary account’ is associated with a ‘high level’ messaging network because it is used to sign in to the communications system, which then successively and automatically signs into other ‘low level’ linked networks.” *Id.* at 58. For the reasons discussed in Section II.C.3 analyzing claim 1, we agree with all these assertions.

As for the “high level contacts database” recited in claim 2, Petitioner asserts that Odell’s stores buddy lists for all accounts and “aggregates all of a user’s contacts lists,” which “includes contacts from a ‘high level contacts database.’” *Id.* at 57.

Patent Owner disagrees and argues that Odell does not disclose the high- or low-level networks or “a high level contacts database.” PO Resp. 50. Patent Owner’s view of what the recited “a high level contacts database” means depends on its view of the recited high- and low-level networks:

Here, a high level contacts database would at minimum be a database which stores the buddy list of a high level network, as distinguished from a low level contacts database, which would at minimum, be a database which stores the buddy list of a low level network.

Id. As with claim 1, Patent Owner argues that the Petition does not explain how or why Odell’s “primary” account is associated with a high-level network. *Id.* at 51 (citing Pet. 58; Ex. 2006 ¶¶ 170–173; Ex. 1006, 7:60–65); Sur-reply 22–21 (citing Ex. 1006, 7:60–65). Similar to its arguments about claim 1, Patent Owner argues with respect to claim 2 that a user can sign into Odell’s system with any account, Odell has no need for high- or low-level networks, and Odell’s partner domains and systems use AIM. Sur-reply 22–23.

We disagree with Patent Owner’s construction of high- and low-level networks for the reasons discussed in Section II.B.2 on claim construction, and we disagree with Patent Owner that Odell lacks high- and low-level networks for the reasons discussed in Section II.C.3.c, which contains our analysis of contact aggregation engine recited in claim 1. For the reasons discussed in Sections II.B.1 and II.C.3.c, we disagree with Patent Owner’s argument about contact aggregation and Odell’s GUI. *See* PO Resp. 50 (citing Pet. 58–59; Ex. 2006 ¶¶ 170–173). So, to the extent that the arguments about claim 1 are the basis for Patent Owner’s arguments about

claim 2, we disagree with them for the same reasons as those discussed in Sections II.B.1, II.B.2, and II.C.3.c in connection with claim 1.

Rather, for the reasons discussed in those sections, we agree with Petitioner that Odell's stores and aggregates buddy lists with contacts for all accounts, including those accounts corresponding to both high- and low-level networks. Pet. 57. Petitioner further explains that the Odell-Daniell combination teaches or suggests a step that "stores the aggregated contact list in a non-transitory computer-readable medium at the server." *See supra* § II.C.3.c.v (discussing the Odell-Daniell combination). In at least this way, Petitioner has shown that the Odell-Daniell combination teaches or suggests the subject matter of claim 2.

We disagree with Patent Owner that Odell's "primary" account is not associated with a "high level" messaging network or "high level contacts database." PO Resp. 51 (citing Pet. 58; Ex. 2006 ¶¶ 170–173; Ex. 1006, 7:60–65). And we assign little weight to the Surati declaration on this issue. Ex. 2006 ¶¶ 170–173. In particular, the challenged patent discloses that a high-level network is defined by how a network functions in the system, which could be chosen during the operation of the system by a user, for example. *See* Ex. 1001, 8:30–41; Tr. 51:6–8; *see also supra* § II.B.2. Here, we construe "high-level network" and "low-level network" to be conventional IM networks that are defined by the functions recited in the claims. *See* Ex. 1001, 3:47–50, 5:56–57, 8:27–30; *supra* § II.B.2.

That is, in claim 1, the operations associated high- and low-level networks are recited in the "wherein" clause—e.g., "the contact aggregation engine controls the network login engine to login or facilitate login to a plurality of low level networks associated with a plurality of messaging services through a high level network" Ex. 1001, 12:58–67. And, thus,

the claim is not limited in the way that Patent Owner argues. *See* PO Resp. 50–51.

We agree with Petitioner’s assertions about how Odell’s networks teach or suggest the high- and low-level networks in our analysis of claim 1 in Section II.C.3. For example, Odell’s servers sequentially log into a first account associated with the AOL and a second account associated with AIM or ICQ, through a network associated with the “primary account.” *See* Pet. 44–45. Odell discloses that first “authentication information for a primary account for signing into the communication system is entered and verified,” and later, a set of accounts are “linked to the primary account.” Ex. 1006, 14:38–49, *quoted in* Pet. 25–27, 44; *see also* Pet. 57–58 (discussing these passages in the context of claim 2). Odell displays the aggregated contact lists in Figure 4C. Ex. 1006, 9:10–18, *cited in* Pet. 58–59 (analyzing claim 2); *see also supra* § II.C.3.c.iv (discussing the aggregated contact list and Odell’s Figure 4C in context of claim 1).

We credit the testimony of Dean Willis on this issue because it is consistent with Odell and for the reasons discussed in connection with claim 1 in Section II.C.3.c. *See* Ex. 1004 ¶¶ 106–110 (discussing claim 1), ¶ 128 (discussing claim 2).

Thus, Petitioner has shown that “Odell discloses that all a user’s contact lists are stored in account linking database 380 (the claimed ‘network contacts database’), these high level contacts are stored in that database as well (which also constitutes the ‘high level contacts database’).” Pet. 59.

To the extent that a second, separate database is required, Petitioner has also shown that Odell’s “account linking database 380—an element of Figure 3—can be a single database or multiple databases connected together

for the specified operation of storing contact lists obtained from multiple messaging service networks, including the high level / primary network.” *Id.* at 60 (citing Ex. 1004 ¶ 129). Patent Owner does not specifically dispute this assertion. *See* PO Resp.; Sur-reply. Petitioner’s analysis is adequately supported by Odell because Odell explains that Figure 3 may include “numerous interconnected computer and components,” not monolithic entities. *See* Ex. 1006, 3:48–56, *cited in* Pet. 60.

For the reasons discussed in II.C.3.c.v, Petitioner has shown that the Odell-Daniell combination stores all contacts, including those recited in claim 2, in the recited computer-readable medium. *See* Pet. 57–58 (reasoning that all contacts are stored, including those from a high-level contacts database).

Thus, Petitioner has shown that the Odell-Daniell combination teaches or suggests “a high level contacts database embodied in a non-transitory computer readable medium, wherein, in operation, contacts from the high level contacts database are included in the aggregated contact list,” as recited in claim 2. *Id.* at 57–60.

5. Claim 3

Claim 3 recites, “The system of claim 1, wherein the network login engine includes a plurality of network login engines that include sufficient information to login or facilitate login to a respective plurality of low level networks.” Ex. 1001, 13:9–12.

Petitioner asserts that Odell’s authentication server 374 includes the plurality of recited network login engines because Odell’s authentication database 376 and account-linking database 389 store username and password credentials, and Odell facilitates “the login to multiple messaging service

networks automatically and sequentially.” Pet. 61 (citing Ex. 1006, 6:58–7:65, 2:65–3:10, 8:14–20, 14:36–15:5).

