

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WILDSEED MOBILE, LLC.,
Patent Owner.

IPR2023-00244
U.S. Patent No. 10,251,021

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

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PETITIONER'S EXHIBIT LIST

Ex.1001	U.S. Patent No. 10,251,021
Ex.1002	Prosecution History of U.S. Patent No. 10,251,021
Ex.1003	Declaration of Dr. Henry Houh under 37 C.F.R. § 1.68
Ex.1004	U.S. Published Application US2006/0250994 to Sasaki et al.
Ex.1005	U.S. Published Application US2005/0020223 to Ellis et al.
Ex.1006	U.S. Published Application US2006/0195362 to Jacobi et al.
Ex.1007	U.S. Published Application US2006/0143214 to Teicher et al.
Ex.1008	U.S. Patent No. 6,169,899 to Havinis et al.
Ex.1009	U.S. Published Application US2006/0268667 to Jellison et al.
Ex.1010	U.S. Published Application US 2007/0100787 to Lim et. al.
Ex.1011	U.S. Published Application US 2006/0258289 to Dua
Ex.1012	December 1, 2021 Complaint in the Western District of Texas
Ex.1013	February 28, 2022 Amended Complaint in the Western District of Texas
Ex.1014	April 4, 2022 Notice of Voluntary Dismissal
Ex.1015	April 4, 2022 Complaint in the Western District of Texas
Ex.1016	May 9, 2022 Amended Complaint in the Western District of Texas
Ex.1017	Order Transferring to the Northern District of California
Ex.1018	Federal Court Statistics
Ex.1019	CV of Dr. Henry Houh
Ex.1020	Joint Case Management Statement, <i>Wildseed Mobile, LLC v. Google LLC et al.</i> , 3:22-cv-04928 (N.D. Cal. Nov. 29, 2022)

Ex.1021	Civil Minutes, <i>Wildseed Mobile, LLC v. Google LLC et al.</i> , 3:22-cv-04928 (N.D. Cal. Nov. 29, 2022)
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I. Introduction

U.S. Patent No. 10,251,021 (the “’021 patent,” Ex.1001) claims well-known concepts for recommending a venue or an event by using user preferences and geographic location. Specifically, the ’021 patent retrieves information about media stored on or accessed by a portable media player device and generates recommendations for events or venues based on that information. This claimed invention, however, merely describes a well-known process in systems prior to the ’021 patent.

Accordingly, pursuant to 35 U.S.C. §§ 311, 314(a), and 37 C.F.R. § 42.100, Google LLC (“Petitioner”) respectfully requests that the Board review and cancel as unpatentable under 35 U.S.C. §103 claims 1-19 (hereinafter, the “Challenged Claims”) of the ’021 patent.

II. GROUNDS FOR STANDING

Petitioner certifies that the ’021 patent is eligible for IPR and that Petitioner is not barred or estopped from requesting IPR challenging the patent claims. 37 C.F.R. § 42.104(a).

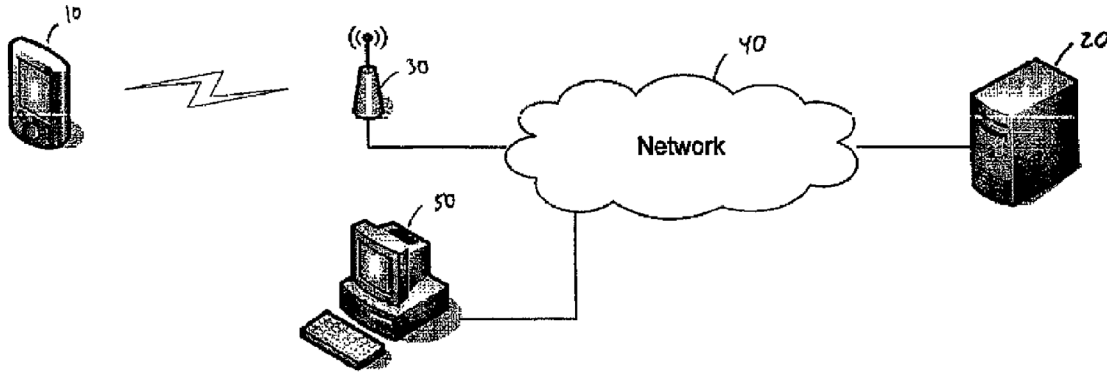
III. NOTE

Petitioner cites to exhibits’ original page numbers. **Emphasis** in quoted material has been added. Claim terms are presented in *italics*.

IV. SUMMARY OF THE '021 PATENT

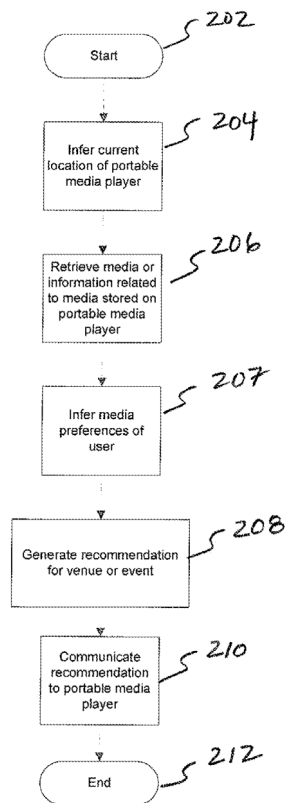
The '021 is generally directed to “a method and system for generating by a server . . . a recommendation for a venue or an event of interest proximally located to an inferred current location of a user of a portable media player device.” '021 patent, Abstract. The event or venue recommendation is “based at least in part on . . . one or more media preferences” of the user, which a server determines based on media that the user’s portable media device player has stored or accessed. *Id.* The server “may transmit one or more recommendations for a venue or event, or information of interest to the user, e.g. to portable media player device.” '021 patent, 4:11-18.

Figure 1 illustrates a recommendation system having (i) a portable media player with a plurality of stored media files, (ii) a server that exchanges information with the portable media player, and (iii) a communications medium, e.g., wireless access point. '021 patent, 3:58-4:5.



'021 patent, Fig. 1

Fig. 2 depicts providing a recommendation “based at least in part on an inferred current location of the user, and inferred entertainment interest of the user.” '021 patent, 4:25-28.



'021 patent, Fig. 2

As depicted in Fig. 2, the server “infers a current location of the user.” ’021 patent, 4:42-46. The server may use multiple methods to determine the user’s location, including “triangulating signals from various signal towers,” receiving the user’s location “from a global positioning system (GPS) module located within the portable media player device,” or receiving a location that is “manually entered by the user into the portable media player device.” ’021 patent, 4:52-64.

The server also “infer[s] an entertainment interest of the user.” ’021 patent, 5:10-13. The “inference may include retrieving media or information about the media stored on and/or accessed using user’s portable media player device.” ’021

patent, 5:11-13. The patent does not describe any algorithm or method to infer the user's entertainment interest, other than stating that the inference is based on media or information about media stored on or accessed by the user's portable media player device. Ex.1003, ¶28-32.

After the server determines one or more media preferences, “the server may make a recommendation for a venue or event (or provide information) based at least in part on the inferred current location of the user and the determined media preference of the user of the portable media player device.” ’021 patent, 5:58-64. The “server may compare a user's preference for a particular genre of music to a database that includes citywide events or venues that are hosting or typically host bands which play music of that particular genre.” ’021 patent, 6:10-13. For example, “the server may transmit a recommendation (or information) to a user, e.g. his portable music player device having jazz music stored on or accessed using the portable music player device for a club that plays live jazz or blues within a convenient walking or driving distance to the current location of the user and the portable media player device.” ’021 patent, 6:16-22.

After the server generates the recommendation, the “server may communicate the recommendation to the user by transmitting the recommendation (or information) to e.g., the portable media player device.” ’021 patent, 6:32-36.

This alleged invention was well-known in the prior art. Specifically, as

demonstrated below, prior to the '021 patent, it was well-known to POSITAs to collect information about a portable media player device's location and use it to recommend events or facilities near the user, and it was likewise well-known to collect information about a user's likes and dislikes and use that information to identify events or facilities to recommend to a user. Ex.1003, ¶¶28-35.

V. PROSECUTION HISTORY

The '021 patent was filed on September 21, 2015, and through a chain of continuations, claims priority to U.S. Provisional Patent Application No. 60/945,677, filed June 22, 2007. During prosecution, the claims that ultimately issued as claims 1-9 were rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 9,141,960. Ex.1002, Rejection, pp. 2-5. The claims were “not patentably distinct from” the claims of U.S. Patent No. 9,141,960. Ex.1002, Final Rejection, pg. 3.

Claims 1-19 issued on April 2, 2019. Because the '021 patent claims priority to an application filed before March 16, 2013, it is governed by pre-AIA 35 USC ¶102 and ¶103.

It is unnecessary to determine whether the '021 patent is entitled to its earliest alleged priority date because the prior art herein pre-dates the earliest alleged priority date.

VI. Level of Ordinary Skill in the Art

A Person of Ordinary Skill in The Art (“POSITA”) on or before June 22, 2007 would have been knowledgeable and familiar with the field of portable devices and venue or event recommendations. That person would have a bachelor’s degree in electrical engineering, computer science, or equivalent training, and approximately two years of experience working in the field. Lack of work experience can be remedied by additional education, and vice versa.

Ex.1003, ¶¶19-21.

VII. Claim Construction

In an IPR, claims are construed “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). The Board only construes the claims to the extent necessary to resolve the underlying controversy. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). Petitioner submits that for the purposes of this

proceeding, the terms of the Challenged Claims should be given their plain and ordinary meaning, and no terms require specific construction.¹ Ex.1003, ¶36.

VIII. RELIEF REQUESTED AND THE REASONS FOR THE REQUESTED RELIEF

Petitioner asks that the Board institute a trial for *inter partes* review and cancel the Challenged Claims in view of the analysis below.

IX. DISCRETIONARY DENIAL WOULD BE INAPPROPRIATE

A. THE *FINTIV* FACTORS FAVOR INSTITUTION

The six factors considered for § 314 denial strongly favor institution. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential). On June 21, 2022, Director Vidal issued a Memorandum on how the Board should apply the *Fintiv* factors (“*Fintiv* Guidance”). The Director’s *Fintiv* Guidance and the *Fintiv* factors weigh in favor of institution.

The ’021 Patent was first asserted against Petitioner in the Western District of Texas in a complaint filed December 1, 2021. *See* Ex.1012. Patent Owner filed an amended complaint on February 28, 2022. *See* Ex.1013. Patent Owner then

¹ Petitioner does not concede that any term in the challenged claims meets the statutory requirements of 35 U.S.C. § 112, or that the challenged claims recite patentable subject matter under 35 U.S.C. § 101.

voluntarily dismissed the amended complaint on April 4, 2022. *See* Ex.1014

On that same day, April 4, 2022, Patent Owner filed another complaint in the Western District of Texas asserting the '021 Patent (and others). *See* Ex.1015. Patent Owner filed an amended complaint on May 9, 2022. *See* Ex.1016.

After Petitioner filed its answer, the parties subsequently agreed to transfer the case to the Northern District of California. The court ordered the transfer on August 29, 2022, thereby opening the case in the Northern District of California. *See* Ex.1017. Thus, the district court case remains at an early stage. Petitioner has diligently prepared and filed this petition.

1. Factor 1 (possibility of a stay) is neutral.

No party has requested a stay pending of the co-pending district court litigation pending the outcome of this IPR. Accordingly, the Board should not infer the outcome of such motion. *See Dish Network L.L.C. v. Broadband iTV, Inc.*, IPR2020-01359, Paper 15 at 11 (PTAB Feb. 12, 2021) (“improper to speculate” what district court “might do regarding a motion to stay” when a stay had not yet been requested). Without “specific evidence” of how the court would rule on any stay motion, this factor is neutral. *Sand Revolution II, LLC v. Cont’l Intermodal Grp.—Trucking LLC*, IPR2019-01393, Paper 24 at 7 (PTAB June 16, 2020) (informative).

2. Factor 2 (proximity of trial date to final written decision) favors institution.

This factor favors institution and weighs strongly against discretionary denial.

As of the filing of the petition, the Northern District of California has adopted a schedule only through claim construction and has not set a trial date. Ex.1021.

Further, because of the uncertainties of court schedules, the PTAB weighs the median time-to-trial of the relevant court. *See Fintiv* Guidance, 8-9. Here, the median time-to-trial in the Northern District of California is 34.7 months. *See* Ex.1018, pg. 9. Based on these statistics, trial would occur approximately in June 2025 (as calculated from the case opening in the Northern District of California) or February 2025 (as calculated from the April 2022 complaint in the Western District of Texas). In either case, the Board’s Final Written Decision would be issued well before any trial.

