

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,

Petitioner,

v.

PLAYVUU, INC.,

Patent Owner.

Case No. IPR2023-00848

U.S. Patent No. 10,931,911

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 10,931,911**

TABLE OF CONTENTS

I.	INTRODUCTION	7
II.	BACKGROUND	7
III.	THE '911 PATENT	10
A.	Alleged Invention	10
B.	Prosecution History	15
1.	'500 Prov. Application.....	15
2.	'350 Patent	15
3.	'911 Patent	15
C.	The Examiner Erred By Allowing The Challenged Claims	16
D.	The Common Specifications of the '350 Application, '911 Patent, and '612 Patent are Largely Copied from <i>Cohen</i> or Other Prior Art.....	17
IV.	IDENTIFICATION OF CHALLENGE	18
A.	Statutory Grounds.....	18
B.	Relied-Upon Prior Art.....	19
1.	<i>Cohen</i>	19
2.	<i>Chu</i>	20
3.	<i>Sherman</i>	21
4.	<i>Joslin</i>	22
5.	<i>Lei</i>	22
6.	<i>Austerberry</i>	23
C.	Grounds for Standing	23
D.	Discretionary Analysis for Review	23
V.	LEVEL OF ORDINARY SKILL	25
VI.	CLAIM CONSTRUCTION	26
A.	Server-Side Performance of Claim Elements	26
B.	Ambiguity of Other Terms	27

C.	District Court Constructions.....	27
VII.	CHALLENGED CLAIMS	28
A.	Ground 1	28
1.	Ground 1 Combination	28
2.	Independent Claim 1	32
3.	Dependent Claim 2	73
4.	Dependent Claim 3	73
5.	Dependent Claim 4	74
6.	Dependent Claim 5	74
7.	Dependent Claim 6	75
8.	Dependent Claim 7	76
9.	Dependent Claim 8	76
10.	Dependent Claim 9	79
11.	Independent Claim 10	80
B.	Ground 2	83
1.	Ground 2 Combination	84
2.	Independent Claim 11	84
C.	Grounds 3/4	87
VIII.	NO OBJECTIVE INDICIA OF NON-OBVIOUSNESS	88
IX.	CONCLUSION.....	88
X.	MANDATORY NOTICES AND FEES	88

EXHIBIT LIST

Exhibit No.	Description
EX1001	U.S. Patent No. 10,931,911 (“’911 Patent”)
EX1002	File History of U.S. Patent No. 10,931,911 (U.S. Application No. 16/248,687) (<i>’911 Patent File History</i>)
EX1003	Declaration of Jeremy Cooperstock, Ph.D.
EX1004	U.S. Patent Application Publication No. 2009/0164034 A1 to Cohen, Pink, and Fujita (“ <i>Cohen</i> ”)
EX1005	US Patent No. 6,086,380 (“ <i>Chu</i> ”)
EX1006	U.S. Patent Application Publication No. 2003/0164924 A1 to Sherman and Chase (“ <i>Sherman</i> ”)
EX1007	US Patent No. 7,324,166 (“ <i>Joslin</i> ”)
EX1008	U.S. Patent Application Publication No. 2008/0285859 to Lei and Xu (“ <i>Lei</i> ”)
EX1009	US Patent Application Publication No. 2002/0007718 A1 to Corset (“ <i>Corset</i> ”)
EX1010	US Patent Application Publication No. 2007/0122786 A1 to Relan, Mishra, and Khare (“ <i>Relan</i> ”)
EX1011	WO Publication No. 2009/079560 A1 (“ <i>Gausereide</i> ”)
EX1012	US Patent Application Publication No. 2005/0206751 (“ <i>Manico</i> ”)
EX1013	U.S. Patent Pub. 2010/0027961 (“ <i>Gentile</i> ”)
EX1014	Selected Chapters from <u>The Technology of Video and Audio Streaming</u> , David Austerberry, Focal Press, 2002 (“ <i>Austerberry</i> ”)
EX1015	Internet Archive Capture of various web pages from the YouTube website (www.youtube.com) and How Stuff Works website archived from June through August of 2009 (“ <i>YouTube</i> ”), Including Authentication Declaration from the Internet Archive.

Exhibit No.	Description
EX1016	U.S. Provisional Application No. 61/364,500 (“’500 <i>Prov. Application</i> ”)
EX1017	File History of abandoned U.S. Application No. 12/953,350 (’350 <i>Application File History</i>)
EX1018	File History of U.S. Patent No. 11,595,612 (U.S. Application No. 17/152,442) (’612 <i>Patent File History</i>)
EX1019	U.S. Patent No. 11,595,612 (“’612 <i>Patent</i> ”)
EX1020	Assignment history of U.S. Patent No. 10,931,911 (’911 <i>Patent Assignment History</i>)
EX1021	U.S. Patent Pub. 2010/0082768 (“ <i>Edwards</i> ”)
EX1022	U.S. Patent Pub. 2010/0223314 (“ <i>Gadel</i> ”)
EX1023	U.S. Patent Pub. 2004/0152055 (“ <i>Gliessner</i> ”)
EX1024	U.S. Patent Pub. 2008/0144955 (“ <i>Rai</i> ”)
EX1025	U.S. Patent 6,128,001 (“ <i>Gonsalves</i> ”)
EX1026	U.S. Patent Pub. 2009/0263023 (“ <i>Iwamoto</i> ”)
EX1027	U.S. Patent Pub. 2009/0118849 (“ <i>Dery</i> ”)
EX1028	U.S. Patent No. 8,539,542 (“ <i>Elhag</i> ”)
EX1029	U.S. Patent Pub. 2009/0307207 (<i>Murray</i>)
EX1030	U.S. Patent Pub. 2002/0171668 (“ <i>Samra</i> ”)
EX1031	U.S. Patent Pub. 2006/0259588 (“ <i>Lerman</i> ”)
EX1032	U.S. Patent Pub. 2011/0053688 (“ <i>Crawford</i> ”)
EX1033	U.S. Patent Pub. 2008/0219509 (“ <i>White</i> ”)
EX1034	U.S. Patent Publication No. 2008/0109306 (“ <i>Maigret</i> ”)
EX1035	U.S. Patent No. 6,981,050 (“ <i>Tobias</i> ”)
EX1036	U.S. Patent Publication No. 2004/0243817 (“ <i>Hasegawa</i> ”)
EX1037	File History of Cohen (EX1004) (U.S. Application No. 12/339,739) (<i>Cohen Application</i>)