Patent Owner argues that Odell lacks claim 1’s network login engine and multiple networks or messaging services. PO Resp. 52. As for the limitations specific to claim 3, Patent Owner argues that the Petition “fails to provide a detailed or sufficient explanation of how Odell meets the plurality of network engines limitation.” *Id.* In Patent Owner’s view, “the Petition merely argues that the system of Odell may login in multiple messaging service networks automatically and sequentially [Pet. 60–61] and that it has the ability to log into multiple communications systems.” *Id.* Patent Owner argues that Petitioner does not explain how this shows that Odell’s system comprises the recited engines. *Id.*; *see also* Sur-reply 23.

The parties agree that “engine” means “a system or software component.” Reply 10; Sur-reply 11. The ’453 patent explains that the network login engines include logic that facilitates login to the low-level networks. Ex. 1001, 6:5–11, *cited in* Pet. 60. This includes the usernames and passwords associated with those networks. *Id.* The patent gives an overview of these engines:

Conceptually, each of the network login engines 310 is intended to represent the capability of login to the low level networks 302 in a general sense.

Id. at 6:10–13, *quoted in* Pet. 61.

We agree with Petitioner that, like the network-login engines described here (*id.*), Odell’s authentication server 374 includes similar logic because the server stores username and password credentials in authentication database 376 and account-linking database 389. Pet. 61 (citing Ex. 1006, 6:58–7:65, 2:65–3:10, 8:14–20, 14:36–15:5). We agree that

Odell's system has logic that facilitates login to multiple messaging service networks automatically and sequentially. *See id.* For example, Odell's admin server 372 manages the account-linking information and profiles for each screen name. *See* Ex. 1006, 6:58–7:65. Odell discloses logging into the linked accounts using the screen name. *Id.* at 2:65–3:10; *see also id.* at 14:36–15:5 (describing a sign-in process shown in Figure 10). Thus, the Petition sufficiently explains why Odell's authentication server 374 includes the plurality of recited network login engines. Pet. 61 (citing Ex. 1004 ¶¶ 131–135). The Willis Declaration is adequately supported by Odell, and thus, we credit the declaration on this issue. Ex. 1004 ¶¶ 131–135.

Patent Owner also argues that “Odell does not disclose or suggest that automatic login of linked accounts may relate to multiple MSPs.” Sur-reply 23. Yet claim 3 does not recite multiple message service providers. In fact, Patent Owner acknowledged at oral argument that its arguments about message service providers do not apply to the claims of the '453 patent. Tr. 41:21–23. Even so, to the extent the issue has any relevance to claim 3, which is unclear, we disagree that Odell lacks multiple message service providers as discussed in Section II.C.3.c.iii. For the reasons discussed in that section, we also do not credit the Surati Declaration on this issue. *See* Ex. 2006 ¶ 180.

Thus, Petitioner has shown that the Odell-Daniell combination teaches or suggests that “the network login engine includes a plurality of network login engines that include sufficient information to login or facilitate login to a respective plurality of low level networks.” Pet. 60–61.

6. *Claim 4*

Claim 4 recites, “The system of claim 1, further comprising a user profile database, embodied in a non-transitory computer-readable medium and coupled to the network login engine, wherein, in operation, the user profile database includes user-specific information that the network login engine uses to login or facilitate login to the plurality of low level networks.” Ex. 1001, 13:13–18.

Petitioner asserts that Odell’s account linking database 380, authentication database 376, and partner database system 386 disclose the subject matter recited in claim 4. Pet. 61 (citing Ex. 1004 ¶¶ 136–145). In particular, Odell’s authentication server 374, mapped to the claimed network login engine, is coupled to the databases that store user-specific information that it uses for logins. *Id.* at 62.

Patent Owner does not provide specific arguments or evidence to dispute this assertion. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner’s evidence and obviousness analysis, and we credit Dean Willis’s testimony on this issue. Pet. 61–62; Ex. 1004 ¶¶ 136–145. In particular, Odell’s authentication server 374 processes and validates account-authentication requests against authentication database 376 and partner database system 386, as appropriate, depending on whether provider system 310 maintains the accounts. Ex. 1006, 7:4–19, *cited in* Pet. 62. For validated accounts, Odell’s authentication database 376 forwards account attributes through the authentication server 374 for use, processing, or storage by the admin server 372. *Id.* In this way, like the recited user-profile database, Odell’s account linking database 380, authentication database 376, and

partner database system 386 includes user-specific information that the network login engine uses to login to the networks. *See* Pet. 61–62.

Also, we agree that Odell’s databases are “coupled to” a network login engine—i.e., authentication server 374. This arrangement is illustrated below in Petitioner’s annotated version of Odell’s Figure 3.

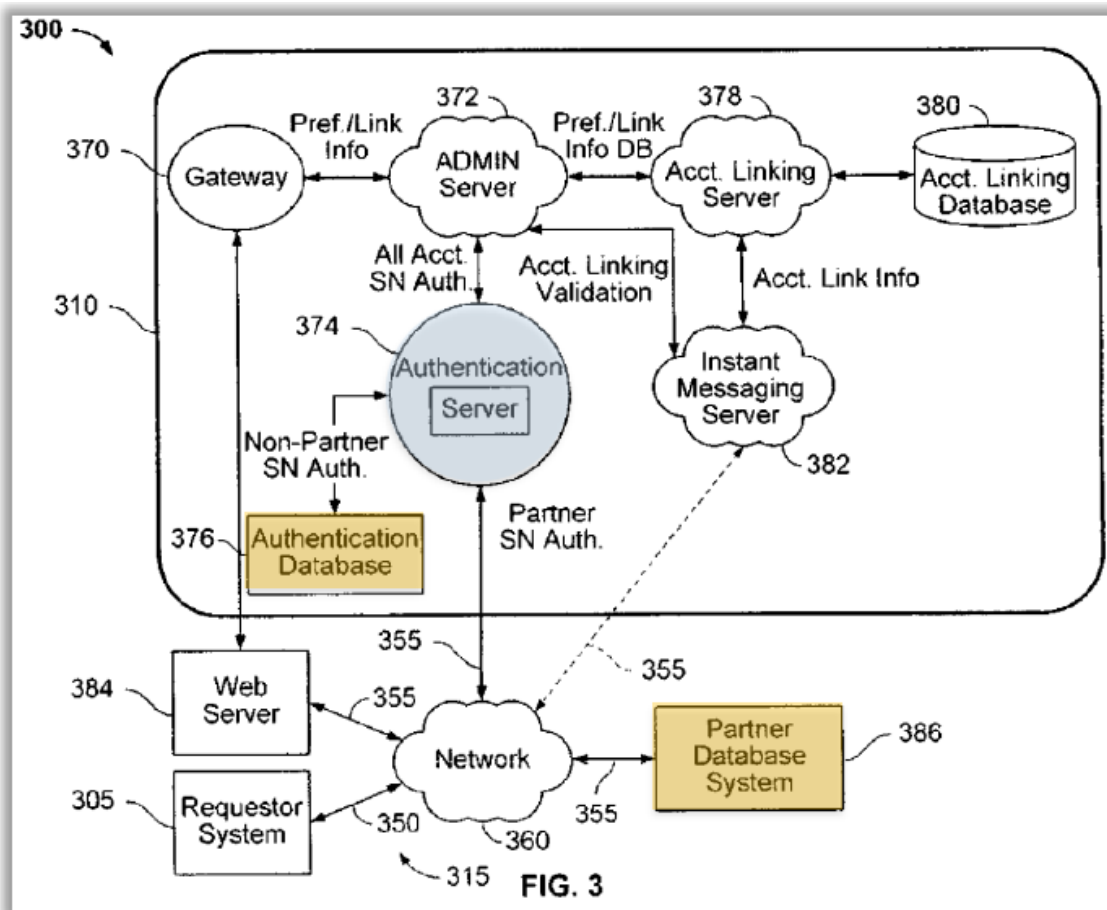


Figure 3, above, shows authentication database 376 and partner database system 386 shaded in orange, and authentication server 374 shaded in blue. *Id.* at 62–63.

