

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

PARUS HOLDINGS, INC.,
Patent Owner.

IPR2022-00805
Patent 9,769,314 B2

Before DAVID C. McKONE, PATRICK M. BOUCHER, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

In response to a Petition (Paper 1, “Pet.”) filed by Google LLC (“Petitioner”), we instituted an *inter partes* review of claims 1–26 of U.S. Patent No. 9,769,314 B2 (Ex. 1001, “the ’314 patent”). Paper 7 (“Dec.”). Parus Holdings, Inc. (“Patent Owner”) filed a Response (Paper 12, “PO Resp.”), to which Petitioner filed a Reply (Paper 15, “Reply”), and Patent Owner filed a Sur-reply (Paper 16, “Sur-reply”). An oral hearing was held with the parties, and a copy of the transcript was entered into the record. Paper 25 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the claims on which we instituted trial. Based on the record before us, Petitioner has shown, by a preponderance of the evidence, that claims 1–26 are unpatentable.

I. BACKGROUND

A. The ’875 Patent

1. Overview

The ’314 patent “relates to a personalized system for accessing information from the Internet or other information sources using speech commands.” Ex. 1001, 1:19–22. Figure 1 of the ’314 patent is reproduced below.

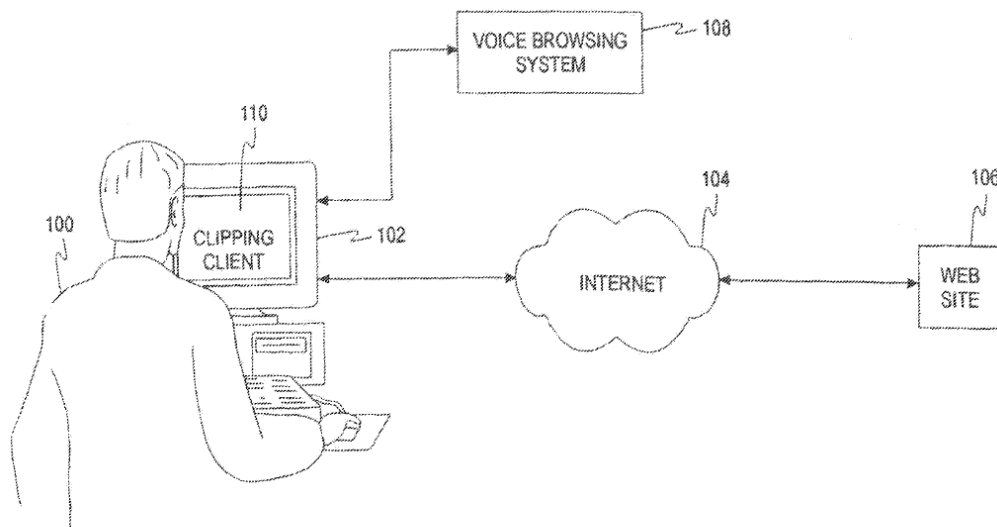


FIG. 1

Figure 1 illustrates “a personal information selection system.” *Id.* at 2:34–36. With such a system, user 100 uses computer 102 to access a network, such as Internet 104, to search for web sites 106, “which are information sources that contain information of interest to the user.” *Id.* at 3:1–6. When user 100 identifies a web site that contains information the user would like to access with a voice-enabled device (such as a telephone), the user initiates “clipping client” engine 100 on computer 102. *Id.* at 3:6–11.

The clipping client allows the user to create an instruction set to be used by voice browsing system 108 by “clipping” information from the web site, i.e., by “select[ing] only that portion of the web page containing information of interest to the user.” *Id.* at 3:12–16, 3:37–39. For example, if a user is interested in weather for the city of Chicago, the user may identify an appropriate weather site and select the Chicago-weather information to be retrieved in response to requests, so that such a selection may be provided to the clipping client. *Id.* at 3:16–41. The clipping client creates a content descriptor file containing a description of the content of the selected web

page and indicates where the information selected by the user is located on the selected web page. *Id.* at 3:41–46.

Figure 3 of the '314 patent is reproduced below.

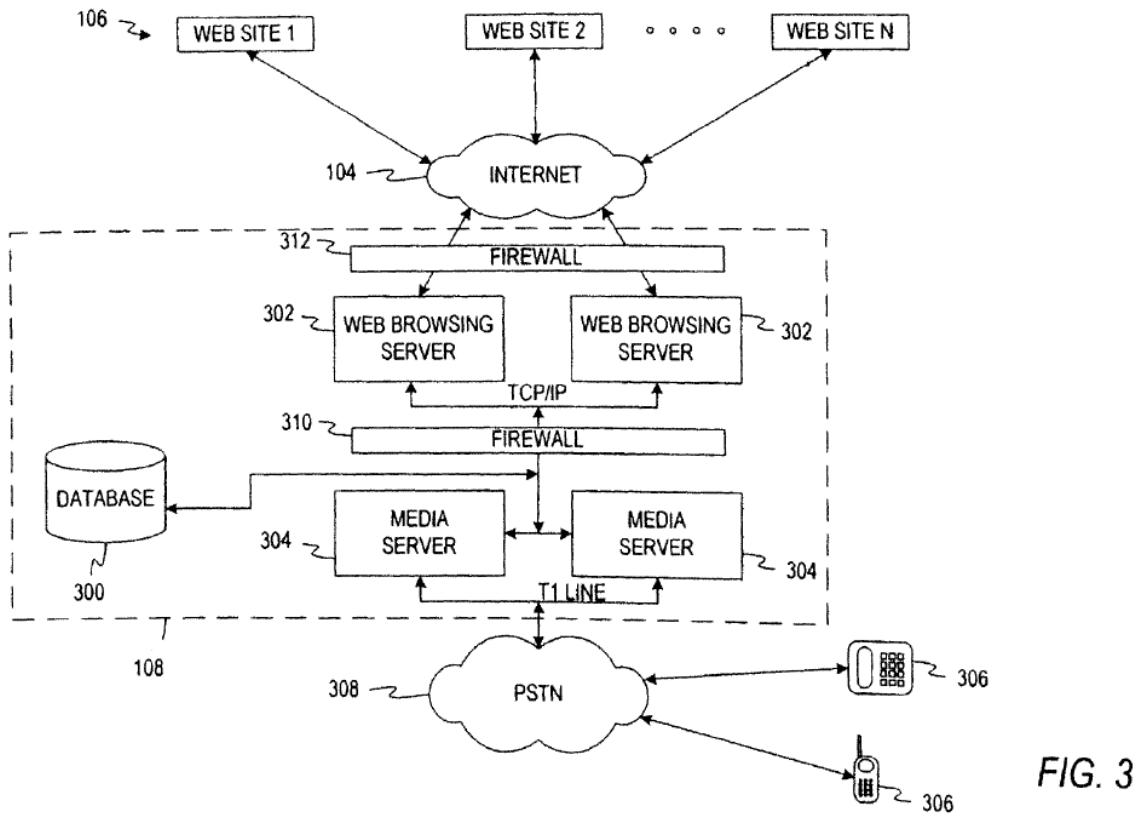


Figure 3 provides a schematic illustration of voice browsing system 108. *Id.* at 4:63–64. The system includes database 300 connected to media servers 304 and web browsing servers 302, which may store the content descriptor file created by the clipping client. *Id.* at 3:46–48, 4:64–67. Each media server 304 includes a speech recognition engine, a speech synthesis engine, an interactive voice response application, a call processing system, and telephony and voice hardware, which are collectively used in converting between voice commands and data messages. *Id.* at 5:33–61.

Upon receiving a user-defined web site record from database 300 in response to a user request, web browsing server 302 invokes a “content extraction agent” to retrieve the content descriptor file associated with a user-defined record. *Id.* at 6:18–24. “[T]he content descriptor file [] directs the extraction agent where to extract data from the accessed web page and how to format a response to the user utilizing that data.” *Id.* at 6:24–27. Referring again to the example of Chicago weather, “the content descriptor file [] for a web page providing weather information would indicate where to insert the ‘city’ name or ZIP code in order to retrieve Chicago weather information [and] indicates the location on the web page where the response information is provided.” *Id.* at 6:27–34. Once the web browsing server accesses the specified web site and retrieves the requested information, it is forwarded to media server 304 to create an audio message that is transmitted to the user’s voice-enabled device 306. *Id.* at 12:31–37.

2. *Illustrative Claim*

Challenged independent claim 1 is illustrative of the challenged claims.

1. A method for retrieving information from an information source, the information source being periodically updated with current information, over a network, by speech commands received from a particular user of a plurality of users provided by the particular user via an electronic-communication device, and wherein each of the plurality of users has a respective electronic-communication device, said method comprising:
 - (a) receiving a speech command from each of the plurality of users provided via the respective electronic-communication device, by a speech-recognition engine coupled to a media server, the media server configured to identify and access the information source via the network, the speech-

recognition engine adapted to select speech-recognition grammar established to correspond to the speech commands received from the plurality of users and assigned to a desired search;

(b) selecting, by the media server, at least one information-source-retrieval instruction corresponding to the speech-recognition grammar established for a particular speech command, the at least one information-source-retrieval instruction stored in a database associated with the media server and adapted to retrieve information;

(c) accessing, by a web-browsing server, a portion of the information source to retrieve information of interest requested by the particular user, by using a processor of the web-browsing server, which processor (i) performs an instruction that requests information from an identified webpage, and (ii) utilizes a content extractor within the web-browsing server to separate a portion of the information from other information, the information derived from only a portion of the webpage containing information of interest to the particular user, wherein the content extractor uses a content-descriptor file containing a description of the portion of information and wherein the content-descriptor file indicates a location of the portion of the information within the information source;

(d) selecting by the web-browsing server the information of interest from the information source and retrieving only the portion of the information of interest requested by the particular user according to the at least one information-source-retrieval instruction;

(e) converting the information retrieved from the information source into an audio message by a speech-synthesis engine, the speech-synthesis engine coupled to the media server; and

(f) transmitting the audio message to the electronic-communication device of the particular user requesting information of interest to the particular user.

Ex. 1001, 13:56–14:39.

B. Evidence

Petitioner relies on the following references. Pet. 1.

Wise	US 5,884,262	Mar. 16, 1999	Ex. 1007
Woods	US 6,510,417 B1	Jan. 21, 2003	Ex. 1012
Dasan	US 5,761,662	June 2, 1998	Ex. 1013
Uppaluru	US 5,915,001	June 22, 1999	Ex. 1014

In addition, Petitioner relies on Declarations by Stuart J. Lipoff, P.E. Exs. 1002, 1050. Mr. Lipoff was cross-examined by Patent Owner, and a transcript of his deposition was entered into the record. Ex. 2002. Patent Owner relies on a Declaration by Benedict Occhiogrosso. Ex. 2004. Mr. Occhiogrosso was cross-examined by Petitioner, and a transcript of his deposition was entered into the record. Ex. 1057.

C. Instituted Grounds of Unpatentability

Petitioner challenges, and we instituted review of, claims 1–26 on the following grounds. Pet. 2; Dec. 37.

Claim(s) Challenged	35 U.S.C. §¹	References
1–26	103(a)	Wise, Woods
1–25	103(a)	Wise, Dasan
26	103(a)	Wise, Dasan, Uppaluru

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C § 103(a). Although the ’314 patent was filed on June 27, 2016, it claims the benefit of earlier filing dates, such that we apply the pre-AIA version of § 103(a) herein. *See* Ex. 1001 at code (63).

D. Real Parties in Interest

The parties identify only themselves as real parties in interest. Pet. 1 (as numbered for introductory material); Paper 3, 1.

E. Related Matters

Both parties identify the following as proceedings that could affect, or be affected by, this proceeding: (1) *Parus Holdings, Inc. v. Microsoft Corp.*, No. 6:21-cv-00570 (W.D. Tex.); (2) *Parus Holdings, Inc. v. Google LLC*, No. 6:21-cv-00571 (W.D. Tex.); (3) *Parus Holdings, Inc. v. Apple Inc.*, No. 6:21-cv-00968 (W.D. Tex.); and (4) *Parus Holdings, Inc. v. Samsung Electronics America, Inc.*, No. 6:21-cv-01073 (W.D. Tex.). Pet. 1 (as numbered for introductory material); Paper 3, 1. The parties also identify several *inter partes* review proceedings before the Office as related matters. See Pet. 1–3 (as numbered for introductory material); Paper 3, 1–2.