Exhibit No.	Description
EX1038	PlayVuu Inc.’s Preliminary Infringement Contentions, served January 20, 2023 (<i>Infringement Contentions</i>)
EX1039	Selected Definitions from Collins Dictionary, HarperCollins Publishers, 2010 (“ <i>Collins</i> ”)
EX1040	Selected Definitions from Random House Webster’s College Dictionary, Random House Reference, 2005 (“ <i>Webster’s</i> ”)
EX1041	Selected Definitions from The New Oxford American Dictionary, Oxford University Press, 2005 (“ <i>Oxford</i> ”)
EX1042	Selected Definitions from The American Heritage Dictionary of the English Language, Houghton Mifflin Co., 2006 (“ <i>American Heritage</i> ”)
EX1043	Selected Definitions from Microsoft Computer Dictionary, Fifth Edition, Microsoft Press, 2002 (“ <i>Microsoft</i> ”)
EX1044	Selected Definitions from Wiley Electrical and Electronics Engineering Dictionary, IEEE Press, 2004 (“ <i>Wiley</i> ”)
EX1045	Selected Definitions from Dictionary of Computing, Fifth Edition, S.M.H. Collins, Bloomsbury, 2004 (“ <i>Collins</i> ”)
EX1046	Various Papers from 2002-2005 citing <i>Austerberry</i> (EX1014)
EX1047	Defendant/Counterclaimant Snap Inc.’s Stipulation Of Invalidity Contentions, filed on May 26, 2023 in Playvuu, Inc., v. Snap Inc., Case No. 2:22-cv-06019-GW-PDx, U.S. District Court for the Central District of California
EX1048	United States Courts, <i>U.S. D. Ct.—Judicial Caseload Profile: California Central</i> (reporting period ending June 30, 2022), https://www.uscourts.gov/sites/default/files/fcms_na_distprofile0630.2022_0.pdf (<i>Judicial Caseload Profile for C.D. Cal.</i>)
EX1049	Docket Navigator Report on Central District of California
EX1050	Stays issued by Judge Wu in the Central District of California

Exhibit No.	Description
EX1051	<i>Defendant Snap Inc. 's Preliminary Claim Constructions and Extrinsic Evidence, PlayVuu, Inc. v. Snap, Inc. 2:22-cv-06019-GW-PD (C.D. CA), filed May 8, 2023</i>
EX1052	<i>Playvuu's Preliminary Proposed Construction Of Terms, PlayVuu, Inc. v. Snap, Inc. 2:22-cv-06019-GW-PD (C.D. CA), filed May 8, 2023</i>

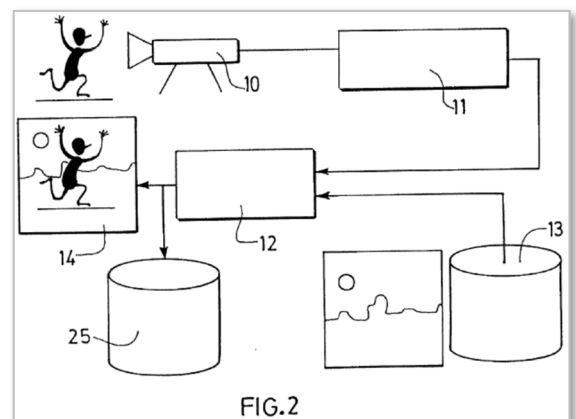
I. INTRODUCTION

The '911 Patent is an obvious combination of prior art, demonstrated by the fact that large portions of the Grounds' primary reference, *Cohen*, were ***directly copied*** into the '911 Patent's application when its parent was drafted. Passages not directly copied from *Cohen* merely discuss processes well-known by 2009-2010.¹ Patent Owner ("PO") is a copyist that invented nothing.

II. BACKGROUND

The '911 Patent's purported techniques of: (i) selecting existing multimedia; (ii) combining it with user-created video to create new multimedia; (iii) reviewing, editing, and saving the new multimedia; and (iv) publishing the new multimedia, have long been known. *See, e.g., Corset, Relan, Gauseride, Manico, Gentile, Austerberry, and YouTube*. EX1003, ¶¶5-¶63.

Corset teaches "video immersion" karaoke where users' video/audio recordings of themselves singing are composited with a user-selected background according to chroma-key (*e.g.,*

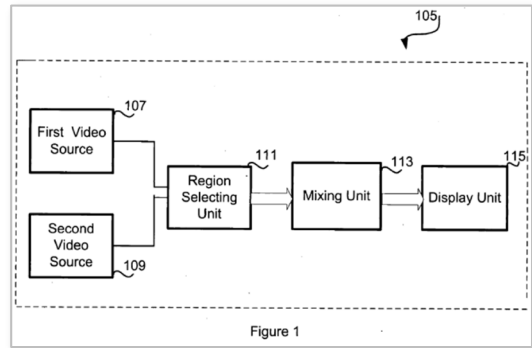


¹ "2009-2010" herein represents the timeframe before the '911 Patent's earliest possible priority date.

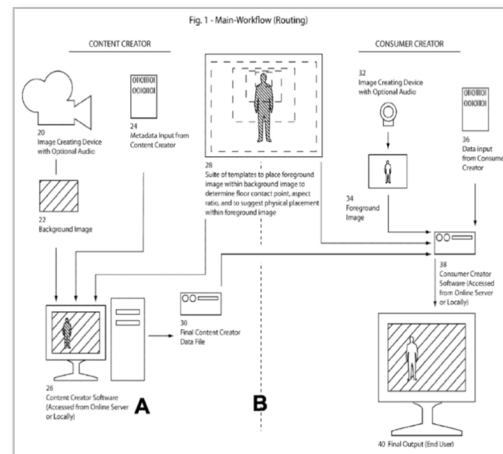
blue-screen) techniques, previewed, saved, and shared. EX1009, Abstract,

¶¶[0004]-[0017]. EX1003, ¶7.

Relan teaches another video-karaoke system where first (e.g., movie scene) and second (e.g., user recording) videos are composited so the user replaces a movie character. EX1010, Abstract, ¶¶[0002], [0021]-[0048]. EX1003, ¶8.



Gauseride teaches users selecting a background (e.g., a video with templates), inserting audio/video of themselves using keying/superimposing techniques so the user “seem[s] to be part of a video,” and saving the performance “for upload to online services.” EX1011, Abstract, ¶¶[0023]-[0041]. EX1003, ¶¶9-10.



