

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WILDSEED MOBILE, LLC,
Patent Owner.

IPR2023-00246
U.S. Patent No. 9,141,960

**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. 9,141,960
Ex.1002	Prosecution History of U.S. Patent No. 9,141,960
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. 9,141,960 (the “’960 patent,” Ex.1001) claims well-known concepts for recommending a venue or an event by using user preferences and geographic location. Specifically, the ’960 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. Ex.1001, claim 1. This claimed invention describes a process that was well-known prior to the ’960 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 1-25 (hereinafter, the “Challenged Claims”) of the ’960 patent.

II. GROUNDS FOR STANDING

Petitioner certifies that the ’960 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

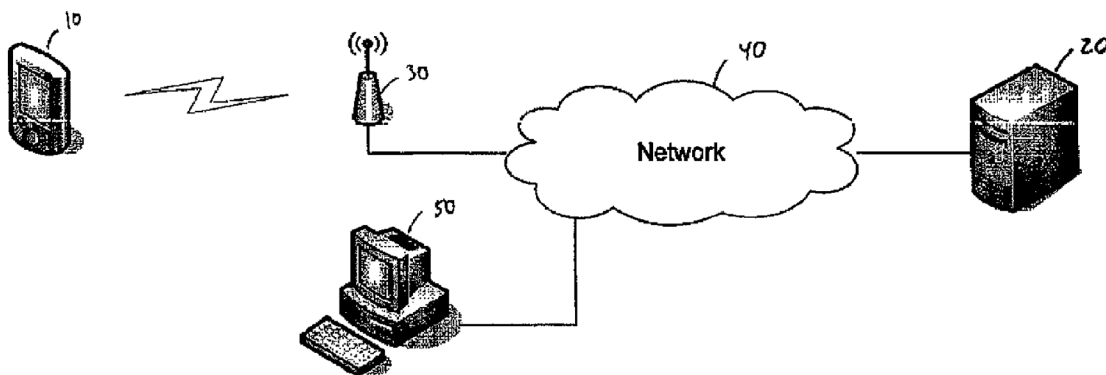
Petitioner cites to exhibits’ original page numbers. **Emphasis** in quoted material has been added. Claim terms are presented in *italics*.

IV. SUMMARY OF THE '960 PATENT

The '960 patent 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.”

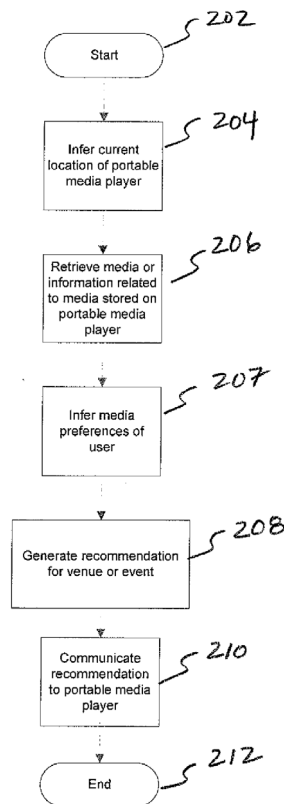
Ex.1001, Abstract. The event or venue recommendation is “based at least in part on . . . one or more media preferences” of the user, which a server determines based on media that the user’s portable media device player has stored or accessed. Ex.1001, Abstract.

Figure 1 of the '960 patent illustrates a recommendation system having (i) a portable media player device with a plurality of stored media files, (ii) a server that exchanges information with the portable media player device, and (iii) a communications medium, e.g., wireless access point and network. Ex.1001, 3:51-4:3.



Ex.1001, 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.” Ex.1001, 4:18-20.



Ex.1001, Fig. 2

As depicted in Fig. 2, the server “infers a current location of the user.” Ex.1001, 4:33-34. 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.” Ex.1001, 4:39-55.

The server also “infer[s] an entertainment interest of the user.” Ex.1001, 4:66-67. The “inference may include retrieving media or information about the media stored on and/or accessed using user’s portable media player device.” Ex.1001, 5:1-3. 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, ¶32.

After the server determines an entertainment interest of the user, “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.” Ex.1001, 5:49-52. 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.” Ex.1001, 5:65-6:2. For example, the recommendation can be based on the user’s “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.” Ex.1001, 6:5-10.

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.” Ex.1001, 6:21-25.

This alleged invention was well-known in the prior art. Specifically, as demonstrated below, prior to the ’960 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 ’960 patent was filed in the U.S. on June 23, 2008 and claims priority to U.S. Provisional Patent Application No. 60/945,677 filed June 22, 2007. Claims 1-25 issued on September 22, 2015. Because the ’960 patent claims priority to an application filed prior to March 16, 2013, it is governed by pre-AIA 35 USC ¶102 and ¶103.

It is unnecessary to determine whether the ’960 patent is entitled to its earliest alleged priority date because the prior art relied upon 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 for a user of the portable device that are pertinent to the '960 patent. That person would have a bachelor's degree in electrical engineering, or equivalent training, and approximately two years of experience working in the field of portable devices. 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

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.

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 ’960 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 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 ’960 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; *PEAG*, IPR2020-01214, Paper 8 at 17 (minimal investment in the invalidity positions in the Petition weighs against discretionary denial); *see also Verizon Bus. Network Servs. Inc. v. Huawei Techs. Co. Ltd.*, IPR2020-01080, Paper 11 at 13-14 (Jan. 14, 2021) (finding “minimal”

investment when parties had not submitted dispositive briefing on validity issues); *Fintiv*, IPR2020-00019, Paper 11 at 10 (“If, at the time of the institution decision, the district court has not issued orders related to the patent..., this fact weighs against exercising discretion to deny institution.”).

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 Director’s *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 1-25. *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 “would 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 PLASTICIS*

NOT APPROPRIATE

The '960 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 '960 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. *Compare* Ex.1002, Board Decision, pg. 4 (“[t]he recited step of ‘inferring ...’ infers the user preferences based on the retrieved media or the information about the retrieved media”) *with* Ex.1005, 27:30-35 (“[t]he system may also monitor the content listened to by the user, and automatically determine the groups liked and disliked by the user”).

X. IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE

A. CHALLENGED CLAIMS

Petitioner challenges claims 1-25 (all claims) of the '960 patent.

B. STATUTORY GROUNDS FOR CHALLENGES

This petition challenges the '960 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, 5-6, 8-11, 15-16, 20-21, 25	35 U.S.C. § 103 in view of Sasaki further in view of Ellis and Jacobi
#2	2-4, 12-14, 17-19, 22-23	35 U.S.C. § 103 in view of Sasaki , Ellis and Jacobi , further in view of Teicher
#3	7 and 24	35 U.S.C. § 103 in view of Sasaki , Ellis , Jacobi , and further in view of Havinis

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. 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).

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).

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, 5-6, 8-11, 15-16, 20-21, AND 24-25 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,” “can be carried” and plays “various types of content, such as music and images.” Ex.1004, [0021]. Further, Sasaki teaches that the portable media player device may include a “built-in GPS” to “specify the place of transmission.” Ex.1004, [0069].

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, ¶40-45.

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, whether 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 techniques for collecting information about user’s listening habits, e.g., “usage data.” Ex.1005, [0263]. Ellis teaches an implementation that uses a “central facility” for gathering a user’s 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, ¶46-56.

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, ¶57-58.

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. Ex.1003, ¶59.

As an initial matter, a POSITA considering the problem purportedly solved by the ’960 patent, would have looked to the teachings of Sasaki and Ellis. The

field of endeavor of the '960 patent is “venue or event recommendations for a user of a portable media player device.” Ex.1001, 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]. Ex.1003, ¶60.

Sasaki’s system would benefit from incorporating Ellis’s techniques for providing recommendations. 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. #Ellis, [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.1003, ¶61.

A POSITA would have found the combination of Sasaki with Ellis predictable and would have had a reasonable expectation of success, for several

reasons. For example, 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. 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 thus, would be directly usable in a networked event recommendation system, such Sasaki's system. *See* Ex.1005, [0162], [0160]. Ex.1003, ¶62.

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, ¶63.

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, ¶64.