II. ANALYSIS

A. Legal Principles

A claim is unpatentable for obviousness under 35 U.S.C. § 103 if the differences between the claimed subject matter and the prior art are “such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) when in evidence, objective indicia of

nonobviousness, i.e., secondary considerations.² *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

Additionally, the obviousness inquiry typically requires an analysis of “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (requiring “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)); see *In re Warsaw Orthopedic, Inc.*, 832 F.3d 1327, 1333 (Fed. Cir. 2016) (citing *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006)).

B. Level of Ordinary Skill in the Art

In determining whether an invention would have been obvious at the time it was made, we consider the level of ordinary skill in the pertinent art at the time of the invention. *Graham*, 383 U.S. at 17. “The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry.” *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718 (Fed. Cir. 1991). The “person of ordinary skill in the art” is a hypothetical construct, from whose vantage point obviousness is assessed. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). “This legal construct is akin to the ‘reasonable person’ used as a reference in negligence determinations” and “also presumes that all prior art

² The parties do not address objective indicia of nonobviousness, which accordingly do not form part of our analysis. See Ex. 1002 ¶ 207 (Mr. Lipoff noting that he is “not aware of any such considerations raised by the Patent Owner”).

references in the field of the invention are available to this hypothetical skilled artisan.” *Id.* (citing *In re Carlson*, 983 F.2d 1032, 1038 (Fed. Cir. 1993)).

Petitioner proposes that a person of ordinary skill in the art “would have had a Bachelor’s degree in electrical engineering, computer science or a related field, and at least two years of experience with voice interfaces and information processing.” Pet. 6–7. Petitioner adds that “[m]ore education could substitute for less experience, and vice versa.” *Id.* Mr. Lipoff supports this articulation, and Patent Owner makes the same proposal. *See* Ex. 1002 ¶ 77; PO Resp. 1.

Because we find the parties’ agreed proposal reasonable, consistent with the level of skill reflected by the prior art, and supported by Mr. Lipoff’s testimony, we adopt it for this Decision. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (the prior art may reflect an appropriate level of skill in the art).

C. Claim Construction

The Board uses “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) (2019); *see Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). “Petitioner does not believe that any express constructions are necessary” to resolve the parties’ dispute, and Patent Owner agrees that “claim construction is unnecessary.” *See* Pet. 7; PO Resp. 1.

On the record before us, we do not find it necessary to construe any term for this Decision. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

D. Scope and Content of the Prior Art

1. Wise

Wise “relates to accessing information from a computer network via a telephone . . . or other audio device.” Ex. 1007, 1:6–9. Figure 2 of Wise is reproduced below.

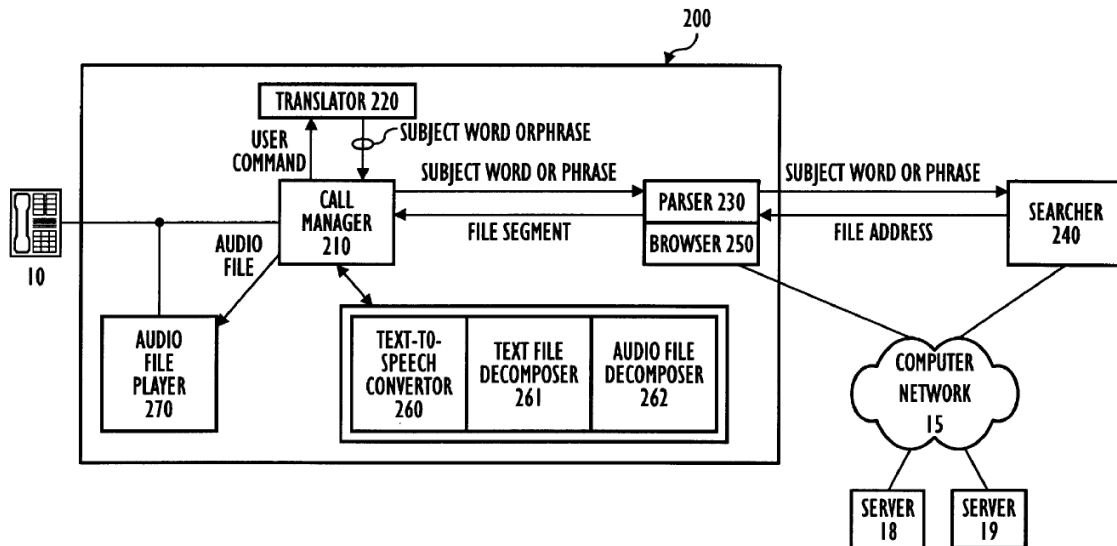


FIG. 2

Figure 2 illustrates a system architecture in which telephone 10 is connected via a telephone line to system 200, which is connected through computer network 15 to various servers 18, 19. *Id.* at 3:55–58, 5:38–45. Network 15 may be the Internet, and servers 18, 19 may be web servers. *Id.* at 3:55–58.

After a user initiates a connection to the system “by taking the telephone off hook and dialing a telephone number,” Call Manager 210 directs audio file player 270 “to recite a voice prompt, such as ‘You have reached the Audio Web Connection. Please press 1 for local weather information. Please press 2 for local traffic information. Please press 3 for national sports information.’” *Id.* at 5:47–53. “Submenus may also be provided to request information such as the geographic location from which the user is calling or the sport or sports team in which the user is interested.” *Id.* at 5:55–58. User commands or signals from telephone 10 are captured by Call Manager 210 and sent to translator 220, which “translates the user’s commands from DTMF [i.e., dual-tone multifrequency] signals to a subject word or phrase.” *Id.* at 6:14–20. “Alternatively, voice command and control could be used to request information[, which] would be translated 220 by a speech-to-text engine . . . or interpreted by a voice recognition system.” *Id.* at 6:20–28.

“Generally, the system will attempt to interpret the user command and then attempt to navigate based on the command.” *Id.* at 6:31–33. A subject word or phrase derived from the user command is passed to Call Manager 210, which routes the information to Parser 230, which may send the subject word or phrase to Searcher 240 to find addresses of files on target computer network 15. *Id.* at 6:33–46. Parser 230 passes an address to Browser 250, which establishes a connection to appropriate server 18 through network 15 so that Browser 250 may download a requested file to be returned to Parser 230. *Id.* at 7:7–13. Parser 230 dynamically analyzes the structure and contents of the downloaded file, and passes the structure type and associated text or audio content to Call Manager 210, which routes

it for creation of an audio file to be played by audio file player 270. *Id.* at 7:13–37.

2. Woods³

Woods “relates to a system and method for voice access to Internet-based information.” Ex. 1012, 1:7–9. Figure 2 of Woods is reproduced below.

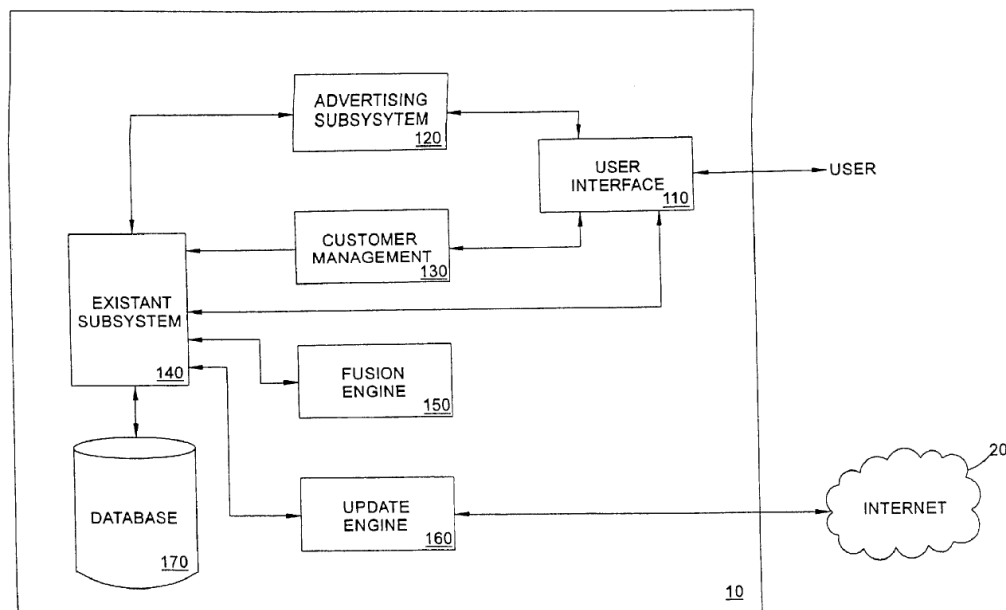


FIG. 2

Figure 2 illustrates exemplary functional operations of voice portal 10, which is implemented as a network of servers. *Id.* at 6:8–9, 6:31–32. In the illustration, voice portal 10 includes user interface 110, advertising subsystem 120, customer management subsystem 130, existant subsystem

³ In its Response, Patent Owner contends that Woods “is not prior art,” but Patent Owner withdrew that contention at the oral hearing. Tr. 27:17–21.

140, fusion engine 150, update engine 160, and database 170. *Id.* at 6:34–38.

Database 170 “stores information used by voice portal 10, such as, customer data, advertising information, and product and services information,” which is updated by “spiders” that retrieve information from the Internet. *Id.* at 11:15–24. Such spiders “find particular web pages relating to a pre-determined category of items,” to which rules are applied “to identify characteristic information or attributes.” *Id.* at 14:9–32. The database information is stored with “a hierarchy of ‘existants’ or things and their relationships and associations with each other.” *Id.* at 10:62–66. “Characteristic information or attributes define what the existant is,” and “[r]ules define the organization of existant attributes.” *Id.* at 14:28–30. “For example, a movie existant may include the attributes of a title, a director, a cast, a release year, and a synopsis.” *Id.* at 14:30–32.

In one process used while retrieving information from the Internet, “a search page is found and patterns are used to isolate the area on the page containing relevant information.” *Id.* at 15:8–10. A step may be performed in which “an appropriate form is found and special routines are invoked to extract actual data and information.” *Id.* at 15:10–13.

3. *Dasan*

Dasan “relates to a client/server model for information retrieval based upon a user-defined profile, for example, for the generation of an ‘electronic’ newspaper which contains information of interest to a particular user.” Ex. 1013, 1:11–15. Figure 4 of Dasan is reproduced below.

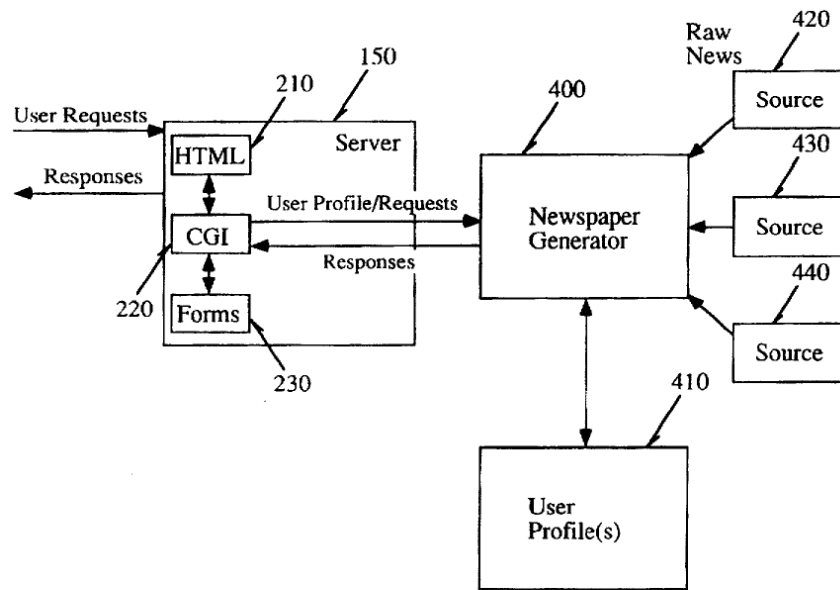


Fig. 4

Figure 4 is a block diagram of processes operative within a server, and illustrates the interaction between server 150 and newspaper application program 400. *Id.* at 2:66–67, 5:53–55. “Depending upon user input, requests are sent to the active application in the server, in this case the personal newspaper generator 400, which causes the application to perform certain functions.” *Id.* at 5:55–59. Newspaper generator 400 uses raw news sources 420, 430, 440, which “come in as large text files with a predetermined format.” *Id.* at 6:11–13, 8:4–5.

User profile 410 is “created and stored in local files” and may be accessed by the server during editing operations or during creation of the newspaper. *Id.* at 5:67–6:4. The user profile is created and edited by filling out browser “forms” to “control the parameters of” a “server-resident

process” that may specify “the types of stories/articles which are of interest to the user.” *Id.* at 4:42–49. A personal news profile “is stored in a ASCII text file by topic by the newspaper generator,” with each topic containing “a number of sources (e.g. publications or newsfeeds) to search and corresponding search term(s).” *Id.* at 6:61–64.