Manico teaches creating “compelling video” by combining images, video, and audio, including memorializing events (e.g., FIGS. 6a-6p) and creating music videos (10a-10g) and comedy sequences (14a-15d). EX1012, ¶¶[0002], [0009]-[0024], [0052]-[0054], [0066]-[0069], [0081]-[0092]. EX1003, ¶¶11-21. Users may select/edit various backgrounds, select songs to record over, and apply special effects. EX1012, ¶¶[0057]-[0079], FIGS. 6a-6p, 12a-12c. EX1003, ¶¶11-21. Users

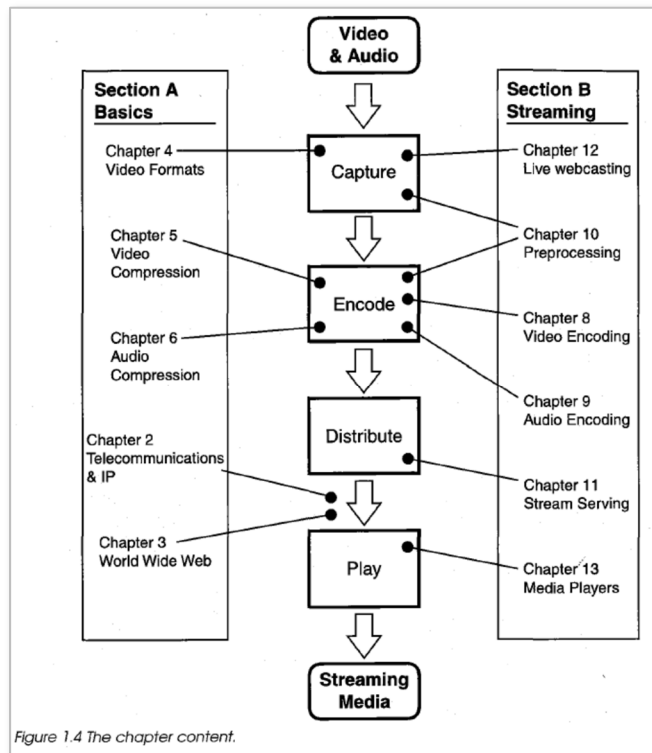
may composite video of themselves performing with user-selected backgrounds.

EX1012, ¶¶[0087]-[0088]. EX1003, ¶¶11-21.

Gentile teaches user-selection of movie scenes to “record [their] own performance,” inserting (via green/blue screen or chroma-key) the performance in place of the original character, adding special effects, and sharing the resultant videos online in streamable form. EX1013, Abstract, ¶¶[0009]-[0092], [0125]-[0154], FIGS. 9-12. EX1003, ¶¶22-29.

Austerberry teaches capturing audio/video, encoding it in streamable form (e.g., MPEG), and placing the encoded file on a server for streaming. EX1014, Ch. 1, 4-11, 13. **Austerberry** also teaches improving encoding processes by pre-processing the audio/video signals before encoding (e.g., by adjusting video levels, de-interlacing, cropping, and noise reduction).

EX1014, 170-184. EX1003, ¶¶58-59.



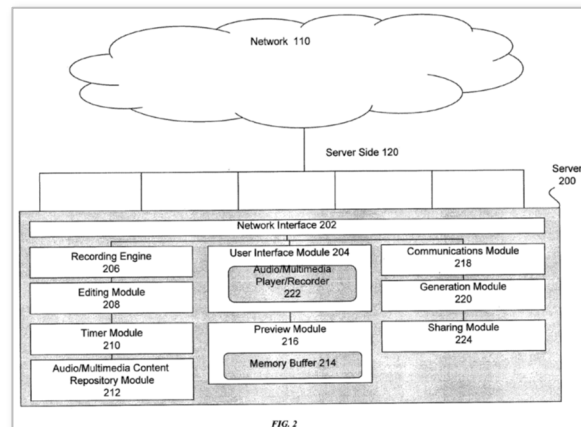
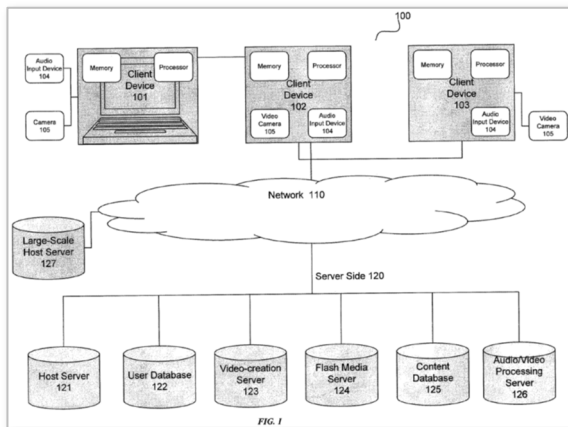
YouTube teaches creating/uploading videos to youtube.com, which converted (encoded) the uploaded file to streamable flash form and added the video to its site per privacy settings. EX1015, 1-83. EX1003, ¶60.

According to these references, it was well-known to POSITAs by 2009-2010 to: **(i)** select audio/video content from lists to create new multimedia content (EX1003, ¶¶30-36, discussing EXS1009-1013); **(ii)** composite background images/video with user-created video to create multimedia content (EX1003, ¶¶37-45, discussing EXS1009-1013); **(iii)** preview/edit user-created content (EX1003, ¶¶46-50, discussing EXS1012-1013); **(iv)** save user-created content and specify its public accessibility (EX1003, ¶¶51-56; discussing EXS1009, 1011-1013, 1015); and **(v)** process/encode/publish user content in streamable form (EX1003, ¶¶57-63, discussing EXS1009, 1011, 1013-1015).

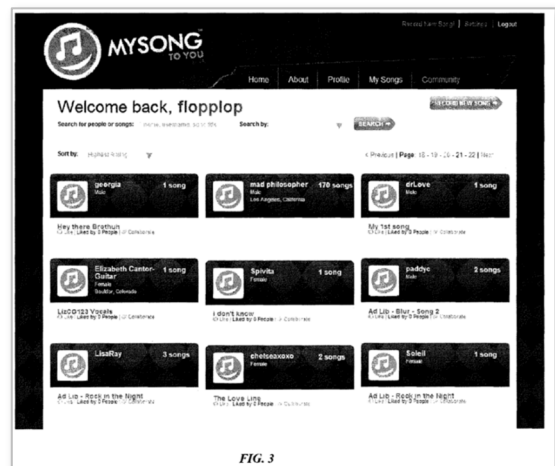
III. THE '911 PATENT

A. Alleged Invention

The '911 Patent relates to generating/disseminating audio/visual content over a network. EX1001, Abstract, 3:48-53. FIGS. 1-2 show related server-side functionality. EX1001, 5:13-6:32, 7:59-61, 12:47-67.



