

Inter Partes Review U.S. Patent No. 10,869,169

Google LLC v. Wildseed Mobile LLC, Cases IPR2023-00247

Calmann Clements,
Haynes Boone, LLP



DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

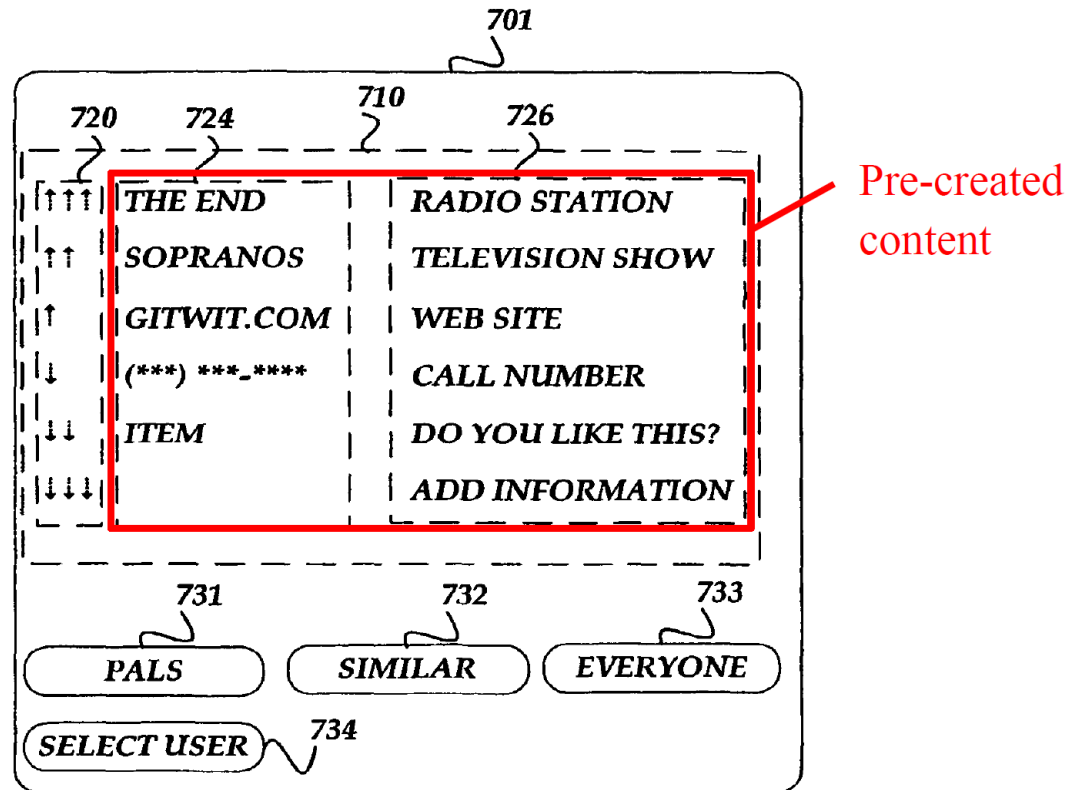
The '169 Patent

1. One or more non-transitory computer-readable media (NTRM) including program code, wherein execution of the program code by one or more processors of a computer system is to cause the computer system to:

- identify a trigger to generate a hot link; and
- in response to detection of the trigger,
 - determine an action to be performed upon activation of the hot link based on the trigger, wherein activation of the hot link by individual user devices of a set of user devices is to cause the individual user devices to execute program code to perform the action;
- generate a hot link message to include the determined action and instructions for rendering and displaying the hot link at each of the set of user devices; and
- control transmission of the hot link message to the set of user devices.

Ex.1001 ('169 patent), claim 1.

The '169 Patent

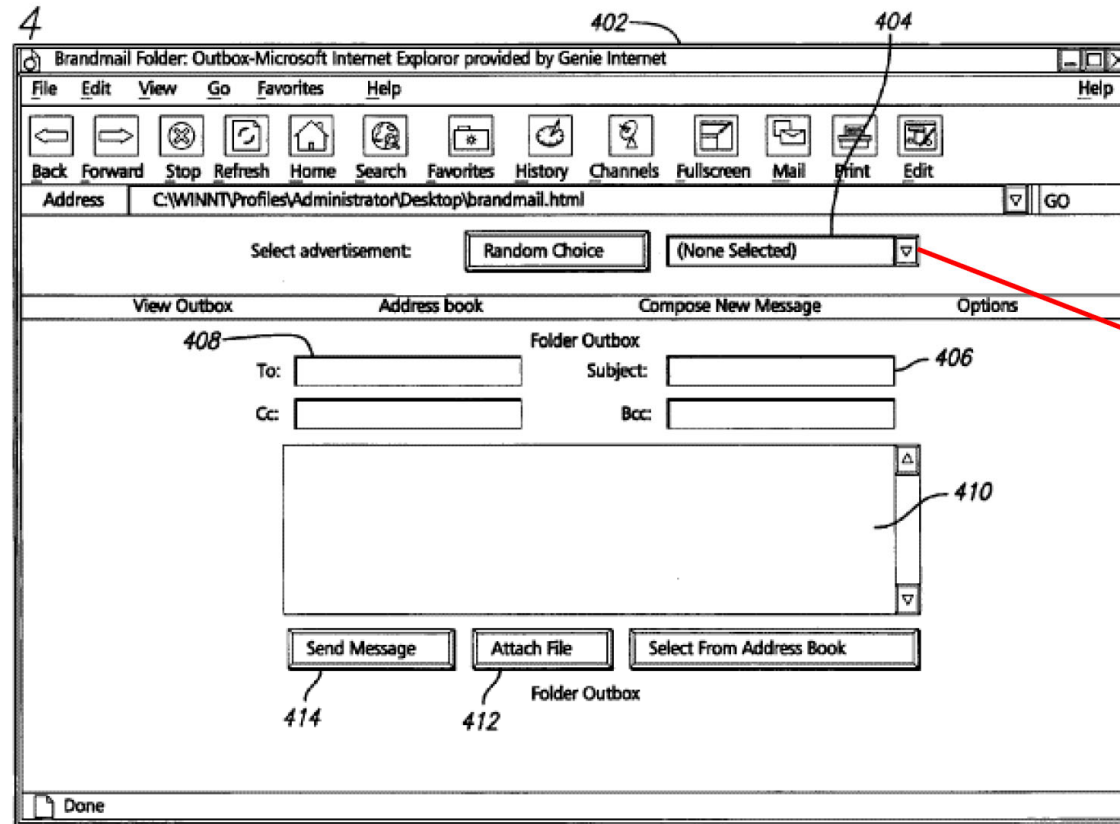


Ex.1001, Fig. 7 (annotated)

Ex.1001 ('169 patent), Fig. 7; Petitioner Reply, 14.