3. Factor 3 (investment in the parallel proceeding) favors institution.

This factor, which focuses on work completed “at the time of the institution decision,” strongly favors institution. *Fintiv*, IPR2020-00019, Paper 11, 9–10. This factor is not about the total investment by the court and parties, but the investment “in the merits of the invalidity positions.” *Sand Revolution*, IPR2019-01393, Paper

24 at 10. As of the filing of this Petition, the Northern District of California has adopted a scheduling order through claim construction, setting the claim construction hearing to July 14, 2023, which would be after an estimated June 2023 institution decision. *See* Ex.1020, Ex.1021; *Verizon Bus. Network Servs. Inc. v. Huawei Techs. Co. Ltd.*, IPR2020-01080, Paper 11 at 13-14 (Jan. 14, 2021) (finding “minimal” investment if no dispositive briefing on validity issues).

4. Factor 4 (overlap in issues) favors institution.

There is no present overlap of prior art issues due to the early stage of district court litigation. Although Petitioner served its preliminary invalidity contentions in the second Texas proceeding, no final invalidity contentions were filed. Moreover, the parties have proposed that Petitioner serve Invalidity Contentions according to Northern District of California Patent Local Rule 3-3 on March 3, 2023. Thus, at this time there is no overlap in issues between the district court and PTAB. Consequently, this factor favors institution.

5. Factor 5 (overlap in parties) is neutral.

Petitioner is a defendant in the litigation. That is true of most Petitioners in IPR proceedings. Accordingly, this factor should not be a basis for denying institution.

6. Factor 6 (other circumstances) favors institution.

The grounds of unpatentability presented in the Petition are strong, which favors institution. See *Fintiv*, IPR2020-00019, Paper 11 at 14-15 (“[I]f the merits of a ground raised in the petition seem particularly strong on the preliminary record, this fact has favored institution.”). The Petition demonstrates that the prior art discloses the very features that the examiner found to be allowable over the art considered during prosecution.

7. The Board should institute under the Director’s *Fintiv* Guidance.

The *Fintiv* Guidance strongly supports institution of this challenge. Under the *Fintiv* Guidance, the Board “will not deny institution of an IPR or PGR under *Fintiv* [] when a petition presents compelling evidence of unpatentability.” *Fintiv* Guidance, 9.

The Board should not deny institution because this Petition “presents compelling evidence of unpatentability” of claims 1-19. *Fintiv* Guidance, 4 (“Compelling, meritorious challenges are those in which the evidence, if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence.”). For example, the Petition demonstrates that the prior art discloses the claim elements that the examiner found to be allowable over the art considered during prosecution. See Section X. The

teachings detailed below “plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence” and thus institution is warranted.

Fintiv Guidance, 4.

B. DISCRETIONARY DENIAL UNDER *GENERAL PLASTIC* IS NOT APPROPRIATE

The '021 patent has not been challenged in any prior IPR petition, so none of the *General Plastic* discretionary institution factors apply to this Petition. *See General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16 (PTAB Sept. 6, 2016) (Section II.B.4.i. precedential).

C. DISCRETIONARY DENIAL UNDER 35 U.S.C. § 325(D) IS NOT APPROPRIATE

Denial under § 325(d) is not warranted because the challenges presented in this petition are neither cumulative nor redundant to the prosecution of the '021 patent. The Examiner did not consider any of the references relied upon in this petition. Moreover, the challenges in this petition are non-cumulative because they rely upon prior art that teaches the specific limitations the Examiner found lacking in the prior art of record during prosecution.

X. IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE

A. CHALLENGED CLAIMS

Petitioner challenges claims 1-19 (all claims) of the '021 patent.

B. STATUTORY GROUNDS FOR CHALLENGES

This petition challenges the '021 patent as being obvious in view of the teachings of the identified prior art references as well as the knowledge of a POSITA.

Grounds	Claim(s)	Basis
#1	1-2, 4, 7-10, 12-13, and 15-16	35 U.S.C. § 103 in view of Sasaki , further in view of Ellis and Jacobi
#2	5-6, 14, and 18-19	35 U.S.C. § 103 in view of Sasaki , Ellis , Jacobi , and further in view of Havinis
#3	3, 11, and 17	35 U.S.C. § 103 in view of Sasaki , Ellis , Jacobi , and further in view of Teicher

U.S. Published Application US2006/0250994 to Sasaki et al. (“**Sasaki**” Ex.1004) was filed March 28, 2006 and published November 9, 2006. Sasaki is prior art under at least pre-AIA 35 U.S.C. § 102(a).

U.S. Published Application US2005/0020223 to Ellis et al. (“**Ellis**” Ex.1005) was filed June 15, 2004 and published January 27, 2005. Ellis is prior art under at least pre-AIA 35 U.S.C. § 102(b).

U.S. Published Application US2006/0195362 to Jacobi et al. (“**Jacobi**” Ex.1006) was filed March 31, 2006 and published August 31, 2006. Jacobi is prior art under at least pre-AIA 35 U.S.C. § 102(a).

U.S. Patent No. 6,169,899 to Havinis et al. (“**Havinis**” Ex.1008) was filed

September 11, 1998 and issued January 2, 2001. Havinis is prior art under at least pre-AIA 35 U.S.C. § 102(b).

U.S. Published Application US2006/0143214 to Teicher et al. (“**Teicher**” Ex.1007) was filed February 1, 2006 and published June 29, 2006. Teicher is prior art under at least pre-AIA 35 U.S.C. § 102(a).

Petitioner’s analysis also cites additional prior art to demonstrate the background knowledge of a POSITA and to provide contemporaneous context to support Petitioner’s assertions regarding what a POSITA would have understood from the prior art. *See Yeda Research v. Mylan Pharm. Inc.*, 906 F.3d 1031, 1041-1042 (Fed. Cir. 2018) (affirming the use of “supporting evidence relied upon to support the challenge”); 37 C.F.R. § 42.104(b); *see also K/S HIMPP v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1365-66 (Fed. Cir. 2014); *Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, 1363 (Fed. Cir. 2016).

C. GROUND 1: CLAIMS 1-2, 4, 7-10, 12-13, AND 15-16 ARE OBVIOUS UNDER 35 U.S.C. § 103 OVER SASAKI IN VIEW OF ELLIS AND FURTHER IN VIEW OF JACOBI.

1. Summary of Sasaki

Sasaki relates to “a system, device, and method for providing recommendation information concerning various types of content, such as music content and audio/visual (AV) content.” Ex.1004, [0003]. Sasaki’s “content recommendation system includes first and second communication devices which

are connected to each other and in which content recommendation information is transmitted and received between both devices.” Ex.1004, Abstract.

The first communication device is a “server.” Ex.1004, [0113]. The “server provides content recommendation information to a user’s terminal device and the terminal device receives and stores the content recommendation information.” Ex.1004, [0115].

The second communication device is “terminal device B.” Ex.1004, [0015]. The terminal device is “portable” and is for playing “various types of content, such as music and images.” Ex.1004, [0021]. Further, Sasaki teaches that the device may “specify the place of transmission.” Ex.1004, [0069], [0081].

The content recommendation information “represents various types of information concerning a piece of content the user likes (desires to recommend) among pieces of content owned by the user of the terminal device, for example, CD music, still pictures such as electroph[o]tographs and CG (computer graphics) images, DVD video, and text data such as novels.” Ex.1004, [0074]. Ex.1003, ¶¶40-44.

2. Summary of Ellis

Ellis describes content recommendation techniques that “monitor the content listened to by the user, and automatically determine the groups liked and disliked

by the user” in order to “create recommendations.” Ex.1005, [0212], [0042].

Ellis discloses that its techniques can be used in many embodiments. *See*, e.g., Ex.1005, Fig. 1, Figs 6A-6D, and Fig. 42-43. Ellis’s techniques can be implemented in “individual network components” and “[d]evices may be added or removed to change the functions of the system.” Ex.1005, [0162]. Ellis also discloses that its techniques can be configured to work in “multiple environments.” Ex.1005, [0160].

In one embodiment, Ellis discloses that a user uses a portable media player device to access music and other content, by storing data on the portable media player device or by connecting directly to a network-based radio station. Ex.1005, [0156], [0136]-[0137], [0274].

Ellis describes collecting information about a user’s listening habits, e.g., “usage data.” Ex.1005, [0263]. Ellis teaches an implementation that uses a “central facility” for gathering usage data. Ex.1005, [0236].

Further, Ellis describes using the usage data to determine a user’s preferences by “automatically by monitoring the content she listens to.” Ex.1005, [0042]. Ellis describes using information about user’s geographic location to identify local events or facilities that “most closely match user preferences.” Ex.1005, [0233]-[0234]. “Events may include concerts, celebrity appearances,”

and other events. Ex.1005, [0233]. “Facilities may include concert venues, tourist attractions,” and other venues. *Id.* Those identified local events or facilities that match the user’s preferences are then displayed to the user. Ex.1005, [0233]; Ex.1003, ¶¶45-55.

3. Summary of Jacobi

Jacobi relates to “to information filtering and recommendation systems.” Ex.1006, [0002]. Jacobi employs a technique for generating recommendations, which includes weighting the items in a recommendations list based on the user’s most recent ratings and purchases. Ex.1006, [0072]. The top items are incorporated “into one or more Web pages that are returned to the user, with each recommended item being presented as a hypertextual link to the item’s product information page.” The recommendations may alternatively be “conveyed to the user by email, facsimile, or other transmission method.” Ex.1006, [0074]; Ex.1003, ¶¶56-57.

4. Reasons to Combine Sasaki and Ellis

A POSITA would have been motivated to combine the teachings of Sasaki with Ellis because Sasaki discloses a recommendation system using a server in communication with a portable media player device and Ellis discloses details known to POSITAs on how to implement a recommendation system.

As an initial matter, a POSITA considering the problem purportedly solved by the ’021 patent, would have looked to the teachings of Sasaki and Ellis. The

field of endeavor of the '021 patent is “venue or event recommendations for a user of a portable media player device.” '021 patent, 1:19-20. Sasaki is analogous art because it relates to “interests and preference tendencies of the users, for each user, content that matches the user's interest and preference is selected and recommended.” Ex.1004, [0007]. Ellis is analogous art because it relates to “recommend[ing] local events and facilities to a listener.” Ex.1005, [0022].

Sasaki's system would benefit from incorporating Ellis's techniques. Sasaki's system already teaches providing recommendations based on the user's preferences. Ex.1004, [0115]. Ellis provides enhanced features for a recommendation system, such as monitoring the content accessed by the user to “automatically” determine the user's preferences. Ex.1005, [0212]. Monitoring the content that the user consumes and determining the user's preferences automatically captures the user's preferences in near real-time, rather than waiting for the user to manually supply her preferences (which she may never do). A further benefit would be that, as the user's preferences change over time, Ellis's technique would update the recommendations to that user accordingly. Ex.1005, [0230], [0233]; Ex.1003, ¶¶58-60.

A POSITA would have found the combination of Sasaki with Ellis predictable and would have had a reasonable expectation of success. First, Sasaki and Ellis are the same type of system, in that both systems use a portable media

player device, acquire and save user preferences, and provide recommendations based on user preferences and location. Second, Sasaki’s techniques are used in the same scenario as described in Ellis—“content recommendation information ... providing various types of information concerning information and things which are useful for the terminal device's user.” Ex.1004, [0141]. Moreover, Sasaki teaches a server that provides recommendations and a POSITA would be motivated to learn implementation details for such a server. Correspondingly, Ellis specifically teaches that its techniques can be implemented in a “network component” and/or a “central facility.” Ex.1005, [0162], [0236]. Further, the teachings of Ellis are designed to work in a “wireless network” and “multiple environments” and would be directly usable in a networked event recommendation system, such as Sasaki’s system. *See* Ex.1005, [0162], [0160].

Accordingly, a POSITA would have found it obvious to apply Ellis’s teachings to Sasaki because the combination would use known techniques (Ellis’s implementation details of a recommendation system) to improve a similar system (Sasaki’s recommendation system) in the same way (providing recommendations to a portable media player device with respect to a plurality of media content types and locations). Ex.1003, ¶¶58-62.

5. Reasons to Combine Sasaki and Ellis with Jacobi

A POSITA would have been motivated to combine the teachings of Sasaki-

Ellis with Jacobi because Sasaki-Ellis discloses a recommendation system that identifies and displays recommendations to the user via a portable media player device, and Jacobi discloses techniques for generating and displaying recommendations to the user. Ex.1003, ¶63.

As an initial matter, a POSITA considering the problem purportedly solved by the '021 patent, would have looked to the teachings of Jacobi. The field of endeavor of the '021 patent is “venue or event recommendations for a user of a portable media player device.” '021 patent, 1:19-20. Jacobi is analogous art because it relates to “methods for generating personalized recommendations.” Ex.1006, [0011]; Ex.1003, ¶64.