Thus, Petitioner has shown the Odell-Daniell combination teaches or suggests the “user profile database” recited in claim 4.

7. *Claim 5*

Claim 5 recites, “The system of claim 1, further comprising the display device.” Ex. 1001, 13:19–20.

Petitioner asserts that Odell discloses a display device. Pet. 63 (citing Ex. 1004 ¶¶ 146–147).

Patent Owner does not provide specific arguments or evidence to dispute this assertion. *See* PO Resp.; Sur-reply.

For reasons similar to those in Section II.C.3.c.vi on providing contact lists to the display, as recited in claim 1, we determine that Petitioner has shown that Odell’s system comprises a display device. In particular, Odell’s system allows for “viewing . . . electronic content”. Ex. 1006, 5:33–53, *cited in* Pet. 56–57; *see also* Pet. 63 (referring to the analysis in limitation v.d of claim 1). We credit the Willis Declaration’s analysis of these sections because it is consistent with Odell’s description of the display and communication systems. Ex. 1004 ¶¶ 126–127, 146–147.

Thus, Petitioner has shown the Odell-Daniell combination teaches or suggests the “display device” recited in claim 5.

8. *Claim 6*

Claim 6 recites, “The system of claim 1, further comprising the plurality of low level networks.” Ex. 1001, 13:21–22.

Petitioner asserts “Odell discloses that its communication system can automatically login to and aggregate contact lists from multiple messaging service networks (also referred to as ‘multiple communications systems’), including AOL, AIM, ICQ, and love.com.” Pet. 64 (citing Ex. 1004 ¶¶ 148–149).

Patent Owner does not provide specific arguments or evidence to dispute this assertion. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner's evidence and obviousness analysis, and we credit Dean Willis's testimony on this issue. Pet. 64 (citing Ex. 1004 ¶¶ 148–149). In particular, for the reasons discussed in Section II.C.3.c.ii, Petitioner has shown that Odell discloses a plurality of low level networks. In its analysis of claim 6, Petitioner shows that Odell's system comprises such networks. *Id.*

Thus, Petitioner has shown that the Odell-Daniell combination teaches or suggests the system comprising the plurality of low-level networks recited in claim 6.

D. Anticipation: Odell

1. Claims 7 and 12

Claims 7 and 12 recite similar limitations, except that claim 7 recites a method, and claim 12 recites a computer-readable medium with instructions that cause a processor to perform the method recited in claim 7. Petitioner's analysis of the subject matter of claim 7 is the basis for its analysis of the subject matter in claim 12. *See* Pet. 73.

a. Preamble

Petitioner asserts that “Odell discloses a method associated with the system described above with reference to Claim 1 and that anticipates Claim 7.” *Id.* at 64 (citing Ex. 1006, 12:18–50, 14:36–15:5, 34:48–58; Ex. 1004 ¶ 150). As for the limitations specific to claim 12, Petitioner asserts that Odell discloses the recited computer-readable medium. *Id.* (citing Ex. 1006, 34:48–55).

Patent Owner does not specifically argue that Odell lacks a computer-readable medium. *See* PO Resp.; Sur-reply.

Considering the arguments and evidence on this issue, we agree with Petitioner that Odell's method may be executed by a processor that uses a

computer program product. *See* Ex. 1006, 34:48–55. We credit the Willis Declaration on this issue, which is supported by and consistent with Odell. *See* Ex. 1004 ¶¶ 150, 191–193; Ex. 1006, 34:48–55.

Unless otherwise noted, the following analysis applies to both claims 7 and 12.

b. “joining”

Claims 7 and 12 recite, in part, “joining a high level network” and “joining a plurality of low level networks associated with a plurality of messaging services through the high level network.” Ex. 1001, 13:25–28 (claim 7), 14:13–16 (claim 12).

According to Petitioner, Odell’s system logs into a primary high-level network and multiple low-level linked networks, as explained in its challenge to claim 1. Pet. 64. Petitioner argues that, “[t]o the extent that ‘joining’ a network includes the antecedent step of creating an account with each network, that is also necessarily and expressly disclosed in Odell.” *Id.* (citing Ex. 1004 ¶¶ 151–156). In particular, Petitioner asserts that each network, including both high- and low-level networks, must be “joined” because an account must be created for each messaging-service network before Odell’s user can sign in, see the buddy lists, and use the IM features. *Id.* at 65 (citing Ex. 1006, 7:53–54, 3:11–25, 8:14–20; Ex. 1004 ¶¶ 151–156). Petitioner argues that, before Odell’s user signs in and the accounts are linked, the user must “join” each of the multiple messaging service networks through the primary account—i.e., the “high level network.” *Id.* at 66 (citing Ex. 1004 ¶¶ 157–161).

Patent Owner argues that “Odell does not disclose multiple networks, high level networks, or low level networks, much less multiple low level networks” or those associated with a plurality of messaging services. PO

Resp. 52–53 (citing Ex. 2006 ¶¶ 177–179). In Patent Owner’s view, “Odell discloses, at most, that a system may permit a user to create or maintain multiple accounts on a *single network*.” *Id.* at 52. (citing Ex. 1006, 8:14–29, Figs. 1, 3). Patent Owner argues that this single network is America Online, and that AOL, AIM, and ICQ do not have separate networks. *Id.* at 53–54. Patent Owner argues that, because of this, the linked accounts are on the same network and same messaging service. *Id.* (citing Ex. 1006, 8:14–15; Ex. 2006 ¶ 178). Applying similar reasoning to Petitioner’s analysis of the recited “messaging services,” Patent Owner argues that Odell does not disclose, and Petitioner has not shown, that the networks are associated with a plurality of messaging services. *Id.* at 54 (citing Pet. 65–66).

We disagree with Patent Owner’s argument that Odell discloses only a single network and messaging service for the reasons discussed in Section II.C.3.c.ii(a), discussing the “messaging services” described in claim 1, and the reasons discussed in Section II.C.3.c.ii(c), discussing providers and America Online.

Section II.C.3.c.ii(a) explains why differences between ICQ and AIM weigh against Patent Owner’s argument that Odell discloses only a single network, which applies here. Also, it is undisputed that the ’453 patent recognizes that AIM and ICQ are distinct messaging services. Ex. 1001, 1:34–37, *cited in* Pet. 43; Tr. 40:13–19, 42:14–19. For the reasons discussed in Section II.C.3.c.ii, we determine that Petitioner has shown that Odell discloses numerous networks associated with more than one messaging service. *See, e.g.*, Pet. 43 (citing Ex. 1001, 1:34–37). Like the high- and low-level networks in the ’453 patent, Odell’s servers sequentially log into a first account from AOL and a second account from AIM or ICQ through a network associated with the primary high-level account. *See id.* at 44–45;

Ex. 1001, 6:5–11, *quoted in* Pet. 27; *see also* Pet. 64–65 (referring to the analysis in claim 1). On this issue, we credit the testimony of Dean Willis, which is consistent with Odell. Ex. 1004 ¶¶ 151–156.