As an initial matter, a POSITA considering the problem purportedly solved by the '960 patent, would have looked to the teachings of Jacobi. The field of endeavor of the '960 patent is “venue or event recommendations for a user of a portable media player device.” Ex.1001, 1:19-20. Jacobi is analogous art because it relates to “methods for generating personalized recommendations.” Ex.1006, [0011]. Ex.1003, ¶65.

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]. Ex.1003, ¶66.

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, ¶67.

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, ¶68.

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, ¶69.

6. CLAIM 1

[1.0] *A method comprising:*

To the extent the preamble is limiting, Sasaki discloses “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 “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.

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].

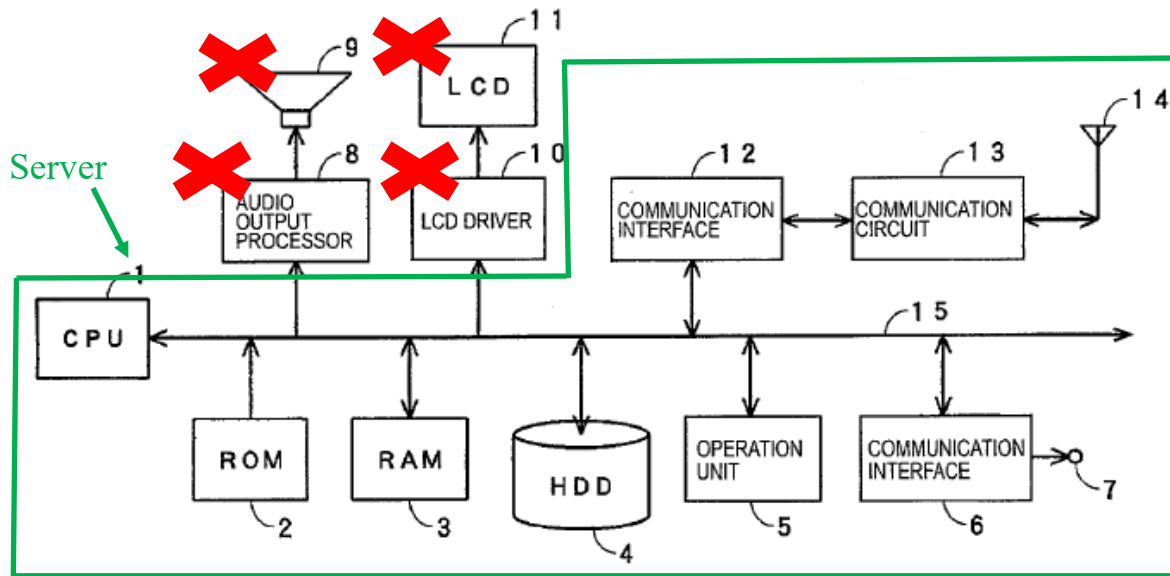
Thus, Sasaki’s system and methods in view of Ellis’s techniques render obvious “*a method.*” Ex.1003, ¶¶70-74.

[1.1] *retrieving, by a server, a plurality of media stored on or accessed using a portable media player device, or information about said plurality of media*

First, Sasaki discloses “communication is performed between the 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, ¶75.

Second, 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, 1:32-34 (“includes only a handheld device ... for the purpose of displaying and/or playing media files”). Ellis further discloses a portable media player device accesses music and other content on the portable media player device (e.g., “download songs”) or over the “Internet and radio frequency broadcasts.” Ex.1005, [0136]-[0137], [0274].

Third, Ellis discloses that it was known, in a recommendation system, for an

individual network component to “to collect ... usage data.” Ex.1005, [0263]. The collected usage data 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 describes that the usage data “information may be sent to a central facility.” Ex.1005, [0265]. A POSITA would recognize that one example of a central facility is a server, such as the server disclosed in Sasaki. Ex.1003, ¶78.

Fourth, Sasaki teaches that the server receives and stores user preference information from the portable media player device. Ex.1004, [0098], [0112], [0019]. Sasaki further teaches that the server can also retrieve the user preference information from a hard drive. Ex.1004, [0126].

Thus, the server of Sasaki that receives user preference information directly from a portable media player device (or from a hard drive), in view of Ellis’s teaching of an individual network component that collects usage data about what a user listened to or accessed using a portable media player device renders obvious this limitation. Ex.1003, ¶¶75-83.

[1.2] inferring, by the server, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the portable media player device;

As discussed in [1.1], Sasaki teaches a *server*. Further, Sasaki's server stores "preference information" provided by the members (e.g., *users*). Ex.1004, [0126]. Ellis discloses several techniques for inferring the entertainment preferences of a user of a portable media player device based on media usage information. *See* Ex.1005, [0263].

In one example, Ellis automatically determines (*inferring*) the user's entertainment preferences by monitoring the media content listened to by the user on her portable media player device (*retrieved information about said plurality of media*):

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 where the system "may also 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 monitors the content to which the user is listening to and automatically determines (*inferring*) a 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 teaches determining the user’s preferences for a “specific group of content” that “may be based on type of content.” Groups of content can include songs, commercials, genre, artist or other criteria. Ex.1005, [0212], [0214].

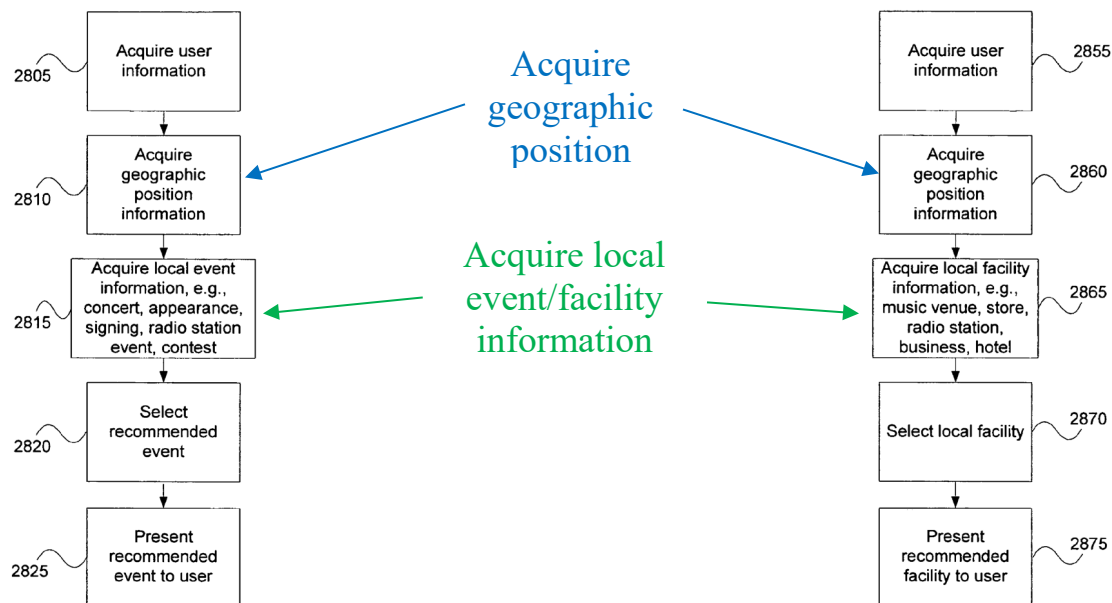
Thus, Sasaki’s server that stores user preferences about multiple types of content accessed by a user of a portable media player device in view of Ellis’s technique of automatically determining a user’s preferences about types of content, songs, commercials, shows, and other content, where the automatic determination is based on monitoring a portable media player device user’s usage information renders obvious this limitation. Ex.1003, ¶¶84-90.

[1.3] accessing, by the server, one or more sources of information about venues or events proximal to a current location of the user;

As discussed in [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]. Sasaki also discloses that the radio wave location information is “from a plurality of base stations.” Ex.1004, [0081].

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, ¶95.

Thus, Sasaki’s server in communication with a portable media player device that directly transmits 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, ¶¶91-96.