Rothschild

FIG. 4



pull-down
menu

Ex.1005 (Rothschild), Fig. 4, Petition, 23.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

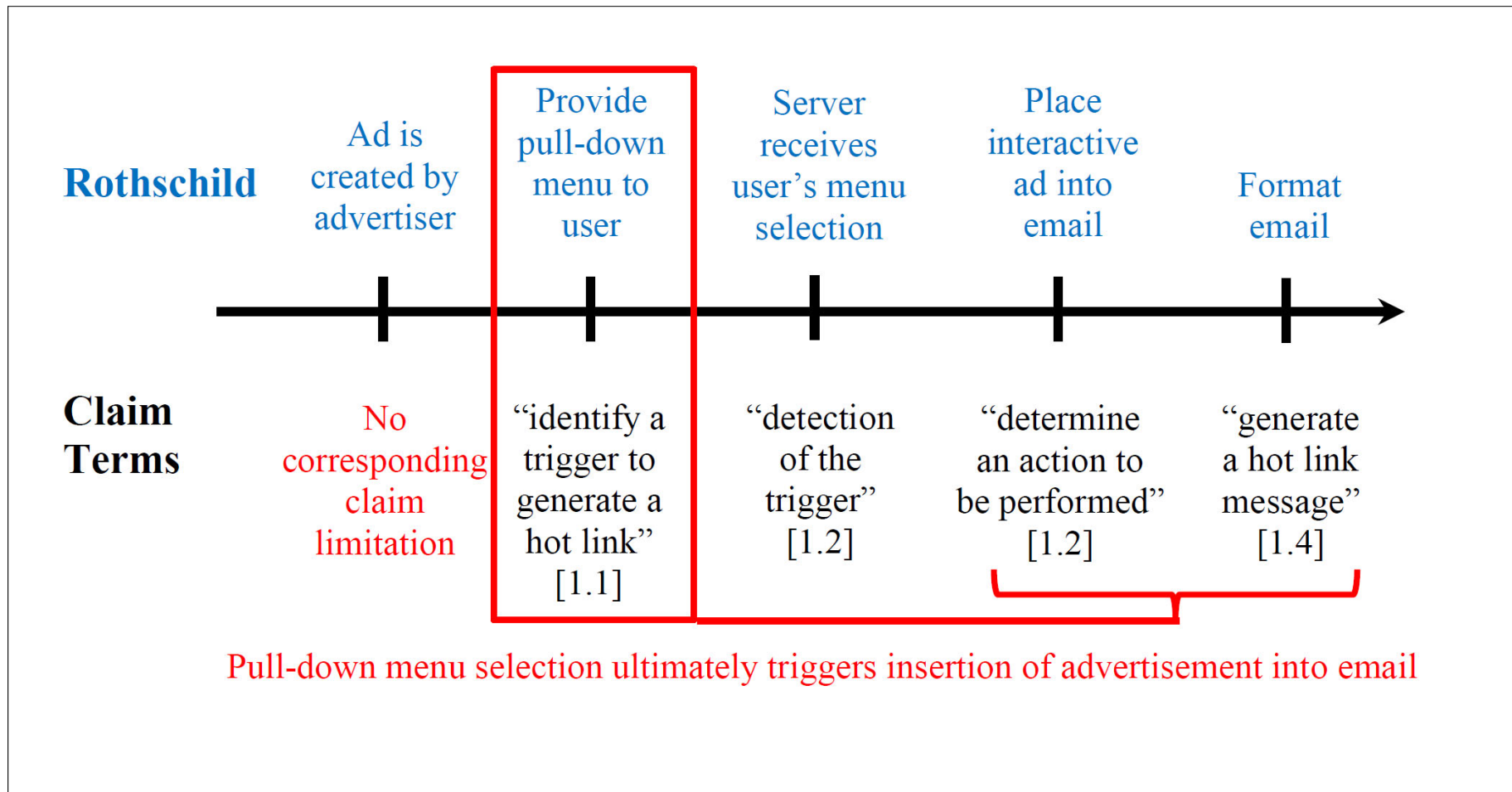
Rothschild teaches “*determine an action*”

Rothschild teaches “*generate a hot link message*”

Rothschild teaches “*instructions for rendering and displaying*”

Rothschild teaches the dependent claims

Rothschild teaches “*identify a trigger to generate a hot link*”



Petitioner Reply, 5.

Rothschild teaches “*identify a trigger to generate a hot link*”

Claim Term	Rothschild’s Teachings
“ <i>identify a <u>trigger</u> to generate a hot link</i> ”	“Rothschild describes a ‘ <i>trigger</i> ’ for generating an interactive advertisement (‘ <i>hot link</i> ’) in the form of a pull-down menu for selecting an interactive advertisement.” Petition, 26.
“ <i><u>identify</u> a trigger to generate a hot link</i> ”	“Rothschild’s server <i>identifies</i> the ‘ <i>trigger</i> ’ when it provides the sending user’s device with the e-mail communication page 402 that contains the pull-down menu.” Petition, 27.
“ <i>identify a trigger to <u>generate</u> a hot link</i> ”	Rothschild’s pull-down menu is a trigger to “ <i>generate a hot link</i> ” because “[s]election of an advertisement from the pull-down menu ultimately triggers insertion of the advertisement into an e-mail message.” Petition, 26.
“ <i>identify a trigger to generate a <u>hot link</u></i> ”	“Rothschild’s interactive advertisement teaches a ‘ <i>hot link</i> ’ as claimed because interaction with Rothschild’s interactive advertisement causes an action to be performed.” Petition, 27.

Petitioner Reply 3-4.

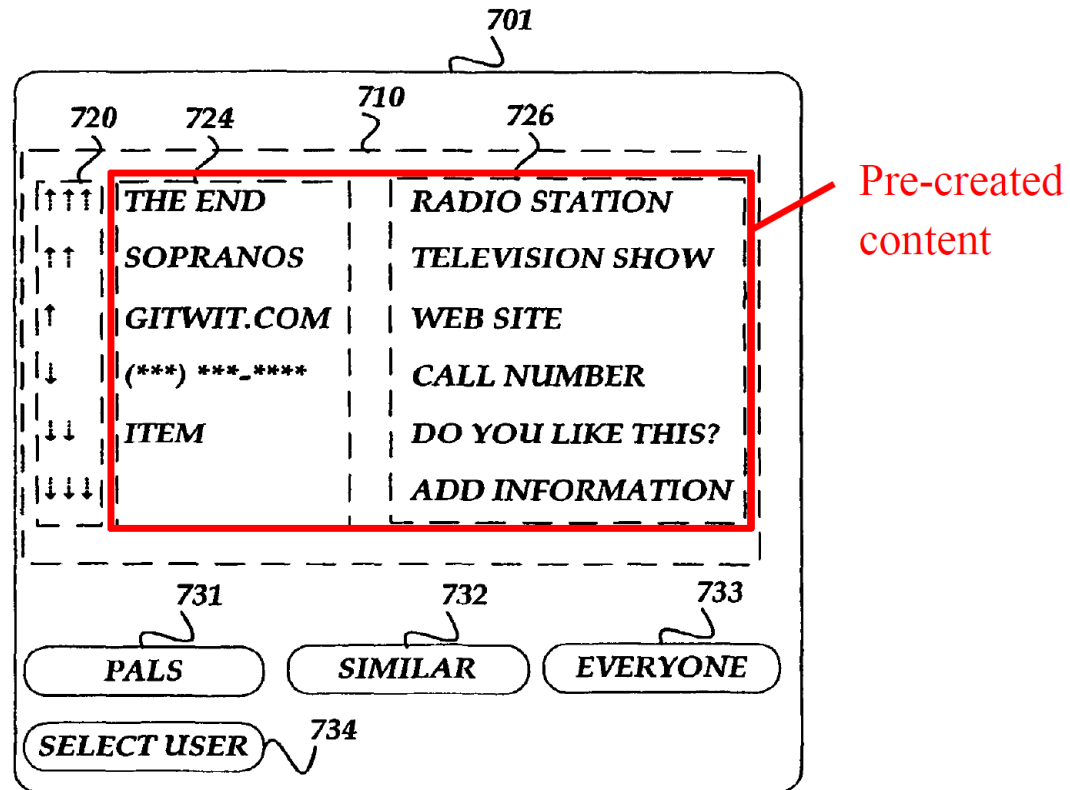
Rothschild teaches “identify a trigger to generate a hot link”

“Rothschild’s server identifies the ‘trigger’ when it provides the sending user’s device with the e-mail communication page 402 that contains the pull-down menu.” Petition, 27.

device. The advertising application, at step 506, receives a response from the sender network device indicating that an e-mail should be sent. At step 508, the advertising application provides the sender network device with an e-mail communication page (see FIG. 4), enabling the sender to enter at least one designated recipient, the subject matter, the content, any attachments, and a selected advertisement that should accompany the completed e-mail. The end result is a compilation of data that includes sender data, advertisement data, and message data. The advertising application, at step 510, receives a response from the sender network device indicating that a compilation of data is being submitted. At step 512, the adver-

Ex.1005 (Rothschild), 11:5-10; Petition, 27.