A POSITA would have been specifically motivated to apply Jacobi’s implementation details about generating a recommendation message to Sasaki-Ellis. For example, the Sasaki-Ellis system identifies “local events, and local facilities” that would be of interest to the user. Ex.1005, [0138], [0233]. The Sasaki-Ellis system then presents the identified recommendation to the user, “for example on display device 150,” Ex.1005, [0138]—but does not provide the details about the manner in which the recommendation is generated before presenting it to the user. Jacobi describes that it was known to POSITAs that, once recommendations based on the user’s likes are identified, that a recommendation can be generated (such as a web page with links, an email, or a facsimile) for

subsequent delivery to the user. Ex.1006, [0074].

Jacobi's teachings about generating and transmitting a recommendation message (such as a web page with links, an email, or a facsimile) would be desirable to combine with the Sasaki-Ellis system because incorporating Jacobi's additional details about generating a recommendation (such as a web page or email) and the corresponding delivery methods would expand the communication capabilities of the Sasaki-Ellis system. Ex.1003, ¶66.

A POSITA would have had a reasonable expectation of success when combining the teachings of Jacobi with those of Sasaki-Ellis because Sasaki already contemplates displaying text, images and icons to the user and that the user can access the server via the Internet, (Ex.1004, [0039], [0128]), and Jacobi teaches generating "one or more Web pages" or an "email" to provide recommendations. Ex.1006, [0074]. Implementing Jacobi's technique of generating web pages or an email containing identified recommendations to Sasaki's system where a user accesses a server via the Internet would have been within the level of skill in the art. Ex.1003, ¶67.

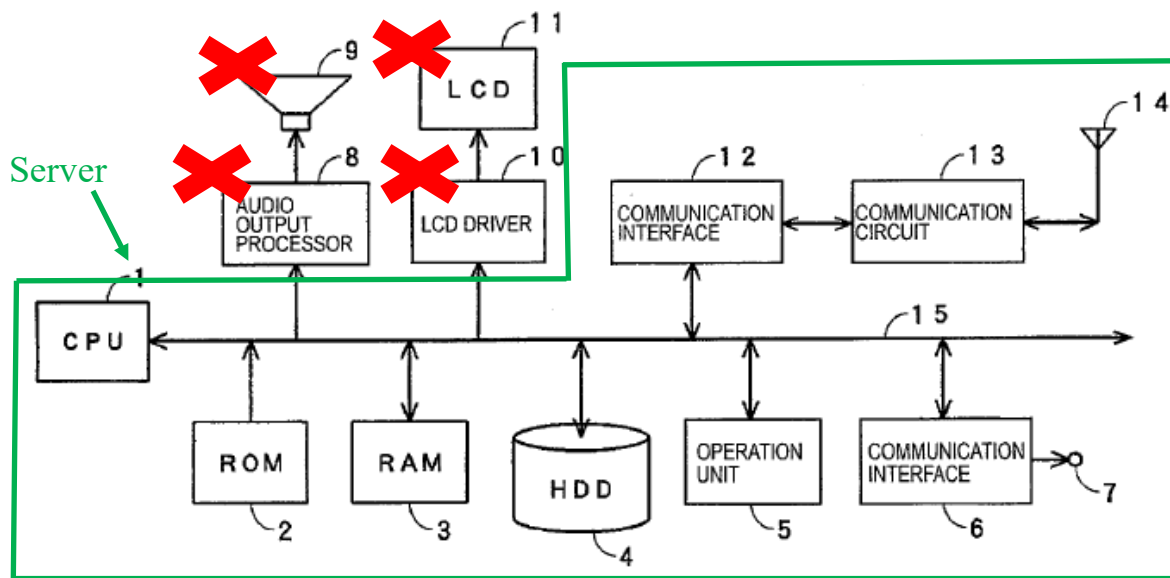
Accordingly, a POSITA would have combined the Sasaki-Ellis system with Jacobi because the combination would use known techniques (generating web pages and emails to display recommendations to users) to improve a similar system (the Sasaki-Ellis recommendation system that provides information via the

Internet) in the same way (providing recommendations by generating a web page or an email). Ex.1003, ¶¶63-68.

6. CLAIM 1

[1.0] One or more non-transitory computer-readable media (NTCRM) comprising:

Sasaki discloses an embodiment with a “server and terminal device B.” The *server* “has a configuration without the audio processor 8, speaker 9, LCD driver 10 and LCD 11 of the terminal device shown in Fig. 1.” Ex.1004, [0113].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶69.

Sasaki’s server is controlled by “CPU 1” that executes “programs” stored in ROM. Ex.1004, [0030].

Thus, the server that executes programs stored in ROM renders obvious this limitation. Ex.1003, ¶¶69-71.

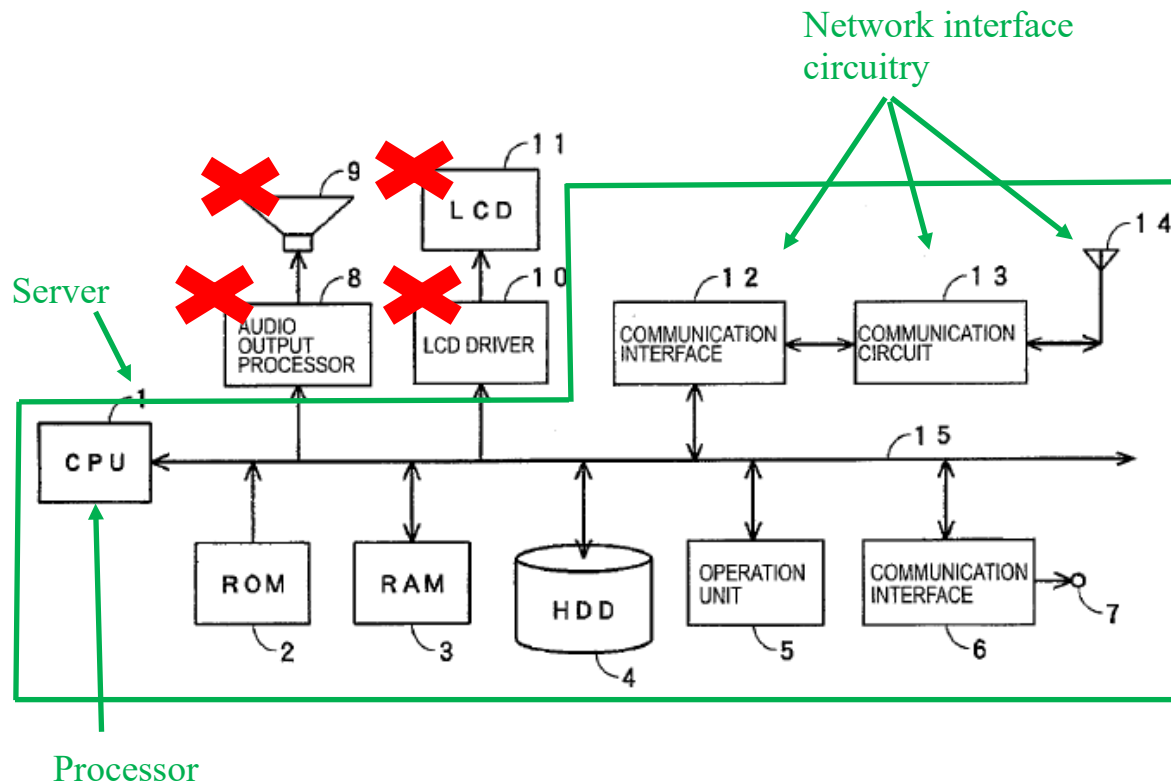
[1.1] *instructions written thereon, wherein execution of the instructions by one or more processors of a computer server is to cause the computer server to:*

As discussed in [1.0], Sasaki's server is controlled by "CPU 1" that executes "programs" stored in ROM. Ex.1004, [0030]. Sasaki further discusses that the "CPU 1 controls the entirety" of the device by "supplying the control signals." Ex.1004, [0030].

Thus, programs in the ROM that are executed by the CPU to control the entirety of the server render obvious this limitation. Ex.1003, ¶¶72-73.

[1.1.1] *control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device;*

First, Sasaki discloses that the server communicates using "communication interface 12, the communication circuit 13, and the transmitting/receiving antenna 14" using "wireless communications standards." Ex.1004, [0041].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶74.

“[C]ommunication interface 12 performs processing such as converting received data into data having a format capable of being processed by the terminal device, and converting data to be transmitted from the terminal device into data having a format for transmission.” Ex.1004, [0040].

Second, Sasaki discloses that the server communicates with a “terminal device.” Ex.1004, [0113]. The “terminal device” is a *portable media player device* because it is “portable” and is for playing “various types of content, such as music and images.” Ex.1004, [0021]; *see* Ex.1001, 1:33-35 (“includes only a handheld device ... for the purpose of displaying and/or playing media files”). Ellis further

discloses that portable media player device accesses music and other content by storing the content on the portable media player device (e.g., “download songs”) or by accessing songs over “Internet and radio frequency broadcasts.” Ex.1005, [0136]-[0137], [0274].

Further, Sasaki’s server stores “preference information” provided by the members (e.g., *users*). Ex.1004, [0126]. Ellis discloses that it was known, in a recommendation system, for an individual network component to “to collect ... usage data,” rather than merely relying on the user to provide information. Ex.1005, [0263]. The usage data collected includes “information on radio stations that the user listens to,” “the days and times” of listening, “information on particular songs, commercials, shows, and other content” that the user heard, and “content the user may have skipped over,” as well as “information on enhanced radio features accessed by the user.” Ex.1005, [0263]-[0264]. Ellis teaches an implementation that uses a “central facility” for gathering a user’s usage data. Ex.1005, [0236].

Sasaki discloses that its recommendation system collects information about different media content types, such as “music,” “still pictures,” “video,” and “text.” Ex.1004, [0074]. Further, Ellis teaches determining user’s preferences for a “specific group of content” “based on type of content.” Groups of content can include songs, commercials, genre, artist or other criteria. Ex.1005, [0212], [0214].

Thus, Sasaki's server that has a CPU that controls a communication interface that receives user preference information about different media content types, such as music, still pictures, video, and text in view of Ellis's techniques for gathering usage data about a user's listening habits and sending that usage data to a central facility, renders obvious this limitation. Ex.1003, ¶¶74-86.

[1.1.2] *infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;*

As discussed in [1.1.1], Sasaki and Ellis render obvious a server that receives user preference information about different media content types, such as music, still pictures, video, and text that was gathered by monitoring a user's listening habits on a portable media player device.

Ellis discloses several techniques for inferring the entertainment preferences of a user of a portable media player device based on media usage information (such as "information on particular songs, commercials, shows, and other content" that the user heard, and "content the user may have skipped over"). See Ex.1005, [0263].

In one example, Ellis automatically determines the groups liked and disliked by the user (*inferring one or more entertainment preferences of a user*) by

monitoring the media content listened to by the user on her portable media player device:

In step 1820, a user may be allowed to rate a group. The user may specify a like or dislike, or a level of like or dislike, for a specific group of content. **The system may also monitor the content listened to by the user, and automatically determine the groups liked and disliked by the user.**

Ex.1005, [0212].

In another example, Ellis teaches a technique to “determine user preferences automatically” (*inferring*) by “monitoring what content the user listens to” in order to find “content of interest, i.e., content that matches the user's preferences.”

Ex.1005, [0185].

In a further example, Ellis teaches “monitoring the content the user listens to” so it can “determine user information automatically,” such as the user’s preference for a genre or grouping:

In step 2220, **the system may determine user information automatically by monitoring the content the user listens to.** For example, **the system may add points to a** specific song, artist, **genre**, or other type of item or **grouping**, based on the user listening to an entire item.

Ex.1005, [0221].

Sasaki discloses that its recommendation system collects information about

different media content types, such as “music,” “still pictures,” “video,” and “text.” Ex.1004, [0074]. Further, Ellis determines user preferences for a “specific group of content” “based on type of content.” Groups of content can include songs, commercials, genre, artist or other criteria. Ex.1005, [0212], [0214].

Thus, Sasaki’s server that receives user preference information about different media content types, such as music, still pictures, video, and text in view of Ellis teachings of automatically determining a user’s preferences about songs, commercials, shows, genres, groupings and other content, by monitoring and tracking a user’s usage information retrieved from a portable media player device, where the usage information is about media on or accessed by a portable media player device, render obvious this limitation. Ex.1003, ¶¶87-95.