The process for creating the newspaper “functions as a full-text retrieval system which is controlled by the context(s) (e.g. source(s) and date(s)) and corresponding search term(s) specified in each of the topics contained in the profile.” *Id.* at 7:61–65. That is, a full-text search is executed upon the large text files received from sources 410, 420, 430, and “[u]pon location of certain search terms having the specified context(s) in the file, the portion of the file containing the located article is parsed so as to be converted into an individual ASCII file which is resident on the server.” *Id.* at 8:5–11.

4. *Uppaluru*

Uppaluru “relates generally to the construction and use of distributed interactive voice and speech processing systems, including interactive voice response (IVR) systems and voice messaging (VM) systems.” Ex. 1014, 1:6–9. A voice web system presents a “top level voice web personal home page” and, at the same time, “retrieves the set of word recognition patterns associated with the key words in the presented page from the user’s speech profile.” *Id.* at 3:24–28. The system “match[es] the active vocabulary and associated speaker dependent word patterns dynamically in a context sensitive manner.” *Id.* at 3:28–30. In particular, with the use of speech training profiles, the voice web browser described by Uppaluru “recognizes

the command and control word utterances . . . and matches them against the personalized vocabulary in the corresponding voice web speech training page for accurate speaker dependent recognition.” *Id.* at 18:23–29.

E. Obviousness over Wise and Dasan

Petitioner challenges claims 1–25 as unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan, and challenges claim 26 as unpatentable as unpatentable over Wise, Dasan, and Uppaluru. Pet. 47–67.

1. Independent Claim 1

Petitioner supports its challenge of independent claim 1 over Wise and Dasan with an analysis of each claim element and with testimony by Mr. Lipoff. Pet. 49–55. In some instances where the analysis relies primarily or exclusively on Wise, the parties make reference to Petitioner’s analysis of a claim element as presented in the context of the challenge over Wise and Woods; we accordingly do the same. *See id.* at 50 (referring to Wise-Woods analysis for several limitations that Petitioner contends are disclosed by Wise).

Supported by Mr. Lipoff’s testimony, Petitioner contends generally that a person of ordinary skill in the art “would have been motivated to combine the relevant teachings of Wise and Dasan, and would have a reasonable expectation of success in doing so, because both relate to information retrieval systems that allow communication between a user and a server to obtain information of interest to the user.” *Id.* at 49. Petitioner and Mr. Lipoff elaborate on this general motivation in the context of specific claim limitations. *See id.* at 49, 50, 52–55, 57–58, 59, 61–62, 63, 64;

Ex. 1002 ¶¶ 170–171, 174, 176, 178, 182, 185, 188–189, 194, 197, 200. We accordingly address particular issues related to Petitioner’s motivation when discussing individual limitations below.

a. Preamble

Petitioner discusses the preamble in three parts. First, the preamble recites “[a] method for retrieving information from an information source, the information source being periodically updated with current information” Ex. 1001, 13:56–63. In addressing this recitation, Petitioner observes that “Wise discloses ‘a voice response system’ that ‘access[es] information from a computer network’ such as ‘(Web) page[s] on the Internet’ (e.g., plurality of information sources) via telephones, PDAs, or other devices.” Pet. 10–11 (quoting Ex. 1007, 1:5–8, 1:37–60, 2:50–51) (alterations by Petitioner), 49 (referring to Wise-Woods analysis). Petitioner also observes that, in the context of Dasan’s personalized newspaper, Dasan “examines the database of information and automatically retrieves a subset of the information from the database based upon the user-defined profile at periodic intervals,” so that the newspaper is kept up to date. *Id.* at 49 (quoting Ex. 1013, 2:29–33).

According to Petitioner, and supported by Mr. Lipoff’s testimony, a person of ordinary skill in the art “would have understood that the information accessed in Wise[] would have been retrieved at ‘periodic intervals’ or would have been motivated to add that functionality to Wise, as disclosed by Dasan, in order to ensure that the most up-to-date and complete information is presented to the user.” *Id.* at 49–50 (citing Ex. 1002 ¶¶ 170–171). Such a skilled artisan would, Petitioner and Mr. Lipoff further state,

have had a reasonable expectation of success in doing so because “it is implemented by computer-executed instructions, which involve no more than ordinary skill to apply.” *Id.*; Ex. 1002 ¶ 171.

Patent Owner disputes Petitioner’s reasoning because Petitioner’s “motivation to combine argument is centered on the **periodic retrieval** of information **from** an information source (webpage) and **not** on an information source that is **periodically updated**,” as the claim recites. PO Resp. 24. Nevertheless, Patent Owner concedes that Petitioner “establishes . . . that the Wise website information sources are **periodically updated**,” which Petitioner correctly observes “is all that the claim requires.” *Id.*; Reply 9. Patent Owner reasons that there is no motivation to combine teachings from the two references because “the Wise system alone **already provides** the most up-to-date and complete information to the user.” PO Resp. 27. But the Federal Circuit has criticized such an argument as “reasoning [that] belies its conclusion”: “[t]hat [two prior art references] address the same problem and that [one of the references] was a known way to address that problem is precisely the reason that there’s a motivation to combine under *KSR* and [Federal Circuit] precedent.” *Intel Corp. v. PACT XPP Schweiz AG*, 61 F.4th 1373, 1380 (Fed. Cir. 2023) (*quoted in* Pet. 10–11). This is the “known-technique” rationale, in which “[t]here is a motivation to combine when a known technique ‘has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way.’” *Id.* at 1380–1381 (citing *KSR*, 550 U.S. at 417). Implementing periodic updating of information sources as taught by Dasan would be within the skill of an ordinary artisan to implement in Wise’s system. We accordingly determine that Petitioner

articulates sufficient reasoning, supported by rational underpinning, to effect the combination it proposes and to meet the first aspect of the preamble.

Second, the preamble recites “over a network, by speech commands received from a particular user of a plurality of users, provided by the particular user via an electronic communication device.” Ex. 1001, 13:58–61. Petitioner relies only on Wise for this aspect of the preamble, noting that Wise discloses information retrieval over a network using “voice recognition” to match speech received via a telephone, which Petitioner identifies as the recited “electronic communication device.” Pet. 12 (citing Ex. 1007, 1:5–8, 1:66–2:2, 2:50–58), 50 (referring to Wise-Woods analysis). Mr. Lipoff supports Petitioner’s contention that a person of ordinary skill in the art would have understood Wise’s system to receive speech commands from a plurality of users in light of its disclosure of multiple user profiles. *Id.* at 12–13 (citing Ex. 1007, 3:9–11, 8:67–9:1, 9:10–13, 9:27–34); Ex. 1002 ¶ 99. Patent Owner does not dispute these aspects of Petitioner’s analysis, which we determine to be sufficient.

Third, the preamble recites that “each of the plurality of users has a respective electronic-communication device,” which Petitioner reasons a person of ordinary skill in the art would understand in light of Wise’s disclosure of multiple users using its voice-recognition system. Ex. 1001, 13:61–62; Pet. 13 (citing Ex. 1007, 3:52–61, 8:67–9:2), 50 (referring to Wise-Woods analysis). Mr. Lipoff supports this position, which Patent Owner also does not dispute, and we determine that Petitioner’s analysis is sufficient. Ex. 1002 ¶ 100.

Petitioner accordingly explains adequately how each aspect of the preamble of independent claim 1 is met in its proposed combination of Wise

and Dasan. We therefore need not determine expressly whether the preamble is limiting.

b. Receipt of Speech Command

Independent claim 1 recites “receiving a speech command from each of a plurality of users provided via the respective electronic-communication device, by a speech-recognition engine coupled to a media server, the media server configured to identify and access the information source via the network.” Ex. 1001, 13:64–14:2. Relying exclusively on Wise, Petitioner addresses this limitation in three parts, none of which is disputed by Patent Owner. *See* Pet. 50 (referring to Wise-Woods analysis).

First, Petitioner contends that the recitation of “receiving a speech command from each of a plurality of users provided via the respective electronic-communication device” is met by Wise’s disclosure of users communicating voice commands through a telephone. *Id.* at 14 (citing Ex. 1007, 2:5–7, 2:7–11, 2:53–58, 6:20–30; Ex. 1002 ¶¶ 101–102).

Second, Petitioner identifies Wise’s Speech-To-Text Converter 360, shown in Figure 3 of Wise, as corresponding to the recited “speech-recognition engine.” *Id.* at 14–15 (citing Ex. 1007, 5:33–37, 3:66–4:7, 8:33–36, Figs. 1–3). According to Petitioner, and supported by Mr. Lipoff’s testimony, a person of ordinary skill in the art “would have understood that Wise’s speech-recognition engine is coupled to a processor and media server because the Speech-to-Text converter 360 resides on ‘speech IP 340,’ as shown in Figure 3, performing the functions of the media server, and is coupled through software (OS) and hardware (DEC AlphaTM processor).” *Id.* at 16 (citing Ex. 1002 ¶¶ 104–105).

Third, Petitioner contends that “Wise’s media server is configured to identify and access the information source via the network” in a manner similar to that disclosed by the ’314 patent, namely “by providing information corresponding to the user’s speech command to the server IP, triggering the server IP to navigate to the website.” *Id.* at 16–18 (citing Ex. 1002 ¶ 108). Petitioner alternatively contends that a person of ordinary skill in the art “would also have understood that performing the server IP’s identifying and accessing functions on the same physical server as the speech IP would have been an obvious way of implementing the system.” *Id.* at 18 (citing Ex. 1002 ¶ 109). Petitioner supports this contention with testimony by Mr. Lipoff, who explains that “Wise’s components are general purpose computer software and commercially available hardware components that can be arranged into a single hardware media server.” Ex. 1002 ¶ 109.

Petitioner’s undisputed identifications within its proposed Wise-Woods combination are sufficient for this limitation.

c. Selection of Speech-Recognition Grammar

Independent claim 1 recites that “the speech-recognition engine [is] adapted to select speech-recognition grammar established to correspond to the speech commands received from the plurality of users and assigned to a desired search.” Ex. 1001, 14:2–5. In identifying structure in Wise that corresponds to the recited “speech-recognition engine,” Petitioner asserts that “Wise’s Speech-To-Text Converter 360 (speech recognition engine; green [in version of Wise’s Figure 3 colored by Petitioner]) resides on ‘speech IP [intelligent peripheral] 340’ which handles text-to-speech and

speech to-text conversions.” Pet. 14 (quoting Ex. 1007, 8:33–36), 50 (referring to Wise-Woods analysis).

According to Petitioner, this structure meets the recited limitation because it “selects the speech-recognition grammar corresponding to the speech commands received, assigned to a desired search, and associated with the desired information.” *Id.* at 19. In particular, Petitioner states that “Wise ‘attempt[s] to match a speech input’ (command) via a telephone ‘to a preselected list of potential selections or choices,’ i.e., ‘the dictionary of words that the voice recognition system will recognize.’” *Id.* (citing Ex. 1007, 1:66–2:2; quoting Ex. 1007, 2:50–58). Petitioner further refers us to the Baltimore Orioles example of Wise, summarized above, asserting that “when the user desires information for the Baltimore Orioles, the selected recognition grammar correlating to ‘Baltimore Orioles’ is ‘the most recent Baltimore Orioles baseball score.’” *Id.* (quoting Ex. 1007, 6:23–28).

Patent Owner disputes the sufficiency of Petitioner’s showing because “the Wise voice response system simply converts user speech input to text or words with no association to a speech recognition grammar.” PO Resp. 31. But as we noted in the Institution Decision, Dec. 25–26, the ’314 patent uses the terms “speech command” and “speech-recognition grammar” broadly, describing “natural speech recognition grammars” as “what a user can say that will be recognized by the speech recognition engine” and explaining that such “speech recognition grammars [] define the speech commands or pronounceable names spoken by a user in order to perform a user-defined search.” Ex. 1001, 5:59–61, 12:63–65. And Patent Owner declines to propose a construction of such terms (or support such constructions with evidence) that we might otherwise evaluate within the context of Petitioner’s

contentions. *See* Dec. 25 (noting at institution that “Patent Owner has not proposed constructions of either ‘speech command’ or ‘speech-recognition grammar’ that would support the supposed distinctions”); PO Resp. 1 (“Patent Owner believes that claim construction is unnecessary”).