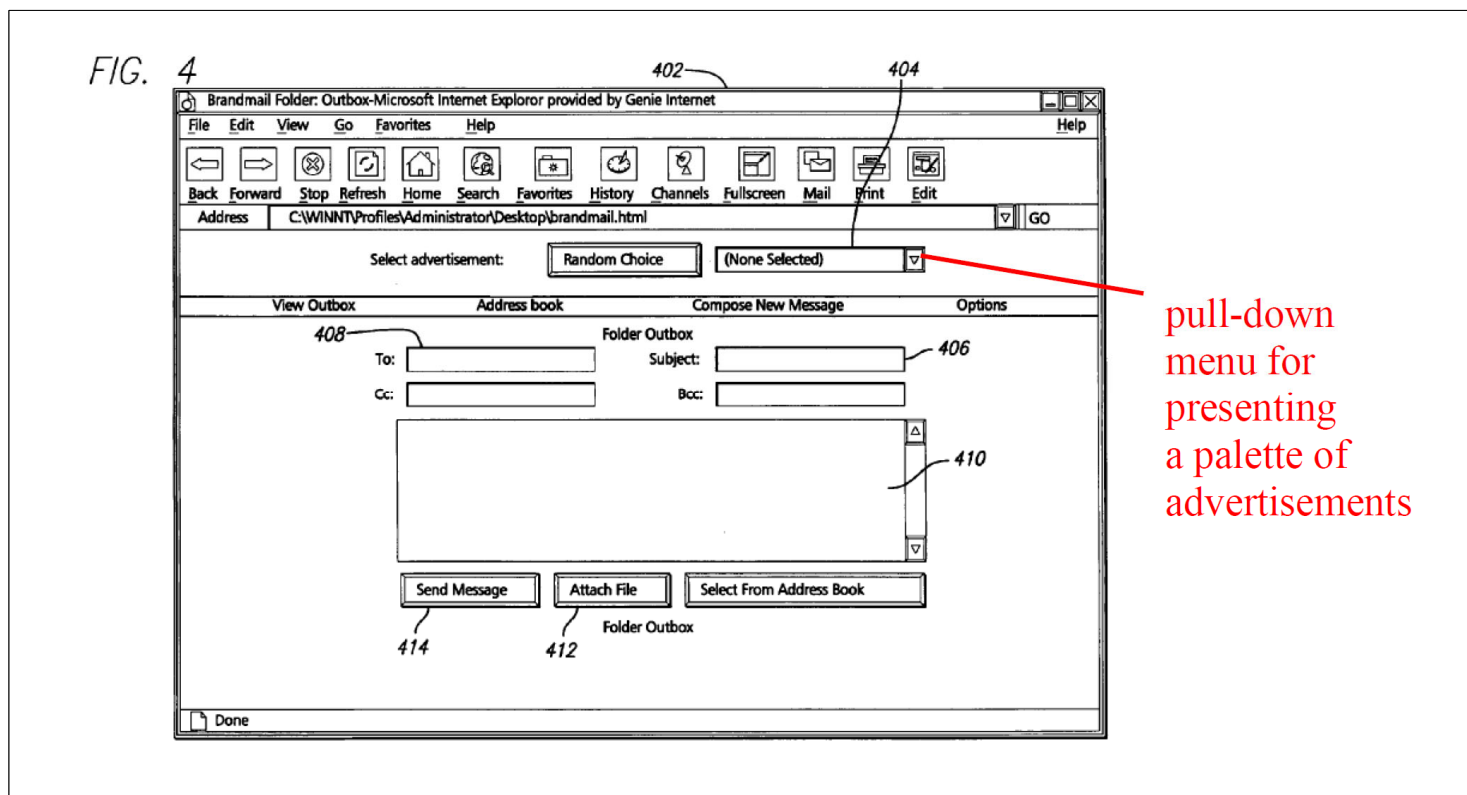
“identify a **trigger** to generate a hot link”



Ex.1001, Fig. 7 (annotated)

Ex.1001 ('169 patent), Fig. 7; Petitioner Reply, 14.

Rothschild teaches “identify a **trigger** to generate a hot link”



Ex.1005 (Rothschild), Fig. 4; Petition, 26.

routed to the designated recipient(s). The e-mail communication page 402 further provides a pull down menu 404 for selecting an advertisement that is to be included within the e-mail. The pull down menu 404 gives the sender the ability to choose an advertisement from a sender created palette of advertisements.

Ex.1005 (Rothschild), 9:26-31; Petition, 26.

Rothschild teaches “*identify a trigger to generate a hot link*”

“Selection of an advertisement from the pull-down menu ultimately *triggers* insertion of the advertisement into an e-mail message.” Petition, 26.

routed to the designated recipient(s). The e-mail communication page 402 further provides a pull down menu 404 for selecting an advertisement that is to be included within the e-mail. The pull down menu 404 gives the sender the ability to choose an advertisement from a sender created palette of advertisements.

Ex.1005 (Rothschild), 9:26-31; Petition, 26.

ment. At step 516 the message data (which includes the selected advertisement) is formatted into a standard e-mail format. The formatted e-mail’s reply-to address is changed, at

Ex.1005 (Rothschild), 11:5-10; Petition, 27.

Rothschild teaches “*identify a trigger to generate a hot link*”

“Rothschild’s interactive advertisement teaches a ‘*hot link*’ as claimed because interaction with the interactive advertisement causes an action to be performed.” Petition, 27.

by viewing and/or hearing the static advertisement. An interactive advertisement is an icon, graphic, text, or voice message that can be interacted with to provide the recipient with additional communication data, wherein the additional communication data is provided to the recipient when the recipient interacts with the advertisement. It should be appreciated

Ex.1005 (Rothschild), 8:22-25; Petition, 27.