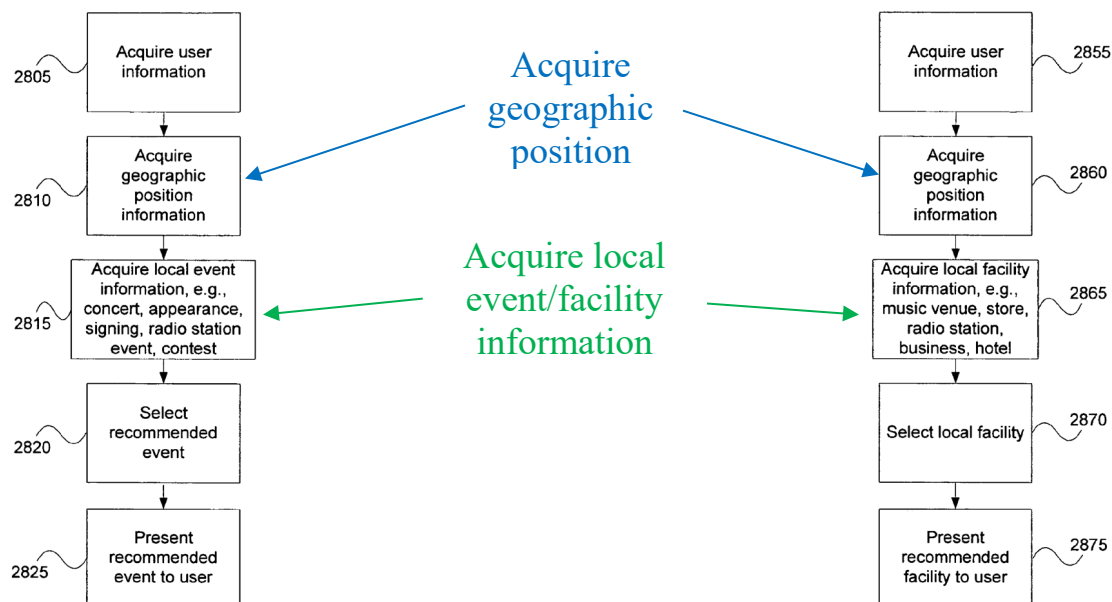
[1.1.3] *access one or more sources of information about venues or events proximal to a current location of the user;*

As discussed in [1.1.1], Sasaki teaches a *server* in communication with a *portable media player device*. Sasaki teaches that its portable media player device can directly transmit location information (either GPS or radio wave positional information). Ex.1004, [0069], [0081]. Further, Sasaki teaches that the location information can be “converted into map information ... or a building name or the like.” Ex.1004, [0080].

Sasaki also teaches that the place of transmission is “necessary information”

and is part of the “content recommendation information.” Ex.1004, [0068].

Ellis teaches a technique that uses “geographic position information” to “acquire information about local events.” Ex.1005, [0233]-[0234]; *see also* Ex.1005, [0225] (“use global positioning system monitor 160 to determine the user’s location”). Ellis further teaches that it “download[s] information about local events and facilities” from a “web site.” Ex.1005, [0236].



Ex.1005, Fig. 28A, Fig. 28B (annotated); Ex.1003, ¶99.

Thus, Sasaki’s server in communication with a portable media player device that directly transmits information representing location information in view of Ellis’s technique of using the user’s geographic location to access information about events and facilities that are local to the user render obvious this limitation.

Ex.1003, ¶¶96-101.

[1.1.4] *identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;*

As discussed in [1.1.1]-[1.1.2], Sasaki and Ellis teach a server that automatically determines a user's entertainment preferences. Further, Sasaki's "server provides content recommendation information to a user's terminal device."

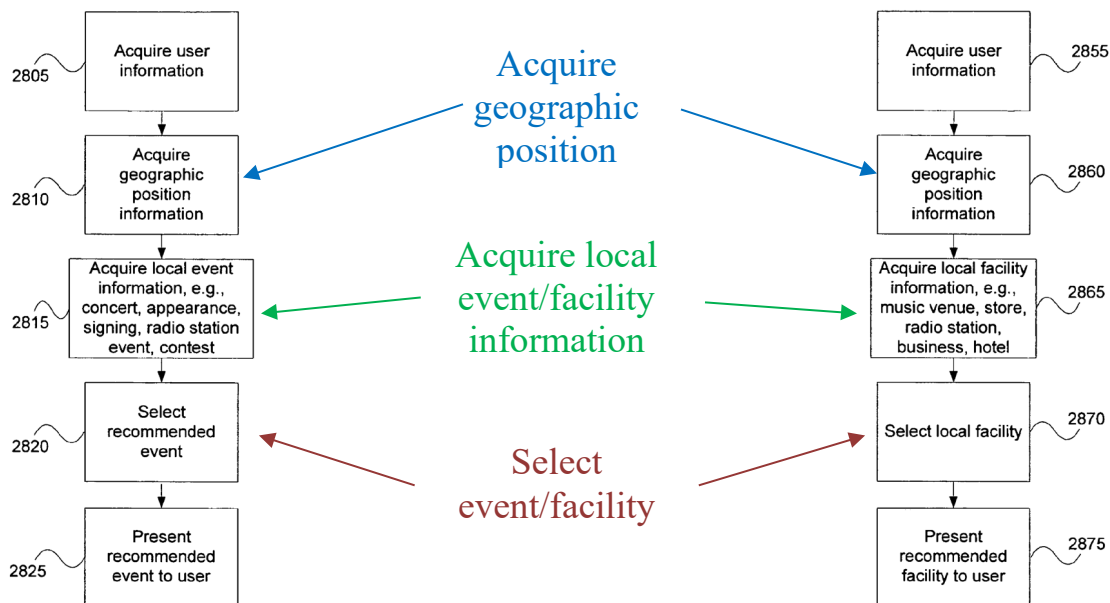
Ex.1004, [0115].

As discussed in [1.1.3], Sasaki teaches receiving location information representing the location of the user and Ellis teaches a technique that uses the geographic location of the user to acquire a set of events and facilities that are local to the user.

Whether an event or venue is actually of interest is purely subjective to that user's personal tastes, but Ellis discloses that, after acquiring information about local events and facilities, it identifies an event or facility that closely matches the user's preferences:

In step 2820, the system may select one or more recommended events. Events may be selected by comparing information about each event with user information, and selecting events that most closely match user preferences.

Ex.1005, [0233]-[0234].



Ex.1005, Fig. 28A, Fig. 28B (annotated); Ex.1003, ¶104.

Thus, Sasaki’s server that provides recommendations to the portable media player device in view of Ellis’s technique of identifying events and facilities that are local to the user and that closely match the user’s preferences (as determined by the server) render obvious this limitation. Ex.1003, ¶¶102-105.

[1.1.5] generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

As discussed in [1.1.2], Sasaki and Ellis teach a server that automatically determines a user’s entertainment preferences. As discussed in [1.1.4], Ellis discloses identifying events or facilities that “most closely match user preferences.” Ex.1005, [0233]-[0234]. Further, Sasaki’s “server provides content recommendation information to a user’s terminal device.” Ex.1004, [0115].

Jacobi discloses a technique for generating a recommendation message for a given user. Jacobi begins the technique by identifying items that are of interest to the user. Ex.1006, [0072]. Then, the recommendation message is generated. In one example, the recommendation message is generated by creating “one or more Web pages that are returned to the user, with each recommended item being presented as a hypertextual link to the item’s product information page.” Ex.1006, [0074]. In Jacobi’s other examples, the recommendation message is generated as an “email” or “facsimile.” Ex.1006, [0074].

Thus, Sasaki’s server that provides recommendations to the portable media player device in view of Ellis’s technique of identifying events and facilities that closely match a user’s preferences, further in view of Jacobi’s generating a recommendation message (such as creating a web page with links) render obvious this limitation. Ex.1003, ¶¶106-109.

[1.1.6] *control communications of the recommendation to the user.*

As discussed in [1.1.5], Sasaki, Ellis and Jacobi teach a server that generates a recommendation message. Further, Sasaki’s “server provides content recommendation information to a user’s terminal device.” Ex.1004, [0115]. The server and portable media player device communicate through a “communication interface 12” using “wireless communications standards.” Ex.1004, [0041].

As also discussed in [1.1.5], Jacobi discloses that the recommendation

message may be presented to the user using several different methods, including a web page with links, email or facsimile. Ex.1006, [0074].

Thus, Sasaki's server that provides a content recommendation to a user's portable media player device through a communication interface in view of Jacobi's techniques for communicating a recommendation message to the user renders obvious this limitation. Ex.1003, ¶¶110-113.

7. CLAIM 2

[2.0] *The one or more NTCRM of claim 1, wherein the audio media comprises music media and podcast media.*

As discussed in [1.0], Sasaki teaches programs in ROM to control a server. As further discussed in [1.1.1], Sasaki discloses that its recommendation system collects information from about different media content types, such as “music,” “still pictures,” “video,” and “text.” Ex.1004, [0074]. Further, Ellis discloses several techniques for inferring the entertainment preferences of a user of a portable media player device based on media usage information (such as “information on particular songs, commercials, shows, and other content” that the user heard, and “content the user may have skipped over”). *See* Ex.1005, [0263].

Moreover, the user's media usage information includes the user's liked groups and “a group may be based on a specific radio show.” Ex.1005, [0214]. A POSITA would recognize that a radio show broadcast via the internet, as disclosed

in Ellis, corresponds to a podcast media. Ex.1003, ¶115; *see* Ex.1010, [0002] (“A podcast is a digital recording of a radio broadcast or similar programme, made available on the Internet in a number of separate files for downloading to a personal audio player.”); Ex.1009, [0035].

Thus, Sasaki’s server that collects usages information about music in view of Ellis’s teaching of determining user preferences for media that includes music and a radio show broadcast on the internet and renders obvious this limitation. Ex.1003, ¶¶114-116.

8. CLAIM 4

[4.0] *The one or more NTCRM of claim 1, wherein execution of the instructions is to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.*

As discussed in [1.0], Sasaki teaches programs in ROM to control a server. As discussed in [1.1.3], Sasaki teaches that the portable media player device associated with the user directly transmits location information (either GPS or radio wave positional information) to the server. Ex.1004, [0069], [0081]. Further, Sasaki teaches that the location information can be “converted into map information ... or a building name or the like.” Ex.1004, [0080].

Ellis also teaches receiving location information of portable media player device: “us[ing] global positioning system monitor 160 to determine the user’s

location;” (2) “allowing a user to enter it;” and (3) “monitoring the radio stations that may be received and comparing them against the geographical region field in the radio station database.” Ex.1005, [0225].

Thus, Sasaki’s server that receives location information of the portable media player device associated with the user and then converts that information into map information (or the like) renders obvious this limitation. Ex.1003, ¶¶117-120.

9. CLAIM 7

[7.0] *The one or more NTCRM of claim 1, wherein, to control communication of the recommendation, execution of the instructions is to cause the computer server to:*

As discussed in [1.0] and [1.1.6], Sasaki teaches programs in ROM to control a server in communication with a portable media player device, which includes communicating the recommendation to the user. Ex.1003, ¶121.

[7.1] *control transmission of the recommendation to the portable media player device.*

As discussed in [1.1.5]-[1.1.6], Sasaki, Ellis and Jacobi teach a server that generates a recommendation message for the user. Further, Sasaki’s “server provides content recommendation information to a user’s terminal device.” Ex.1004, [0115]. Server and portable media player device communicate using “communication interface 12, the communication circuit 13, and the

transmitting/receiving antenna 14” using “wireless communications standards.”
Ex.1004, [0041].

Additionally, Sasaki discloses that recommendations can be transmitted to the portable media player device, which “receives content recommendation information.” Ex.1004, [0011], [0132].

Thus, Sasaki’s server that provides a content recommendation to a user’s portable media player device through a communication interface in view of Jacobi’s techniques for communicating a recommendation message to the user renders obvious this limitation. Ex.1003, ¶¶121-125.

10. CLAIM 8

[8.0] *The one or more NTCRM of claim 7, wherein, to control transmission of the recommendation, execution of the instructions is to cause the computer server to:*

As discussed in [1.0] and [1.1.6], Sasaki teaches programs in ROM to control a server in communication with a portable media player device, which includes communicating the recommendation to the user. Ex.1003, ¶126.

[8.1] *control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call to the user.*

First, as discussed in [7.1], the combination of Sasaki, Ellis, and Jacobi teaches transmitting a recommendation to the portable media player device.

Second, as discussed in [1.1.5], Jacobi discloses a technique that

communicates the recommended events by email or a facsimile. Ex.1006, [0074].