The cross-examination testimony of Patent Owner’s expert, Mr. Occhiogrosso, is instructive. Mr. Occhiogrosso testified that the term “voice recognition system” used in Wise is “synonymous in large measure” with the term “speech-recognition engine” recited in the claim. Ex. 1057, 115:13–116:25. Mr. Occhiogrosso also testified that Wise’s reference to a “dictionary of words that the voice recognition system will recognize,” Ex. 1007, 2:54–55, “might be a primitive form of grammar.” Ex. 1057, 117:13–118:8; *see also id.* at 119:2–4 (“As I opined a moment ago, I think one could potentially conceive of it as a primitive grammar.”). Notwithstanding various qualifications that Mr. Occhiogrosso added, such as suggesting that the term “vocabulary” might be a better term to describe Wise’s “dictionary of words,” we find this cross-examination testimony consistent with the broad language in the ’314 patent used to describe a “speech-recognition grammar.” *See id.* at 117:13–120:9. We also find Mr. Occhiogrosso’s cross-examination testimony consistent with Mr. Lipoff’s testimony that a person of ordinary skill in the art “would have understood that Wise selects a speech-recognition grammar corresponding to the received speech command(s) and assigned to a desired search by matching the words or phrases to preselected dictionary words represented by the grammar in order to match the user’s desired search.” Ex. 1002 ¶ 111 (citing Ex. 1007, 2:50–55).

With respect to Wise’s “Baltimore Orioles” example, we noted in our Institution Decision that we agreed with Patent Owner’s characterization of this example, and we commented that Petitioner’s “summary of this example is less clear.” Dec. 26. At the oral hearing, Petitioner explained its understanding of this example in a way that comports with Patent Owner’s understanding, such that the parties are in general agreement with the factual operation of this example. *See* Tr. 13:1–15. That is, a user may navigate through a menu structure by providing DTMF tone responses to system prompts like “national sports information,” “baseball,” “sports team,” “scores,” etc. Ex. 1007, 6:14–30; Dec. 26; PO Resp. 36; Tr. 13:8–15. At some point, a user may speak a response instead of responding with a DTMF tone. Ex. 1007, 6:20–24 (“Alternatively, voice command and control could be used to request information. For example, instead of entering a number or alphanumeric sequence from a DTMF keypad to select a particular sports team, a user may say, ‘Baltimore Orioles.’”).

Where the parties disagree with respect to this example is whether it is within the scope of the claim. *See* Tr. 13:16–18 (Petitioner stating that “[w]here Patent Owner seems to . . . diverge is they argue that . . . somehow [the example] is outside the scope of the claims, and it just isn’t. That is very consistent with how the ’314 patent operates.”). Although Patent Owner argues that “Wise makes no disclosure of ‘the most recent Baltimore Orioles baseball score’ as a grammar,” that argument is unpersuasive because nothing in the claim excludes the “primitive” form of the selected grammar identified by Petitioner. *See* PO Resp. 37–39.

Patent Owner characterizes the Baltimore Orioles example as being “in response to a solicitation for a team,” and “contrast[s]” this with the ’314

patent’s description of a “barge-in” capability in which a user may “speak the command or pronounceable name described in the recognition grammar . . . at any time without waiting for the media server [] to list all available user-defined searches.” PO Resp. 33–34 (emphasis omitted); Ex. 1001, 12:65–13:5. But when pressed on cross-examination, Mr. Occhiogrosso conceded that, in his opinion, “the absence of the barge-in does not necessarily preclude something from being considered grammar.” Ex. 1057, 120:12–122:5. Ultimately, we agree with Petitioner that Patent Owner’s arguments are grounded in distinctions that are not captured by the language of the claim. *See* Tr. 14:22–24 (Ppetitioner stating that Patent Owner is “trying to draw a distinction between using menus and not using menus, and that distinction just doesn’t appear anywhere in the claims”); Sur-reply 8 (Patent Owner arguing that “Wise does not disclose assigning a speech recognition grammar to a desired search” because “the Wise system **must** be driven by menu prompts to allow for the DTMF operation”).

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

d. Selection of Information-Source-Retrieval Instruction

Independent claim 1 recites “selecting, by the media server, at least one information-source-retrieval instruction corresponding to the speech-recognition grammar established for a particular speech command.” Ex. 1001, 14:6–9. Petitioner addresses this limitation by observing that Wise discloses “software applications such as standard network software libraries” that “handle network communications.” Pet. 20 (citing Ex. 1007, 4:17–23), 50 (referring to Wise-Woods analysis). In addition, Petitioner

points to the fact that Wise also includes instructions in the form of library modules that “allow searching of an index” that is “navigate[d] based on the command.” *Id.* at 20 (citing Ex. 1007, 4:24–5:28, 6:31–33; Ex. 1002 ¶¶ 112–114). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise’s software applications include ‘information-source-retrieval instruction[s]’ because they include sets of stored data (e.g., documents (i.e., website listings)) and executable code (e.g., library modules) that instruct the system how to locate and retrieve requested information.” *Id.* (citing Ex. 1002 ¶ 114).

Petitioner also notes, “[a]s another example,” Wise’s use of a profile to “direct the creation of custom reports.” *Id.* at 20–21; Ex. 1007, 8:67–9:2. Wise discloses:

For example, a certain user regularly checks the closing price of a certain stock and the traffic report for the area near the user’s house in Silver Spring, Md. before leaving the office. Instead of traversing several system menus and submenus to access the desired information, that user may have a profile that directs the initial prompt from the system to be, “Press 1 for the Bell Atlantic stock closing price and the traffic report for the Silver Spring area. Press 2 for other menu options.”

Ex. 1007, 9:2–10. Supported by Mr. Lipoff’s testimony, Petitioner interprets this as being based on an “instruction corresponding to the speech-recognition grammar of the particular speech command,” as recited in the claim. Pet. 20 (citing Ex. 1002 ¶ 114).

Patent Owner raises a number of points in addressing this limitation, but we agree with Petitioner that, in doing so, Patent Owner incorporates a number of requirements that are not supported by the claim language.

PO Resp. 40–42; Reply 15. We again emphasize that Patent Owner declined to proffer a construction of any term recited in this limitation that we might evaluate, and instead takes the position that “claim construction is unnecessary and all terms of the Challenged Claims should be given their plain and ordinary meanings.” PO Resp. 1. We agree with Petitioner that such plain and ordinary meanings of the individual terms are self-evident: “The ‘information-source-retrieval instruction’ is just what it says: an instruction to retrieve information from a source of information. The ‘retrieval instruction’ is software that retrieves information; the ‘information’ is information sought by a user; and the ‘information source’ is, for example, a webpage.” Reply 16.

Most significantly, Patent Owner disputes Petitioner’s reliance on “standard network software libraries” because “they do not deal with any information content (requested by the user) to be retrieved.” PO Resp. 41. Patent Owner appears to advance this argument because “the ’314 patent discloses, and a [person of ordinary skill in the art] would recognize (in the ’314 specification), similar software and executable code to what Google points to in the Wise disclosure.” *Id.* But Patent Owner does not directly address Petitioner’s argument, supported by Mr. Lipoff, that the recited “information-source-retrieval instruction” is found in sets of stored data and executable code that instruct the system how to locate and retrieve requested information. *See* Pet. 20 (citing Ex. 1002 ¶ 114). And “a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.” *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

The parties also disagree on the relevance of Wise’s profile example cited by Petitioner. *See* Pet. 20. In its Reply, Petitioner elaborates on this example in response to Patent Owner’s contention that Petitioner’s argument is “hindsight based.” Reply 16–17; PO Resp. 42. Specifically, Petitioner observes that, in Wise, when a user speaks a response to an option to check stock information generated with the user profile, “Wise will execute software instructions necessary to retrieve that stock information from the appropriate source” using an information-source-retrieval instruction. Reply 16–17. Even without relying on Dasan’s user profile, which Patent Owner contends is an improper new argument raised in the Reply, this is sufficient to meet the claim’s limitation. Sur-reply 20; *see* Reply 17 (citing Ex. 1007, 4:17–5:28, 6:31–33; Ex. 1002 ¶¶ 112–114).

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

e. Database Storage of the Information-Source-Retrieval Instruction

Independent claim 1 recites that “the at least one information-source-retrieval instruction [is] stored in a database associated with the media server and adapted to retrieve information.” Ex. 1001, 14:9–12. For this limitation, Petitioner relies on Wise alone or in combination with Dasan. Pet. 21–22, 50–51.

When relying solely on Wise, Petitioner contends that a person of ordinary skill in the art would have been motivated to store the information-source-retrieval instructions discussed above “in a database associated with the media server and adapted to retrieve information in view of Wise’s teaching that databases are a standard format for storing computer files.”

Id. at 21 (citing Ex. 1007, 7:28–29; Ex. 1002 ¶ 116). Petitioner additionally observes that Wise discloses storage by its file server memory of “profiles and location profiles that direct the creation of custom reports” for a user based on user preferences. *Id.* (citing Ex. 1007, 3:9–18, 8:67–9:2, Fig. 3). Petitioner reasons that a person of ordinary skill in the art “would have understood that the information-source-retrieval instructions corresponding to the recognition grammar for a particular speech command would be stored in [that] memory [] and adapted to retrieve information from a ‘particular one of the information sources that has the desired information’ as saved in Wise’s ‘user profiles.’” *Id.* at 22 (citing Ex. 1002 ¶¶ 117–118). Petitioner supports both these aspects of the understanding of a person of ordinary skill in the art with testimony by Mr. Lipoff. Ex. 1002 ¶¶ 116–118).

When relying on Dasan in combination with Wise, Petitioner observes that Dasan describes “personal news profiles” that are stored “by topic” by the newspaper generator. Pet. 50–51 (citing Ex. 1013, 6:61–62, 7:12–21). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have understood to implement Dasan’s stored file source instruction[] into Wise’s file server memory to easily retrieve the information from a particular source.” *Id.* at 51 (citing Ex. 1002 ¶ 174).

Patent Owner disputes the sufficiency of Petitioner’s showing over Wise alone or in combination with Dasan for largely the same reasons. *See* PO Resp. 55 (“[T]his Wise/Dasan combination suffers from the same fatal dependency of the Wise Parser being able to access and use information stored in the Wise Memory 330 (file server memory).”). But Petitioner

grounds its analysis on a point of agreement, noting that “[t]here is no dispute that Wise stores its ‘user profile’ information in memory 330, which is a database.” Reply 17 (citing Ex. 1057, 110:6–10 (Mr. Occhiogrosso agreeing on cross-examination that Wise’s user profiles are stored in “some sort of database in memory through 330”)). Petitioner observes, and Patent Owner acknowledges, that such user profiles may generate custom reports for a user to access regularly sought information more quickly. *Id.* at 18 (citing Ex. 1007, 2:60–3:10); PO Resp. 44. Petitioner points out that Mr. Lipoff’s cross-examination testimony supports its conclusion that a person of ordinary skill in the art “would have understood Wise’s user-profile-created custom reports to identify and use appropriate ‘tags,’ facilitating the quick access of desired information such as a ‘Bell Atlantic Stock Price.’” Reply 18 (citing Ex. 2002, 45:7–46:9, 121:2–122:5).

This is sufficient to meet Petitioner’s burden. Although Patent Owner dismisses Mr. Lipoff’s inferences as “far afield of the true disclosure in Wise and [] nothing more than a hindsight reconstruction of the Challenged Claims,” we discern sufficient basis to credit Mr. Lipoff’s testimony on this point. *See* PO Resp. 49; Ex. 1002 ¶¶ 116–118; Ex. 2002, 45:7–46:9, 121:2–122:5. We are also not persuaded by Patent Owner’s contention that Wise’s architecture “teaches against” database storage of the recited “information-source-retrieval instruction” merely because the memory 330 is physically separate from Wise’s parser. *See id.* at 50–54. To the extent Patent Owner intends to make a “teaching away” argument, it is apparent that Patent Owner does not identify any statement in Wise that specifically “criticize[s], discredit[s], or otherwise discourage[s]” database storage of the information-source-retrieval instruction. *See In re Fulton*, 391 F.3d 1195, 1201 (Fed.