Beginning of Content-Creation Process: To create content, “a request is sent by a user to start the creation process” and a user is then prompted to create content. EX1001, 3:54-58. This functionality is handled by server-side modules, including communications module 218, which establishes communication sessions and manages log-on requests, and user interface module 204, which provides user interfaces. EX1001, 8:8-25, 11:7-37; 51-61, 13:1-17.



Identifying Existing Multimedia to Utilize for Content-Creation: Existing multimedia may be selected and used in the content-creation process, as shown in FIGS. 3-18 and 20, via user interface module 204. EX1001, 11:7-23. First, a file for the user to record over may be selected from “a listing of audio content, compositions, beats, and/or video content.” EX1001, 11:24-61, 13:1-30, FIGS. 3-4.

Second, for video recording, a user may select a background image into which the video recording can be composited. EX1001, 17:9-11, FIG. 20.

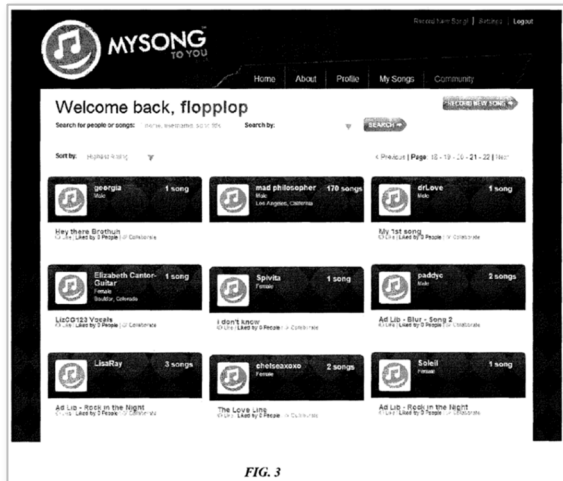


FIG. 3



FIG. 4

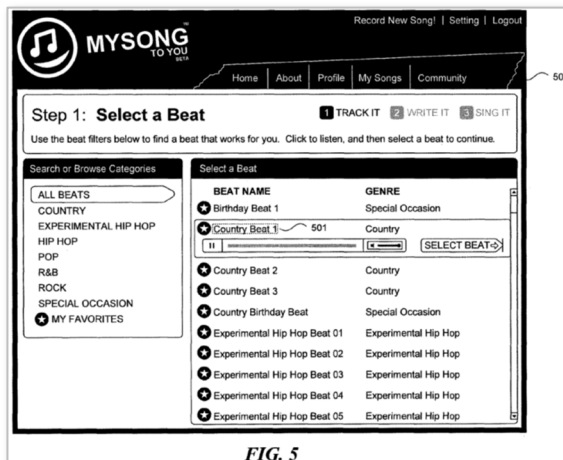


FIG. 5



FIG. 20

Creating New Content: A user creates new content by clicking a record button in the user interface and singing while the selection plays. EX1001, 4:5-33, 9:3-7. This functionality is handled by recording engine 206 (server-side) and user interface module 204, which provides interfaces like those of FIGS. 8-9, 17, and 20. EX1001, 8:36-59. 11:7-23; 11:62-12:25, 14:5-56, 15:18-26.

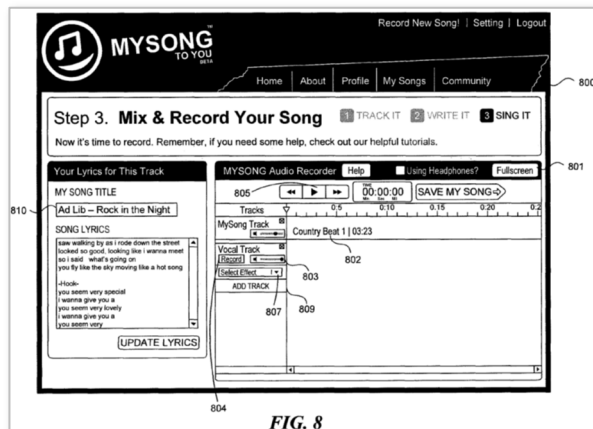


FIG. 8

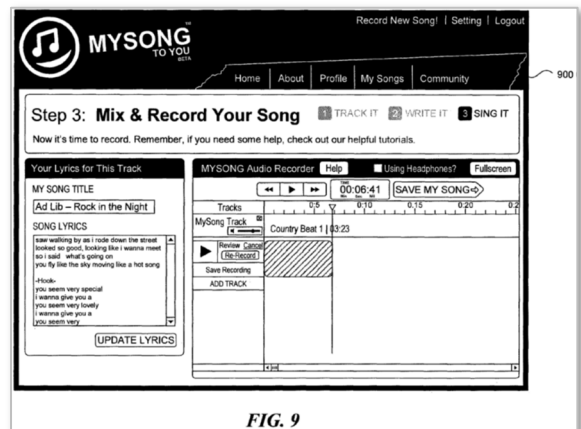


FIG. 9

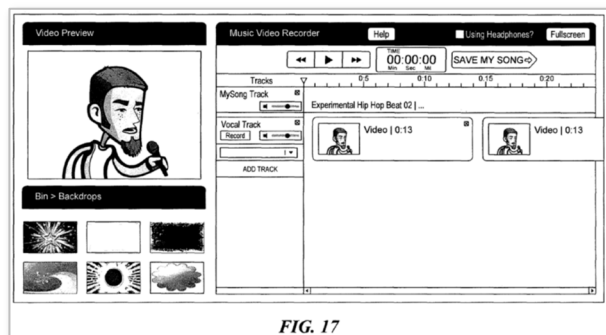


FIG. 17



FIG. 20

FIG. 17 illustrates a video-recording interface. EX1001, 16:44-54. Where a background is selected, the video and background may be composited, where “one image is selectively made transparent to reveal the other image, as well known in the prior art.” EX1001, 17:9-34.