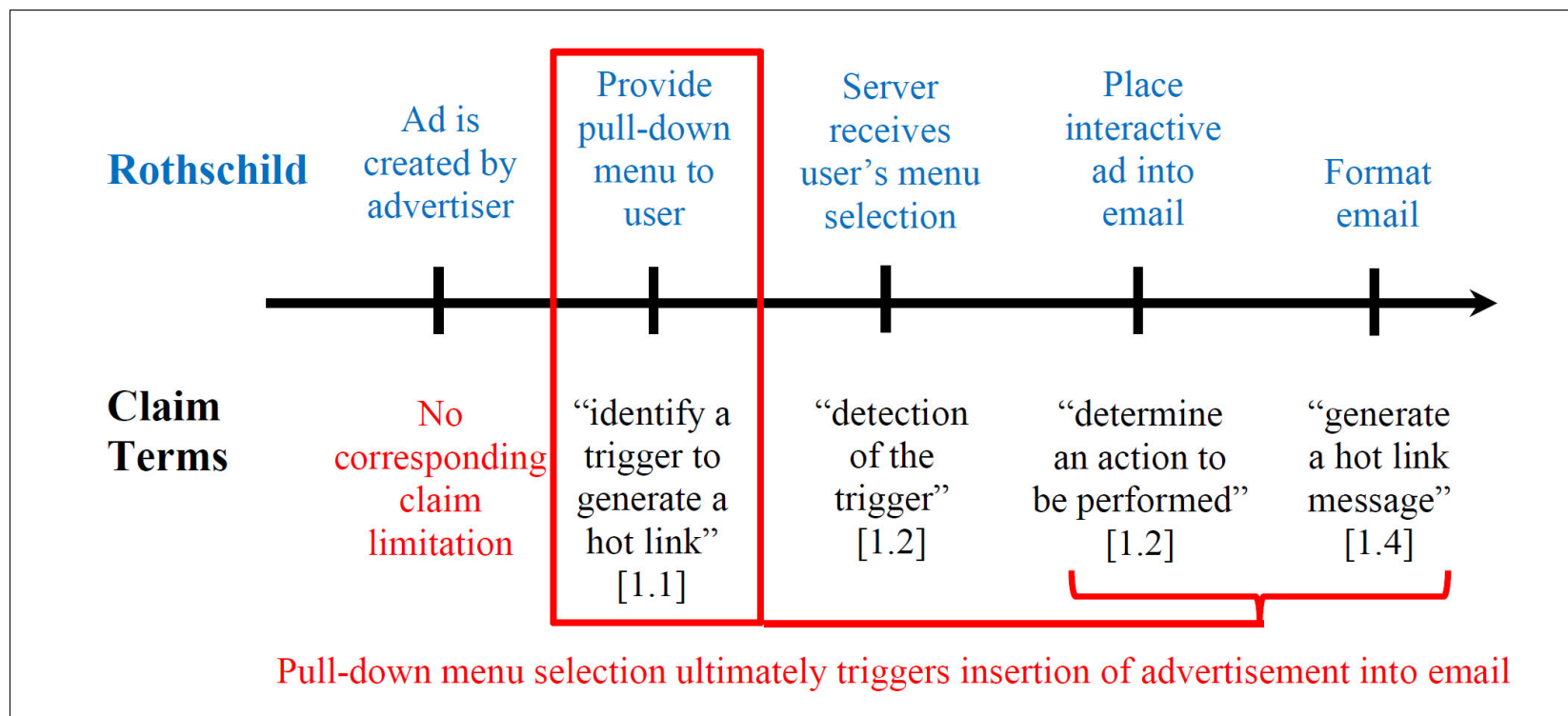
When a recipient interacts with an interactive advertisement, the request data (contained in the advertisement’s embedded URL) calls to the data processing layer. The data processing layer uses the request data (which may contain message data that is linked to sender data and advertisement data) to retrieve data from the Web site memory device. A

Ex.1005 (Rothschild), 5:8-16; Petition, 27.

Rothschild teaches “*identify a trigger to generate a hot link*”

require generating—not merely inserting—a hot link. EX2009, ¶48. Inserting a pre-existing ad into a new message, for example, does not generate an ad. Instead, the inserted ad already existed. *Id.* Petitioner’s discussion of limitation 10.2’s

Patent Owner Response, 12-13.



Petitioner Reply, 5.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

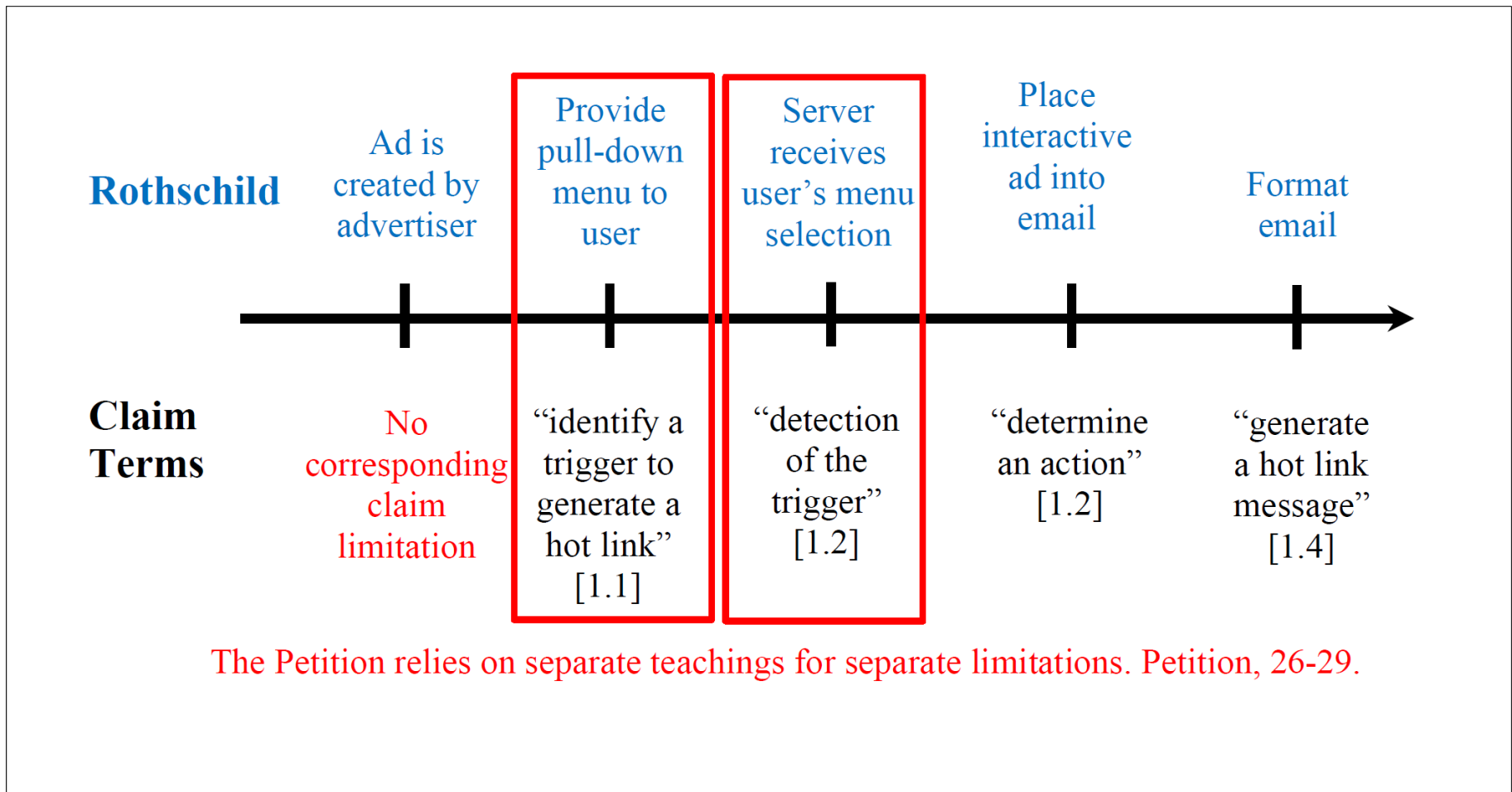
Rothschild teaches “*determine an action*”

Rothschild teaches “*generate a hot link message*”

Rothschild teaches “*instructions for rendering and displaying*”

Rothschild teaches the dependent claims

Rothschild teaches “*detection of the trigger*”



Petitioner Reply 8.

Rothschild teaches “*detection of the trigger*”

The trigger is detected “[w]hen the server receives the user’s advertisement selection.” Petition, 29.

e-mail should be sent. At step **508**, the advertising application provides the sender network device with an e-mail communication page (see FIG. 4), enabling the sender to enter at least one designated recipient, the subject matter, the content, any attachments, and a selected advertisement that should accompany the completed e-mail. The end result is a compilation of data that includes sender data, advertisement data, and message data. The advertising application, at step **510**, receives a response from the sender network device indicating that a compilation of data is being submitted. At step **512**, the advertising application receives the compilation of data, which includes message data, sender data, and advertisement data, and assigns an identification number to the message data. The compiled data is then stored in the Web site memory device.