Cir. 2004). And we agree with Petitioner that Patent Owner’s argument “ignores that there are no requirements in the claim relating to a physical memory storage location; it simply must be in a ‘database.’” Reply 19. Mr. Lipoff’s testimony confirms that a person of ordinary skill in the art would have known how to access data from a database, even a physically separate one. Ex. 1002 ¶¶ 62, 69, 107–109, 112–115.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

f. Accessing a Portion of the Information Source

Independent claim 1 recites “accessing, by a web-browsing server, a portion of the information source to retrieve information of interest requested by the particular user, by using a processor of the web-browsing server.” Ex. 1001, 14:13–16. Petitioner relies solely on Wise for this limitation. Pet. 22–24, 50 (referring to Wise-Woods analysis). In particular, Petitioner observes that Wise’s Call Manager routes translated voice commands to its Parser, where the query may be matched to “a predetermined file address, stored in memory,” or sent to the Searcher to find a related file address on the target computer network. *Id.* at 24 (citing Ex. 1007, 6:39–49). Supported by Mr. Lipoff’s testimony, Petitioner thus reasons that a person of ordinary skill in the art would have understood Wise’s Searcher thereby to “provide[] access to portions of information sources in order to retrieve the desired information.” *Id.* (citing Ex. 1002 ¶ 122). According to Petitioner, this is illustrated by Wise’s example of responding to the phrase “Washington D.C. area weather,” in which the Searcher finds URLs of related web pages. *Id.*

Patent Owner repeats an argument that we addressed in the Institution Decision, namely that “[s]imply having a URL to a webpage is not accessing a portion, much less a specific portion of an information source to retrieve information of interest.” PO Resp. 56; *see* Dec. 31. On the complete record, we continue to find this argument unpersuasive because the limitation is met by Wise’s operation. *See* Reply 21 (“Wise thus accesses the portions of the website that it needs when it retrieves the website. Nothing more is required.”).

Patent Owner contends that Petitioner’s reliance on this operation effectively reads the phrase “a portion” out of the claim. PO Resp. 56 (“The exclusion of ‘a portion’ from Google’s interpretation is fatal to its argument and contradicts the black letter law of claim interpretation.”). Rather, though, it is Patent Owner who treats the claim language as more limiting than it actually is. That is, Patent Owner identifies no language in the limitation that excludes access to additional information.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

g. Request of Information from an Identified Webpage

Independent claim 1 recites that the processor of the web-browsing server “performs an instruction that requests information from an identified webpage.” Ex. 1001, 14:16–18. According to Petitioner, a person of ordinary skill in the art would have understood that such an instruction is performed in Wise “by Parser 230 either matching the subject word/phrase to ‘a predetermined file address, stored in memory,’ or sending it ‘to Searcher 240,’ a computer program to find file addresses on ‘target

computer network 15’ relating to the word/phrase.” Pet. 24–25 (quoting Ex. 1007, 6:40–45; citing Ex. 1002 ¶ 123), 50 (referring to Wise-Woods analysis). This identification, which we find sufficient, is supported by Mr. Lipoff’s testimony and is not disputed by Patent Owner. Ex. 1002 ¶ 123.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

h. Separation of a Portion of the Information

Independent claim 1 recites that the processor of the web-browsing server “utilizes a content extractor within the web-browsing server to separate a portion of the information from other information, the information derived from only a portion of the webpage containing information of interest to the particular user.” Ex. 1001, 14:16–22. In addressing this limitation, Petitioner primarily draws a correspondence between Wise’s Parser and the recited “content extractor.” Pet. 25–26, 51 (referring to Wise-Woods analysis). In doing so, Petitioner observes that Wise describes its system as “respond[ing] to a user input to navigate the document . . . based on content of the document.” *Id.* at 25; Ex. 1007, 2:59–61. In particular, as Petitioner points out, “[w]hen a document is accessed, it will be processed” through Wise’s Parser, which “interpret[s] the content of the document” and “select[s] what portions of the document are converted to speech.” Pet. 25; Ex. 1007, 5:66–6:1, 2:28–34. For example, “[h]eadings, labels, text, graphics, audio information, comments, and other types of content” are identified by the Parser for the Call Manager “to handle appropriately,” and

“[l]abels, document names, and text” can be passed to a “text-to-speech converter.” Ex. 1007, 6:1–5.

“To the extent that Wise does not explicitly disclose separating ‘only a portion of the webpage containing information of interest to the particular user,’ Petitioner relies on *Dasan*. Pet. 51. In particular, Petitioner relies on *Dasan*’s creation of a personal newspaper based on a user profile. *Id.* at 51–52. Petitioner reasons that the limitation is met because *Dasan* creates the personal newspaper by performing a full-text search for “corresponding search term(s) specified in each of the topics contained in the profile.” *Id.*; Ex. 1013, 7:61–65. *Dasan* locates “certain search terms having the specified context(s)” and parses “the portion of the file containing the located article” for conversion into an individual ASCII file. Ex. 1013, 8:7–11. In addition, Petitioner reasons that a person of ordinary skill in the art would have been motivated to implement such functionalities into Wise’s Parser “to ensure that only the desired information is extracted from the webpage,” thereby “improving the efficiency of the search process.” Pet. 52. Petitioner supports this analysis with testimony by Mr. Lipoff. Ex. 1002 ¶¶ 175–176.

Patent Owner responds by arguing that, “[i]n considering the full combination of Wise/*Dasan* as articulated by Google, the *Dasan* user profile contexts are **not applicable** to the Wise Parser because the Wise Parser can only process one single web page at a time.” PO Resp. 62. Patent Owner adds that, “[i]n attempting to apply the *Dasan* contexts (such as date and source) to a full-text search within the Wise Parser, a [person of ordinary skill in the art] would recognize that these contexts are meaningless.” *Id.*

Petitioner addresses this argument by elaborating on its proposed combination in its Reply. Reply 21–23. In particular, Petitioner focuses on

Wise’s HTML “tags” used to identify subportions of a website responsive to a user request, as well as Wise’s “user profiles,” in combination with Dasan’s ability to define “a subset of desired information from a larger information set,” such as “news on a specific topic culled from a larger newsfeed.” *Id.* at 21–22 (citing Ex. 1007, 2:61–3:8, 9:2–9; Ex. 1013, 2:2–5, 2:29–33, 6:1–6, 7:57–60). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have combined these teachings so that the Wise-Dasan user profile would quickly and easily present the specific desired information.” *Id.* at 22 (citing Ex. 1002 ¶¶ 174, 176). In this combination, with a user having identified a stock symbol for a specific source of stock information, the user would respond to a system inquiry by speaking the request for the stock price so that the system would access information for that specific stock symbol from a relevant website using the appropriate HTML tag. *Id.* (citing Ex. 1007, 9:1–15, 2:60–3:10).

We agree that the structure resulting from Petitioner’s proposed combination meets the limitation, and Patent Owner does not further respond to it in its Sur-reply. We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

i. Use of Content-Descriptor File

Independent claim 1 recites that “the content extractor uses a content-descriptor file containing a description of the portion of information” and that “the content-descriptor file indicates a location of the portion of the information within the information source.” Ex. 1001, 14:23–27. For this limitation, Petitioner again relies primarily on Wise, particularly on Wise’s use of “tags” that designate links or portions of documents. Pet. 28–30, 52–

53 (referring to Wise-Woods analysis). According to Petitioner, and supported by Mr. Lipoff's testimony, a person of ordinary skill in the art "would have understood that software residing on the server IP uses Wise's tags and 'file[s] associated with the web page' to execute the functionality of the 'content-descriptor file' because they contain the content of the document that directs the extraction agent (Parser 230) to identify and interpret data from the website." *Id.* at 28–29 (citing Ex. 1002 ¶ 129; Ex. 1001, 3:44–46, 6:25–27).

The parties' dispute for this limitation centers on whether an HTML web page can satisfy the claim's requirement for a "content-descriptor file," with Petitioner contending that it can, and Patent Owner contending that it cannot. PO Resp. 64–68; Reply 24–26; Sur-reply 21–29. In brief, the intrinsic evidence more strongly supports Petitioner's position, while the extrinsic evidence provided by the experts' testimony is inconclusive.

First, Patent Owner directs us to no language in the claim itself that sets forth a requirement that would exclude an HTML web page from meeting the recited "content-descriptor file," and we discern none. *See* Reply 24 (Petitioner asserting that Patent Owner "attempts to import a 'separate file' requirement, unsupported by the claims").

Second, the specification of the '314 patent describes the "content-descriptor file" as follows:

Based on the web page information 204 selected by the user, the clipping client 110 creates a content descriptor file containing a description of the content of the selected web page. This content descriptor file indicates where the information selected by the user is located on the web page. In the preferred embodiment, the content descriptor file is stored within the web browsing server 302 shown in FIG. 3.

Ex. 1001, 3:42–49. Although the “preferred embodiment” described by the ’314 patent might conceivably be a separate file, Patent Owner does not develop such an argument, and, in any event, it is improper to import limitations from the specification into the claims. *Superguide*, 358 F.3d 870 at 875; *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

As far as the experts’ opinions, both parties contend that both experts support their respective positions. Reply 24 (Petitioner asserting that “Parus misstates Mr. Lipoff’s opinion, but he plainly opined that there is no requirement that the content descriptor file be a separate file from a webpage. . . . Even Parus’s expert agrees on this point.”); Sur-reply 21–22 (Patent Owner asserting that, “[d]espite its own expert testifying to the contrary, Google argues that an HTML webpage can be the claimed content-descriptor file,” and asserting that Mr. Occhiogrosso’s purported “agree[ment] on this point” is “false”).

For example, Patent Owner emphasizes Mr. Lipoff’s cross-examination testimony that the recited “content-descriptor file” “is a different file” than the web page itself. PO Resp. 65–66 (emphasis omitted); Ex. 2002, 17:15–20. But as Petitioner points out, Mr. Lipoff also testified on cross-examination that he “do[es] not see any disclosure that [the content descriptor file and the web page are] the same file” and elaborated that he “[doesn’t] see any disclosure that it’s limited to something less than the entire web page.” Reply 24–25; Ex. 2002, 18:16–19:1. And in his Reply Declaration, Mr. Lipoff testified explicitly that, “[f]or clarity, there is nothing in the ’314 patent or specification that says, one way or the other, that the content descriptor file has to be a file separate and distinct from a

web-page.” Ex. 1050 ¶ 20. Mr. Lipoff adds that “[t]hat may or may not be the case, and would not [a]ffect whether the claims are met.” *Id.* Although we recognize that Mr. Lipoff made inconsistent statements on cross-examination, we find that, taken as a whole, his testimony reflects an opinion that the recited “content-descriptor file” is not required to be a file separate and distinct from an HTML web page.

Mr. Occhiogrosso made similarly inconsistent statements on this point on cross-examination. For example, when asked whether the claim requires that the “content-descriptor file be a different file,” Mr. Occhiogrosso responded that “[i]n my opinion, there’s nothing inherent that says it has to be stored in the same physical data file on the same storage medium.” Ex. 1057, 68:11–23. But when asked, “Could the content-descriptor file be one of the web pages that make up a website?” he responded, “In my opinion, no.” *Id.* at 70:9–13. Notwithstanding such inconsistent statements, we find that, taken as a whole, Mr. Occhiogrosso’s testimony reflects an opinion contrary to that of Mr. Lipoff, namely the recited “content-descriptor file” must be a file separate and distinct from an HTML web page.

The Federal Circuit has “viewed extrinsic evidence in general as less reliable than the patent and its prosecution history in determining how to read claim terms,” e.g., because expert testimony “is generated at the time of and for the purpose of litigation and thus can suffer from bias that is not present in intrinsic evidence.” *Phillips*, 415 F.3d at 1318. In this instance, although we discern certain (but contrary) positions in the experts’ opinions on this point, the inconsistencies in their cross-examination testimony limit

our confidence in those opinions. We accordingly give greater weight to the intrinsic evidence, which more strongly supports Petitioner’s position.

We accordingly determine that Petitioner’s showing with respect to this limitation is sufficient.

j. Retrieval of the Portion of the Information

Independent claim 1 recites “selecting by the web-browsing server the information of interest from the information source and retrieving only the portion of the information of interest requested by the particular user according to the at least one information-source-retrieval instruction.”

Ex. 1001, 14:28–32. For these limitations, Petitioner again points to the operation of Wise’s Call Manager and Parser, which selects which portions of a document are converted to speech by distinguishing such components as headings, labels, text, and the like. Pet. 30–31, 50 (referring to Wise-Woods analysis); Ex. 1007, 2:28–34. Alternatively, Petitioner again relies on Dasan’s disclosure of personal newspapers, which are generated in accordance with specified “topics” according to user profiles. Pet. 53–55.