[1.4] *identifying, by the server, 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;*

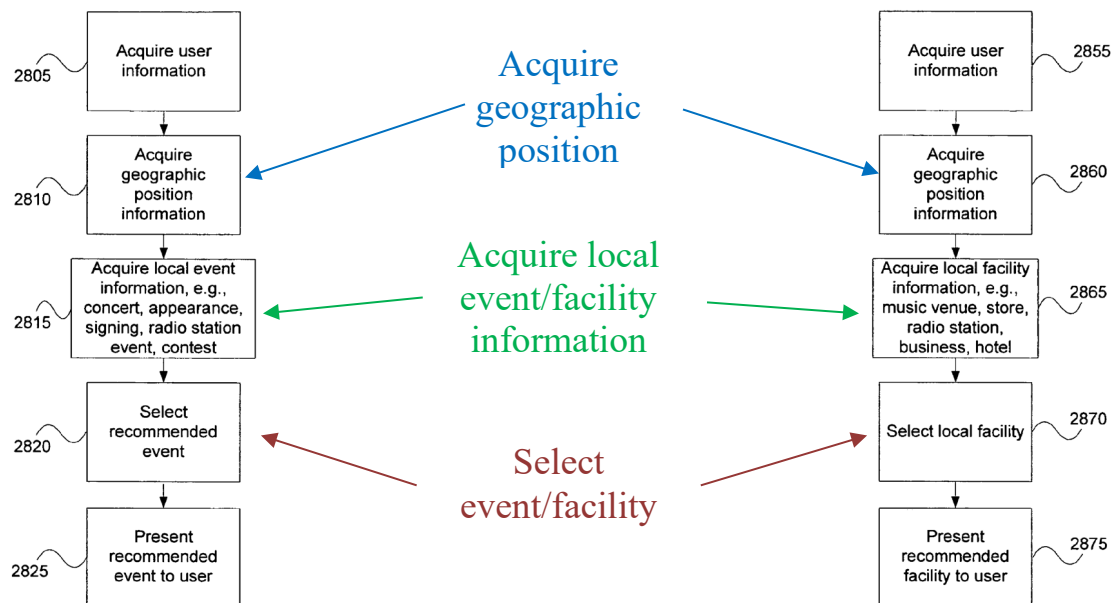
As discussed in [1.1]-[1.2], Sasaki and Ellis teach a server that automatically determines a user’s entertainment preferences. Further, Sasaki’s “server provides content recommendation information to a user’s terminal device.” Ex.1004, [0115].

As discussed in [1.3], 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 to a user is purely subjective to that user's personal tastes, but for purposes of this proceeding, 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, ¶100.

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, ¶¶97-101.

[1.5] generating, by the server, a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

As discussed in [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].

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, further in view of Jacobi’s generating a recommendation message (such as creating a web page with links) render obvious this limitation. Ex.1003, ¶¶102-105.

[1.6] *communicating, by the server, the recommendation to the user.*

As discussed in [1.5], 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]. The server and portable media player device communicate through a “communication interface 12, the communication circuit 13, and the transmitting/receiving antenna 14” using “wireless communications standards.” Ex.1004, [0041].

As also discussed in [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, ¶¶106-109.

7. CLAIM 5

[5.0] The method of claim 1, wherein the venue of interest is either a place of worship or a place of historic or cultural significance located proximal to the current location of the user of the portable media player device, and the recommendation is based at least in part on a denomination of religion or a historic or cultural attribute of the place of worship or place of historic or cultural significance, respectively, and on a subject preference of the user inferred by the server based at least in part on podcast media stored in, or accessed using, the portable media player device.

First, as discussed in [1.4], Sasaki and Ellis render obvious (i) identifying local events and facilities that are of interest to the user, (ii) by comparing information about each local event or facility with the user's preferences (as automatically determined by the server), and (iii) selecting local events and facilities by comparing information about the event or facility with the user's preferences.

Second, Ellis further discloses, as discussed in [1.2], that the recommendation is based on user preferences with respect to "a group [] based on

a specific radio show” or radio show broadcast via the internet. Ex.1005, [0214], [0051]. A POSITA would recognize that a radio show broadcast via the internet, as disclosed in Ellis, corresponds to a podcast media. *See* Ex.1009, [0035] (“It may be desired to publish a portion of the radio program as a podcast.”); 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.”).

Third, as discussed in [1.4], Ellis’s technique selects events and facilities based on comparing information about each event with the user information (such as the determined music genre preferences of the user). Sasaki further discloses that it was known to provide recommendation information about “places of historical interest.” Ex.1004, [0139] (“information concerning scenic spots and places of historical interest, can be provided to a communication terminal device.”). It would be obvious to a POSITA that information about each facility would be an attribute about such facility, such as a place of historical interest, as taught by Sasaki. Ex.1003, ¶112.

Thus, Sasaki’s server that provides content recommendation information to a portable media player device, which takes into account information about places of historical interest, in view of Ellis’s technique of recommending events or facilities by comparing information about local events and facilities to the user’s preferences

that are determined based on, in part, the podcast media listened to by the user on a portable media player device render obvious this limitation. Ex.1003, ¶¶110-113.

8. CLAIM 6

[6.0] *The method of claim 1, further comprising inferring by the server the current location of the user of the portable media player device, including receiving by the server a current location of the portable media player device from the portable media player device.*

As discussed in [1.1], Sasaki teaches a *server* in communication with a *portable media player device*. As discussed in [1.3], Sasaki teaches that the server infers the location of the user by having the portable media player device associated with the user directly transmit location information (either GPS or radio wave positional information). Ex.1004, [0069], [0081]. Further, Sasaki teaches that location information can be “converted into map information ... or a building name or the like.” Ex.1004, [0080].

Ellis also teaches multiple methods to infer the user’s location: (1) “us[ing] global positioning system monitor 160 to determine the user’s location;” (2) “allowing a user to enter it;” and by (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, ¶¶114-117.

9. CLAIM 8

[8.0] *The method of claim 1, wherein said communicating comprises transmitting the recommendation to the portable media player device.*

As discussed in [1.5]-[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]. The server and portable media player device communicate through a “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 and that the portable media player device “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, ¶¶118-121.

10. CLAIM 9

[9.0] *The method of claim 1, wherein said communicating comprises transmitting the recommendation by either sending a short message service (SMS) message, an email message, a pager message or a facsimile message to the user, or by placing a call to the user.*

First, as discussed in [8.0], the combination of Sasaki, Ellis, and Jacobi teaches transmitting a recommendation to the portable media player device.

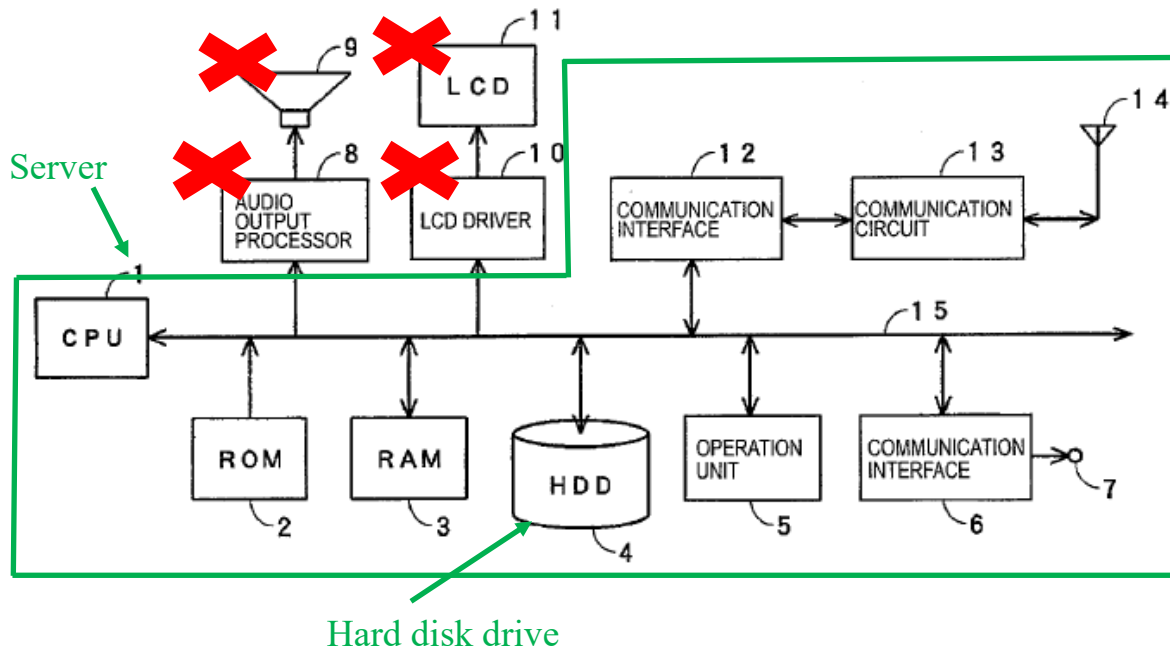
Second, as discussed in [1.5], Jacobi discloses a technique that communicates recommended events by email or a facsimile. Ex.1006, [0074].