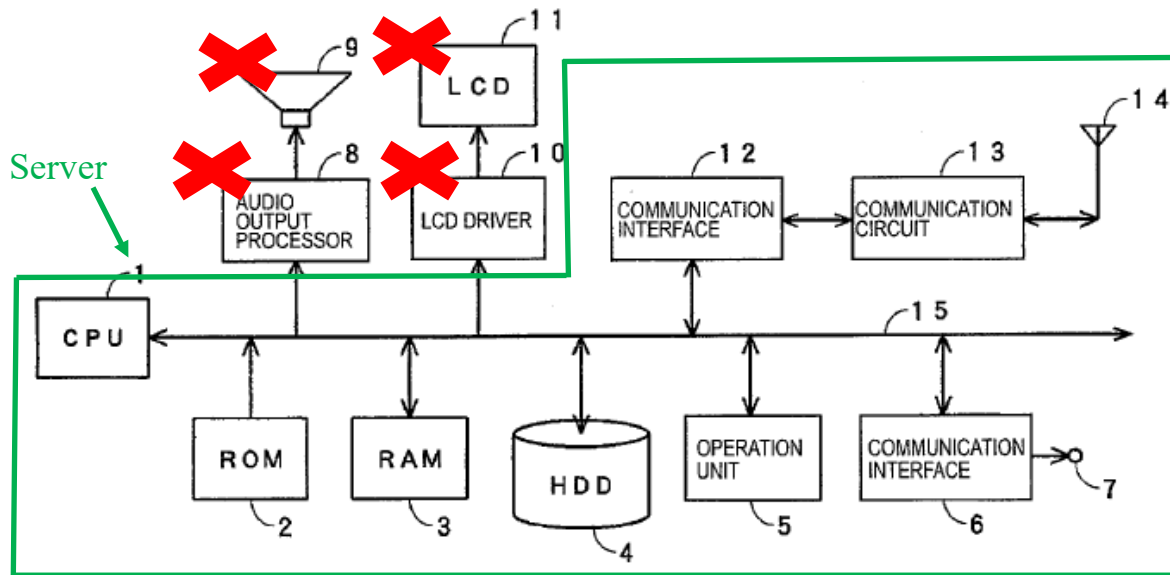
Thus, Sasaki's and Ellis's disclosure of communicating recommendations to the user in combination with Jacobi's email and facsimile methods to transmit the recommendations to the user render obvious this limitation. Ex.1003, ¶¶126-129.

11. CLAIM 9

[9.0] *The one or more NTCRM of claim 1, wherein execution of the instructions is to cause the computer server to: obtain the media or the information about the media from a storage within the computer server; or control receipt of the media or the information about the media from a remote storage device.*

As discussed in [1.0], Sasaki teaches programs in ROM to control a server. Sasaki further discloses that the server obtains *information about the media from a storage within the computer server* by teaching that the “server performs processing based on preference information ... which is stored in the HDD 4 of the server.” Ex.1004, [0119].

As shown in Fig. 1, the HDD 4 is storage within the server. Ex.1004, [0117].



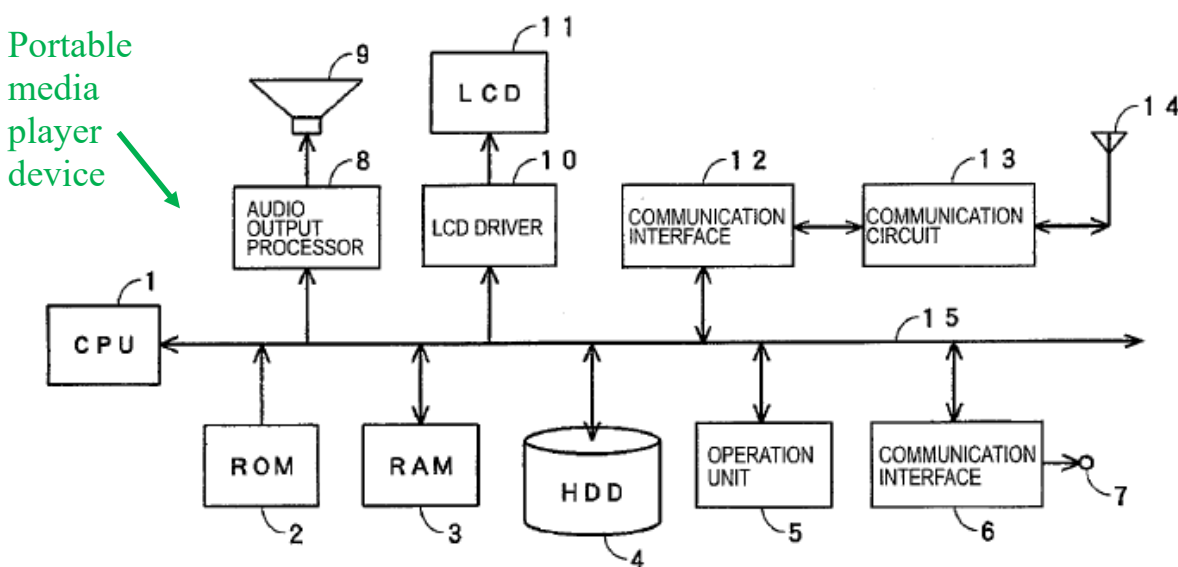
Ex.1004, Fig. 1 (annotated); Ex.1003, ¶134.

Thus, Sasaki's server that obtains user preference information (e.g., information about media) from a hard drive in the server for subsequent processing renders obvious this limitation. Ex.1003, ¶¶130-135.

12. CLAIM 10

[10.0] One or more non-transitory computer-readable media (NTRCM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

Sasaki discloses a *portable media player device* because it teaches a terminal device that is “portable” for playing “various types of content, such as music and images.” Ex.1004, [0021]; *see* Ex.1001, 1:33-35 (“includes only a handheld device ... for the purpose of displaying and/or playing media files”). Fig. 1 is a block diagram illustrating the portable media player device:



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶136.

Sasaki's portable media player device is controlled by "CPU 1" that executes "programs" stored in ROM. Ex.1004, [0030].

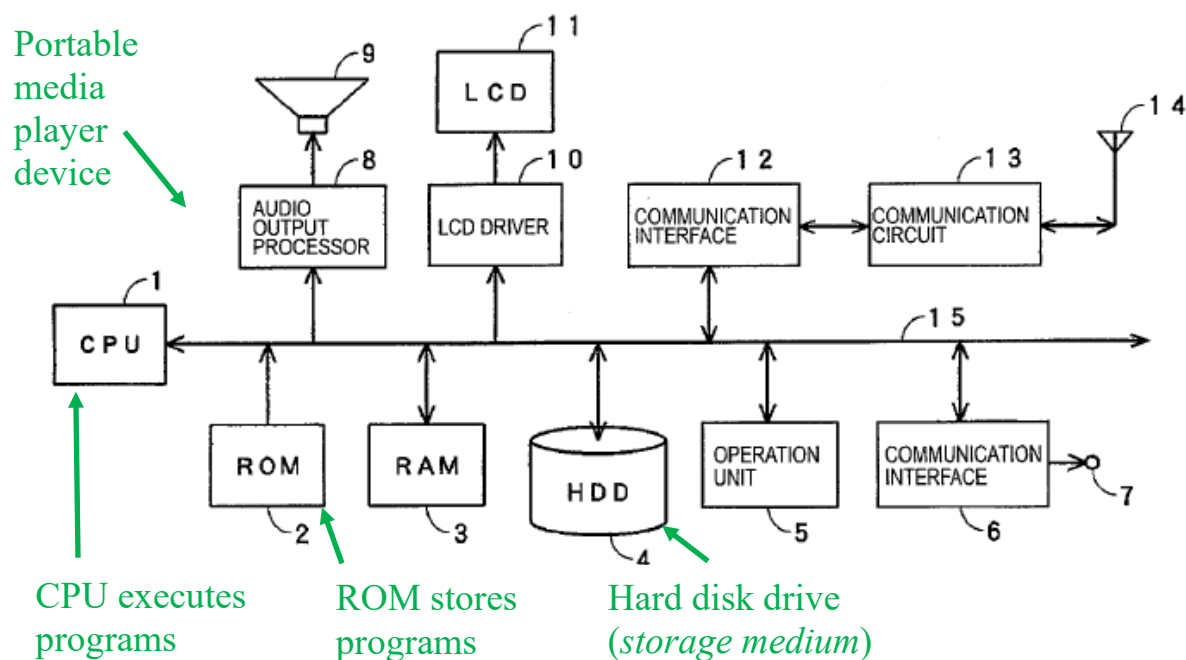
Ellis further discloses that a portable media player device accesses music and other content by storing the content on the portable media player device (e.g., "download songs") or by accessing songs over "Internet and radio frequency broadcasts." Ex.1005, [0136]-[0137], [0274].

Thus, the portable media player device with a CPU that executes programs stored in ROM to play various types of content, such as music and image, in view of Ellis's teaching of a portable media player device that accesses media both stored on the device and streamed to the device renders obvious this limitation. Ex.1003, ¶¶136-139.

[10.1] operate a media player application to access media from a local storage of the portable media player device or a remote storage;

The functionality of the portable media player device is controlled by “CPU 1” that executes “programs” stored in ROM. Ex.1004, [0030]. Sasaki discloses a storage medium because it teaches a portable media player device with “hard disk drive (HDD) 4.” Ex.1004, [0029].

The HDD stores “image data,” such as MPEG or JPEG data. Ex.1004, [0038]. “Audio data and image data” and “music data” can be recorded and stored in the HDD. Ex.1004, [0045], [0065].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶141.

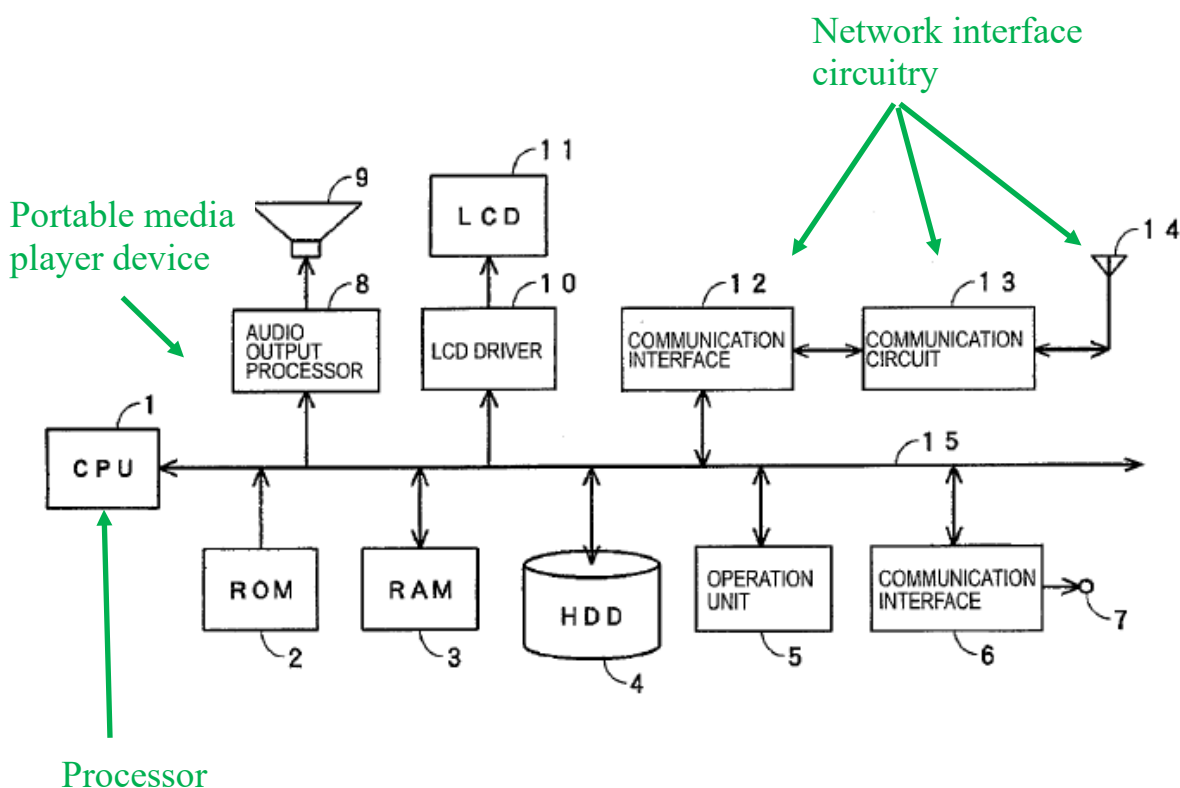
The audio data (stored on the HDD) is used by “audio output processor 8” supply audio data to “speaker 9” to play audio and the image data (stored on the

HDD) is used by the “LCD driver 10” to provide image data to “LCD 11” for displaying images. Ex.1004, [0037].

Thus, Sasaki’s portable media player device that has instructions in ROM that cause the audio output processor to use the audio data (stored on a hard drive) to play audio and the LCD driver to use the image data (stored on a hard drive) to display images renders obvious this limitation. Ex.1003, ¶¶140-143.