Ex.1005 (Rothschild), 11:12-18; Petition, 26-29.

Rothschild teaches “*detection of the trigger*”

Claim Term	Rothschild’s Teachings
“ <i>identify a <u>trigger</u> to generate a hot link</i> ”	“Rothschild describes a ‘trigger’ for generating an interactive advertisement (‘hot link’) in the form of <u>a pull-down menu</u> for selecting an interactive advertisement.” Petition, 26.
“ detection of the trigger ”	“When the server receives the user’s advertisement selection.” Petition, 29.

Petitioner Reply 8.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

Rothschild teaches “*determine an action*”

Rothschild teaches “*generate a hot link message*”

Rothschild teaches “*instructions for rendering and displaying*”

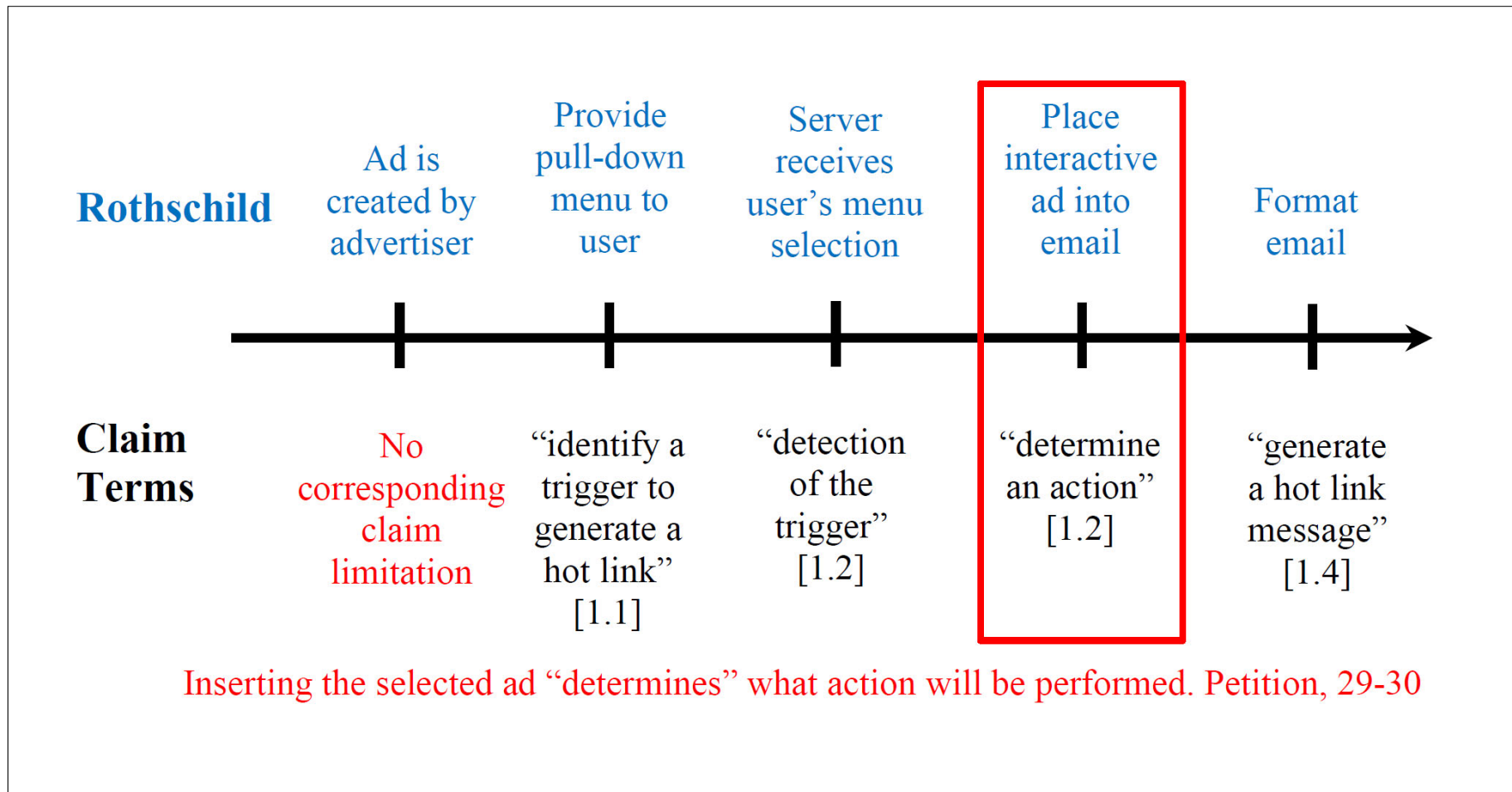
Rothschild teaches the dependent claims

Rothschild teaches “*determine an action to be performed upon activation of the hot link*”

Claim Term	Rothschild’s Teachings
“ <u>determine an action to be performed upon activation of the hot link</u> ”	“Rothschild’s server determines an action to be performed by placing the selected interactive advertisement—along with its embedded URL—into the e-mail message.” Petition, 29.
“ <u>determine an action to be performed upon activation of the hot link</u> ”	The action is the “retrieval of additional information.” “Thus, the nature of the URL itself defines ‘ <i>an action to be performed</i> ’ as claimed.” Petition, 30.
“ <u>determine an action to be performed upon activation of the hot link</u> ”	“when the recipient of the email message activates the interactive advertisement.” Petition, 29.

Petitioner Reply 9-10.

Rothschild teaches “*determining an action*” in response to detecting the trigger



Petitioner Reply 11.

Rothschild teaches “*determine an action to be performed upon activation of the hot link*”

“The URL helps define ‘the action to be performed’ by defining the location of data on the Internet from where additional data is retrieved when the receiving user interacts with the interactive advertisement to follow the URL.”
Petition, 29.

The location of the additional communication data (or a pointer to the data) is contained in a URL embedded within the interactive advertisement. A URL (or Uniform Resource Locator) contains a unique address which fully specifies the location of data on the Internet. Unlike most advertisement URLs which provide data directly from the advertiser’s Web site, the URL embedded within the sender-selected advertisement provides the recipient network device 130 with data from the Web site 110, and more particularly from the Web site memory device 116. This data stored on the Web site memory device 116 may itself be the additional communication data that is to be provided to the recipient network device 130 or it may contain the address of such data. Regardless, the additional communication data will be provided to the recipient network device 130 by the advertising application 114 operating on the Web site 110. Additionally, it will be provided to the recipient in a format that can be understood by the recipient network device.

Ex.1005 (Rothschild), 11:63-12:13; Petition, 30.

Rothschild teaches “**determine** an action to be performed upon activation of the hot link”

“Rothschild’s server determines an action to be performed by placing the selected interactive advertisement—along with its embedded URL—into the e-mail message.” Petition, 29.

routed to the designated recipient(s). The e-mail communication page **402** further provides a pull down menu **404** for selecting an advertisement that is to be included within the e-mail. The pull down menu **404** gives the sender the ability to choose an advertisement from a sender created palette of advertisements.

Ex.1005 (Rothschild), 9:26-31; Petition, 29.

sage data. The advertising application, at step **510**, receives a response from the sender network device indicating that a compilation of data is being submitted. At step **512**, the advertising application receives the compilation of data, which includes message data, sender data, and advertisement data, and assigns an identification number to the message data. The compiled data is then stored in the Web site memory device.

Ex.1005 (Rothschild), 11:12-18; Petition, 29-30.