Thus, Sasaki's and Ellis's disclosure of communicating recommendations to the user in view of Jacobi's email and facsimile methods to transmit the recommendations render obvious this limitation. Ex.1003, ¶¶122-124.

11. CLAIM 10

[10.0] *The method of claim 1 further comprising retrieving, by the server, the plurality of media or the information about said plurality of media from a storage within the server.*

As, as discussed in [1.1], Sasaki teaches that the server receives and stores user preference information. Ex.1004, [0098], [0112], [0019]. Sasaki further teaches that the server can retrieve user preference information from a hard drive. Ex.1004, [0126]. As discussed in [1.1], user preference information is usage data collected about what a user listened to or accessed using a portable media player device.



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶127.

Thus, Sasaki's server that stores user preference information and retrieves that information from a hard drive in view of Ellis's teaching of usage data about what a user listened to or accessed using a portable media player device render obvious this limitation. Ex.1003, ¶¶125-129.

12. CLAIM 11

[11.0] *A method comprising:*

To the extent the preamble is limiting, Sasaki discloses “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. Sasaki discloses that one of the devices is “portable” and plays “various types of content, such as music and images.” Ex.1004, [0021].

Ellis describes modular 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].

Thus, Sasaki’s system and methods in view of Ellis’s techniques render obvious “a method.” Ex.1003, ¶¶130-134.

[11.1] providing to a server, by a portable media player device, a current location of the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

This limitation is substantially similar to [6.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶135.

[11.2] receiving by the portable media player device, from the server, a recommendation indicating an event or venue of interest located proximal to the inferred current location of the user as being of interest to the user; wherein the recommendation is generated by the server based at least in part on the inferred current location, data accessed by the server from one or more sources of information about venues or events proximal to the current location of the user, and one or more entertainment preferences of the user, the event or venue of interest being one of said venues or events; and

First, as discussed in [1.1]-[1.6], Sasaki, Ellis and Jacobi render obvious a server that (i) accesses information about the events or facility that are local to the

user, (ii) identifies an event or facility by closely matching information about the event or facility to the user's preferences, (iii) generates a recommendation that identifies the event or facility that is local to the user and closely matches the user's preferences, and (iv) communicates the recommendation to the user's portable media player device.

Second, as discussed in [6.0], Sasaki's server determines the current location of the user of the portable media player device by receiving location information of the portable media player.

Thus, for the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶¶136-138.

[11.3] wherein the one or more entertainment preferences are inferred by the server based at least in part on an analysis, by the server, of a plurality of media stored on or accessed using the portable media player device or information about said plurality of media.

This limitation is substantially similar to [1.2]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶139.

13. CLAIM 15

[15.0] The method of claim 11, wherein the event or venue of interest is a worship, cultural, community or political event or venue, and the recommendation is based at least in part on an attribute of the worship, cultural, community or political event and on a subject preference of the user inferred by the server based at least in part on podcast media stored in, or accessed using, the portable media player device.

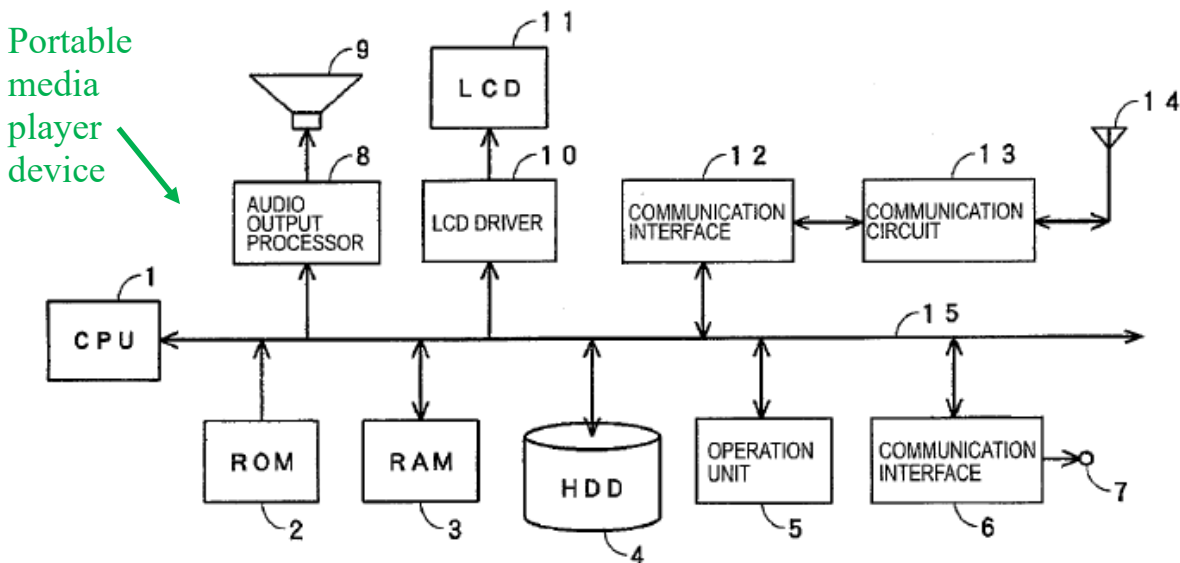
This limitation is substantially similar to [5.0], and for the same reasons

discussed above, the prior art renders this limitation obvious. Ex.1003, ¶140.

14. CLAIM 16

[16.0] A portable media player device comprising:

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, 1:32-34 (“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:



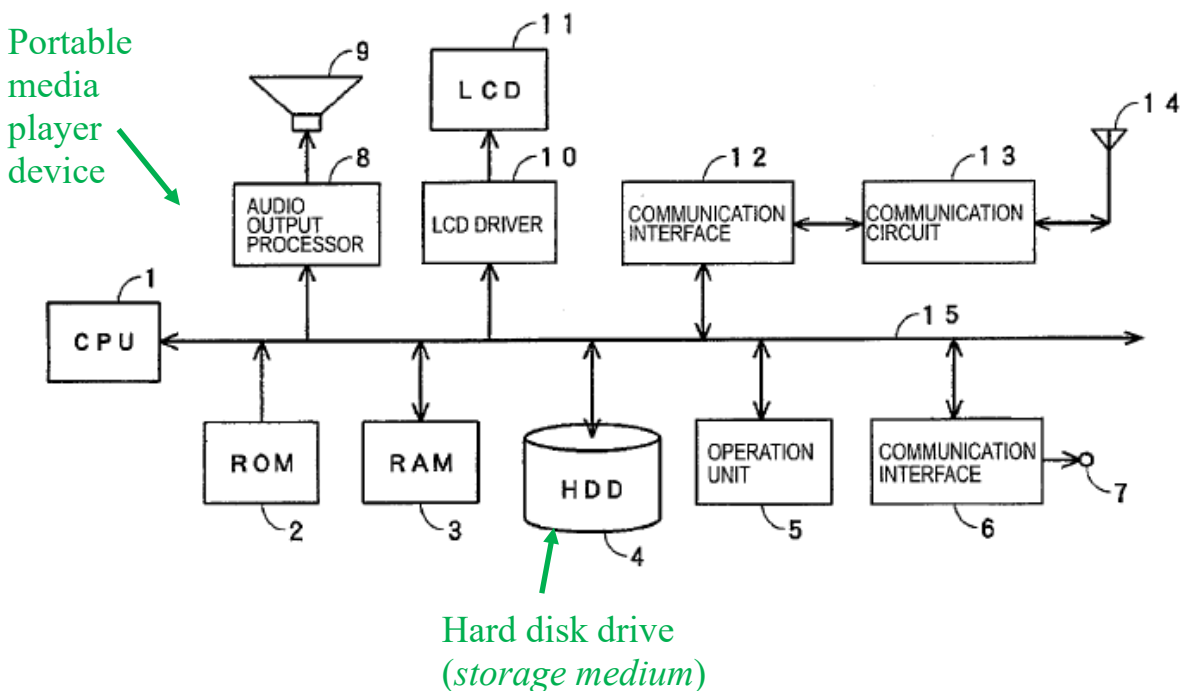
Ex.1004, Fig. 1 (annotated); Ex.1003, ¶141.