Reviewing, Saving, and Indicating a Privacy Attribute for New Content:

After recording, a user may preview the content (EX1001, 4:33-41), make adjustments (4:43-46), permanently save the recording (4:46-54), and select its privacy attribute (e.g., public/private) (4:52-5:12). This functionality is handled by preview (216), generation (220), editing (208), content repository (212), and

sharing (224) modules, each server-side. EX1001, 9:27-11:6, 12:36-46. Preview module 216 also enables timing/latency adjustment between recorded components. EX1001, 9:64-10:8.

Publishing the Recorded Content On a Media Server: A user can publish the recording (e.g., in streamable form on flash media server 124). EX1001, 7:40-58, 11:7-23, 15:60-16:4, FIG. 14. FIG. 19 illustrates a process where user content is “processed, encoded, and made streamable over a network for publication,” and then “moved to a Flash media server.” EX1001, 16:60-17:7.

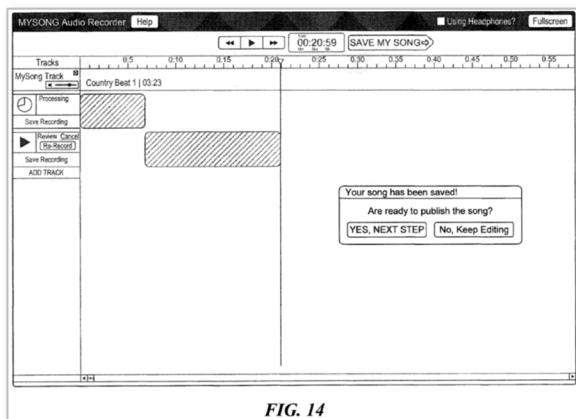


FIG. 14

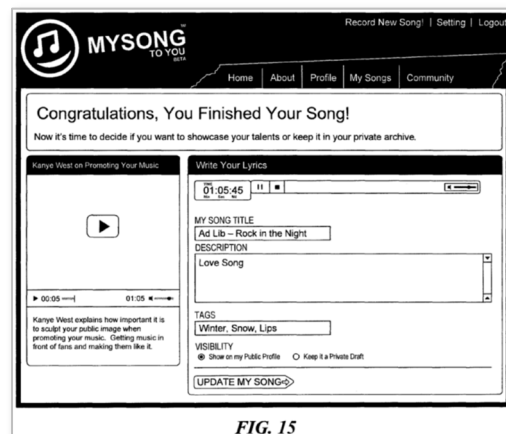


FIG. 15

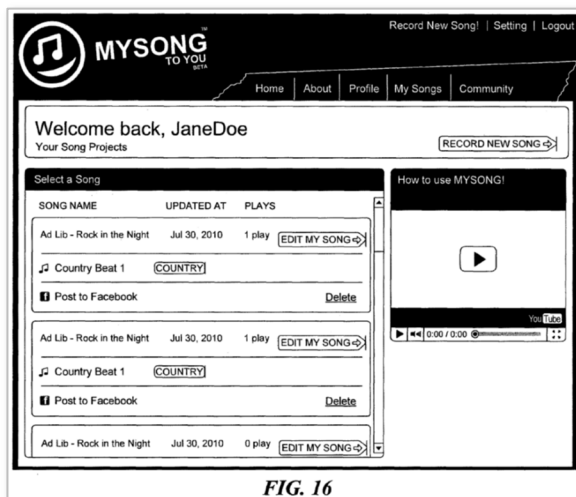


FIG. 16

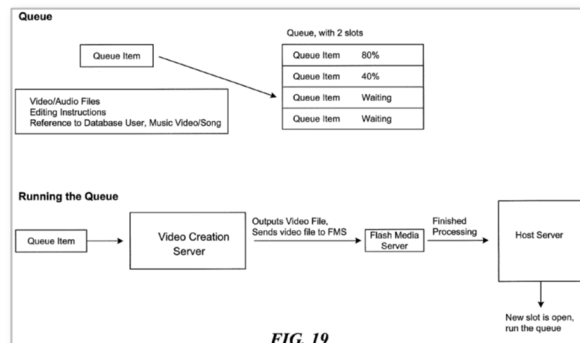


FIG. 19

B. Prosecution History

The '911 Patent resulted from the third application in the following chain:

	Application #	Filing Date	Patent #	Notes
A	61/364,500	7/15/2010	n/a	EX1016 (“’500 <i>Prov. Application</i> ”)
B	12/953,350	11/23/2010	n/a	EX1017, Abandoned (“ <i>the ’350 Application</i> ”)
C	16/248,687	1/15/2019	10,931,911	EX1002

1. ’500 Prov. Application

PO filed the ’500 *Prov. Application* on July 15, 2010. EX1016, 10-19.

Yenyun Fu signed the application papers. EX1016, 11. The ’500 *Prov.*

Application’s brief contents appear no different from the prior art. EX1003, ¶85.

2. ’350 Patent

PO filed the ’350 *Application* on November 23, 2010. EX1017, 495-99.

Yenyun Fu signed the application papers. EX1017, 447. The ’350 *Application* was abandoned after a first office action, but revived ***two years*** later. EX1017, 385-87, 415-416. It was again abandoned after many unsuccessful tries by PO to craft allowable claims. EX1003, ¶¶88-104.

3. ’911 Patent

The ’911 Patent is a continuation of the ’350 *Application*. EX1002, 144-99.

The as-filed claims were relatively close to those issued (EX1003, ¶107) and were rejected as anticipated by *Cohen*. EX1002, 114-119. In an effort to distinguish

Cohen, PO amended claim 1 and added similar independent claims 11-12 (issued 10-11) to include the concepts of user-selected backgrounds (*see* [1f] herein), generating content by compositing background and recording session video ([1i]/[10i]), and processing/encoding/publishing the recorded content in streamable form ([1o]-[1s], [10q]-[10s], [11o]-[11s]). EX1002, 106-109. EX1003, ¶112.

But these concepts were well-known by 2009-2010. EX1003, ¶112. Indeed, a final office action (EX1002, 78-91) rejected the amended/new claims as obvious in view of *Cohen*, *Gentile*, and *Maigret* (claims 1-11), and *Cohen*, *Crawford*, and *Maigret* (claim 12). EX1002, 80-89.