In disputing the sufficiency of Petitioner’s showing for these limitations, Patent Owner largely repeats arguments that we address above, particularly in the context of the recited “content extractor,” *supra* § II.E.1.h. *See* PO Resp. 68–71. For example, Patent Owner argues that selection by Wise’s “Parser is not based on any particular information of interest,” but is instead “based solely on the suitability of specific content to be converted to audio format.” *Id.* at 70. With respect to Dasan, Patent Owner argues that “implementation of the Dasan key word search into the Wise system simply results in key word hits within a web page.” *Id.* at 71. But these arguments

do not address Petitioner’s full argument, particularly as elaborated in the Reply to address Patent Owner’s arguments.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

k. Conversion of the Retrieved Information into an Audio Message and Transmission of Audio Message

Independent claim 1 recites “converting the information retrieved from the information source into an audio message by a speech-synthesis engine, the speech-synthesis engine coupled to the media server,” and recites “transmitting the audio message to the electronic-communication device of the particular user requesting information of interest to the particular user.” Ex. 1001, 14:33–39. Petitioner relies solely on Wise for these limitations. Pet. 31–34, 50 (referring to Wise-Woods analysis). Petitioner reasons that the limitations are met because Wise teaches using a text-to-speech engine that is part of “Speech IP 340,” and because Wise teaches routing the resulting audio to be played by an audio player. *Id.* at 32–34. Petitioner supports this reasoning with testimony by Mr. Lipoff, and Patent Owner does not dispute the sufficiency of Petitioner’s showing. Ex. 1002 ¶¶ 137–139.

We determine that Petitioner’s showing is sufficient with respect to these limitations.

l. Summary

Because Petitioner makes a sufficient showing for each limitation of independent claim 1, we conclude that Petitioner shows, by a preponderance

of the evidence, that independent claim 1 is unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

2. Independent Claims 6, 11, and 19

Independent claims 6, 11, and 19 are directed to methods and systems that correspond generally to the method recited in independent claim 1. *See* Ex. 1001, 14:56–15:42 (“A system for retrieving information from an information source . . .”), 15:63–16:53 (“A method for retrieving desired information from an information source of a plurality of information sources . . .”), 17:19–18:23 (“An information-retrieval system for retrieving information from an information source . . .”). Indeed, both Petitioner and Patent Owner address the claims collectively with their arguments directed at independent claim 1. *See* Pet. 47–58; PO Resp. 22–71; Reply 9–26; Sur-reply 4–29.

In addition to limitations that correspond to those discussed above, claim 11 recites “providing a graphical display and adapted to display the desired information retrieved from the information source to the particular user on the respective electronic-communication device of the particular user.” Ex. 1001, 16:50–53. Claim 19 recites a similar limitation. *Id.* at 18:20–23. For these limitations, Petitioner relies on Wise alone or in combination with Dasan. Pet. 34–35, 55–58. When relying on Wise alone, Petitioner identifies Wise’s “presentation manager 355” as corresponding to the recited “graphical display,” and notes that Wise includes various display modules. *Id.* at 34 (citing Ex. 1007, 4:22–23, 4:61, 4:66, 5:9, 5:10, 8:10–13, 8:47–54; Ex. 1002 ¶ 141).

Alternatively, Petitioner observes that Dasan explicitly discloses that its system may be coupled to a display device where results may be displayed. *Id.* at 55–56 (citing Ex. 1013, 2:17–19, 5:8–11, 8:22–37, Figs. 3, 12). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have been motivated to implement Dasan’s graphical user interface into Wise’s system to allow user interaction during the search process and enhance the user’s experience.” *Id.* at 57 (citing Ex. 1002 ¶¶ 184–185).

Patent Owner does not dispute these aspects of Petitioner’s analysis, which we find sufficient. We have otherwise reviewed the parties’ respective arguments for other limitations that correspond to those recited in independent claim 1 and reviewed above, and also find them sufficient in the context of independent claims 6, 11, and 19. We accordingly conclude that Petitioner shows, by a preponderance of the evidence, that independent claims 6, 11, and 19 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

3. Dependent Claim 2

Claim 2 depends from independent claim 1 and recites “searching, by the media server, an associated website to locate the requested information.” Ex. 1001, 14:40–42. To meet this limitation, Petitioner relies on Wise alone, or in combination with Dasan. Pet. 35, 58–59. When addressing Wise alone, Petitioner observes that Wise’s Search 240 may find file addresses related to a subject word or phrase on a target computer network, with Browser 250 returning the requested downloaded file to Parser 230 for analysis. *Id.* at 36 (citing Ex. 1007, 7:7–20). Supported by Mr. Lipoff’s

testimony, Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise’s media server searches an associated website to locate the requested information because Wise’s speech IP communicates with its server IP via network 15.” *Id.* (citing Ex. 1007, 9:47–53; Ex. 1002 ¶ 144).

When alternatively relying on the combination with Dasan, Petitioner notes that Dasan explicitly discloses a “first application program” that “examines a database of information and automatically retrieves a subset of the information from the database based upon which information is of interest to the user as specified in the user-defined profile.” *Id.* at 58–59 (quoting Ex. 1013, 2:14–18). Drawing a correspondence between Dasan’s first application program and the recited “media server” and between Dasan’s information subset and the recited “associated website,” Petitioner reasons that a person of ordinary skill in the art would have been motivated to implement such functionality “into Wise’s media server to retrieve the information of interest to the user.” *Id.* at 59 (citing Ex. 1013, 2:1–4, 2:29–33; Ex. 1002 ¶¶ 187–188). Petitioner supports such reasoning with testimony by Mr. Lipoff. Ex. 1002 ¶¶ 187–188.

Patent Owner does not dispute Petitioner’s reasoning under either of these bases, both of which we find sufficient. We accordingly conclude that Petitioner shows, by a preponderance of the evidence, that claim 2 is unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

4. Dependent Claims 3, 8, 13, and 21

Claim 3 depends from independent claim 1 and recites that “the respective electronic-communication device is at least one of a landline

telephone, a wireless telephone, and an internet protocol telephone and the media server is operatively connected to at least one of a local-area network, a wide-area network, and the internet.” Ex. 1001, 14:43–48. Claims 8, 13, and 21, which respectively depend from independent claims 6, 11, and 19, recite similar limitations. *Id.* at 15:46–51, 16:57–62, 18:28–31. Petitioner observes, and Patent Owner does not dispute, that Wise discloses an implementation using a “standard telephone [], either analog (POTS) or digital (ISDN)” that is connected to “architecture 100 using a standard POTS or ISDN telephone line.” Pet. 37 (quoting Ex. 1007, 3:52–55), 58 (referring to Wise-Woods analysis). In addition, Petitioner observes that Wise’s architecture is “connected through a computer network 15, such as the Internet to various . . . Web servers.” *Id.* at 38 (quoting Ex. 1007, 3:51–61), 59 (referring to Wise-Woods analysis).

Because these disclosures plainly meet the limitation, which Patent Owner does not dispute, we conclude that Petitioner shows, by a preponderance of the evidence, that claims 3, 8, 13, and 21 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

5. Dependent Claims 4, 9, and 17

Claims 4, 9, and 17 respectively depend from independent claims 1, 6, and 11, and recite that “the media server functions as a user-interface system adapted to provide access to a voice-browsing system.” Ex. 1001, 14:49–51, 15:52–54, 17:8–10. Supported by Mr. Lipoff’s testimony, Petitioner reasons that these limitations are met because a person of ordinary skill in the art would have understood from Wise’s architecture that “Wise’s speech IP functions as a user interface providing access to a voice-browsing system

because it is connected to the user's telephone 10 which provides voice web-browsing." Pet. 38–39 (citing Ex. 1002 ¶ 150), 59 (referring to Wise-Woods analysis).

Patent Owner does not dispute this reasoning, which we determine to be sufficient, such that we conclude that Petitioner shows, by a preponderance of the evidence, that claims 4, 9, and 17 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

6. Dependent Claims 5, 10, and 18

Claim 5 depends from independent claim 1 and recites a “clipping engine adapted to initially generate the content-descriptor file that indicates the location of the portion of the information within the information source.” Ex. 1001, 14:52–55. From Wise's disclosure of profiles to “direct the creation of custom reports,” discussed *supra* § II.E.1.d., Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise's custom reports made based on user and location profiles indicate the location of the portion of the information containing the desired information.” Pet. 40 (citing Ex. 1002 ¶¶ 151–152). Petitioner acknowledges that “Wise does not explicitly disclose a ‘clipping engine adapted to generate the content-descriptor file,’” but contends that “it was well-known in the art, as disclosed by Dasan.” *Id.* at 60.

Petitioner refers to Dasan's disclosure of a form-filling interface in which a user labels a topic of interest “by filling in the field [] provided by the fill-in forms feature of HTML or CGI” and then “specifies” search terms, case sensitivity, and “search context(s)” to be used in a full-text search. *Id.* at 60–61 (quoting Ex. 1013, 7:26–38). Supported by Mr. Lipoff's

testimony, Petitioner reasons that a person of ordinary skill in the art “would have been motivated to implement the form-filling (clipping engine) features of Dasan’s newspaper generator into Wise’s system to enhance the accuracy and efficiency of retrieving the user-requested information by ‘retrieving data from a server based upon a defined and stored user profile of desired information.’” *Id.* at 61 (citing Ex. 1013, 8:41–43; Ex. 1002 ¶¶ 193–194).

Claim 10, which depends from independent claim 6, similarly recites such a “clipping engine,” but adds that “an instruction is used by the web-browsing server to request information from the identified website and the information is displayed on the respective electronic-communication device, wherein the information is only the portion of the webpage containing information of interest to the particular user.” Ex. 1001, 15:55–62.

Claim 18 depends from claim 11 and adds a generally similar recitation. *Id.* at 17:11–18. Petitioner addresses these additional requirements by relying on the same form-filling features described by Dasan, together with additional form features that include user registration. Pet. 62–63.

Petitioner’s showing, for each of these features of claims 5, 10, and 18, is supported by Mr. Lipoff’s testimony, and is not disputed by Patent Owner outside of Patent Owner’s arguments directed at the underlying independent claims. Ex. 1002 ¶¶ 191–197. Petitioner’s showing is sufficient, and we conclude that Petitioner shows, by a preponderance of the evidence, that claims 5, 10, and 18 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

7. Dependent Claims 7, 12, and 20

Claim 7 depends from independent claim 6 and recites “an interface to an associated website by the network to locate requested information,” and claims 12 and 20, which respectively depend from claims 11 and 19, include similar recitations. Ex. 1001, 15:43–45, 16:54–56, 18:24–27. Supported by Mr. Lipoff’s testimony, Petitioner reasons, and Patent Owner does not dispute, that a person of ordinary skill in the art would have understood Wise’s “IP server” to provide “an ‘interface’ to a plurality of associated websites of the information sources accessed by the network.” Pet. 43 (citing Ex. 1007, 6:46–51; Ex. 1002 ¶ 157). Alternatively, Petitioner contends that such an interface is disclosed by Dasan’s teaching of a “server having an execution control interface for causing said first application program to examine a database of information and automatically retrieve a subset of said information based upon which information is of interest to said user as identified in said user-defined profile.” *Id.* at 64 (citing Ex. 1013, 9:55–60 (claim 17)).

Petitioner makes a sufficient showing under either theory, such that we conclude that Petitioner shows, by a preponderance of the evidence, that claims 7, 12, and 20 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

8. Dependent Claims 14 and 23

Claim 14 depends from independent claim 11 and recites that “the web-browsing server further comprises the content-descriptor file, which is stored within the web-browsing server, wherein the content-descriptor file relates to obtaining the desired information from a website.” Ex. 1001,

16:63–67. Claim 23 depends from independent claim 19 and recites that “the content-descriptor file relates to obtaining the desired information from a website.” *Id.* at 18:36–38. For these limitations, Petitioner relies on its analysis of the content-description file limitations of independent claim 1, discussed *supra* § II.E.1.i, and Patent Owner does not dispute such reliance outside of its arguments directed at the underlying independent claims. Pet. 44, 59 (referring to Wise-Woods analysis).

Petitioner’s analysis is sufficient and we conclude that Petitioner shows, by a preponderance of the evidence, that claims 14 and 23 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

9. Dependent Claims 15 and 24

Claim 15 depends from independent claim 11 and recites that “the speech command includes a phrase provided by the certain users, the phrase associated with an identified website and information.” Ex. 1001, 17:1–3. Claim 24 depends from independent claim 19 and recites a similar limitation. *Id.* at 18:39–42. For these limitations, Petitioner notes that Wise’s weather, traffic, and sports-scores examples all include users using a phrase associated with an identified website and information. Pet. 44–45, 59 (referring to Wise-Woods analysis). For example, “[t]he user’s speech command, e.g., ‘Baltimore Orioles,’ is captured by Call Manager 210 and sent to translator 220 which uses speech-to-text engine 114 or speech recognition to interpret the command as a request for ‘the most recent Baltimore Orioles baseball score.’” *Id.* at 44–45 (citing Ex. 1007, 6:20–28).