Ellis further discloses that a portable media player device that accesses music and other content can do so 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, Sasaki's portable media player device that plays various types of content, such as music and images, in view of Ellis's teaching that a portable media player device can store media content or access songs over the Internet renders obvious this limitation. Ex.1003, ¶¶141-143.

[16.1] a storage medium configured to store one or more of a plurality of media and information about said plurality of media; and

Sasaki's portable media player device discloses a storage medium because it teaches that the portable media player device has "a hard disk drive (HDD) 4." Ex.1004, [0029]. "The HDD 4 includes a hard disk as a recording medium." Ex.1004, [0033].



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

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

Sasaki also teaches that the HDD stores information about the media because the HDD stores “pieces of content recommendation information.” Ex.1004, [0065]. The HDD also stores “locations at which sample data items of recommended content are stored.” Ex.1004, [0066]. Lastly, the HDD stores information about the content, such as “favorite artist names, actors, authors, genres, etc.” Ex.1004, [0085].

Ellis further discloses that it was known to store songs and information about songs in memory. “FIG. 41 shows illustrative memory map 4100 of data stored in memory 120 (FIG. 1).” Ex.1005, [0275]. “Memory region 4115 may store information about songs and other audio segments, such as names, identifiers, audio signatures, etc.” Ex.1005, [0276].

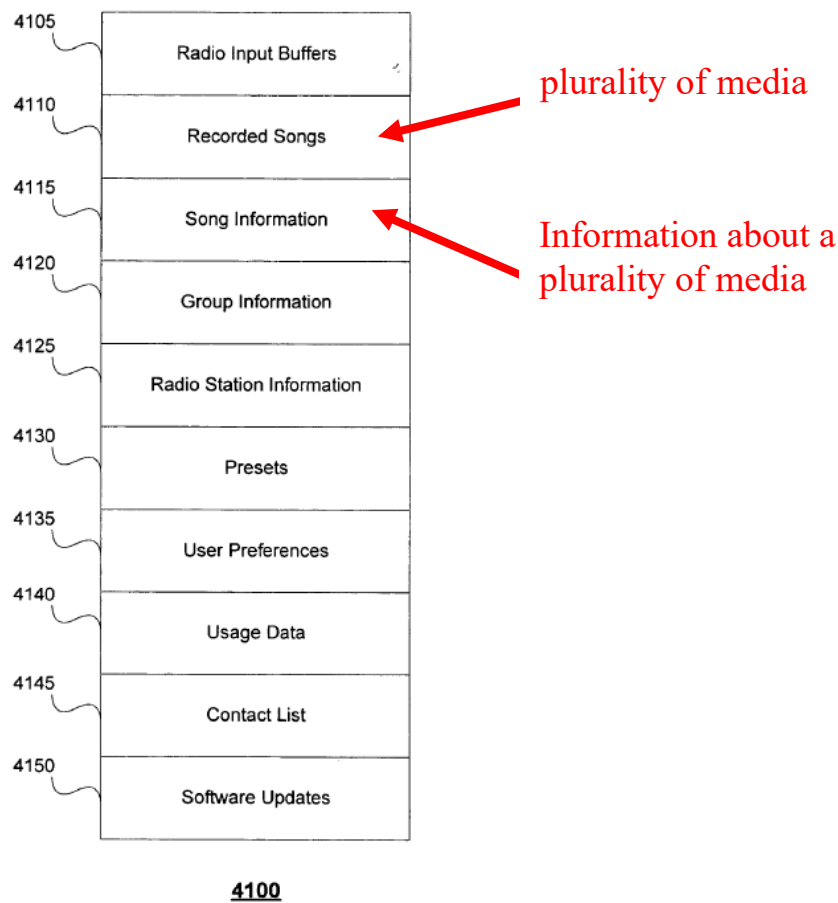


FIG 41

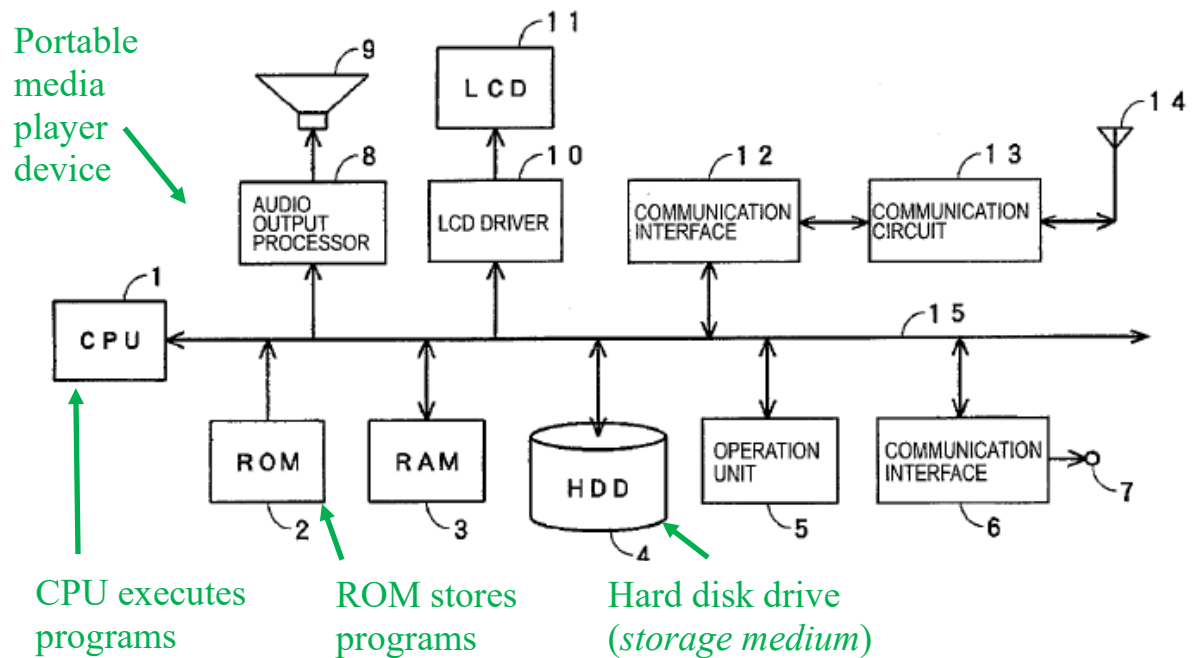
Ex.1005, Fig.41; Ex.1003, ¶147.

Thus, Sasaki’s portable media player device that has a hard drive that stores image data, audio data, sample locations and names and genres of content in view of Ellis’s further teachings of storing songs and song information in memory render obvious this limitation. Ex.1003, ¶¶144-148.

[16.2] a player coupled to the storage medium and endowed with executable instructions operable, upon execution, to cause the portable media player device to:

Sasaki discloses a portable media player device that has “speaker 9” for

playing audio and “LCD 11” for displaying images. Ex.1004, [0037]. The functionality of the portable media player device is controlled by “CPU 1” that executes “programs” stored in ROM Ex.1004, [0030].



Ex.1004, Fig. 1 (annotated); Ex.1003, 149.

As discussed in [16.1], Sasaki also discloses that the HDD stores audio data and image data. The audio data is used by “audio output processor 8” supply audio data to “speaker 9” and the image data is used by the “LCD driver 10” to provide image data to “LCD 11.” Ex.1004, [0037].

Ellis discloses a program on a portable media player device that displays an interactive screen, allows the user to scroll through selections, and includes on-screen buttons for selection by the user to play content:

FIG. 27 shows illustrative display screen 2700 which may be used to present recommended radio stations to a user. Recommended station list 2790 may be presented to the user. If more stations are recommended than will fit onto a single screen, **the system may allow the user to scroll or page to view additional selections.** Each selection may include information such as broadcast frequency 2710, call letters 2720, and station format 2730. **Each selection may also include on-screen buttons 2740 that may be selected by the user to immediately start listening to the station,** buttons 2750 to view a schedule of programming on the station, and buttons 2760 to view a play list for the station. Other items may be shown on screen 2700 as well.