[10.2] establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

First, Sasaki teaches that “communication interface 12, the communication circuit 13, and the transmitting/receiving antenna 14” use “wireless communication standards” to “**establish connection ... between the terminal device and** an external device such as **a server.**” Ex.1004, [0041].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶144.

Second, as discussed in [1.1.2]-[1.1.6], the server infers the preferences of the user, accesses information about venues or events proximal to the location of the user, identifies venues or events as being of interest to the user, generates a recommendation message, and communicates the recommendations to the user.

Thus, Sasaki's portable media player device that establishes a wireless connection with a server, where the server provides recommendations based on the portable media player device's location and the user's preferences render obvious this limitation. Ex.1003, ¶¶144-149.

[10.3] control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and;

First, as discussed in [10.2], the communication circuitry in the portable media player device establishes a network connection with server.

Second, Sasaki teaches that the portable media player device associated with the user directly transmits location information to the server (either GPS or radio wave positional information). Ex.1004, [0069], [0081].

Third, Sasaki teaches that the server uses the information representing the location to infer a location of the user of the mobile device. Specifically, Sasaki teaches that the location information can be “converted into map information ... or a building name or the like.” Ex.1004, [0080].

Thus, a portable media player device that uses communication circuitry to transmit location information to a server so that the server can determine the location of a user of the portable media player device renders obvious this limitation. Ex.1003, ¶¶150-154.

[10.4] control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

First, as discussed in [1.1.1], [1.1.5] and [1.1.6], Sasaki, Ellis and Jacobi render obvious a server generating a recommendation message indicating an event or venue of interest that is near the user. And, as discussed in [10.2], the portable

media player device establishes a network connection with the server by using communication circuitry.

Ellis further discloses that the portable media player device “may notify the user about the matching content. For example, the name of the matching content may be displayed on a display device or output to the speakers.” Ex.1005, [0439].

Thus, the communication circuitry of the portable media player device in communication with the server, where the server generates a recommendation message indicating an event or venue of interest that is near the user, wherein the user is notified about matching content renders obvious this limitation. Ex.1003, ¶¶155-157.

[10.4.1] *the recommendation is based on one or more inferred preferences of the user and the location information;*

This limitation is substantially similar to [1.1.2] and [1.1.4]. For the same reasons discussed above, the prior art renders this limitation obvious.

[10.4.2] *the inferred preferences are based at least in part on the accessed media, media content types of the accessed media from among a plurality of media content types, and information about the accessed media, wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and*

This limitation is substantially similar to [1.1.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

[10.4.3] *the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current*

location of the user.

This limitation is substantially similar to [1.1.3]. For the same reasons discussed above, the prior art renders this limitation obvious.

13. CLAIM 12

[12.0] *The one or more NTCRM of claim 10, wherein execution of the instructions is to cause the portable media player device to:*

For the same reasons discussed in [10.0], the prior art renders this limitation obvious.

[12.1] *determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and*

Sasaki teaches that its portable media player device has a “built-in GPS (global positioning system)” to “specify the place of transmission.” The data indicative of the place of transmission of the portable media player device includes the “latitude and longitude (detected by the GPS).” Ex.1004, [0069].

Thus, the portable media player device that has a built-in global positioning system to specify the latitude and longitude of its current position renders obvious this limitation. Ex.1003, ¶¶162-163.

[12.2] *generate the location information to include the GPS coordinate:*

As discussed in [12.1], Sasaki’s portable media player device renders obvious a GPS module that provides data indicative of the latitude and longitude.

Sasaki further discloses generating “information representing” the latitude and longitude for subsequent transmission:

Regarding the place of transmission, for example, if the terminal has a built-in GPS (global positioning system), the GPS information may be used to specify the place of transmission, and the specifying information may be used. Alternatively, **information representing the latitude and longitude (detected by the GPS)** of the place of transmission which indicate the present position **can directly be transmitted.**

Ex.1004, [0069].

Sasaki further teaches that the CPU “controls the entirety” of the portable media player device. Ex.1004, [0030].

Thus, Sasaki’s teaching of a portable media player device that (i) is entirely controlled by a CPU, (ii) generates data indicative of GPS-detected latitude and longitude to indicate the portable media player device’s present position, and (iii) transmits information representing the GPS position renders obvious this limitation. Ex.1003, ¶¶164-166.

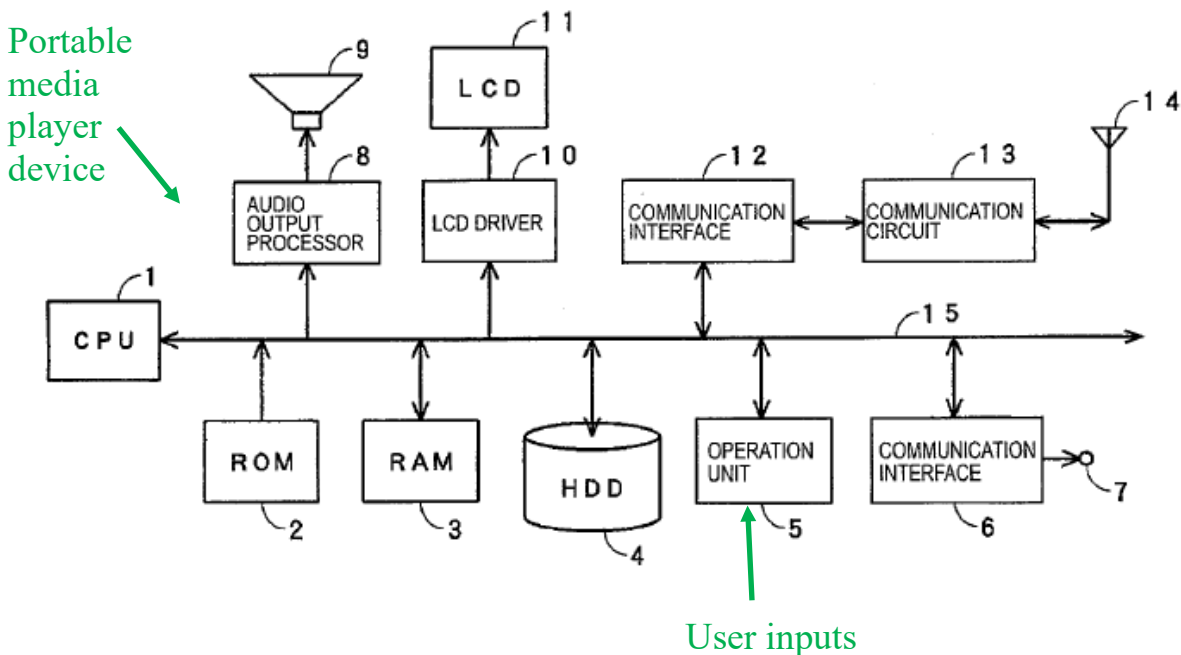
14. CLAIM 13

[13.0] The one or more NTCRM of claim 10, wherein execution of the instructions is to cause the portable media player device to:

For the same reasons discussed in [10.0], the prior art renders this limitation obvious.

[13.1] obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

First, Sasaki discloses that its portable media player device has an “operation unit,” which “includes an operation button switch, an operation key, and an operation knob which are used to receive operation input from the user.” Ex.1004, [0034].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶168.

Second, Ellis teaches that user location information can be obtained by “allowing a user to enter it.” Ex.1005, [0225].

Thus, Sasaki’s portable media player device that provides the user with user inputs in view of Ellis disclosing allowing the user to enter location information renders obvious this limitation. Ex.1003, ¶¶168-170.

[13.2] *generate the location information to indicate the user input.*

As discussed in [12.1], the CPU controls the entire portable media player device and generate information representing the location. As discussed in [13.1], one method for receiving location information is that the user enters the location information into the portable media player device. Thus, for the same reasons as discussed above, the prior art renders this limitation obvious. Ex.1003, ¶171.

15. CLAIM 15

[15.0] *The one or more NTCRM of claim 10, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:*

This limitation is substantially similar to [10.0]. For the same reasons discussed above, the prior art renders this limitation obvious.

[15.1] *control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, the email message, the pager message, the facsimile message, or the call.*

This limitation is substantially similar to [10.4] and [8.0]-[8.1]. For the same reasons discussed above, the prior art renders this limitation obvious.

16. CLAIM 16

[16.0] *A computer server to provide location and preference based venue or event recommendations, the computer server comprising:*

To the extent the preamble is limiting, as discussed in [1.0]-[1.1.6], Sasaki, Ellis and Jacobi render obvious a server to provide location and preference based

venue or event recommendations.

[16.1] *a communication interface to receive media or information about the media from a remote storage device, wherein the media is stored by a portable media player device or the media is remotely accessed using the portable media player device; and*

As discussed in [1.1.1], the server communicates using “communication interface 12, the communication circuit 13, and the transmitting/receiving antenna 14.” Ex.1004, [0041]. Sasaki’s server stores “preference information” provided by the members (e.g., *users*). Ex.1004, [0126].

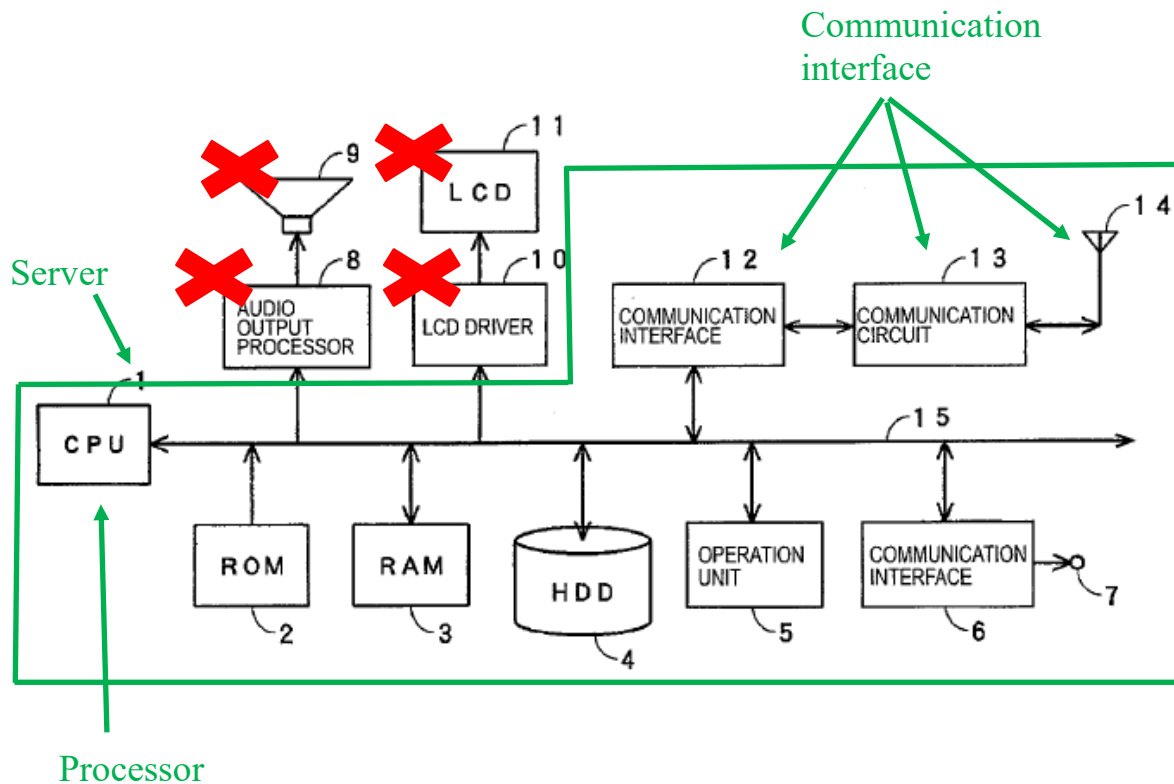
In embodiment, “preference information” can be provided from a “personal computer at a home to access a service site through a network such as the Internet.” Ex.1004, [0128]. As also discussed in [1.1.1], preference information can be about music and other content stored on a portable media player device (e.g., “download songs”) or accessed over the “Internet.” Ex.1005, [0136]-[0137], [0274].

Thus, Sasaki’s server that receives preference information from a personal computer over the Internet, in view Ellis’s teaching of receiving preference information about media stored on or access by a portable media player device renders obvious this limitation. Ex.1003, ¶¶175-177.

[16.2] *one or more processors communicatively coupled with the communication interface, the one or more processors to:*

As discussed in [16.1], Sasaki discloses a server having a communication

interface. Sasaki further discloses that the portable media player device is controlled by “CPU 1.” Ex.1004, [0030]. As shown in Fig. 1, the communication interface (comprising one or more of the communication interface 12, communication circuit 13, and antenna 14) and user interface circuitry are communicatively coupled to the CPU 1 by “CPU bus 15.” Ex.1004, [0032], [0030].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶178.