Patent Owner does not dispute Petitioner’s showing, which we find sufficient. Accordingly, we conclude that Petitioner shows, by a

preponderance of the evidence, that claims 15 and 24 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

10. Dependent Claims 16 and 25

Claim 16 depends from independent claim 11 and recites that “a command for executing a content-extraction agent are [*sic*] stored in a database associated with the media server and used for voice browsing.” Ex. 1001, 17:4–7. Claim 25 depends from independent claim 19 and includes a similar recitation. *Id.* at 18:43–46. For these limitations, Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise’s file server memory stores a ‘command’ or code to execute the ‘content extraction agent’ (parser), when it directly prompts the system to access the desired information like the ‘Bell Atlantic stock closing price.’” Pet. 45–46 (citing Ex. 1002 ¶¶ 162–163), 59 (referring to Wise-Woods analysis). In light of our discussion of whether Wise discloses a “database,” *supra* § II.E.1.e., this reasoning is sufficient, and it is not disputed by Patent Owner outside of its arguments directed at the underlying independent claims.

We conclude that Petitioner shows, by a preponderance of the evidence, that claims 16 and 25 are unpatentable under 35 U.S.C. § 103(a) over Wise and Dasan.

11. Dependent Claim 26

Claim 26 depends from independent claim 19 and recites “a database wherein a personal-recognition grammar is stored in the database and relates to web information.” Ex. 1001, 18:47–49. Petitioner addresses this claim in

the alternative, namely that the limitation is met by Wise alone or in combination with Uppaluru. Pet. 46, 65–67. First, Petitioner again relies on Wise’s disclosure of “user profiles” that direct the system with initial prompts based on regular user activity. *Id.* at 46 (citing Ex. 1007, 8:25–26, 8:65–9:12). According to Petitioner, and supported by Mr. Lipoff’s testimony, “[t]his is a saved personal-recognition grammar used instead of requiring that the user ‘travers[e] several system menus and submenus to access the desired information.’” *Id.* (citing Ex. 1002 ¶¶ 164–165).

Alternatively, “[t]o the extent that the Wise-Dasan combination does not explicitly disclose ‘personal-recognition grammar,’” Petitioner contends that “it was well-known, as disclosed by Uppaluru.” *Id.* at 66 (citing Ex. 1002 ¶¶ 203–204). Petitioner identifies, with Mr. Lipoff’s supporting testimony, a “personal-recognition grammar” in Uppaluru’s disclosure of a “voice web system” that uses “speech training profiles to dynamically change the active vocabulary in the voice processing software and hardware thereby customizing it to the subscriber.” *Id.* (quoting Ex. 1014, 14:51–54); *see* Ex. 1002 ¶ 164. Petitioner reasons that a person of ordinary skill in the art “would have been motivated to combine Uppaluru’s speaker-dependent grammar into the Wise-Dasan system to ‘enable[] the user to call into any compatible Internet connected voice web system in’ his/her ‘proximity from anywhere in the world, identify himself/herself to the system and then enable the system to dynamically retrieve suitable information that enhances his/her navigation and access of the information stored in the voice web using voice commands and input.’” Pet. 67 (quoting Ex. 1014, 3:41–58; citing Ex. 1002 ¶¶ 205–206).

In light of our discussion of the breadth with which the '314 patent uses the term “grammar,” *supra* § II.E.1.c., and our discussion of whether Wise discloses a “database,” *supra* § II.E.1.e., Petitioner’s reasoning is sufficient under both alternatives. Petitioner’s reasoning is not only supported by the testimony of Mr. Lipoff, but is not disputed by Patent Owner outside of its arguments directed at the underlying independent claim. *See* Ex. 1002 ¶¶ 205–206. We accordingly conclude that Petitioner shows, by a preponderance of the evidence, that claim 26 is unpatentable under 35 U.S.C. § 103(a) over Wise, Dasan, and Uppaluru.

F. Obviousness over Wise and Woods

Petitioner challenges claims 1–26 as unpatentable under 35 U.S.C. § 103(a) over Wise and Woods. Pet. 10–47. As Petitioner asserts, Patent Owner’s Response “did not address the merits of Wise-Woods.” Reply 1; *see* Paper 8, 9 (“Patent Owner is cautioned that any arguments not raised in the response may be deemed waived.”). And, as we noted in the Institution Decision, “Wise is applied extensively in both sets of challenges,” i.e., those involving a combination of Wise and Woods and those involving a combination of Wise and Dasan, such that “many of our determinations would apply equally” to both challenges. Dec. 20. In addressing the challenges over Wise and Woods below, we accordingly rely on our analysis in relevant parts as explained above in the context of the Wise-Dasan challenges.

1. Independent Claim 1

Petitioner supports its challenge of independent claim 1 over Wise and Woods with an analysis of each claim element and with testimony by Mr. Lipoff. Pet. 10–35. Supported by Mr. Lipoff’s testimony, Petitioner contends generally that a person of ordinary skill in the art “would have been motivated to combine the relevant teachings of Wise and Woods, and would have a reasonable expectation of success in doing so, because both relate to systems and methods for ‘providing voice access to Internet-based information and services.’” *Id.* at 10 (citing Ex. 1012, Abstr.; Ex. 1002 ¶ 93). Patent Owner does not dispute this reasoning, and Petitioner elaborates on this general motivation in the context of specific claim limitations. *See id.* at 12, 22, 28, 29–30, 31, 35; Ex. 1002 ¶¶ 97, 119, 128, 132, 136, 143. We accordingly address particular issues related to Petitioner’s proposed motivation when discussing individual limitations below.

a. Preamble

Of the three parts of claim 1’s preamble, Petitioner relies on Woods only for the first, i.e., “[a] method for retrieving information from an information source, the information source being periodically updated with current information,” and relies on Wise alone for the remaining parts. Pet. 10–13. In addressing this first part, Petitioner proposes to combine Woods’s “voice portal” with Wise’s “voice response system.” *Id.* at 11. Petitioner reasons that a person of ordinary skill in the art would have understood that “the website information sources from which both Wise and Woods retrieve information are ‘periodically updated with current

information’ as claimed.” *Id.* (citing Ex. 1002 ¶ 96). This reasoning is similar to the reasoning we discuss with respect to the Wise-Dasan combination, and Patent Owner does not dispute such reasoning in the context of the Wise-Woods challenge. To the extent Patent Owner’s argument that “the Wise system alone **already provides** the most up-to-date and complete information to the user,” *see* PO Resp. 27, applies to the Wise-Woods combination, we find that argument unpersuasive for the reasons we discuss *supra*, § II.E.1.a.

In that subsection, we also discuss Petitioner’s reasoning in the context of the Wise-Dasan challenge for the other two parts of the preamble, and Petitioner relies on the same reasoning for the Wise-Woods challenge. We determine that such reasoning is sufficient for the same reasons. Patent Owner does not dispute this reasoning for the Wise-Woods challenge. Accordingly determine that Petitioner adequately explains how each aspect of the preamble of independent claim 1 is met in its proposed combination of Wise and Woods.

*b. Receipt of Speech Command,
Selection of Speech-Recognition Grammar, and
Selection of Information-Source-Retrieval Instruction*

For the limitations of independent claim 1 directed at receipt of a speech command from each of a plurality of users, selection of speech-recognition grammar established to correspond to the speech commands, and selection of at least one information-source-retrieval instruction corresponding to the speech-recognition grammar, Petitioner relies solely on Wise. Pet. 13–21. We have addressed Petitioner’s reasoning, as well as

Patent Owner’s arguments presented in the context of the Wise-Dasan challenge, *supra*, §§ II.E.1.b, II.E.1.c, II.E.1.d (noting that we need not rely on Dasan’s user profile, which Patent Owner contends is an improper new argument raised in the Reply). Patent Owner makes no separate arguments for the Wise-Woods challenge, and we determine that Petitioner makes a sufficient showing for these limitations.

c. Database Storage of the Information-Source-Retrieval Instruction

Petitioner relies on Wise alone, or alternatively on the combination of teachings from both Wise and Woods, in addressing claim 1’s requirement that the at least one information-source-retrieval instruction be stored in a database associated with the media server and adapted to retrieve information. Pet. 21–22. Although Patent Owner disputes the sufficiency of Petitioner’s showing for this limitation in the context of the Wise-Dasan challenge, we do not find those reasons persuasive for the reasons we discuss *supra*, § II.E.1.e.

When addressing the combination of Wise and Woods, Petitioner observes that relying on “particular go-to information sources” to obtain information desired by a user “is specifically taught by Woods.” Pet. 22. In particular, Petitioner identifies Woods’s example in which a user says “Weather,” and Woods’s voice portal says “Welcome to Weather, brought to you by the Weather Channel” using existants saved in database 170. *Id.* (citing Ex. 1012, 24:43–60). Petitioner reasons that a person of ordinary skill in the art “would have understood to implement Woods’s storing information used by the voice portal, into Wise’s file server memory to easily retrieve the information from a particular source,” and supports that

reasoning with Mr. Lipoff’s testimony. *Id.* (citing Ex. 1002 ¶ 119). Patent Owner does not dispute the reasoning, which we find sufficient.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation under either of its alternative theories.

d. Accessing a Portion of the Information Source and Request of Information from an Identified Webpage

For the limitations of independent claim 1 that recite accessing a portion of the information source to retrieve information of interest requested by the particular user, and that the processor of the web-browsing server performs an instruction that requests information from an identified webpage, Petitioner relies solely on Wise. Pet. 22–25. We have addressed Petitioner’s reasoning, as well as Patent Owner’s argument that such reasoning effectively reads the phrase “a portion” out of the claim, in the context of Petitioner’s challenge based on Wise and Dasan *supra*, §§ II.E.1.f, II.E.1.g. Patent Owner makes no separate arguments for the challenge based on Wise and Woods, and we reach the same determination that Petitioner makes a sufficient showing for these limitations.

e. Separation of a Portion of the Information

As noted in our analysis of the Wise-Dasan challenge, Petitioner draws a correspondence between Wise’s Parser and the “content extractor” used to separate a portion of the information from other information. Pet. 25–26; *supra*, § II.E.1.h. But instead of relying on Dasan, “[t]o the extent that Wise does not disclose ‘only a portion of the webpage,’” Petitioner relies on Woods in the Wise-Woods challenge. Pet. 26–28. In

particular, Petitioner refers to Woods’s Figure 9, which illustrates that “a search page is found and patterns are used to isolate the area on the page containing relevant information.” *Id.* at 26–27 (quoting Ex. 1012, 15:8–10). Petitioner contends that the information is “derived from only a portion of the webpage containing information of interest to the particular user,” as the limitation requires, because Woods teaches that “multiple pages with related information is found given a particular page” and “an area pattern” is created that “defines where data specific patterns operate in the particular page.” *Id.* at 27 (citing Ex. 1012, 15:13–17).

Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have been motivated to implement Woods’s content extractor functionalities into Wise’s Parser to ensure that only the desired information is extracted from the webpage, thereby improving the efficiency of the search process.” *Id.* at 28 (citing Ex. 1002 ¶ 128). In addition, Mr. Lipoff supports Petitioner’s contention that a person of ordinary skill in the art would have had a reasonable expectation of success in doing so because “it is implemented by computer-executed instructions involving no more than ordinary skill.” *Id.* (citing Ex. 1002 ¶ 128).

Patent Owner does not dispute Petitioner’s analysis, which we find sufficient for this limitation.

f. Use of Content-Descriptor File

We discuss Petitioner’s reliance on Wise for this limitation at some length in the context of the Wise-Dasan challenge, particularly the parties’ dispute whether an HTML web page can satisfy the limitation’s requirement

for a “content-descriptor file.” *Supra*, § II.E.1.i. When addressing this limitation for the Wise-Woods challenge, Petitioner alternatively relies on Woods’s disclosure of allowing writers to “select from a variety of forms” to retrieve information “from particular web sites available via WWW 1020.” Pet. 29 (citing Ex. 1012, 17:6–10, 16:47–49). For this alternative, Petitioner contends that a person of ordinary skill in the art “would have understood that Woods’s context extractor uses forms (content descriptor files) containing a description and indication of the portion of information within the information source,” and Petitioner reasons that such a skilled artisan “would have been motivated to implement Woods’s content descriptor files into Wise’s Parser” for the same reasons discussed with respect to the limitation requiring separation of a portion of the information. *Id.* at 29–30 (citing Ex. 1002 ¶¶ 131–132). Petitioner supports this reasoning with testimony by Mr. Lipoff. Ex. 1002 ¶¶ 131–132.