Patent Owner argues that Odell does not “disclose messaging services provided by multiple messaging service providers.” PO Resp. 52. Claims 7 and 12, though, do not recite “multiple messaging service providers,” and Patent Owner does not explain how this feature is related to claims 7 and 12. *See id.* Also, even if Odell discloses only one messaging-service *provider*, that does not necessarily mean Odell’s system uses only one messaging *service*. *See, e.g.*, Tr. 46:13–14 (“[T]here’s nothing that prevents or prohibits a single messaging service provider from providing multiple messaging services.”); *see supra* § II.C.3.c.iii (discussing message service providers). Thus, we disagree with Patent Owner’s arguments about “multiple messaging service providers.” PO Resp. 52.

Rather, the record better supports Petitioner’s assertions that Odell discloses the “joining” limitations of claims 7 and 12. *See* Pet. 64–66. In particular, Odell explains that an account is needed to use the instant-messaging services, and that accounts from multiple communications systems are linked together. Ex. 1006, 7:53–54, 8:14–20. We credit the testimony of Dean Willis that Odell discloses joining the high- and low-level networks because Dean Willis’s testimony is consistent with Odell’s disclosure of how the primary and linked accounts work. Ex. 1004 ¶¶ 155–161; *see, e.g.*, Ex. 1006, 7:4–19 (describing adding another linked account), 10:49–56 (describing the account linking interface).

Patent Owner argues that Dean Willis “relies on the incorrect assumption that multiple linked *accounts* are the alleged ‘equivalent’ of multiple low-level *networks*.” PO Resp. 53 (quoting Ex. 1004 ¶ 106)

(emphasis added); *see also* Ex. 2006 ¶ 178. Patent Owner views Petitioner’s use of the term “equivalent” here as an admission that the claim limitation is not met. *Id.*

We disagree that Petitioner or the Willis Declaration makes this assumption or any admission by using the word “equivalent.” Instead, the Petition clearly states that Odell’s accounts are “associated with” networks. *See, e.g.*, Pet. 43 (“a high level network—i.e., the network *associated with* the ‘primary account’ in Odell”) (emphasis added); 45 (“multiple networks, such as a first account *associated with* the AOL messaging service provider and a second account *associated with* another messaging service provider such as AIM or ICQ, through a high level network *associated with* the ‘primary account.’”) (emphasis added). For example, Odell’s users have accounts so that they can use the networks for instant-messaging services. *See, e.g.*, Ex. 1006, 8:19–29; Pet. 64–65; Ex. 1004 ¶¶ 151–156.

Because Dr. Surati also mischaracterizes the Petition as explaining that the accounts themselves are networks, we do not credit Dr. Surati’s testimony on this point. *See* Ex. 2006 ¶ 178. For the reasons discussed above and in Section II.C.3.c, Petitioner has shown that the networks associated with Odell’s linked accounts are the low-level networks recited in the claims. *See* Pet. 64–65.

Thus, Petitioner has shown that the Odell discloses the recited steps of “joining a high level network” and “joining a plurality of low level networks associated with a plurality of messaging services through the high level network,” as recited in claims 7 and 12.

c. A First Contact List

Claims 7 and 12 further recite, in part, “obtaining a first contact list associated with the plurality of low level networks.” Ex. 1001, 13:29–30 (claim 7), 14:17–18 (claim 12).

Petitioner asserts that Odell discloses this limitation for the reasons given in its analysis of a similar limitation from claim 1: “updates the networks contacts database based on the contact information associated with the plurality of low level networks.” Pet. 66 (citing Ex. 1004 ¶¶ 162–163) (referring to the claim element labeled “v.b”).

Similar to its arguments about claim 1, Patent Owner argues that “Odell does not disclose low level networks or multiple messaging service providers.” PO Resp. 54. We disagree for the reasons discussed in Section II.D.1.b, analyzing the “joining” limitation, and in our analysis of the challenge to claim 1 in Section II.C.3.

Patent Owner also argues that Odell does not obtain the buddy lists from any low-level network. *Id.* (citing Ex. 2006 ¶ 157). In Patent Owner’s view, “Odell does not show or describe that any of the user buddy list and account linking information is obtained from any system other than the provider system 300,” provided by America Online.” *Id.* at 54–55. According to Patent Owner, Odell’s account linking server does not interact with anything outside that single provider system. *Id.* at 55 (citing Ex. 1006, 7:20–24; Ex. 2006 ¶¶ 180–181).

For the reasons discussed in Section II.C.3.c.ii, we agree with Petitioner that Odell discloses that an AIM account is different from a dating-service or gaming-club account. *See* Ex. 1006, 8:19–29. As we discussed with respect to claim 1, Patent Owner’s arguments and Dr. Surati’s testimony about claims 7 and 12 do not give sufficient weight to

Odell’s disclosure that the provider system does not maintain all accounts. *See* Ex. 1006, 7:15-19; *supra* § II.C.3.c.ii(c). Thus, we do not credit Dr. Surati’s testimony on this issue. Ex. 2006 ¶¶ 180–181.

In fact, during his deposition, Dr. Surati suggested that Odell can use multiple instant-messaging servers. *See, e.g.*, Ex. 1039, 134–135. Specifically, Dr. Surati described Odell’s client as capable of reconstituting a buddy list from separate lists on separate servers. *Id.* at 132:3–8. Dr. Surati indicates that such a system can use multiple IM servers. *Id.* at 133:15–20.

We agree with Petitioner’s analysis of the “first contact list” in claims 7 and 12 for the reasons discussed in Section II.C.3.c.iii, discussing how Odell updates the networks contacts database. Also, on this issue, we credit the Willis Declaration (Ex. 1004 ¶¶ 162–163) for the reasons discussed in Section II.C.3.c.iii.

Thus, Petitioner has shown that Odell discloses “obtaining a first contact list associated with the plurality of low level networks,” as recited in claims 7 and 12.

d. A Second Contact List

Claims 7 and 12 further recite, in part, “maintaining a second contact list associated with the high level network.” Ex. 1001, 13:31–32 (claim 7), 14:19–20 (claim 12).

Petitioner asserts that Odell discloses this limitation for the reasons given in its analysis of claim 2. Pet. 66 (citing Ex. 1004 ¶ 164). Like claims 7 and 12, claim 2 recites a high-level network and contacts: “a high level contacts database embodied in a non-transitory computer readable medium, wherein, in operation, contacts from the high level contacts database are included in the aggregated contact list.” Ex. 1001, 13:4–8.

Patent Owner argues that, because Odell discloses only a single network, high- and low-level networks are not needed, and thus, Odell does not maintain the recited second contact list associated with the high-level network. PO Resp. 56 (citing Ex. 2006 ¶¶ 182–183).

We disagree for the reasons discussed in Section II.C.4, analyzing claim 2. In this decision, we construe “high-level network” and “low-level network” to be conventional IM networks that are defined by the functions recited in the claims. *See supra* § II.B.2. And as discussed in Section II.C.4 on claim 2, Petitioner has shown that Odell’s account linking database 380 stores the buddy lists for all accounts linked from the multiple messaging service networks. Pet. 57 (citing Ex. 1004 ¶ 128). As discussed in connection with claim 2, Petitioner has shown that “Odell discloses that all a user’s contact lists are stored in account linking database 380 (the claimed ‘network contacts database’), these high level contacts are stored in that database as well (which also constitutes the ‘high level contacts database’).” *Id.* at 59. That is, Odell discloses at least two contacts lists from the networks, and those lists are maintained. *See id.*; *see supra* § II.C.4.