PO appealed. EX1002, 72. Its arguments were wrong. *See* §III.C. The Examiner nevertheless allowed the claims with a minor Examiner's amendment reciting the simultaneous aural playback was of an "audio" composition. EX1002, 8-18. But *Cohen* also teaches this functionality (*see* [1i]). EX1003, ¶130.

C. The Examiner Erred By Allowing The Challenged Claims

PO's Appeal Brief argued *Cohen* (and *Gentile*, *Crawford*, and *Maigret*) failed to teach [1b], [1e], [1i], and [1r]. EX1002, 57-58. But, as discussed in those elements below, PO's arguments were wrong as to *Cohen* and/or failed to acknowledge the claimed elements were well-known to POSITAs by 2009-2010. EX1003, ¶¶116-127. Thus, the Examiner erred in allowing the Challenged Claims. EX1003, ¶¶133-136.

Because each of PO's patentability arguments was wrong in view of *Cohen*'s teachings, the Examiner should have maintained their rejection. EX1003, ¶135. Had the Examiner properly considered *Cohen*, including by reviewing the explanation of *Cohen* and the related background and technical discussions in EX1003, the Challenged Claims wouldn't have issued. *Id.*

Further, to the extent any of PO's Appeal Brief arguments had merit (they don't), they address features well-known by 2009-2010 as described in §VII, such as taught by *Chu*, *Sherman*, *Joslin*, and/or *Lei*, none of which were of record during the '911 Patent's prosecution. EX1003, ¶136. Had the Examiner had the benefit of these references, their explanation herein, and the remaining background and technical discussions herein, the Challenged Claims wouldn't have issued. *Id.*

D. The Common Specifications of the '350 Application, '911 Patent, and '612 Patent are Largely Copied from *Cohen* or Other Prior Art

The '911 Patent also shouldn't have issued because large portions of the '350 Application/'911 Patent can be found in *Cohen*, including entire sections copied almost *verbatim*. Yenyun Fu signed the papers for *Cohen* (EX1037, 21), the '500 Prov. Application (EX1016, 11), and the '350 Application (EX1017, 447). Yet *Cohen* wasn't identified to either the '350 Application's or '911 Patent's Examiner (the '911 Patent's Examiner identified it). EX1002, 120. The logical conclusion is that Yenyun Fu copied from *Cohen* when converting the '500 Prov.

Application into the '350 *Application*, and then hid that fact from the Examiner(s).

Nothing in the '911 Patent is new or patentable.

IV. IDENTIFICATION OF CHALLENGE

A. Statutory Grounds

Petitioner requests IPR and cancellation of claims 1-11 (“the Challenged Claims”) as follows:

Grounds	Claims	Statutory Basis	Prior Art
1	1-10	§103	<i>Cohen</i> in view of <i>Chu</i> , <i>Sherman</i> , and <i>Joslin</i>
2	11	§103	<i>Cohen</i> in view of <i>Chu</i> , <i>Sherman</i> , <i>Joslin</i> , and <i>Lei</i>
3	1-10	§103	<i>Cohen</i> in view of <i>Chu</i> , <i>Sherman</i> , <i>Joslin</i> , and <i>Austerberry</i>
4	11	§103	<i>Cohen</i> in view of <i>Chu</i> , <i>Sherman</i> , <i>Joslin</i> , <i>Lei</i> , and <i>Austerberry</i>

The Grounds render the Challenged Claims obvious because any differences between the claimed subject matter and prior art are such that the subject matter, as a whole, would have been obvious to a POSITA at the time the invention was made. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

B. Relied-Upon Prior Art²

1. *Cohen*

Cohen (filed December 19, 2008; published June 25, 2009) is 35 U.S.C.

§102(b) prior art. *Cohen* teaches a system for “web-based performance collaborations based on multimedia content sharing” and mixing using “an online social network.” EX1004, ¶¶[0036]-[0037]. Users may select from lists of stored pre-recorded audio or video content as shown in FIG. 4A

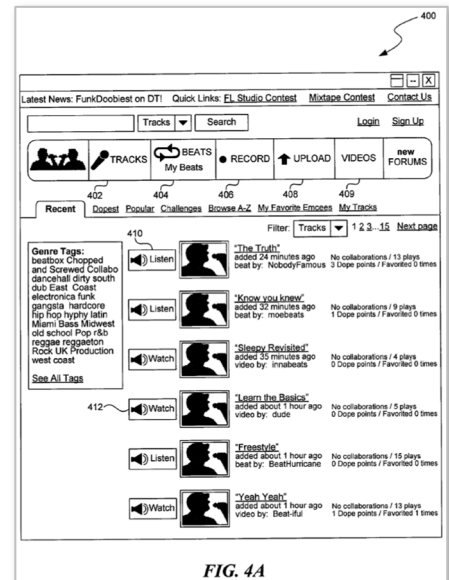


FIG. 4A

(¶¶[0060], [0090]-[0094], [0119]-[0130], [0164], [0191]) and video- and audio-record themselves singing over the selected content while it is playing (¶¶[0038]-[0048], [0070]-[0073], [0138]-[0139], [0167], [0175], [0193]-[0212]). *Cohen* teaches providing a preview when recording is complete, and allowing the user to adjust timing or latency before permanently saving the file. EX1004, ¶¶[0042], [0049], [0078]-[0082], [0140], [0168]-[0187], [0204], [0211]. The user can also set a “privacy attribute” (e.g., public/private)

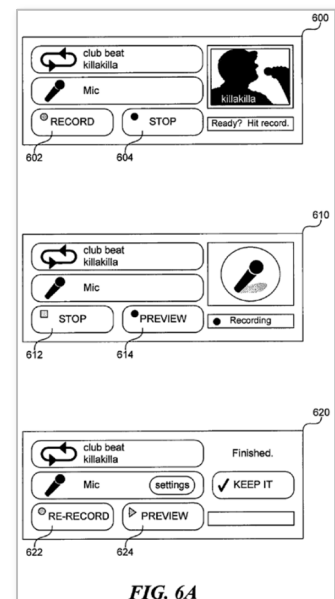


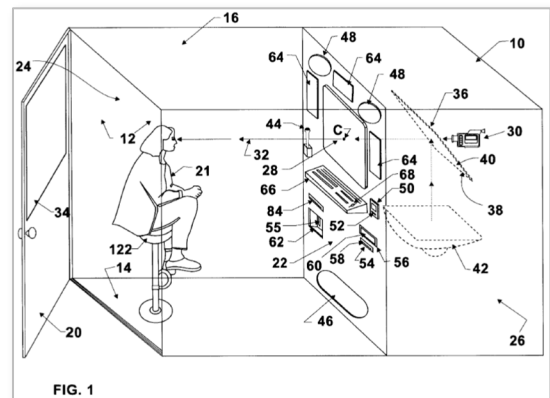
FIG. 6A

² Pre-AIA 35 U.S.C. §102 applies. MPEP §2159.02.

for recordings (¶¶[0043]-[0044], [0109]-[0110], [0170]) and migrate the recorded content to other websites, *e.g.*, a social media server (¶¶[0053], [0101]-[0105], [0141]-[0149], [0208]).