Although Patent Owner does not dispute Petitioner’s alternative reasoning relying on Woods, we note that it implicates the same issue disputed for the Wise-Dasan challenge, namely whether an HTML web page can correspond to the recited “content-descriptor file.” *See supra*, § II.E.1.i. For the reasons we explain when addressing the Wise-Dasan challenge, we find the evidence more strongly supports Petitioner’s position that it can.

We accordingly determine that Petitioner makes a sufficient showing with respect to this limitation.

g. Retrieval of the Portion of the Information

Petitioner advances a similar alternative rationale for the limitation that requires selecting the information of interest and retrieving only the

portion of the information of interest requested by the particular user. That is, Petitioner relies principally on Wise for the reasons we discuss in the context of the Wise-Dasan challenge, *supra*, § II.E.1.j., but alternatively relies on implementing Woods’s forms and special routines. Pet. 30–31. Specifically, for this alternative, Petitioner reasons that a person of ordinary skill in the art “would have been motivated to implement Woods’s ‘forms’ and ‘special routines’ techniques for selecting and retrieving only the information of interest to the user from the webpage into Wise’s system to improve the efficiency of the search process.” *Id.* at 31 (citing Ex. 1002 ¶¶ 134–136). Petitioner supports this reasoning, which is not disputed by Patent Owner, with testimony by Mr. Lipoff, who also agrees that a skilled artisan would have had a reasonable expectation of success “because it is implemented by computer-executed instructions involving no more than ordinary skill to apply.” *Id.* (citing Ex. 1002 ¶¶ 134–136).

We conclude that Petitioner makes a sufficient showing with respect to this limitation.

h. Conversion of the Retrieved Information into an Audio Message and Transmission of Audio Message

Similar to the Wise-Dasan challenge, Petitioner relies exclusively on Wise’s teachings as meeting the claim’s requirement that the retrieved information be converted into an audio message by a speech-synthesis engine and transmitted. Pet. 31–34. For the reasons we explain in our analysis of the Wise-Dasan challenge, Petitioner makes a sufficient showing with respect to these limitations.

i. Summary

Because Petitioner makes a sufficient showing for each limitation of independent claim 1, we conclude that Petitioner shows, by a preponderance of the evidence, that independent claim 1 is unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

2. Independent Claims 6, 11, and 19

As we note above, independent claims 6, 11, and 19 are directed to methods and systems that correspond generally to the method recited in independent claim 1, with claims 11 and 19 reciting limitations directed to providing a graphical display for displaying the desired information. *Supra*, § II.E.2.; Ex. 1001, 16:50–53, 18:20–23. For its challenges to these claims over Wise and Woods, Petitioner relies on Wise alone or in combination with Woods. Pet. 34–35. When relying on Wise alone, Petitioner identifies Wise’s “presentation manager 355” as corresponding to the recited “graphical display,” and notes that Wise includes various display modules. *Id.* at 34 (citing Ex. 1007, 4:22–23, 4:61, 4:66, 5:9, 5:10, 8:10–13, 8:47–54; Ex. 1002 ¶ 141).

Alternatively, “[t]o the extent that Wise does not explicitly recite a graphical display to display the desired information,” Petitioner relies on Woods’s disclosure of a various display devices. *Id.* at 35 (citing Ex. 1012, 18:21–30). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have been motivated to implement Woods’s graphical user interface that displays the desired information into Wise’s system to allow visual user interaction during the search process and

enhance the user’s experience.” *Id.* (citing Ex. 1012, 19:50–62; Ex. 1002 ¶ 143).

Patent Owner does not dispute these aspects of Petitioner’s analysis, which we find sufficient. We have otherwise reviewed the parties’ respective arguments for other limitations that correspond to those recited in independent claim 1 and reviewed above, and also find them sufficient in the context of independent claims 6, 11, and 19. We accordingly conclude that Petitioner shows, by a preponderance of the evidence, that independent claim 6, 11, and 19 are unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

3. Dependent Claims 3, 4, 8, 9, 13, 15–17, 21, 24, and 25

Petitioner’s analysis of dependent claims 3, 4, 8, 9, 13, 15–17, 21, 24, and 25 relies only on Wise for the respective additional limitations. Pet. 37–39, 44–46. We address above why that analysis is sufficient in the context of the Wise-Dasan challenges, and Patent Owner presents no separate arguments for those claims for the Wise-Woods challenges. *Supra*, §§ II.E.4., II.E.5., II.E.9., II.E.10. Petitioner’s analysis is equally sufficient for the Wise-Woods challenges, and we accordingly conclude that Petitioner shows, by a preponderance of the evidence, that claims 3, 4, 8, 9, 13, 15–17, 21, 24, and 25 are unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

4. Dependent Claim 2

For claim 2, which depends from independent claim 1, and recites searching an “associated website” to locate the requested information,

Petitioner relies on Wise alone or in combination with Woods. When addressing Wise alone, Petitioner observes that Wise’s Search 240 may find file addresses related to a subject word or phrase on a target computer network, with Browser 250 returning the requested downloaded file to Parser 230 for analysis. Pet. 36 (citing Ex. 1007, 7:7–20). Supported by Mr. Lipoff’s testimony, Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise’s media server searches an associated website to locate the requested information because Wise’s speech IP communicates with its server IP via network 15.” *Id.* (citing Ex. 1007, 9:47–53; Ex. 1002 ¶ 144).

When alternatively relying on the combination with Woods, Petitioner identifies Woods’s voice portal for receiving user commands and points to an example in which Woods discloses that “information is identified on []found web pages by using a chosen form which overlays the page to filter out particular information” and “rules are used to identify characteristic information or attributes from the information retrieved by the form overlay.” *Id.* at 36–37 (citing Ex. 1012, 14:22–30, Fig. 7). Petitioner reasons that a person of ordinary skill in the art “would have implemented Woods’s functionality of searching an associated website to locate requested information into Wise’s parser (on the media server) to ‘deliver information garnered from [the] Internet []to users . . . in a timely and highly utilitarian way.’” *Id.* (citing Ex. 1012, 11:55–64; Ex. 1002 ¶¶ 145–146). Petitioner supports this reasoning, which we find sufficient, with testimony by Mr. Lipoff. Ex. 1002 ¶¶ 145–146.

Patent Owner does not dispute Petitioner’s reasoning under either of these bases, both of which we find sufficient. We accordingly conclude that

Petitioner shows, by a preponderance of the evidence, that claim 2 is unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

5. Dependent Claims 5, 10, and 18

For the clipping engine recited in each of claims 5, 10, and 18, Petitioner relies on the combination of Wise and Woods. Pet. 39–43. As we note when addressing these claims for the Wise-Dasan challenges, Petitioner reasons that a person of ordinary skill in the art “would have understood that Wise’s custom reports made based on user and location profiles indicate the location of the portion of the information containing the desired information.” Pet. 40 (citing Ex. 1002 ¶¶ 151–152); *supra*, § II.E.6. Petitioner acknowledges that “Wise does not explicitly disclose a ‘clipping engine,’” but contends that “it was well-known in the art as disclosed by Woods.” Pet. 40.

Petitioner draws a correspondence between the recited “clipping engine” and Woods’s disclosure of a data organizing tool that allows rule writers to select from a variety of forms to retrieve information from particular web sites. *Id.* (citing Ex. 1012, 17:6–10, 16:47–49). Petitioner contends that features of this data organizing tool meet the general limitation of claim 5, as well as the more specific limitations of claims 10 and 18 directed to instructions that request and display information that is only a portion of the webpage containing information of interest to the particular user. *Id.* at 41–43. In particular, Petitioner observes that the data organizing tool “displays the resulting page in the Internet browser” and that “information is identified on [] found web pages by using a chosen form

which overlays the page to filter out particular information.” *Id.* at 41 (citing Ex. 1012, 14:22–30, 18:24–30, Figs. 7, 10, 20).

Petitioner’s showing, for each of the features of claims 5, 10, and 18, is supported by Mr. Lipoff’s testimony, and is not disputed by Patent Owner. Ex. 1002 ¶¶ 151–156. Mr. Lipoff’s testimony also supports Petitioner’s reasoning that a person of ordinary skill in the art would have been motivated to implement Woods’s data organizing tool 1025 as a clipping engine into Wise because it would enhance the accuracy and efficiency of retrieving the requested information. Ex. 1002 ¶ 155; Pet. 41–42.

Petitioner’s showing is sufficient, and we conclude that Petitioner shows, by a preponderance of the evidence, that claims 5, 10, and 18 are unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

6. Dependent Claims 7, 12, and 20

As we note in our discussion of claims 7, 12, and 20 for Petitioner’s challenges over Wise and Dasan, Petitioner reasons, and Mr. Lipoff’s testimony supports, that a person of ordinary skill in the art would have understood Wise’s “IP server” to provide “an ‘interface’ to a plurality of associated websites of the information sources accessed by the network.”

Pet. 43 (citing Ex. 1007, 6:46–51; Ex. 1002 ¶ 157); *supra*, § II.E.7.

Alternatively, Petitioner contends that Woods discloses the required interface to an associated website because its voice portal includes a user interface that coordinates user voice communications and is coupled to both a database and an update engine in communication with the Internet. *Id.* (citing Ex. 1012, 2:30–37).

Petitioner makes a sufficient showing under either theory, such that we conclude that Petitioner shows, by a preponderance of the evidence, that claims 7, 12, and 20 are unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

7. Dependent Claims 14 and 23

Petitioner addresses claims 14 and 23 by referring to its analysis of the content-descriptor file recited in independent claim 1, and which we address *supra*, § II.F.1.f. Pet. 44. We agree that that analysis is applicable to these limitations (as we also do when considering the Wise-Dasan challenges, *supra*, § II.E.1.8.), and Patent Owner does not dispute such reliance.

Petitioner’s analysis is accordingly sufficient, and we conclude that Petitioner shows, by a preponderance of the evidence, that claims 14 and 23 are unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

8. Dependent Claim 26

In addition to relying on Wise alone for the personal-recognition grammar recited in claim 26, Petitioner alternatively relies on Wise in combination with Woods. Pet. 46–47. First, Petitioner again relies on Wise’s disclosure of “user profiles” that direct the system with initial prompts based on regular user activity. *Id.* at 46 (citing Ex. 1007, 8:25–26, 8:65–9:12). According to Petitioner, and supported by Mr. Lipoff’s testimony, “[t]his is a saved personal-recognition grammar used instead of requiring that the user ‘travers[e] several system menus and submenus to access the desired information.’” *Id.* (citing Ex. 1002 ¶¶ 164–165).

According to its alternative theory, Petitioner observes that Woods discloses vocabulary sets that limit the number of possible responses from which to use in speech recognition. *Id.* at 46–47 (citing Ex. 1012, 27:19–35). Supported by Mr. Lipoff’s testimony, Petitioner reasons, and Patent Owner does not dispute, that a person of ordinary skill in the art “would have been motivated to store Woods’s vocabulary sets in Wise’s user profiles customized to the individual user, resulting in a personal-recognition grammar similar to that disclosed by the ’314 patent.” *Id.* (citing Ex. 1002 ¶¶ 166–167).

In light of our discussion of the breadth with which the ’314 patent uses the term “grammar,” *supra* § II.F.1.c., and our discussion of whether Wise discloses a “database,” *supra* § II.F.1.e., Petitioner’s reasoning is sufficient under both alternatives. We accordingly conclude that Petitioner shows, by a preponderance of the evidence, that claim 26 is unpatentable under 35 U.S.C. § 103(a) over Wise and Woods.

III. CONCLUSION

The table below summarizes our conclusions as to the challenged claims.

Claims	35 U.S.C. §	Reference(s) /Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–26	103(a)	Wise, Woods	1–26	
1–25	103(a)	Wise, Dasan	1–25	
26	103(a)	Wise, Dasan, Uppaluru	26	
Overall Outcome			1–26	

IV. ORDER

It is

ORDERED that, based on a preponderance of the evidence, claims 1–26 of U.S. Patent No. 9,769,314 B2 have been shown to be unpatentable; and

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

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Patent 9,769,314 B2

For PETITIONER:

Benjamin Haber
Caitlin P. Hogan
O'MELVENY & MYERS LLP
bhaber@omm.com
chogan@omm.com

Elisabeth H. Hunt
WOLF GREENFIELD & SACKS, P.C.
ehunt-ptab@wolfgreenfield.com

For PATENT OWNER:

John B. Campbell
Scott W. Henjy
MCKOOL SMITH, P.C.
jcampbell@mckoolsmith.com
shejny@mckoolsmith.com

Robert Scheffel
Matthew Dowd
DOWD SCHEFFEL PLLC
rscheffel@dowdscheffel.com
mdowd@dowdscheffel.com