Thus, Sasaki’s server having a CPU coupled to a communication interface (comprising one or more of the communication interface, communication circuit,

and antenna), render obvious this limitation. Ex.1003, ¶¶178-179.

[16.2.1] infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media content types of the media accessed by the portable media player device from among a plurality of media content types, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;

This limitation is substantially similar to [1.1.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

[16.2.2] infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

This limitation is substantially similar to [4.0]. For the same reasons discussed above, the prior art renders this limitation obvious.

[16.2.3] access one or more sources of information about venues or events proximal to a current location of the portable media player device;

This limitation is substantially similar to [1.1.3]. For the same reasons discussed above, the prior art renders this limitation obvious.

[16.2.4] identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

This limitation is substantially similar to [1.1.4]. For the same reasons discussed above, the prior art renders this limitation obvious.

[16.2.5] generate a recommendation to indicate the venue or event of interest; and

This limitation is substantially similar to [1.1.5]. For the same reasons

discussed above, the prior art renders this limitation obvious.

[16.2.6] *control the communication interface to send the recommendation to the portable media player device via one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.*

This limitation is substantially similar to [8.1]. For the same reasons discussed above, the prior art renders this limitation obvious.

D. GROUND 2: CLAIMS 5-6, 14, AND 18-19 ARE OBVIOUS UNDER 35 U.S.C. § 103 OVER SASAKI IN VIEW OF ELLIS AND IN VIEW OF JACOBI, AND FURTHER IN VIEW OF HAVINIS.

1. SUMMARY OF HAVINIS

Havinis “relates generally to telecommunications systems and methods for positioning a mobile terminal within a cellular network.” Ex.1008, 1:9-12.

Havinis’s technique uses the geographical location of at least three base transceiver stations (BTS) and the time that the mobile device (MS 300) is connected to the BTS to estimate the physical location of the mobile device.

The historical data or real-time data can be obtained using various positioning methods. As an example, within a GSM system, positioning of a particular MS 300 can be performed by collecting positioning data, e.g., Timing Advance (TA) values TA1, TA2 and TA3 from several Base Transceiver Stations (BTS's) (310, 320 and 330) from which the geographical location, e.g., x, y coordinates, of the MS 300 can be calculated.

Ex.1008, 4:31-38.

Havinis further teaches that the location information can “be stored as historical data” and “associated with” the mobile device. Ex.1008, 6:24-33. Either “the real-time location data or historical location data” can be used to provide the location of the user’s mobile device. Ex.1008, 4:2-5; Ex.1003, ¶¶186-188.

2. Reasons to Combine Sasaki, Ellis, Jacobi and Havinis

A POSITA would have been motivated to combine the teachings of Sasaki-Ellis-Jacobi with Havinis. Sasaki-Ellis-Jacobi discloses a recommendation system that uses the location of the portable media player device to obtain events and facilities located proximate to the user and Havinis teaches additional techniques, known to POSITAs, for determining the location for a mobile device using current or historical positioning data.

As an initial matter, a POSITA when considering the ’021 patent, would have looked to the teachings of Havinis. The field of endeavor of the ’021 patent is identifying “locations proximally located to an inferred current location of the user” by determining the location of a portable device’s connections to wireless access points. ’021 patent, 2:50-51, 4:34-51. Havinis is analogous art because it relates to determining a mobile device’s location by triangulating connections to wireless access points. Ex.1008, 6:22-25, 1:20-22.

A POSITA would have been specifically motivated to apply Havinis’s techniques for positioning a mobile device using current or historical positioning

data to the user location methods of Sasaki-Ellis-Jacobi. For example, Sasaki-Ellis-Jacobi system recommends “radio station, local events, and local facilities” based on a “geographic location” of the mobile device Ex.1005, [0145]. Sasaki and Ellis each rely on a global positioning system to monitor the user’s location. Havinis supplies teachings about how to calculate the current geographical location of a mobile device without the use of a global positioning system. It would be desirable to have this additional functionality in the event of a failure of or error in the global positioning satellites or the GPS component. Given the importance to the location of the user for providing local recommendations as described in Ellis, implementing a second source of location information as taught by Havinis would benefit the Sasaki-Ellis-Jacobi combination by ensuring that the location functionality would be operational as much as possible. Ex.1003, ¶189-191.

Further, a POSITA would have had a reasonable expectation of success. Sasaki discloses a portable media player device that communicates using “wireless communications standards.” Havinis discloses techniques for using wireless standards, such as “Global System for Mobile Communication (GSM) digital mobile cellular radio system.” Ex.1008, 1:20-22. Further, Sasaki already contemplates “using radio waves from a plurality of base stations for ... specifying” a “transmitting position,” (Ex.1004, [0081]), and Havinis provides the details for specifying a transmitting position using radio waves from base stations.

See, e.g., Ex.1008, 4:31-38.

Additionally, combinations such as Sasaki's device with ultra wideband, Ex.1004, 4:1-3, with Havinis's GSM connectivity, Ex.1008, 1:20-22, were already being implemented by POSITAs. For example, US2006/0258289 to Dua shows a "wireless media player" with both ultra wideband connectivity and a transceiver for "interacting with a cellular network, such as a Global System Mobile (GSM) network." Ex.1011, [0062], [0066]. Ex.1003, ¶¶192-195.

Accordingly, a POSITA would have combined the Sasaki-Ellis-Jacobi system with Havinis because the combination would use known techniques (Havinis's providing the portable device's current geographical location) to improve a similar system (the wireless system with a portable media player device of Sasaki-Ellis-Jacobi system) in the same way (providing the current location of the user based on user's connection to the network). Ex.1003, ¶¶189-196.

3. CLAIM 5

[5.0] *The one or more NTCRM of claim 4*

As discussed in [4.0], Sasaki teaches programs in ROM to control a server in communication with a portable media player device.

[5.1] *wherein, to infer the current location, execution of the instructions is to cause the computer server to:*

As discussed in [4.0], Sasaki's server's programs infer the current location

of the user.

[5.2] control receipt of the location information associated with the portable media player device or from a wireless access point through which the portable media player device has established a network connection with the computer server; and determine a current location of the portable media player device based on the location information.

First, as discussed in [1.1.2] and [4.0], Sasaki's server receives location information from the portable media player device (*location information associated with the portable media player device*). The location information could be "positional information such as a place of transmission, for example, by using radio waves from a plurality of base stations." #Sasaki#, [0081].

Havinis discloses a method for calculating the "geographical location" of a mobile station. Ex.1008, 2:7-18. Specifically, Havinis teaches that the mobile station establishes a wireless network connection by communicating with at least one base transceiver station (*a wireless access point*). Ex.1008, Fig. 3, 2:2-6. The timing advance values transmitted from multiple base transceiver stations (each, a *wireless access point*), along with the site location data associated with each base station, are used to calculate the geographical position of the portable device:

The historical data or real-time data can be obtained using various positioning methods. As an example, within a GSM system, positioning of a particular MS 300 can be performed by collecting positioning data, e.g., Timing Advance (TA) values TA1, TA2 and TA3 from several Base Transceiver Stations (BTS's) (310, 320 and 330) from

which the geographical location, e.g., x, y coordinates, of the MS 300 can be calculated.

Ex.1008, 4:31-38.

However, **with three TA values from three BTSs, e.g., BTSs 210,220, and 230, the location of the MS200 can be determined with a certain degree of accuracy. Using** a triangulation algorithm, with knowledge of the three TA values and **site location data associated with each BTS** (210, 220, and 230), **the position of the MS200 can be determined** (with certain accuracy) by the MLC 270.

Ex.1008, 2:32-45.

Lastly, Sasaki teaches determining the location of the portable media player device by converting the received location information “into map information ... or a building name or the like.” Ex.1004, [0080].

Thus, Sasaki’s server that receives information representing the location of the portable media player device to determine the location of the portable media player device in view of Havinis’s teaching that location information is timing advance values and site location data transmitted from at least one base station in a wireless network renders obvious this limitation. Ex.1003, ¶¶199-206.

4. CLAIM 6

[6.0] The one or more NTCRM of claim 4, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

This limitation is substantially similar to [4.0]. For the same reasons

discussed above, the prior art renders this limitation obvious.

[6.1] determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server.

First, as discussed in [4.0], Sasaki's server receives location information so that it can determine the portable media player device's current location. The location information can be "positional information such as a place of transmission, for example, by using radio waves from a plurality of base stations." #Sasaki#, [0081].

Second, as discussed in [5.2], Havinis teaches using timing advance values transmitted from multiple base transceiver stations (each, a *wireless access point*), along with the site location data associated with each base station, to calculate the geographical position of the portable device.

Havinis further teaches that the server uses a "triangulation algorithm" to calculate the mobile device's location:

Using a triangulation algorithm, with knowledge of the three TA values and site location data associated with each BTS (210, 220, and 230), **the position of the MS200 can be determined** (with certain accuracy) by the MLC 270.

Ex.1008, 2:32-45.

Thus, Sasaki's server that receives information representing the location of

the portable media player device in view of Havinis's teaching calculating the location of a mobile device using a triangulation method with timing advance values and site location data transmitted from three base stations (wireless access points) render obvious this limitation. Ex.1003, ¶¶208-211.

5. CLAIM 14

[14.0] *The one or more NTCRM of claim 10, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.*

First, as discussed in [4.0], Sasaki's server receives location information so that it can determine the portable media player device's current location. The location information can be "positional information such as a place of transmission, for example, by using radio waves from a plurality of base stations." #Sasaki#, [0081].

Second, Second, as discussed in [5.2], Havinis teaches using timing advance values transmitted from multiple base transceiver stations (each, a *wireless access point*), along with the site location data associated with each base station (*based on a location of a wireless access point*), to calculate the geographical position of the portable device. Ex.1008, 4:31-38

Havinis also discloses using historical positioning data (*based on one or more previous geographic locations of the portable media player device*):

The historical data or real-time data **can be obtained using various positioning methods**. As an example, within a GSM system, positioning of a particular MS 300 can be performed by **collecting positioning data, e.g., Timing Advance (TA) values TA1, TA2 and TA3 from several Base Transceiver Stations (BTS's) (310, 320 and 330) from which the geographical location, e.g., x, y coordinates, of the MS 300 can be calculated.**

Ex.1008, 4:31-38.

Thus, Sasaki's server that receives information representing the location of the portable media player device in view of Havinis's disclosure of using the site location of the wireless access points and the historical location data for the mobile device renders obvious this limitation. Ex.1003, ¶¶212-215.

6. CLAIM 18

[18.0] The computer server of claim 16, wherein:

For the same reasons discussed in [16.0], the prior art renders this limitation obvious.

[18.1] the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

First, as discussed in [16.1], the server communicates using “communication interface 12.” Ex.1004, [0041]. As discussed in [4.0], the portable media player device associated with the user directly transmits location information (such as

radio wave positional information) to the server. Ex.1004, [0069], [0081]. Further, the location information can be “converted into map information ... or a building name or the like.” Ex.1004, [0080].

Second, as discussed in [5.2], Havinis discloses a method for determining the location of a mobile device in a wireless network using the location of a base transceiver station (BTS) (*access point*).

Thus, Sasaki’s server that receives information representing the location of the portable media player device associated with the user and then converts that information into map information (or the like) in view of Havinis’s additional teaching that the location of a wireless mobile device can be calculated using base stations (access points) renders obvious this limitation. Ex.1003, ¶¶216-219.

[18.2] the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

This limitation is substantially similar to [5.0]-[5.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

7. CLAIM 19

[19.0] The computer server of claim 16, wherein, to infer the current location, the one or more processors are to:

This limitation is substantially similar to [16.2.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

[19.1] determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

This limitation is substantially similar to [6.1]. For the same reasons discussed above, the prior art renders this limitation obvious.

[19.2] infer the current location of the user based on the determined current location of the portable media player device.

This limitation is substantially similar to [5.0]-[5.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

E. GROUND 3: CLAIMS 3, 11, AND 17 ARE OBVIOUS UNDER 35 U.S.C. § 103 OVER SASAKI IN VIEW OF ELLIS AND IN VIEW OF JACOBI, AND FURTHER IN VIEW OF TEICHER.

1. SUMMARY OF TEICHER

Teicher relates to a technique for analyzing user wish-lists to provide recommendations for commercial or private attractions. Specifically, in Teicher, users provide preferences by “enter[ing] their wish-lists.” Ex.1007, [0008].

Teicher’s technique then “scans the wish-lists” to generate a list of recommended attractions:

Social meetings can take place at commercial attractions such as dining and drinking places, clubs, movie and show theatres, concert halls, museums, lectures, sports arenas, shopping malls, amusement parks, zoos, resorts, domestic and overseas tours, etc.