2. *Chu*

Chu (filed August 20, 1998; published July 11, 2000) is 35 U.S.C. §102(b) prior art. *Chu* wasn't of record during the '911 Patent's prosecution, and is non-cumulative. EX1003, ¶159. *Chu* teaches a “personalized karaoke recording studio” for users to audio- and video-record themselves singing over user-selected karaoke songs in front of user-selectable backgrounds (EX1005, 2:36-48; 3:9-17, 3:59-4:2, 5:1-32, 12:49-64), and composite the background and users' performance using chroma-key technology (3:19-58, 5:34-48). After recording, users may review the videos, add titles/messages, and permanently save them as, *e.g.*, MPEG files via MPEG converter 137. EX1005, 4:47-56, 16:12-39, 16:46-57.



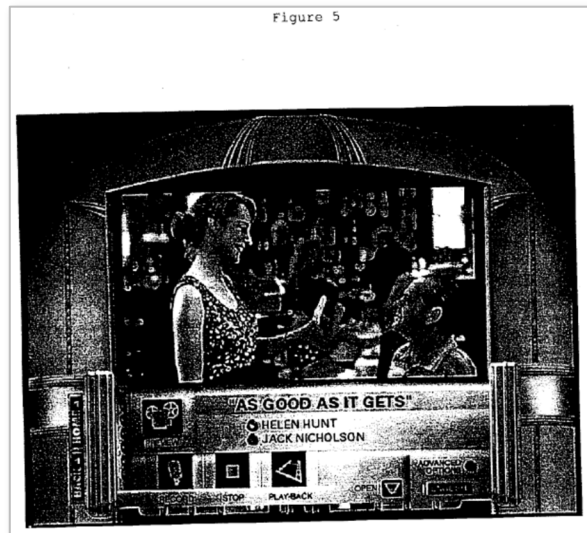
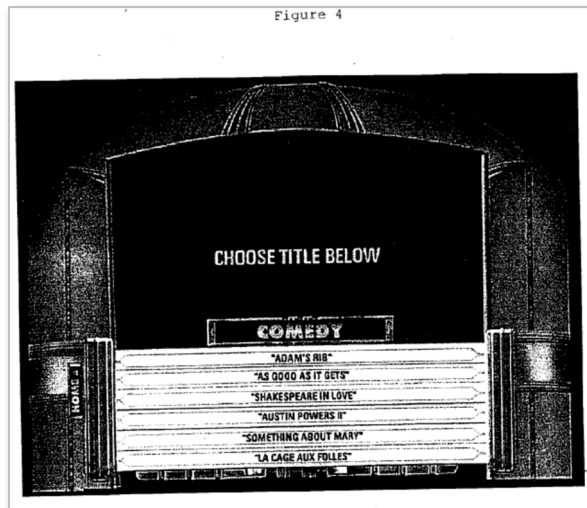
3. *Sherman*

Sherman (filed January 8, 2003; published September 4, 2003) is 35 U.S.C. §102(b) prior art. *Sherman* wasn't of record during the '911 Patent's prosecution, and is non-cumulative. EX1003, ¶166.

Sherman teaches a “video karaoke system” that “allow[s] dubbing an actor's voice” in a video clip. EX1006, Abstract, ¶[0002], ¶[0024]. *Sherman* provides user interfaces for user-selection of a movie clip to record over.

EX1006, ¶[0014]. *Sherman* teaches: (i) segmenting/replacing the clip's static portions with another background or video; and (ii) video of a user may be captured and used to replace an actor in the clip. EX1006, ¶[0024]. The resulting video clip can be saved and

edited. EX1006, ¶[0017]. The file components can be saved together as, *e.g.*, an MPEG, for distribution. EX1006, ¶[0023]. *Sherman* teaches using clips for web-based invitations. EX1006, ¶[0038].

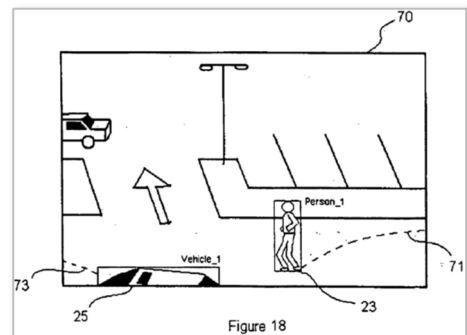


4. *Joslin*

Joslin (filed November 15, 2004; published January 29, 2008) is 35 U.S.C. §102(b) prior art. *Joslin* wasn't of record during the '911 Patent's prosecution, and is non-cumulative. EX1003, ¶175. *Joslin* teaches a system that "inserts a participant realistically into familiar background media" (e.g., a movie) to create new video content using chroma-key techniques. EX1007, Abstract, 1:61-67. The background media is user-selected from a "digital library." EX1007, 2:51-59. The "images of a live participant are inserted, real time, as an actor" in the selected background media (EX1007, 3:45-65) and stored for viewing (EX1007, 2:39-44). The recording's "format and resolution" may be modified "for internet video streaming, and upload[ed] to a server for later download by the participant via the internet." EX1007, 3:36-44, 10:33-39.

5. *Lei*

Lei (filed April 26, 2007; published November 1, 2007) is prior art. *Lei* wasn't of record during the '911 Patent's prosecution, and is non-cumulative. EX1003, ¶180. *Lei* teaches adding a trail line showing object movement (e.g., trail lines 17 and 73 in FIG. 18) in a recorded video. EX1008, Abst.



6. *Austerberry*

Austerberry is 35 U.S.C. §102(b) prior art, as it was published in 2002 and was publicly available. EX1046 at 8, 15, 29, 49. *Austerberry* wasn't of record during the '911 Patent's prosecution, and is non-cumulative. EX1003, ¶184. *Austerberry*'s teachings are described above.