Rothschild teaches “*determine an action to be performed
upon activation of the hot link*”

Activation of the hot link occurs “[w]hen the recipient of the email message activates the interactive advertisement.” Petition, 29.

tisements). However, if the advertisement is interactive, and the advertisement is interacted with, additional communication data will be provided to the recipient network device 130. The location of the additional communication data (or a pointer to the data) is contained in a URL embedded within the interactive advertisement. A URL (or Uniform Resource Locator) contains a unique address which fully specifies the location of data on the Internet. Unlike most advertisement

Ex.1005 (Rothschild), 11:57-65; Petition, 30.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

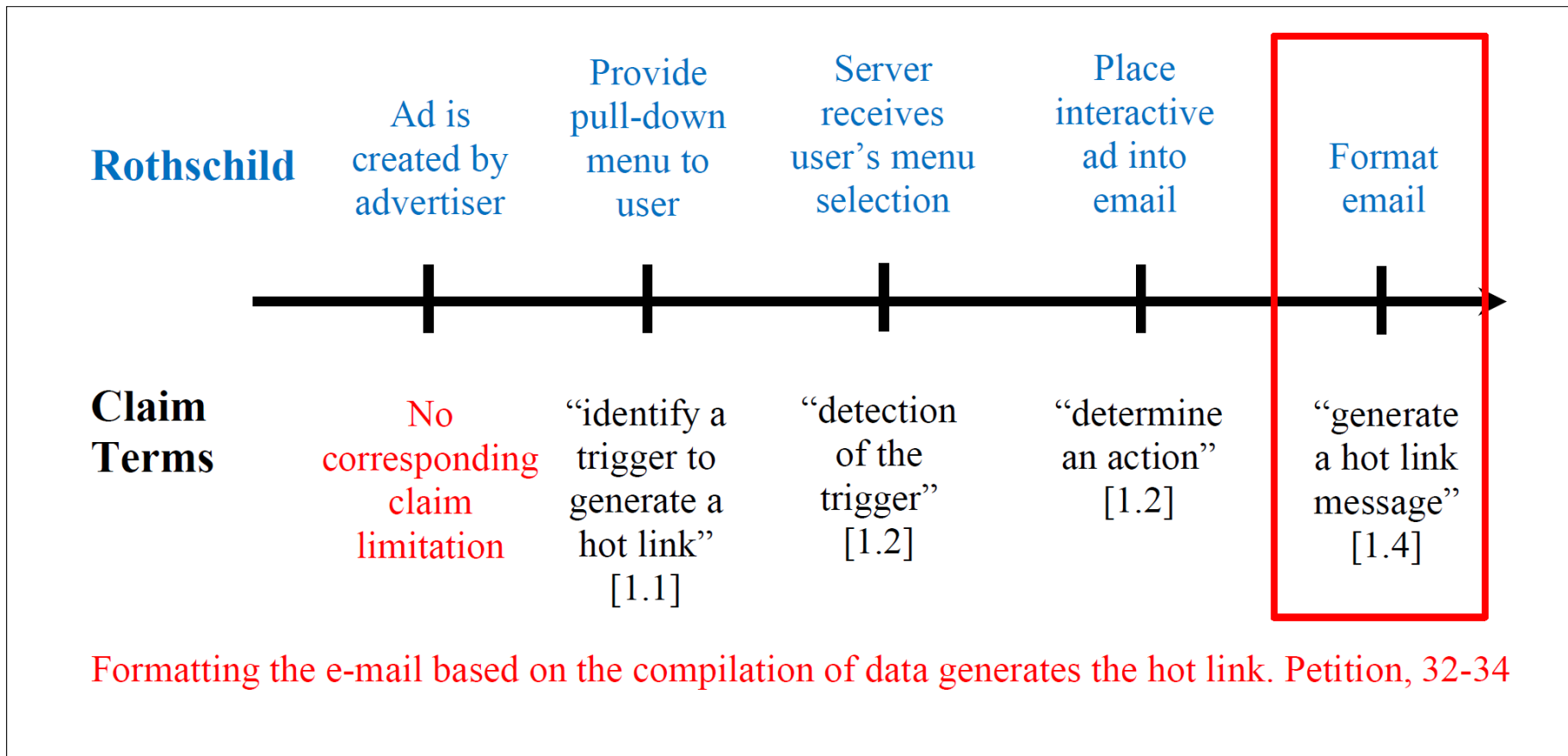
Rothschild teaches “*determine an action*”

Rothschild teaches “***generate a hot link message***”

Rothschild teaches “*instructions for rendering and displaying*”

Rothschild teaches the dependent claims

Rothschild teaches “generating a hot link message”



Petitioner Reply 13.

Rothschild teaches “*generating a hot link message*”

Claim Term	Rothschild’s Teachings
“hot link message”	“Rothschild’s web server formats (“generate[s]”) <u>an email</u> (“hot link message”). Petition, 42.
“generate a hot link message”	“Rothschild’s web server <u>formats</u> (“generate[s]”) an email (“hot link message”). Petition, 42.

Petitioner Reply 12.

ment. At step 516 the message data (which includes the selected advertisement) is formatted into a standard e-mail format. The formatted e-mail’s reply-to address is changed, at step 518, to reflect the senders e-mail address that was provided by the sender upon registration. At step 520, the formatted e-mail is sent to the designated recipient(s).

Ex.1005 (Rothschild), 11:28-33; Petition, 32.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

Rothschild teaches “*determine an action*”

Rothschild teaches “*generate a hot link message*”

Rothschild teaches “*instructions for rendering and displaying*”

Rothschild teaches the dependent claims

Rothschild's advertisements—implemented with HTML—teach “*instructions for rendering and displaying the hot link*”

Claim Term	Rothschild's Teachings
<i>“instructions for rendering and displaying the hot link”</i>	HTML tags (“ <i>instructions</i> ”) <u>define how the embedded URL is displayed within the interactive advertisement.</u> Petition, 33 (citing Ex.1010, 35; Ex.1011, 179). Petitioner provided an alternate interpretation as well. Petition, 34.

Petitioner Reply, 22-23.

A POSITA would have found it obvious to use HTML for advertisements

“Given that Rothschild describes an interactive advertisement that is displayed with a graphic and includes an embedded URL, a POSITA would have recognized that such interactive advertisement would be implemented using HTML.” Ex.10103, (Houh Declaration), ¶58; Petition, 33.

“Indeed, using HTML to implement advertisements within e-mail messages was well-known to POSITAs.” Ex.10103, (Houh Declaration), ¶58; Petition, 33.

“POSITAs would have recognized that such browser-based e-mail applications relied on HTML.” Ex.10103, (Houh Declaration), ¶58; Petition, 33.

tructure of FIG. 1. In the example of FIG. 2, an advertisement insertion module 170 interfaces with HTML converter facility 158 to insert an appropriate advertisement banner into the email message prior to sending the email message to email front end 150. In this manner, the emails are received by the recipients with advertisements inserted by the email system.

Ex.1007 (Chen), 2:37-54; Petition, 33.

Both Petitioner's and Patent Owner's evidence shows the obviousness of using HTML

ture of FIG. 1. In the example of FIG. 2, an advertisement insertion module 170 interfaces with HTML converter facility 158 to insert an appropriate advertisement banner into the email message prior to sending the email message to email front end 150. In this manner, the emails are received by the recipients with advertisements inserted by the email system.

Ex.1007 (Chen), 2:37-54; Petition, 33.

email. The advertisement(s) selected may take various forms, including without limitation one or more of audio, still banner, animation, video clips, each with or without HTML links.

Ex.1007 (Chen) , 8:22-26; Petition, 79.

You can use RTF when you send messages inside an organization that uses Microsoft Exchange, but we recommend that you use the HTML format. In fact, when you send an RTF message to someone outside your organization, Outlook automatically converts it to HTML, so the message keeps its formatting and its attachments. Outlook also automatically formats messages that contain voting buttons, and converts tasks and meeting requests to iCalendar format.