Also, for the reasons discussed in Sections II.D.1.c and d, discussing the first and second contact lists, we disagree with Patent Owner’s argument that Odell discloses only a single network. In the Petition’s analysis of claim 2, incorporated by reference in the analysis of claim 7, Petitioner has sufficiently explained why the network associated with Odell’s primary account is a “high level network.” *See supra* II.C.4 (analyzing the challenge to claim 2); Pet 66 (citing the Petition’s discussion of claim 2).

Thus, Petitioner has shown that Odell discloses “maintaining a second contact list associated with the high level network.” Pet 66.

e. Contact List Associated with the Low Level Networks

Claims 7 and 12 further recite, in part, “maintaining a contact list associated with the plurality of low level networks for the plurality of messaging services.” Ex. 1001, 13:33–35 (claim 7), 14:21–23 (claim 12).

Petitioner asserts that Odell discloses this limitation for the reasons given in its analysis of a similar limitation from claim 1: “updates the networks contacts database based on the contact information associated with the plurality of low level networks.” Pet. 66 (citing Ex. 1004 ¶ 164) (referring to the claim element labeled “v.b”).

As for the recited contact list associated with the low-level networks, Patent Owner argues that Odell cannot disclose this limitation, because it does not disclose a plurality of low-level networks or a plurality of messaging services. PO Resp. 56 (citing Ex. 2006 ¶ 184).

As explained in Section II.C.3.c.iii, Odell discloses that an AIM account is different from a dating-service or gaming-club account. *See* Ex. 1006, 8:19–29. As with the arguments against the Petition’s analysis of claim 1, Patent Owner’s arguments and Dr. Surati’s testimony about claims 7 and 12 do not give sufficient weight to Odell’s disclosure that not all accounts are maintained by the provider system. *See id.* at 7:15–19; *see also supra* § II.C.3.c.ii(c). Thus, we do not credit Dr. Surati’s testimony on this issue. Ex. 2006 ¶ 184.

Patent Owner argues that “Odell does not disclose that the buddy lists for a user’s accounts are maintained as an aggregated list.” PO Resp. 56.

We disagree for the reasons discussed in Sections II.C.3.c.iii and iv,⁴ analyzing how Odell updates the networks contacts database to aggregate contacts. Rather, Petitioner has shown that Odell discloses an aggregate contact list. Pet. 45–49 (discussing how Odell creates an aggregated contact list in connection with claim 1), 66 (referring to the analysis of claim 1). Also, on this issue, we credit the Willis Declaration for the reasons discussed in Sections II.C.3.c.iii and iv. Ex. 1004 ¶¶ 111–115, 164, *cited in* Pet. 45–49 (claim 1), 66 (claim 7).

Thus, Petitioner has shown that Odell discloses “maintaining a contact list associated with the plurality of low level networks for the plurality of messaging services,” recited in claims 7 and 12. Pet. 66.

f. Logging into the High-Level Network

Claims 7 and 12 further recite, in part, “logging into the high level network.” Ex. 1001, 13:36 (claim 7), 14:24 (claim 12).

Petitioner asserts that Odell discloses this limitation for the reasons given in its analysis of a similar limitation from claims 1 and 3. Pet. 66 (citing Ex. 1004 ¶¶ 167–168) (referring to the claim element labeled “1[i]”). Specifically, claim 1 recites, in part, “a network interface” and “a network login engine coupled to the network interface.” Ex. 1001, 12:51–52. Claim 3 recites, in part, “a plurality of network login engines.” *Id.* at 13:10.

Patent Owner argues that Odell does not disclose a high-level network to login to. PO Resp. 56.

⁴ In Section II.C.3, we discuss Daniell in connection with the limitations directed to storing the aggregated contact list at the server, which is not recited in claims 7 and 12. Thus, we do not rely on any of the previously presented analysis of the obviousness rationale or Daniell from that section, which is not relevant to Petitioner’s analysis of the subject matter in claims 7 and 12 or the anticipation-based rationale for that subject matter.

In this decision, we construe the “high-level network” to be a conventional IM network that is defined by the functions recited in the claims. *See supra* § II.B.2. For the reasons discussed in Section II.C.3.c.ii(b) discussing the corresponding subject matter recited in claim 1, Petitioner shows that Odell’s “primary account” is associated with a “high level” messaging network because the primary account is used to sign in to the communications system, which then successively and automatically signs into other “low level” linked networks. Pet. 27 (citing Ex. 1004 ¶¶ 67–75) (analyzing claim 1), 66 (referring to this analysis in connection with claim 7). Also, on this issue, we credit the Willis Declaration for the reasons discussed Section II.C.3.c.ii(b). Ex. 1004 ¶¶ 67–78, 167–168, *cited in* Pet. 20–28 (claim 1), 66 (claim 7). Thus, we disagree with Patent Owner that Odell lacks a high-level network. PO Resp. 56.

Thus, Petitioner has shown that Odell discloses “logging into the high level network.” Pet. 66.

g. Displaying Contacts

Claims 7 and 12 further recite, in part, “displaying contacts from the plurality of low level networks and the high level network in an aggregated contact list, the contacts retrieved by logging into the high level network.” Ex. 1001, 13:37–40 (claim 7), 14:25–28 (claim 12).

Petitioner asserts that Odell discloses this limitation for the reasons given in its analysis of a similar limitation from claims 1 and 5. Pet. 66 (citing Ex. 1004 ¶ 169) (referring to the claims element labeled “1[v.a]” and “1[v.d]”). Specifically, claim 1 recites, in part, that the system “provides the aggregated contact list including the contact information to the display.” Ex. 1001, 13:1–3. Claim 5 recites, “The system of claim 1, further comprising the display device.” *Id.* at 13:19–20.

Patent Owner argues that Odell does not disclose an aggregated contact list or low-level networks, and thus, Odell does not disclose “contacts from any non-existent low level networks.” PO Resp. 57 (citing Ex. 2006 ¶ 188).

We disagree with Patent Owner’s arguments for the reasons in Sections II.B.3 and II.C.3.c.iv, discussing aggregated contact lists recited in claim 1, and Sections II.C.3.c.ii(b) and II.D.1.e, discussing the networks.

As for the displaying limitation, for reasons similar to those in Section II.C.3.c.vi on providing contact lists to the display, as recited in claim 1, we determine that Petitioner has shown that Odell’s system allows for “viewing . . . electronic content.” Ex. 1006, 5:33–53, *cited in* Pet. 56–57; *see also* Ex. 1006, 3:47–62 (discussing computers), 5:24–26 (describing the communication system), 6:32–46 (describing the system in Figure 3), *cited in* Pet. 57; *see* Pet. 63 (referring to the analysis in limitation “v.d” of claim 1). We credit the Willis Declaration’s analysis of these sections because it is consistent with Odell’s description of the display and communication systems. Ex. 1004 ¶¶ 126–127, 146–147.

Thus, Petitioner has shown that Odell discloses “displaying contacts from the plurality of low level networks and the high level network in an aggregated contact list, the contacts retrieved by logging into the high level network,” and Odell anticipates claims 7 and 12.