Ex.1005, [0232].

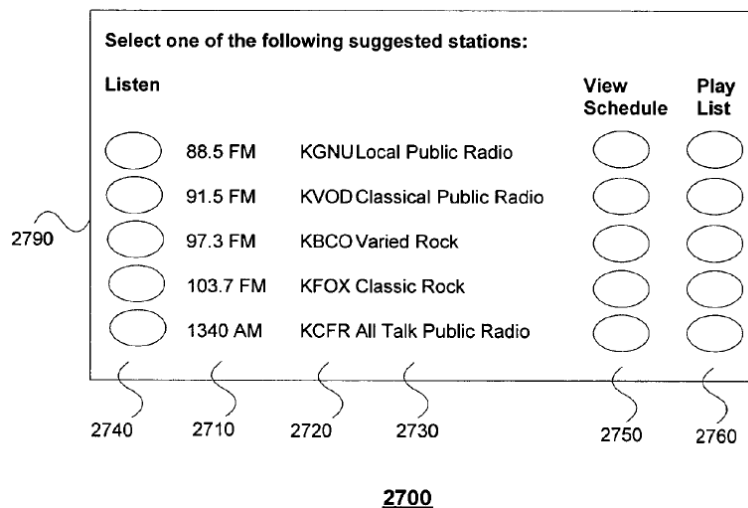


FIG 27

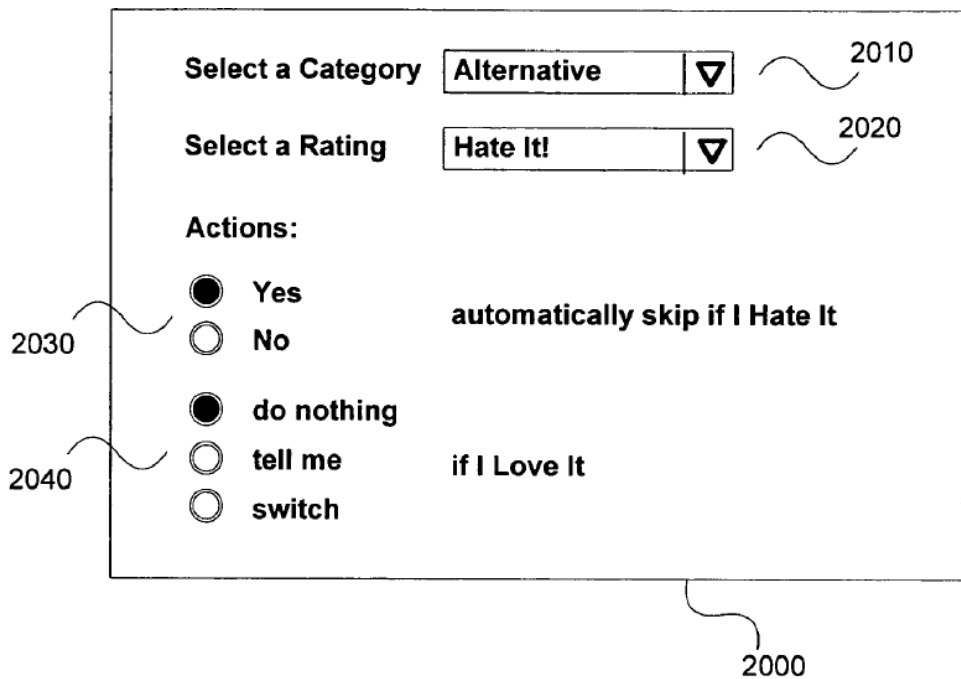
Ex.1005, Fig. 27.

Thus, Sasaki's portable media player device that uses a program to play audio and display images from data stored on the hard drive in view of Ellis's teaching of software that displays interactive screens to listen to music renders obvious this limitation. Ex.1003, ¶¶149-152.

[16.3] *selectively play the media;*

As discussed in [16.2], Sasaki's portable media player device executes programs and Ellis teaches that a program on a portable media player device plays music.

Ellis further discloses that program on a portable media player device causes the portable media player device to selectively play the media because it teaches that the program can “jump to desirable content” and “skip over undesirable content.” Ex.1005, Abstract. Also, as shown in Fig. 20, Ellis teaches an option to “automatically skip if I Hate It.” Ex.1005, [0217].



Ex.1005, Fig. 20.

Thus, Sasaki's portable media player device executes programs and Ellis teaches that a program on a portable media player device plays music, such that user preferences cause the portable media player device to jump to desirable content and skip undesirable content renders obvious this limitation. Ex.1003, ¶¶153-155.

[16.4] provide a server with a current location of the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

As discussed in [16.2], Sasaki's portable media player device executes programs and Ellis teaches that a program on a portable media player device plays music.

Second, as discussed in [1.3], 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]. As discussed in [6.0], the server infers the location of the user by converting the location information of the portable media player device into map information or a building's name. Ex.1004, [0080].

Thus, Sasaki's teaching of the portable media player device transmitting the location information of the portable media player device to the server, where the server converts that information into map information (or the like) renders obvious this limitation. Ex.1003, ¶¶156-158.

[16.5] receive from the server, in response to said providing the server with the current location, a recommendation indicating a venue or event of interest located proximal to the current location of the user as being of interest to the user; wherein the recommendation is generated by the server based at least in part on the inferred current location of the user, data accessed by the server from one or more sources of information about venues or events proximal to the current location of the user, and at least one inferred entertainment preference of the user, the event or venue of interest being one of said venues or events; and

This limitation is substantially similar to [11.2]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶159.

[16.6] wherein the at least one entertainment preference is inferred by the server based at least in part on an analysis, by the server, of the plurality of media stored on or accessed using the portable media player device or the information about said plurality of media.

This limitation is substantially similar to [11.3]. For the same reasons

discussed above, the prior art renders this limitation obvious. Ex.1003, ¶160.

15. CLAIM 20

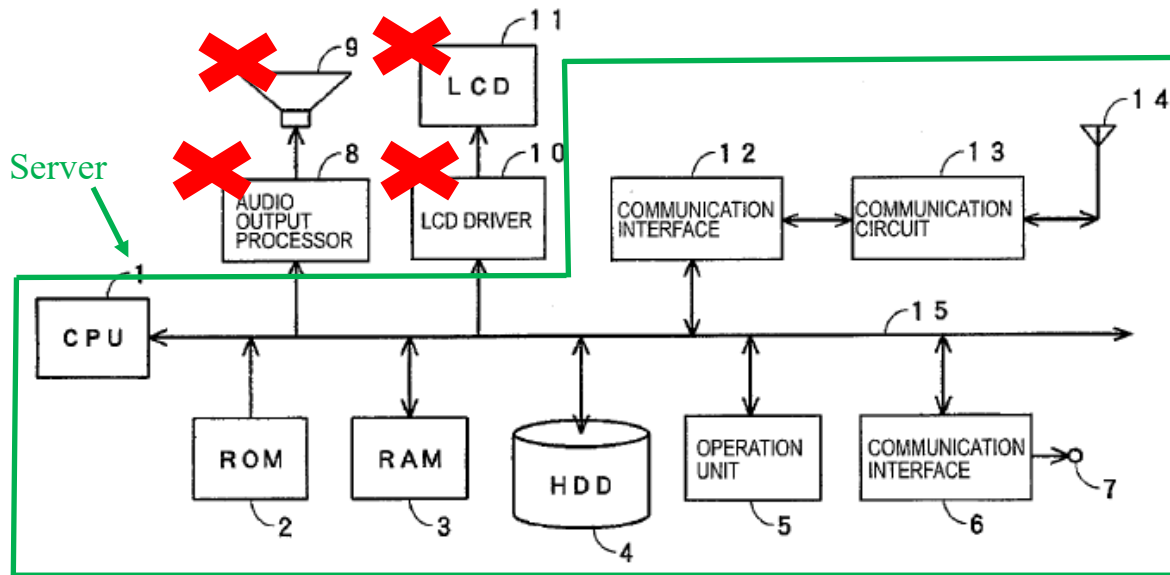
[20.0] *The portable media player device of claim 16, wherein the venue or event of interest is a place of worship, a place of historic or cultural significance, or an event occurring in a place of worship or in a place of historic or cultural significance located proximal to the current location of the portable media player device, and the recommendation is based at least in part on a denomination of religion or a historic or cultural attribute of the event or place of worship or place of historic or cultural significance, respectively, and on a subject preference of the user inferred by the server based at least in part on podcast media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [5.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶161.