Ex.2019 (Microsoft Support), 8:22-26; Petition, 33.

Rothschild's advertisements—implemented with HTML—teach “*instructions for rendering and displaying the hot link*”

```
<a href=“URL”>
```

```
<img src= “graphic.jpg”>
```

```
</a>
```

See RFC 1866, 35; HTML Specification, 179;

Ex.1003 (Houh Declaration), 59; Petition, 33; Petitioner Reply, 22-23.

Rothschild's advertisements—implemented with HTML—teach “*instructions for rendering and displaying the hot link*”

acceptable format. For example, icon or graphic data should be provided in JPEG, GIF, or any other generally recognizable graphical format. Audio data should be provided in WAV,

Ex.1005 (Rothschild), 13:40-42; Petition, 33.

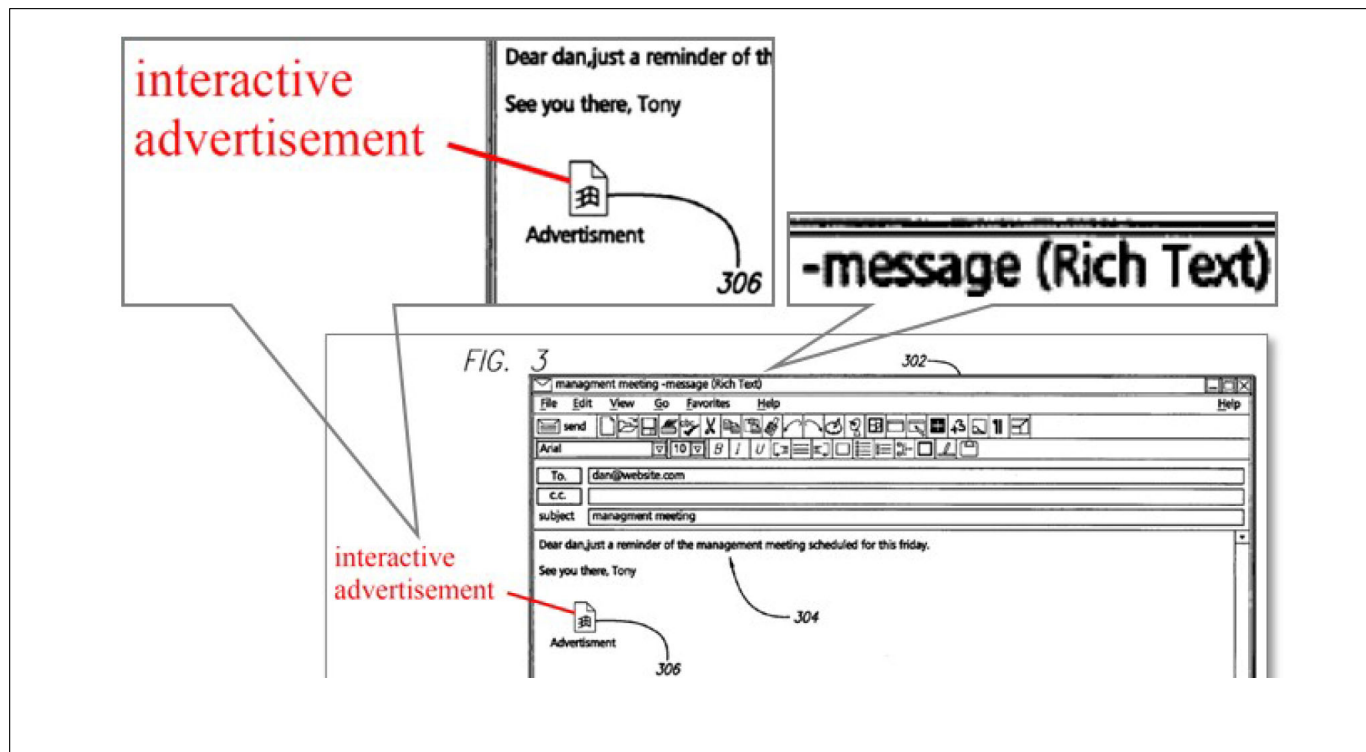
Additionally, the data representing the icon or graphic are “*instructions for rendering and displaying the hot link*” because the data (e.g., JPEG file) informs the receiving device how to display the graphic or icon.

Petition, 34; Petitioner Reply, 22-23.

Patent Owner attacks an RTF example not relied on in the Petition

Rothschild teaches sending email in RTF (Rich Text Format) but not HTML format, with interactive ads included as attachments, as discussed in detail below.
EX2009, ¶41.

Patent Owner Response, 8.

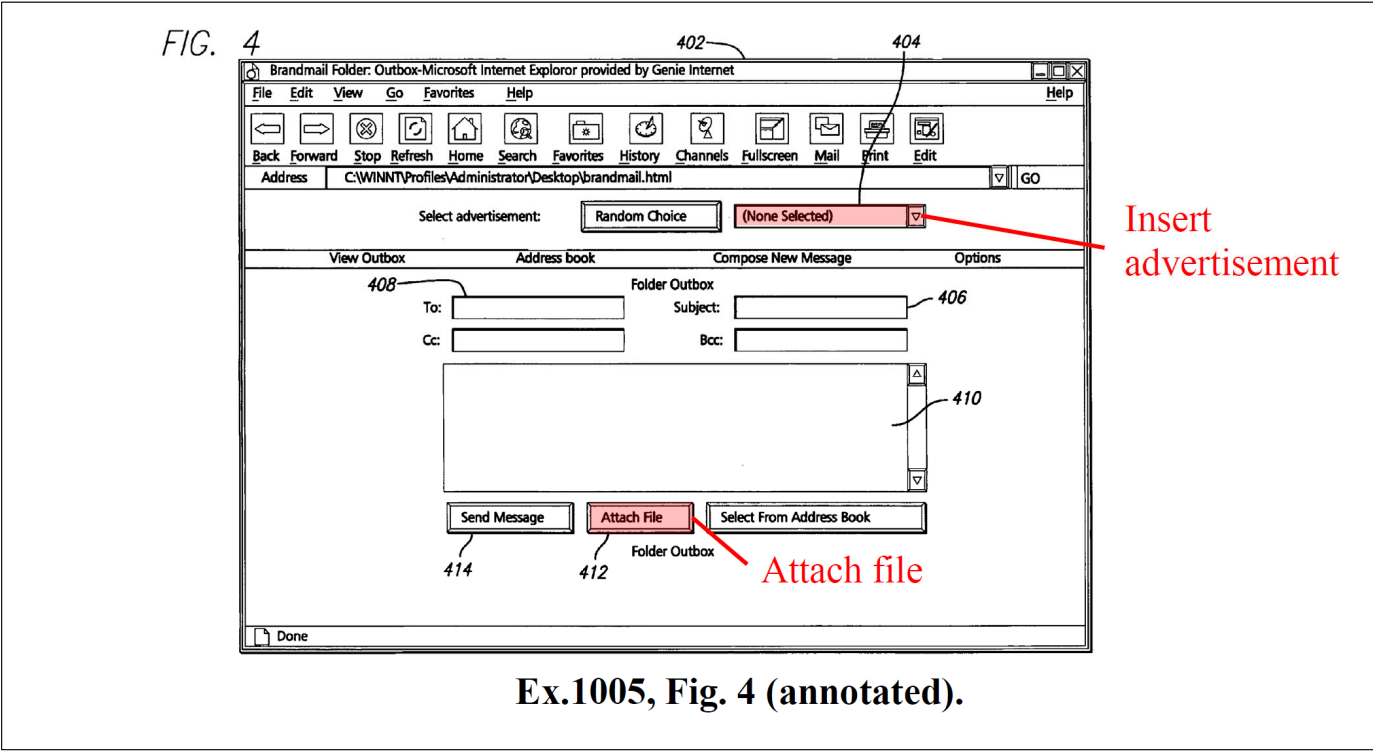


Patent Owner Response, 9.