2. Claims 8 and 13

Claim 8 recites, “The method of claim 7, further comprising logging into the plurality of low level networks.” Ex. 1001, 13:41–42. Claim 13 recites a similar limitation as a computer-readable medium. *Id.* at 14:29–31.

Petitioner asserts that Odell discloses this limitation as discussed in connection with the network interface and network login engine limitations

recited in claim 1. Pet. 67 (citing Ex. 1004 ¶¶ 171–173) (referring to the analysis in limitation “i” of claim 1).

Patent Owner does not provide specific arguments or evidence to dispute this assertion. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner’s evidence and analysis, and we credit Dean Willis’s testimony on this issue. Pet. 67 (citing Ex. 1004 ¶¶ 171–173). In particular, Odell discloses logging into the linked accounts after the primary account. Ex. 1006, 3:11–25, *cited in* Ex. 1004 ¶ 172. For the reasons discussed in Section II.C.3.c, Petitioner has shown that Odell’s linked accounts are associated with low-level networks.

Thus, Petitioner has shown the Odell discloses logging into the plurality of low-level networks, as recited in claims 8 and 13.

3. *Claims 9 and 14*

Claim 9 recites, “The method of claim 7, further comprising joining an additional low level network, wherein the aggregated contact list does not include contacts of the additional low level network.” Ex. 1001, 13:43–46. Claim 14 recites a similar limitation as a computer-readable medium. *Id.* at 14:33–37.

Petitioner asserts that Odell discloses additional messaging-service networks, which can be linked and added through an interface shown in Figures 6A–D. Pet. 67. Petitioner asserts that Odell’s Figure 10 shows the authentication, linking, and displaying process. *Id.* at 67–68 (citing Ex. 1006, 14:36–15:3).

Petitioner asserts that “Odell discloses that a new network can be joined and then linked to a primary account, such that before that happens the aggregated contact list (e.g., in Figures 4A-C) would not include contacts

from the to-be joined network, but it would after the account is created (‘joined’) and linked.” *Id.* at 69 (citing Ex. 1004 ¶¶ 174–179). Petitioner provides an example of this involving AOL, AIM, and “love.com”:

For instance, Odell discloses that contacts from a first messaging service network (“AOL”), a second messaging service network (“AIM”), and a third / additional messaging service network (“love.com”) are displayed in an aggregated contact list in Figures 4A and 4B, as discussed above in Claim 1[v.b]. Before love.com was joined and linked in this example, the user interface would not have displayed those associated contacts (and they would not have been stored in the account linking database 380).

Id. at 69–70.

Patent Owner focuses its arguments on the unrecited feature of “additional messaging service provider.” *See* PO Resp. 57–58. Patent Owner argues that the Petition “fails to identify the ‘additional messaging service provider’ required by claim 9.” *Id.* According to Patent Owner “the Odell does not disclose an additional low level network associated with an additional messaging service provider.” *Id.* at 58 (citing Ex. 1004; Pet. 69; Ex. 1006, Figs. 1–3, 7:53–54, 8:19–29, 8:50–55). Patent Owner argues that Odell’s services are provided by the “same MSP—America Online.” Sur-reply 24 (citing Pet. 67).

Yet “messaging service providers” are not recited in claim 9. *See* Ex. 1001, 13:43–46. Nor is that limitation recited in claim 7, from which claim 9 depends. *Id.* at 13:43–46. We also note that Patent Owner acknowledged at the oral hearing that its arguments about message service providers do not apply to the claims of the ’453 patent. Tr. 41:21–23. Thus, we disagree that the Petition is deficient for not addressing message service providers in its challenge.

Also, Patent Owner repeats its argument about the low-level networks not being “separate.” Sur-reply 24. We disagree with this argument for the reasons discussed in Sections II.B.2 and II.C.3.c.

Rather, Petitioner has shown that Odell discloses additional low-level networks and that Odell discloses a situation where the aggregated contact list “does not include contacts of the additional low level network,” as recited. During the linking process, Odell signs into accounts sequentially. Ex. 1006, 14:65–67 (“In this manner, the accounts that are linked to the primary account are signed in to the communications system sequentially.”), *quoted in* Pet. 69. Petitioner asserts that, before a network is joined and linked, the user interface would not have displayed the contacts, and likewise, the account linking database 380 would not have stored the contacts. Pet. 69–70 (citing Ex. 1004 ¶¶ 174–179).

We disagree with Patent Owner that the evidence of record shows that contacts from any new network must be included. PO Resp. 59 (citing Pet. 29–30; Ex. 2006 ¶¶ 193–194). Specifically, there is not sufficient evidence on the record that Odell would obtain the contacts without first joining and linking.

Instead, Odell’s Figure 10, below, indicates that the system links and accesses the accounts before it displays the list. Ex. 1006, Fig. 10.