16. CLAIM 21

[21.0] *A server comprising:*

Sasaki discloses an embodiment in which “communication is performed between the 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, ¶162.

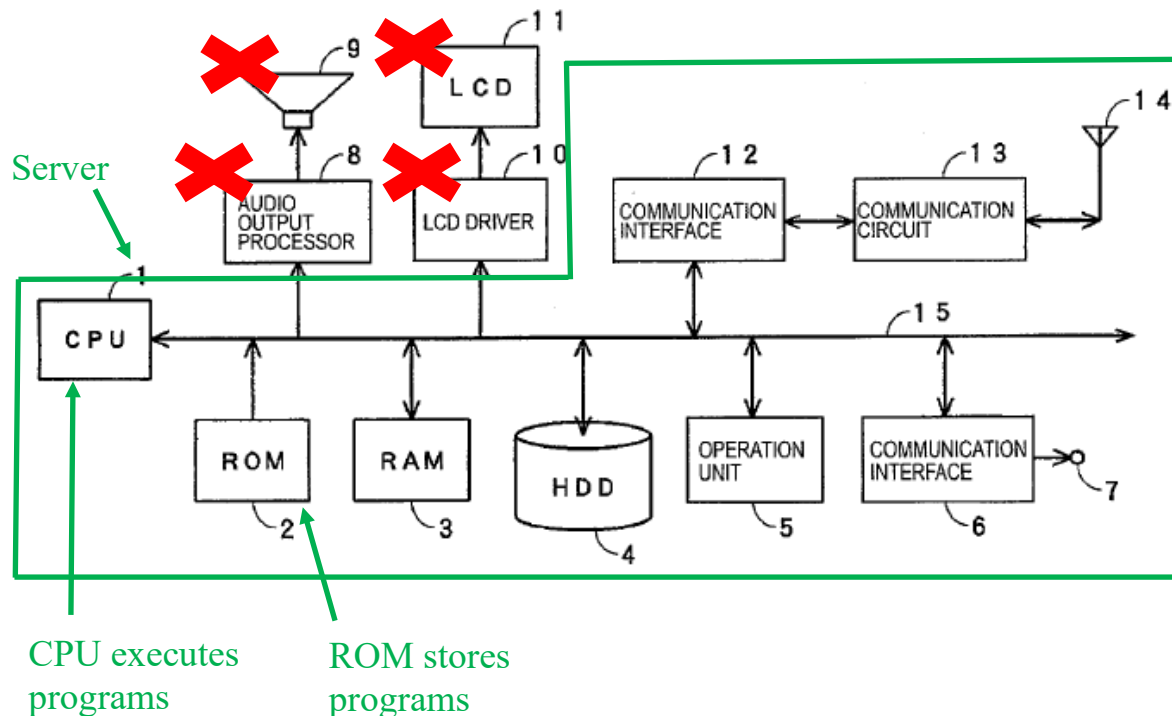
The server communicates with a portable media player device through a “communication interface 12, the communication circuit 13, and the transmitting/receiving antenna 14” using “wireless communications standards.” Ex.1004, [0041].

Thus, the server in communication with a portable media player device renders obvious a “server.” Ex.1003, ¶¶162-164.

[21.1] a storage medium to store a plurality of programming instructions; and

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]. Sasaki’s server includes a ROM that “stores control programs.” The functionality of the server is controlled by “CPU 1” that executes “programs”

stored in ROM. Ex.1004, [0030].



Ex.1004, Fig. 1 (annotated); Ex.1003, ¶165.

Thus, the server that has a ROM that stores programs that are executed by the CPU renders obvious this limitation. Ex.1003, ¶¶165-166.

[21.2] a processor coupled to the storage medium and comprising executable instructions operable, upon execution, to enable the server to:

As discussed in [21.1], Sasaki's server is controlled by "CPU 1" that executes "programs" stored in ROM. Ex.1004, [0030].

Thus, server that has a processor coupled to ROM that stores programs that are executed by the CPU renders obvious this limitation. Ex.1003, ¶¶167-168.

[21.3] retrieve a plurality of media stored on or accessed using a portable media player device or information about said plurality of media;

This limitation is substantially similar to [1.1]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶169.

[21.4] *infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the portable media player device;*

This limitation is substantially similar to [1.2]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶170.

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

This limitation is substantially similar to [1.3]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶171.

[21.6] *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;*

This limitation is substantially similar to [1.4]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶172.

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

This limitation is substantially similar to [1.5]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶173.

[21.8] *communicate the recommendation to the user of the portable media player device.*

This limitation is substantially similar to [1.6]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶174.

17. CLAIM 25

[25.0] *The server of claim 21, wherein the programming instructions are further operable, upon execution, to enable the server to retrieve the plurality of media or the information about said plurality of media from a storage of the server.*

This limitation is substantially similar to [10.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶175.

D. GROUND 2: CLAIMS 2-4, 12-14, 17-19, AND 22-23 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. Social meetings can also take place in noncommercial settings such as a private party, during a walk in a park, or when participating in a public lecture, demonstration, or political gathering.

Ex.1007, [0007]. Ex.1003, ¶¶176-178.

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. Ex.1003, ¶179.

As an initial matter, a POSITA considering the problem purportedly solved by the '960 patent, would have looked to the teachings of Teicher. The field of endeavor of the '960 patent is “venue or event recommendations for a user of a portable media player device.” Ex.1001, 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]. Ex.1003, ¶180.

A POSITA would have been specifically motivated to apply Teicher’s techniques of recommending different types of attractions to the event and facility recommendations of Sasaki-Ellis-Jacobi. For example, Sasaki-Ellis-Jacobi system recommends “radio station, local events, and local facilities.” Ex.1005, [0137], [0233]. Teicher describes that it was known to POSITAs that an attraction based on the user’s likes in a recommendation system, such as the Sasaki-Ellis-Jacobi system, would include additional forms of local attractions. Ex.1007, [0008]. 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]. Teicher describes many examples of attractions that

would be of interest to users. Ex.1007, [0007], [0025]. Ex.1003, ¶181.

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, ¶182.

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, a POSITA would have had a reasonable expectation of success because the teachings of Teicher have already been successfully implemented in a recommendation system, such as the recommendation system of Sasaki-Ellis-Jacobi. Ex.1003, ¶183.

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, ¶184.

3. CLAIM 2

[2.0] *The method of claim 1, wherein the venue of interest is a club or a church*

located proximal to the current location of the user of the portable media player device, and the recommendation is based at least in part on a genre of music played in the club or the church and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the portable media player device.

First, as discussed in [1.4], Sasaki and Ellis render obvious (i) identifying local events and facilities that are of interest to the user, (ii) by comparing information about each local event or facility with the user's preferences (as automatically determined by the server), and (iii) selecting local events and facilities by comparing information about the event or facility with the user's preferences.

Second, Ellis further discloses, as discussed in [1.2], that the recommendation is based on a user's preference with respect to a "group" that is "based on type of content," such as songs, commercials, music genre, a specific artist, or particular radio station. Ex.1005, [0214], [0051]. A POSITA would recognize that a "group" based on songs, commercials, music genre, a specific artist, or particular radio station, corresponds to music media. Ex.1003, ¶186.

To the extent that Sasaki and Ellis do not disclose "*a club or church*" as a local event or facility, Teicher discloses that it was known to recommend clubs 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, as discussed in [1.4], Ellis's technique selects events and facilities based on comparing information about each event with the user information (such as the determined music genre preferences of the user). It would be obvious to a POSITA that information about each event would be information applicable to such event, such as the genre of music played at a club. Ex.1003, ¶189.

Thus, Sasaki's server that provides content recommendation information to a portable media player device, in view of Ellis's technique of recommending events or facilities by comparing information about local events and facilities to the user's preferences that are determined based on, in part, the music media listened to by the user on a portable media player device, further in view of Teicher's teaching of recommending clubs as a venue of interest, renders obvious this limitation.