Rothschild’s interactive advertisements teach a “hot link” as claimed regardless of how the advertisements are presented

306 is an *interactive advertisement ...*”); EX2009, ¶82. The interactive ad is attached in-line with the message, rather than being attached outside of the message body—

Patent Owner Response, 35.



Petitioner Reply, 22.

Rothschild teaches “*identify a trigger to generate a hot link*”

Rothschild teaches “*detection of the trigger*”

Rothschild teaches “*determine an action*”

Rothschild teaches “*generate a hot link message*”

Rothschild teaches “*instructions for rendering and displaying*”

Rothschild teaches the dependent claims

Rothschild's advertisements—implemented with HTML—teach “*assignment information*” as claimed (Claim 6).

“generate the hot link message to include assignment information, the assignment information to assign the hot link to the identified user interface element.” Claim 6.

“ <i>assignment information</i> ”	“A POSITA would have understood that <u>data contained within an e-mail messages that associates</u> the graphic, text, or icon with the advertisement is ‘ <i>assignment information</i> ’ ...” “In the case where the interactive advertisement is provided through HTML, the HTML lines that are used to assign the graphic to the interactive advertisement.” Petition, 43.
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Petitioner Reply, 22-23.

advertisement is “*assignment information to assign the hot link to the identified user interface element.*” In the example above, the HTML lines `<a href=“URL”>`, `<img src= “graphic.jpg”>`, and `</a>` assign the user interface element `graphic.jpg` to the interactive advertisement. See e.g. HTML Specification, 179.

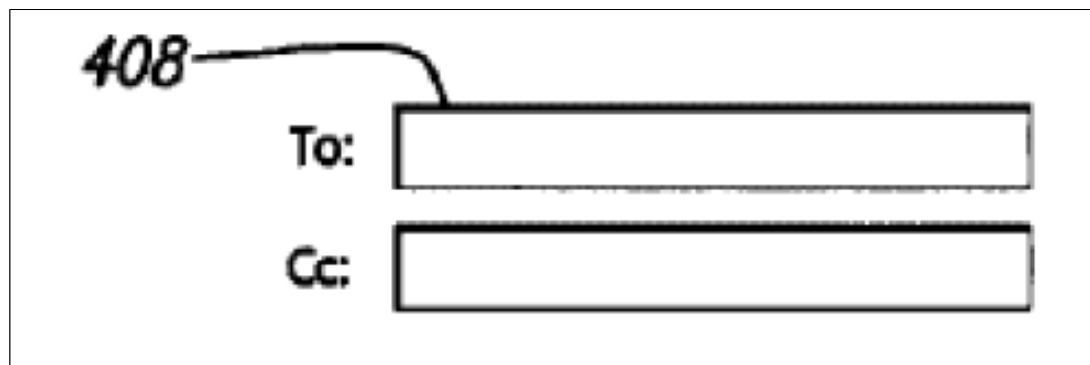
Ex.1003, 89; Petition, 43; Petitioner Reply, 22-23.

Rothschild teaches “*determine[s] a location*” (Claims 8 and 16)

“*determine a location for each user device of the set of user devices.*” Claim 8.

of this invention. The e-mail communication page **402** provides a recipient space **408** where the sender can designate at least one recipient that will receive the e-mail. The sender is

Ex.1005 (Rothschild), 9:18-20; Petition, 45.



Ex.1005 (Rothschild), Fig. 4 (partial); Petition, 45.

The user inputs the email address, however, so the server does not determine any email address, as claims 8 and 16 require. EX2009, ¶131.

Patent Owner Response, 62.

Rothschild teaches “*identify a user interface element for activation of the hot link prior to generation of the hot link.*” (Claim 11)

“*identify a user interface element for activation of the hot link prior to generation of the hot link.*”
Claim 11.

by viewing and/or hearing the static advertisement. An interactive advertisement is an icon, graphic, text, or voice message that can be interacted with to provide the recipient with additional communication data, wherein the additional communication data is provided to the recipient when the recipient interacts with the advertisement. It should be appreciated

Ex.1005 (Rothschild), 8:22-25; Petition, 42.

85. Further, to generate the hot link with the icon, graphic, or text, a POSITA would have understood that such icon, graphic, or text would need to be identified prior to generating the hot link.

Ex.1003, 85; Petition, 42.

A POSITA would have found it obvious to use positive and negative feedback buttons (Claim 20)

“a positive[/negative] opinion GCE to control submission of a positive[/negative] opinion of a content item” Claim 20.

delete. In other embodiments, the user can indicate positive or negative preferences by clicking on buttons under the products or using menu items. Buttons and menu items can be appropriately marked by the words “like” and “dislike,” a “thumbs-up” or “thumbs-down” symbol, or the like.

Ex.1008 (Maes), [0071]; Petition, 77.

177. Accordingly, a POSITA would have found it obvious for a recipient of Rothschild’s interactive advertisement to provide feedback on the advertised product. A POSITA would have found it obvious to include such feedback buttons within the e-mail message or within the additional content received by activating the URL of the interactive advertisement. Indeed, mechanisms for providing feedback on advertisements was well-known. *See e.g.*, Tsai, 26 (describing an “extensive feedback mechanism which applies to ... advertisements displayed” and “is preferably in the form of either ‘thumbs up’ or ‘thumbs down’”).

Ex.1003 (Houh Declaration), 177; Petition, 75.

Summary

- Rothschild's interactive advertisements are a hot link as claimed.
- Rothschild's pull-down menu teaches the claimed trigger.
- A POSITA would have found it obvious that Rothschild's interactive advertisements include instructions for displaying the hot link
- Patent Owner's arguments do not refute the Petition's obviousness analysis

Inter Partes Review

U.S. Patent No. 10,869,169

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Calmann Clements,
Haynes Boone, LLP



Additional Slides

Rothschild teaches the “*control*” language. (Claims 1, 2, 9, 18, 19, 20)

1. One or more non-transitory computer-readable media (NTRM) including program code, wherein execution of the program code by one or more processors of a computer system is to cause the computer system to:

- identify a trigger to generate a hot link; and
- in response to detection of the trigger,
 - determine an action to be performed upon activation of the hot link based on the trigger, wherein activation of the hot link by individual user devices of a set of user devices is to cause the individual user devices to execute program code to perform the action;
 - generate a hot link message to include the determined action and instructions for rendering and displaying the hot link at each of the set of user devices; and
 - control transmission of the hot link message to the set of user devices.

Ex.1001 ('169 patent), claim 1.

Rothschild teaches the “*control*” language. (Claims 1, 2, 9, 18, 19, 20)

as tasks and activities are carried out.” *See* EX2020. Disclosures from the ’169 patent are consistent with that understanding of control at the time of invention (“The mass memory stores operating system 320 for controlling the operation of WWW server 300.” *See* EX1001, 6:66-67; “Basic input/output system (“BIOS”)

Ex.2009 (PO Expert Declaration), 82.

Q. And so my question is: Does the specification of the '169 patent explain how either the operating system or BIOS controls receipt of a packet?

MR. HIGGINS: Object to scope.

THE WITNESS: I mean, I don't know. I would have to read the patent. But I think this is something that a POSA would understand anyways. So a POSA would be familiar with operating systems and BIOSes and how they operate.

Ex.1024 (PO Expert Deposition), 24; Petitioner Reply, 26.