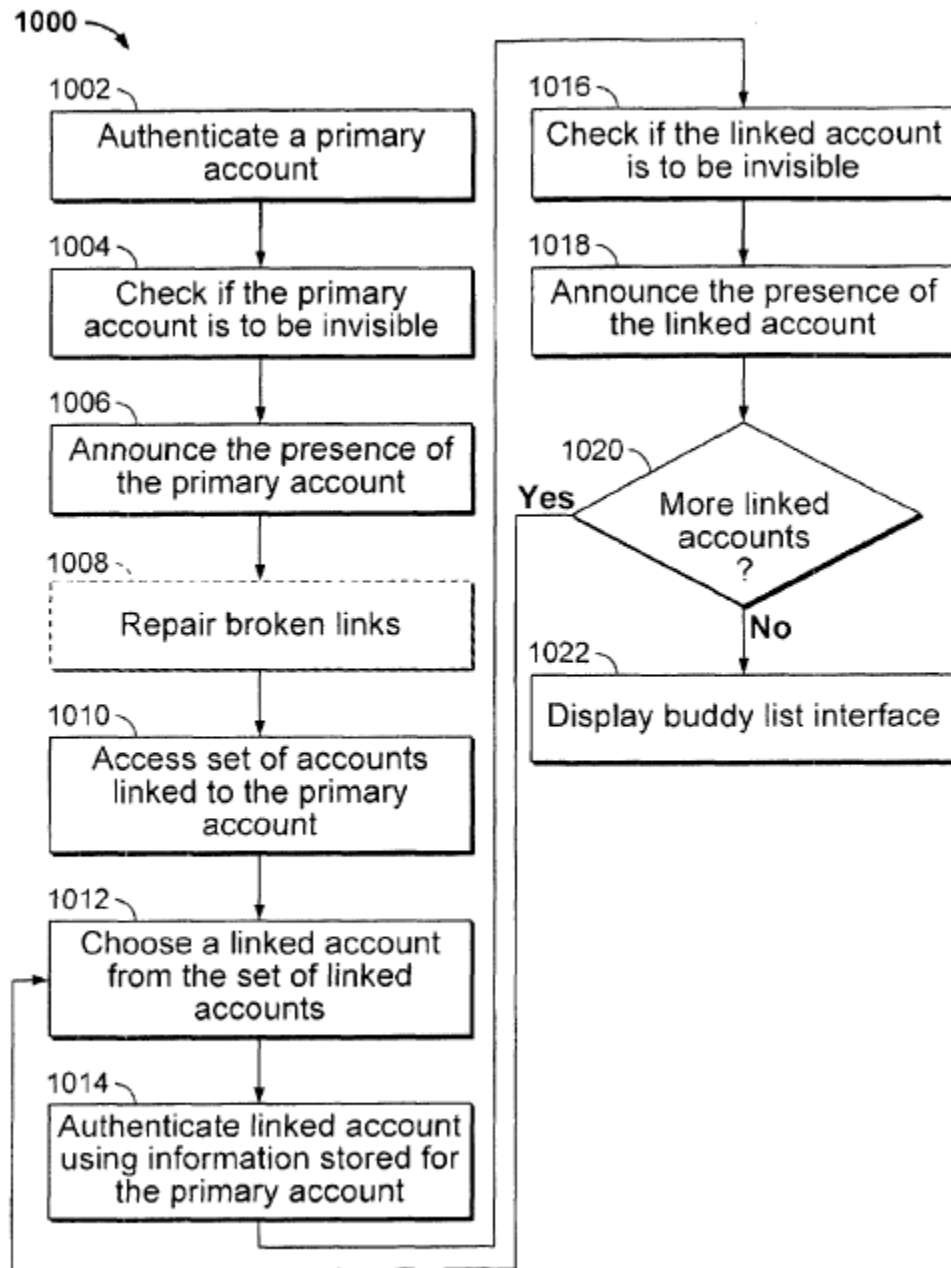


FIG. 10

Figure 10, above, shows a flow chart where the set of accounts linked to the primary accounts is accessed (step 1010: “Access set of accounts linked to the primary account”) before the buddy-list interface is displayed (step 1022: “Display buddy list interface”). *See id.* at 14:36–15:3. The system chooses a linked account (step 1012), and authenticates it (step 1014). *Id.* at 14:59–67. The interface is only displayed the system determines when all linked

accounts have been chosen (step 1020: “More linked accounts?”). *Id.* Because Dr. Surati does not give sufficient weight to Odell’s Figure 10 or Petitioner’s reasoning about when the contacts are included, we disagree with Patent Owner’s argument (PO Resp. 59) and do not credit Dr. Surati’s testimony on this issue (Ex. 2006 ¶¶ 193–194).

Likewise, we disagree that the Petition’s assertion that Odell displays a user’s buddy list from all linked accounts contradicts Petitioner’s arguments with respect to claim 9, because Petitioner’s rationale focuses on a specific time when the contact list does not include certain contacts—i.e., before the network is joined. PO Resp. 59 (citing Pet. 29–30). Petitioner does not argue that the contact list never includes contacts of the additional low-level network. Pet. 69–70.

Nor does the claim require it. In fact, Patent Owner argues that claim 9 does not have a “before the network is joined” requirement. *See* PO Resp. 59 (citing Pet. 69). But the lack of such a requirement only broadens the claim. That is, in the absence of a limitation about when the contact list has or does not have certain contacts, Petitioner need not show that the aggregated contact list never—or at other unrecited specific times—includes contacts of the additional low-level network. Thus, we disagree with Patent Owner that Petitioner’s challenge is deficient for focusing on a specific time in which the contacts are not included. *See id.* And we do not credit the Surati Declaration on this point because it is based on Patent Owner’s reasoning about the scope of claim 9. *See* Ex. 2006 ¶ 194.

Thus, Petitioner has shown that Odell discloses “joining an additional low level network, wherein the aggregated contact list does not include contacts of the additional low level network,” as recited in claims 9 and 14.

4. *Claims 10 and 15*

Claim 10 recites,

The method of claim 7, further comprising:

[i] logging into the plurality of low level networks and an additional low level network;

[ii] displaying contacts from the plurality of low level networks and the additional low level network in the aggregated contact list;

[iii] logging out of the additional low level network.

Ex. 1001, 13:47–14:4 (roman numerals added). Claim 15 recites similar limitations as a computer-readable medium. *Id.* at 14:38–45.

In addressing limitations [i] and [ii], Petitioner relies on its analysis of claim 9 and claim 1. Pet. 70 (citing Ex. 1004 ¶¶ 180–183). Patent Owner does not provide specific arguments or evidence about Petitioner’s analysis of limitations [i] and [ii] in claims 10 and 15. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner’s analysis. Pet. 70. Our reasoning about Petitioner’s analysis for claim 9 in Section II.D.3 and claim 1 in Section II.C.3.c.vi also applies here to claims 10 and 15. Also, Odell discloses a process for logging into multiple accounts. *See, e.g.*, Ex. 1006, 7:4–19 (discussing a name-and-password requirement and validation); 14:36–58 (discussing the sign-in process in Figure 10). In this way, Odell is consistent with Dean Willis’s testimony, and we credit the Willis Declaration on this issue. Ex. 1004 ¶¶ 180–183, *cited in* Pet. 70.

As for limitation [iii], Petitioner asserts that Odell also expressly and inherently discloses logging out of the additional low-level network. Pet. 70–71 (citing Ex. 1006, 11:1–9, 3:11–18, 2:53–55; Ex. 1004 ¶¶ 184–185). The Willis Declaration explains that, although logging out “is a

necessary action for anything one can log into,” Odell discloses selective disconnection. Ex. 1004 ¶ 184 (citing Ex. 1006, 14:21–36).

Patent Owner does not provide specific arguments or evidence about Petitioner’s analysis of limitations [iii] of claims 10 and 15. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner’s analysis, and we credit Dean Willis’s testimony on this issue. Pet. 70–71 (citing Ex. 1004 ¶¶ 184–185). Our reasoning about the analysis for low-level networks above applies here in the context of claims 10 and 15. Also, Odell discloses an “unlink button” to break links. Ex. 1006, 11:1–9, *cited in* Pet. 70. Odell discloses that linked accounts are signed into. *Id.* at 3:11–18; *see also* Ex. 1005 ¶¶ 184–185. Thus, Petitioner sufficiently supports the assertion that “unlinking a linked account, such as the third / additional low level network discussed in Claim 9 (‘love.com’), would necessarily log the user out of that network.” Pet. 70–71.

Also, Odell states that a “co-user just logged on or logged off the system.” Ex. 1006, 2:53–55. We agree with Petitioner that this discloses “that users can log out of a communications system (which would necessarily include the third / additional low level network discussed in Claim 9, love.com).” Pet. 71 (citing Ex. 1006, 2:53–55). For this additional reason, Petitioner has shown that Odell discloses “logging out of the additional low level network.” *See id.*

Thus, Petitioner has shown that Odell discloses the subject matter recited in claims 10 and 15.

5. *Claims 11 and 16*

Claim 11 recites, “The method of claim 7, further comprising logging out of the high level network.” Ex. 1001, 14:5–6. Claim 16 recites a similar limitation as a computer-readable medium. *Id.* at 14:46–48.

Petitioner asserts that Odell discloses this limitation for the reasons discussed in connection with claim 10:

[T]he disclosed ability to log in to the primary account (the “high level” network) and to unlink accounts necessarily discloses the ability to log out of or unlink those networks, especially as Odell expressly discloses the unlinking function with respect to Figure 6A, in which the primary account “ScreenName1” can be selected for unlinking.

Pet. 71 (citing Ex. 1004 ¶¶ 187–190).

Patent Owner does not provide specific arguments or evidence to dispute this assertion. *See* PO Resp.; Sur-reply.