Ex.1003, ¶¶185-190.

4. CLAIM 3

[3.0] *The method of claim 1, wherein the venue of interest is a either a theatre or a cinema located proximal to the current location of the user of the portable media player device, and the recommendation is based at least in part on a genre of a play or movie played in the theatre or cinema, respectively, and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the portable media player device.*

First, as discussed in [1.4], Sasaki and Ellis render obvious (i) identifying

local events and facilities that are of interest to the user, (ii) by comparing information about each local event or facility with the user's preferences (as automatically determined by the server), and (iii) selecting local events and facilities by comparing information about the event or facility with the user's preferences.

Second, Ellis discloses, as discussed in [1.2], that the recommendation is based on a user's preference with respect to a "group" that is "based on type of content." Ex.1005, [0214], [0051]. Sasaki further discloses, as discussed in [1.2], collecting information about different media content types, such as "music," "still pictures," "video," and "text." Ex.1004, [0074]. A POSITA would recognize that Ellis's technique of collecting a user's usage information with respect to types of content would include all media content types accessed by the portable media player device including video media, such as the "video" content, taught in Sasaki. Ex.1003, ¶¶191-192.

To the extent that Sasaki and Ellis do not disclose "*a theatre or cinema*" as a local event or facility, 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, as discussed in [1.4], Ellis's technique selects events and facilities based on comparing information about each event with the user information (such as the determined music genre preferences of the user). 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 being played at the theatre. Ex.1003, ¶195.

Thus, Sasaki's server that provides content recommendation information to a portable media player device, in view of Ellis's technique of recommending events or facilities by comparing information about local events and facilities to the user's preferences that are determined based on, in part, the videos accessed by the user on a portable media player device, further in view of Teicher's teaching of recommending movies and theatres as a venue of interest render obvious this limitation. Ex.1003, ¶¶191-196.

5. CLAIM 4

[4.0] The method of claim 1, wherein the venue of interest is a either a museum or a gallery located proximal to the current location of the user of the portable media player device, and the recommendation is based at least in part on a genre of painting or photo exhibited at the museum or gallery and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, the portable media player device:

First, as discussed in [1.4], Sasaki and Ellis render obvious (i) identifying

local events and facilities that are of interest to the user, (ii) by comparing information about each local event or facility with the user's preferences (as automatically determined by the server), and (iii) selecting local events and facilities by comparing information about the event or facility with the user's preferences.

Second, Ellis discloses, as discussed in [1.2], that the recommendation is based on a user's preference with respect to a "group" that is "based on type of content." Ex.1005, [0214], [0051]. Sasaki further discloses, as discussed in [1.2], collecting information about different media content types, such as "music," "still pictures," "video," and "text." Ex.1004, [0074]. A POSITA would recognize that Ellis's technique of collecting a user's usage information with respect to types of content would include all media content types accessed by the portable media player device including image media, such as the "picture" content, taught in Sasaki. Ex.1003, ¶198.

To the extent that Sasaki and Ellis do not disclose "*a museum or a gallery*" 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, as discussed in [1.4], Ellis's technique selects events and facilities based on comparing information about each event with the user information (such as the determined music genre preferences of the user). It would be obvious to a POSITA that information about each event would be information applicable to such event, such as the type of art being displayed at the museum. Ex.1003, ¶201.

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 image preferences combined with Teicher's teaching recommending museums as a venue of interest renders obvious this limitation. Ex.1003, ¶¶197-202.

6. CLAIM 12

[12.0] *The method of claim 11, wherein the event or venue of interest is a music event or music venue, and the recommendation is based at least in part on a genre of music played at the event or venue and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [2.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶203.

7. CLAIM 13

[13.0] *The method of claim 11, wherein the event or venue of interest is a theatrical or cinematography event or venue, and the recommendation is based at least in part on a genre of the theatrical or cinematography event or venue and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [3.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶204.

8. CLAIM 14

[14.1] *The method of claim 11, wherein the event or venue of interest is an exhibit or exhibit venue, and the recommendation is based at least in part on a genre of the exhibit and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, 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. Ex.1003, ¶205.

9. CLAIM 17

[17.0] *The portable media player device of claim 16, wherein the venue or event of interest is a club or club event located proximal to the inferred current location of the user, and the recommendation is based at least in part on a genre of music played in the club and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [2.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶206.

10. CLAIM 18

[18.0] The portable media player device of claim 16, wherein the venue or event of interest is a theatre, a cinema, a theatre event, or a cinema event located proximal to the current location of the portable media player device, and the recommendation is based at least in part on a genre of play or movie played in the theatre or cinema, respectively, and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the portable media player device.

This limitation is substantially similar to [3.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶207.

11. CLAIM 19

[19.0] The portable media player device of claim 16, wherein the venue or event of interest is a museum, a gallery, a museum event, or a gallery event located proximal to the current location of the portable media player device, and the recommendation is based at least in part on a genre of painting or photo exhibited at the museum or gallery and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, 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. Ex.1003, ¶208.

12. CLAIM 22

[22.0] The server of claim 21, wherein the venue or event of interest is a music event or music venue, and the recommendation is based at least in part on a genre of music played at the event and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the portable media player device, or:

This limitation is substantially similar to [2.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶209.

[22.1] *the venue or event of interest is a theatrical or a cinematography event, and the recommendation is based at least in part on a genre of the theatrical or cinematography event and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the portable media player device.*

This limitation is substantially similar to [3.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶210.

13. CLAIM 23

[23.0] *The server of claim 21, wherein the venue or event of interest is an exhibit or exhibit venue, and the recommendation is based at least in part on a genre of the exhibit and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, the portable media player device, or*

This limitation is substantially similar to [4.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶211.

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

This limitation is substantially similar to [5.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶212.

E. GROUND 3: CLAIMS 7 AND 24 ARE OBVIOUS UNDER 35 U.S.C. § 103 OVER SASAKI IN VIEW OF ELLIS AND 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, 6:26-28. 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, ¶¶213-215.

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. Ex.1003, ¶216.

As an initial matter, a POSITA when considering the '960 patent, would have looked to the teachings of Havinis. The field of endeavor of the '960 patent is identifying “locations proximally located to an inferred current location of the user” by determining the location of a portable media player device’s connections to wireless access points. Ex.1001, 2:43-46, 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, ¶218.

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, ¶¶220-223.

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, ¶¶216-224.

3. CLAIM 7

[7.0] The method of claim 1, further comprising inferring by the server the current location of the user of the portable media player device, including receiving by the server a current location of the portable media player device from an access point through which the portable media player device establishes a network connection to the server.

As discussed in [1.3], Sasaki teaches that the server receives information representing the current position of the portable media player device. Ex.1004, [0069]. Sasaki also teaches that the place of transmission is “necessary information” and is part of the “content recommendation information.” Ex.1004, [0068].

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. Ex.1008, Fig. 3, 2:2-6. To estimate the location of the mobile station, Havinis teaches using timing advance values transmitted from multiple base transceiver stations (each, an *access point*), along with the site

location data associated with each base station, to calculate the geographical position 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.

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.

Thus, Sasaki's server that receives location information from the portable media player device in view of Havinis's technique that the location of a mobile device can be calculated using timing advance values and site location data transmitted from three base stations (access points) renders obvious this limitation.

Ex.1003, ¶¶224-29.

4. CLAIM 24

[24.0] *The server of claim 21, wherein the programming instructions are further operable, upon execution, to enable the server to determine the current location of the user of the portable media player device, including either receiving the current location of the portable media player device from the portable media player device, or:*

This limitation is substantially similar to [6.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶230.

[24.1] *from an access point through which the portable media player device establishes a network connection to the server.*

This limitation is substantially similar to [7.0]. For the same reasons discussed above, the prior art renders this limitation obvious. Ex.1003, ¶231.

XI. CONCLUSION

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

Respectfully submitted,

Dated: November 30, 2022
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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 '960 patent is or was involved in the following cases:

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.

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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 13,893. 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. 9,141,960
- Certificate of Word Count
- Petitioner's Exhibit List
- Exhibits Ex.1001 to Ex.1021

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