Ex.1007, [0007]; Ex.1003, ¶¶224-226.

2. Reasons to Combine Sasaki, Ellis, Jacobi, and Teicher

A POSITA would have been motivated to combine the teachings of Sasaki-Ellis-Jacobi with Teicher. Sasaki-Ellis-Jacobi discloses a recommendation system that identifies and communicates recommendations, e.g., events and facilities, to the user via a portable media player device, and Teicher teaches techniques, known to POSITAs, for generating recommendations about a myriad of attractions of interest.

As an initial matter, a POSITA considering the problem purportedly solved by the '021 patent, would have looked to the teachings of Teicher. The field of endeavor of the '021 patent is “venue or event recommendations for a user of a portable media player device.” '021 patent, 1:19-20. Teicher is analogous art because it relates to analyzing users’ wish-lists (e.g., preferences) to recommend an attraction that would be of interest to users. Ex.1007, [0044].

As addressed above, a POSITA would have been specifically motivated to apply Teicher’s techniques of recommending different types of attractions to the “local events, and local facilities” recommendations of Sasaki-Ellis-Jacobi. *See, e.g.,* Ex.1005, [0137], [0233]. Teicher describes that it was known to POSITAs that attractions recommended to users would include additional forms of local attractions. Ex.1007, [0008]. Teicher describes many examples of attractions that would be of interest to users. Ex.1007, [0007], [0025]. Teicher’s teachings about

attractions would be desirable to combine with the Sasaki-Ellis-Jacobi system because having more types of attractions lets users specify “the content of and/or the place, and usually also the time or times of operation.” Ex.1007, [0025].

The Sasaki-Ellis-Jacobi system teaches recommending events and facilities to the user and incorporating Teicher’s additional details about the attractions broadens the types of events and facilities available to the user of the Sasaki-Ellis-Jacobi system. Ex.1003, ¶229.

A POSITA would have had a reasonable expectation of success when combining the teachings of Teicher with those of the Sasaki-Ellis-Jacobi because Sasaki-Ellis-Jacobi already recommend several types of local events and Teicher teaches additional types of attractions to recommend to the user based on user preferences. Further, the teachings of Teicher have already been successfully implemented in a recommendation system, such as the recommendation system of Sasaki-Ellis-Jacobi. Ex.1003, ¶230.

Accordingly, a POSITA would have combined the Sasaki-Ellis-Jacobi system with Teicher because the combination would use known techniques (Teicher’s attraction list based on user preferences) to improve a similar system (the Sasaki-Ellis-Jacobi recommendation system) in the same way (providing event and facility recommendations to a user based on user preferences). Ex.1003, ¶¶227-231.

3. CLAIM 3

[3.0] *The one or more NTCRM of claim 2, wherein, to generate the recommendation, execution of the instructions is to cause the computer server to:*

First, as discussed in [1.0], Sasaki teaches programs in ROM to control a server.

[3.1] *generate the recommendation based at least in part on:*

As discussed in [1.1.1]-[1.1.2], Sasaki and Ellis teach a server that automatically determines a user's entertainment preferences. Further, Sasaki's "server provides content recommendation information to a user's terminal device." Ex.1004, [0115]. Ellis teaches, as discussed in [1.1.4], identifying events and facilities by comparing information about each event or facility with the information determined about the user.

Second, as discussed in [1.1.5], Jacobi discloses incorporating recommendations into one or more web pages, product hypertextual link, email, facsimile, or other transmission.

Thus, Sasaki's server that provides recommendations to the portable media player device in view of Ellis's technique of identifying events and facilities that closely match a user's preferences, further in view of Jacobi's generating a recommendation message (such as creating a web page with links) render obvious this limitation. Ex.1003, ¶¶232-235.

[3.1.1] a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

As discussed in [1.1.2], Ellis teaches automatically determining media groups, e.g., music genre, that the user likes based on user information about a plurality of media content types, and other user information, downloaded from or accessed by the portable media player device.

Second, also discussed in [1.1.3], Ellis teaches acquiring information about local events and facilities based on geographic location of the user of the portable media player device. Ellis discloses comparing information about local events and facilities to most closely match the user's preferences, such as music genres.

Ex.1005, [0233].

Thus, Sasaki's server in view of Ellis's techniques for identifying local events and facilities, and selecting recommendations to present to the user based on comparing the local facility's information with the user's preferences regarding music genres and choosing the closest match renders obvious this limitation.

Ex.1003, ¶¶236-238.

[3.1.2] a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device;

Ellis also discloses providing information about "local concerts, performing

artist appearances, signings, radio station events, weather, and other events of interest.” Ex.1005, [0045]. Sasaki further discloses a plurality of media content types in the context of a recommendation system, including “movies.” Ex.1005, [0140].

To the extent that Sasaki and Ellis do not disclose a venue of interest that would show a play or movie, Teicher discloses that it was known to recommend movie and show theatres as a venue of interest:

Social meetings can take place at commercial attractions such as dining and drinking places, clubs, movie and show theatres, concert halls, museums, lectures, sports arenas, shopping malls, amusement parks, zoos, resorts, domestic and overseas tours, etc.

Ex.1007, [0007].

Third, when Ellis’s technique compares information about each event with the user information (such as the user’s genre preferences), as discussed in [1.1.4], it would be obvious to a POSITA that information about each event would be information applicable to such event, such as the type of movie (*video genre*) being played at a theatre.

Thus, Sasaki’s server that provides content recommendation information to a portable media player device, in view of Ellis’s technique that determines events and facilities local to the user and matches those events and facilities to the

automatically determined user preferences by taking into account the user's genre preferences combined with Teicher's teaching recommending movie and show theatres as a venue of interest render obvious this limitation. Ex.1003, ¶¶239-246.

[3.3] *an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device;*

Ellis also discloses providing information about “local concerts, performing artist appearances, signings, radio station events, weather, and other events of interest.” Ex.1005, [0045]. Sasaki further discloses a plurality of media content types in the context of a recommendation system, including “pictures.” Ex.1005, [0140].

To the extent that Sasaki and Ellis do not disclose a venue of interest that has exhibits as a local event or facility, Teicher discloses that it was known to recommend museums as a venue of interest:

Social meetings can take place at commercial **attractions such as** dining and drinking places, clubs, movie and show theatres, concert halls, **museums**, lectures, sports arenas, shopping malls, amusement parks, zoos, resorts, domestic and overseas tours, etc.

Ex.1007, [0007].

Third, when Ellis's technique compares information about each event with the user information (such as the user's genre preferences), as discussed in [1.1.4], it would be obvious to a POSITA that information about each event would be

information applicable to such event, such as the type of exhibit (*exhibit genre*) being displayed at a museum.

Thus, Sasaki's server that provides content recommendation information to a portable media player, in view of Ellis's technique that determines events and facilities local to the user and matches those events and facilities to the automatically determined user preferences by taking into account the user's genre preferences combined with Teicher's teaching recommending museums as a venue of interest render obvious this limitation. Ex.1003, ¶¶247-250.

[3.4] *an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, portable media player device.*

Ellis also discloses providing information about “local concerts, performing artist appearances, signings, radio station events, weather, and other events of interest.” Ex.1005, [0045]. Sasaki further discloses that it was known that events of interest could include “places of historical interest” (*cultural venue of interest*). Ex.1004, [0139].

Second, as discussed in [1.1.2], Ellis discloses automatically determining media groups that the user likes based on user information about a plurality of media content types and other user information, downloaded from or accessed by the portable media player device, such as an internet talk show (*based on podcast media stored in, or accessed using, the mobile device*). It would be obvious to a

POSITA that a radio show broadcast via the internet corresponds to a podcast media. *See* Ex.1009, [0035]; Ex.1010, [0002].

Thus, Sasaki's server that provides content recommendation information to a portable media player device, and such information includes information about places of historical interest, in view of Ellis's technique that determines events and facilities local to the user and matches those events and facilities to the automatically determined user preferences by taking into account that the user listens to podcast media on a portable media player device render obvious this limitation. Ex.1003, ¶¶251-254.

4. CLAIM 11

[11.0] *The one or more NTCRM of claim 10, wherein the recommendation is based on one or more of:*

For the same reasons discussed in [10.0], the prior art renders this limitation obvious.

[11.1] *a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;*

This limitation is substantially similar to [3.1.1]. For the same reasons discussed above, the prior art renders this limitation obvious.

[11.2] *a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;*

This limitation is substantially similar to [3.1.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

[11.3] *an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and*

This limitation is substantially similar to [3.1.3]. For the same reasons discussed above, the prior art renders this limitation obvious.

[11.4] *an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [3.1.4]. For the same reasons discussed above, the prior art renders this limitation obvious.

5. CLAIM 17

[17.0] *The computer server of claim 16, wherein the one or more processors are to generate the recommendation based on one or more of:*

For the same reasons discussed in [16.0], the prior art renders this limitation obvious.

[17.1] *a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;*

This limitation is substantially similar to [3.1.1]. For the same reasons discussed above, the prior art renders this limitation obvious.

[17.2] *a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;*

This limitation is substantially similar to [3.1.2]. For the same reasons discussed above, the prior art renders this limitation obvious.

[17.3] a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

This limitation is substantially similar to [3.1.3]. For the same reasons discussed above, the prior art renders this limitation obvious.

[17.4] a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences:

This limitation is substantially similar to [3.1.4]. For the same reasons discussed above, the prior art renders this limitation obvious.

XI. CONCLUSION

Petitioner has established a reasonable likelihood that the Challenged Claims are unpatentable.

Respectfully submitted,

Dated: November 30, 2022
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Customer No. 27683

/Andrew S. Ehmke/
Andrew S. Ehmke
Lead Counsel for Petitioner
Registration No. 50,271

XII. MANDATORY NOTICES

A. REAL PARTY-IN-INTEREST

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that the real parties-in-interest are Google LLC and YouTube, LLC².

B. RELATED MATTERS

Pursuant to 37 C.F.R. § 42.8(b)(2), to the best knowledge of the Petitioner, the following cases are relevant to the '021 patent:

Case Heading	Number	Court	Filed
<i>Wildseed Mobile LLC v. Google LLC et al.</i>	<i>3-22-cv-04928</i>	N.D. CA	August 29, 2022
<i>Wildseed Mobile LLC v. Google LLC et al.</i>	<i>6-22-cv-00357</i>	W.D. TX	April 4, 2022
<i>Wildseed Mobile LLC v. Google LLC et al.</i>	<i>6-21-cv-01245</i>	W.D. TX	Oct. 8, 2021

² Google LLC is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc. XXVI Holdings Inc. and Alphabet Inc. are not real parties-in-interest to this proceeding.

**C. LEAD AND BACK-UP COUNSEL AND SERVICE
INFORMATION**

Lead Counsel

Andrew S. Ehmke
HAYNES AND BOONE, LLP
2323 Victory Ave. Suite 700
Dallas, TX 75219

Phone: (214) 651-5116
Fax: (214) 200-0853
andy.ehmke.ipr@haynesboone.com
USPTO Reg. No. 50,271

Backup Counsel

Raghav Bajaj
HAYNES AND BOONE, LLP
2323 Victory Ave. Suite 700
Dallas, TX 75219

Phone: (512) 867-8520
Fax: (214) 200-0853
raghav.bajaj.ipr@haynesboone.com
USPTO Reg. No. 66,630

Calmann J. Clements
HAYNES AND BOONE, LLP
2323 Victory Ave. Suite 700
Dallas, TX 75219

Phone: (972) 739-8638
Fax: (214) 200-0853
calmann.clements.ipr@haynesboone.com
USPTO Reg. No. 66,910

Please address all correspondence in this proceeding to lead and back-up counsel. Petitioner consents to service in this proceeding by email at the addresses above.

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), Petitioner hereby certifies, in accordance with and reliance on the word count provided by the word-processing system used to prepare this Petition, that the number of words in this paper is 13,964. Pursuant to 37 C.F.R. § 42.24(d), this word count excludes the table of contents, table of authorities, mandatory notices under § 42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing.

Dated: November 30, 2022

/Andrew S. Ehmke/
Andrew S. Ehmke
Lead Counsel for Petitioner
Registration No. 50,271

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e) and 37 C.F.R. § 42.105, service was made on Patent Owner as detailed below.

Date of service November 30, 2022

Manner of service FEDERAL EXPRESS

Documents served

- Petition for IPR of U.S. Patent No. 10,251,021
- Certificate of Word Count
- Petitioner's Exhibit List
- Exhibits Ex.1001 to Ex.1021

Persons served SCHWABE WILLIAMSON & WYATT
Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, OR 97204

/Andrew S. Ehmke/

Andrew S. Ehmke
Lead Counsel for Petitioner
Registration No. 50,271