Upon review of the entirety of the record, we are persuaded by Petitioner’s analysis, and we credit Dean Willis’s testimony on this issue. Pet. 71–72; citing Ex. 1004 ¶¶ 187–190. For the reason discussed in Section II.D.4, we are persuaded by Petitioner’s arguments and evidence in connection with the logging-out limitation of claim 10. For the reasons discussed in Section II.C.3.c, Petitioner has shown that Odell discloses a high-level network.

Odell explains that users can “logon and logoff.” Ex. 1006, 2:52–55, *quoted in* Ex. 1004 ¶ 187.⁵ Also, Petitioner shows that Odell’s interface has

⁵ The Willis Declaration quotes this sentence and cites it as coming from column 3, not column 2.

a “Sign Off” feature as shown in Figure 5A, below. Pet. 72 (citing Ex. 1006, Fig. 5A).

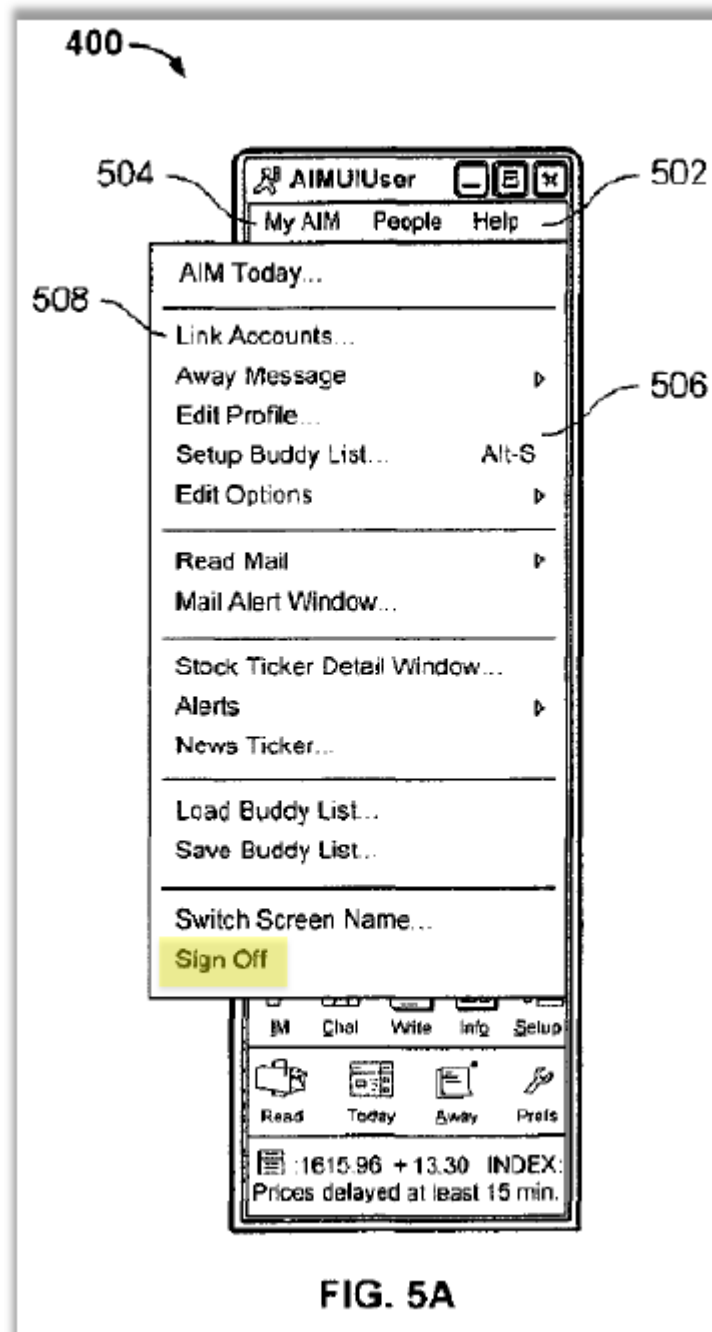


Figure 5A, above, shows a menu with the option “Sign Off” highlighted by Petitioner in yellow. *Id.* The Willis Declaration explains that “Odell discloses a ‘Sign Off’ function, for example in Figure 5A, for the primary

account, which corresponds to the claimed high level network.”

Ex. 1004 ¶ 189.

Thus, Petitioner has shown that Odell discloses logging out of the high-level network as recited in claims 11 and 16.

III. REMAINING CHALLENGES

Because Petitioner has shown that claims 1–6 are unpatentable as obvious over Odell and Daniell, we need not reach the issue of whether those claims are anticipated by Odell. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding that 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”). Likewise, because Petitioner has shown that claims 7–16 are unpatentable as anticipated by Odell, we need not reach the issue of whether those claims are obvious in view of the Odell-Daniell combination.

IV. MOTION TO EXCLUDE

Patent Owner filed a Motion to Exclude Exhibits 1021–1025, 1027, 1028, and 1030. Paper 31 (“Motion” or “Mot.”). We note that the Motion asks for the exclusion of Exhibits 1021, 1024–1028, and 1030 in the “Relief Requested” and “Conclusion” sections, but the Motion also discusses Exhibits 1022 and 1023. *See* Mot. 2 (“Relief Requested”), 14 (“Conclusion”), 2–7 (Exs. 1022, 1023). Petitioner filed an opposition. Paper 32. Patent Owner filed a Reply. Paper 34.

A Motion to Exclude “must identify the objections in the record in order and must explain the objections.” 37 C.F.R. § 42.64(c). Here, Patent Owner never filed or served any objections to Exhibits 1021, 1027, and 1028. On that basis, we deny Patent Owner’s Motion as to those exhibits.

Also, we do not rely on the content of Exhibits 1022–1025 or 1030 in reaching our decision on the patentability of the challenged claims. Thus, we dismiss as moot the Motion as to Exhibits 1022–1025 and 1030. *See* Consolidated Trial Practice Guide,⁶ 79–80 (Nov. 21, 2019) (“In the Board’s experience, consideration of the objected-to evidence is often unnecessary to resolve the patentability of the challenged claims, and the motion to exclude is moot.”). Even so, we note that Patent Owner’s Motion does not satisfy the requirements of 37 C.F.R. § 42.64(c) because it does not “identify the objections in the record.”

V. CONCLUSION

Petitioner has met its burden to show that claims 1–16 are unpatentable.⁷

⁶ <https://www.uspto.gov/TrialPracticeGuideConsolidated>

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).

Claim(s)	35 U.S.C. §	Reference(s)	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–16	102	Odell	7–16 ⁸	
1–16	103	Odell, Daniell	1–6 ⁹	
Overall Outcome			1–16	

⁸ Because Petitioner has shown that claims 1–6 are unpatentable as obvious over Odell and Daniell, we need not reach the issue of whether those claims are anticipated by Odell, or obvious over Odell alone.

⁹ Because Petitioner has shown that claims 7–16 are anticipated by Odell, we need not reach the issue of whether those claims are obvious over Odell alone or Odell and Daniell.

VI. ORDER

It is

ORDERED that claims 1–16 of U.S. Patent 9,584,453 B2 are unpatentable;

FURTHER ORDERED that Patent Owner’s Motion to Exclude Evidence is denied in part and dismissed in part as moot; and

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

IPR2022-00177
Patent 9,584,453 B2

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