C. Grounds for Standing

Petitioner certifies the '911 Patent is available for IPR, this Petition is timely filed, and Petitioner is not barred or estopped from requesting IPR on the Grounds presented.

D. Discretionary Analysis for Review

The *General Plastic* and *Fintiv* factors favor institution. This is the first Petition filed against the '911 Patent, and its merits are compelling, which “demonstrates that the PTAB should not discretionarily deny institution under *Fintiv*.” See USPTO, *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*, 3-5 (June 21, 2022) (“Director’s Memo”). Grounds 1-4 present compelling obviousness theories that, “if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence.” *Id.*, 4. To eliminate potential issue overlap, Petitioner filed a *Sotera*-type stipulation. See *id.*, 9; EX1047.

The full *Fintiv* framework also favors institution. The related district court case was filed only nine months ago (August 24, 2022) and, while trial is scheduled for August 13, 2024 (EX1048), average patent case time-to-trial in the Central District of California is 31 months (EX1049). Claim construction is just beginning and fact discovery extends through 2023. EX1048. Stays are granted by the Court where, as here, an IPR may resolve invalidity. EX1050. Petitioner filed a *Sotera*-type stipulation, and the Petition is compelling. Thus, *Fintiv* factors one (stay likelihood), two (trial date), three (proceeding investment), four (issue overlap), and six (other circumstances) favor institution. For factor five, while Petitioner/PO are the same parties as in district court, this is not unusual in IPR.

§325(d) discretionary denial would be inappropriate. The USPTO hasn't previously considered the Grounds and arguments herein, based on the combination of *Cohen*, *Chu*, *Sherman*, and *Joslin* (claims 1-10) and *Lei* (claim 11) (or those references and *Austerberry*). While, for example, claims 1-10 were allowed over the *Cohen*/*Gentile*/*Maigret* combination during the '911 Patent's prosecution (EX1002, 8-18, 78-91), this allowance was based on PO's mischaracterizations of *Cohen* (relevant portions of which were copied into the '911 Patent) and the fact the Examiner didn't have the benefit of *Chu*, *Sherman*, *Joslin*, and *Lei* (or *Austerberry*). Thus, *Becton* factors (b)-(d) favor institution.

Moreover, per §§III.C and VII, the Examiner erred by not rejecting the Challenged Claims in view of *Cohen*, *Chu*, *Sherman*, and *Joslin* (claims 1-10) or those references and *Lei* (claim 11) (or those references and *Austerberry*). The Petition presents extensive additional evidence and facts not before the USPTO, including the Cooperstock Declaration (EX1003) and supporting references, which demonstrate the Challenged Claims' unpatentability. The Cooperstock Declaration explains in detail how the Grounds render the Challenged Claims obvious and sets forth previously-unconsidered obviousness theories, along with additional details about the state of the art and POSITA knowledge. Thus, *Becton* factors (e)-(f) weigh in favor of institution.

Regarding *Becton* factor (a), the PTAB consistently grants institution for petitions presenting obviousness theories not considered during prosecution, even when the prior art overlaps with record references. *See, e.g., Nvidia Corp. v. Invensas Corp.*, IPR2020-00602, Paper 11, 15-20 (PTAB Sep. 3, 2020)).

V. LEVEL OF ORDINARY SKILL

A POSITA of the '911 Patent would have had at least a bachelor's or equivalent degree in computer engineering, computer science, or related field, and 2-3 years of experience in the research, design, or development of audio and video production, editing, network storage, and streaming systems and related hardware, software, and firmware, or equivalent experience. A person with less education but

more relevant experience, or more education and less experience, may also qualify.

EX1003, ¶¶187-190.

VI. CLAIM CONSTRUCTION

Petitioner interprets the Challenged Claims according to *Phillips*. 37 C.F.R. §42.100(B); 83 Fed. Reg. 51340, 51340-44 (Oct. 11, 2018); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005). Applying *Phillips* here, all terms have their plain and ordinary meaning. EX1003, ¶192. Petitioner does not waive any litigation argument as to scope, meaning, or invalidity.

A. Server-Side Performance of Claim Elements

It is unclear from their language the outer bounds of what—*e.g.*, a person, client device, server, *etc.*—may perform the Challenged Claims’ steps. EX1003, ¶193. In some instances, it appears claim 1’s elements *could* be performed by client devices (*e.g.*, smartphones) or servers. EX1003, ¶194. Per §III.A, however, the ’911 Patent’s specification indicates performance of the claim elements are server-controlled. EX1003, ¶194. Further, the ’911 Patent’s general statements of its invention indicate performance “over a network.” *See, e.g.*, EX1001, Abstract (methods/systems “for creating and disseminating of audio and video content generated by a user over a network”), 3:48-53 (systems/methods “enabling a user to generate audio content over a network. In one aspect, the present disclosure relates to using a network for generating audio and video content over a network”)

EX1003, ¶194. A POSITA would have understood these to mean the system processing load was server-side. *Id.* Indeed, other than using a client-side user interface and camera/microphone, the '911 Patent provides no specific client-side performance examples of any claimed element. *Id.* Thus, a POSITA would have understood the Challenged Claims' elements are performed server-side. EX1003, ¶195.

Petitioner compared the claims to the prior art accordingly. However, should the Board apply a broader definition (*e.g.*, including server- and client-side claim element performance), such a definition still encompasses server-side performance, and the analysis below would be unchanged. EX1003, ¶196. Moreover, it would also have been obvious to move processing between servers and clients in a server/client system by 2009-2010. EX1003, ¶197.

B. Ambiguity of Other Terms

Snap asserted in the district court litigation that some terms' ambiguous outer bounds render claims indefinite. However, the claims are understandable enough for IPR purposes. EX1003, ¶198.

C. District Court Constructions

Snap and PO have served preliminary claim constructions in the related District Court case. EXS 1051-1052. The Challenged Claims are obvious under either party's constructions. EX1003, ¶199.

VII. CHALLENGED CLAIMS

A. Ground 1

A POSITA would have found Claims 1-10 obvious based on *Cohen* in view of *Chu*, *Sherman*, and *Joslin*. EX1003, ¶¶200-201.

1. Ground 1 Combination

Cohen teaches a system where users video-record themselves singing over user-selected content and migrate the recordings to other websites, *e.g.*, social media. *See* §IV.B.1 and below. EX1003, ¶202. *Cohen* further teaches its embodiments can be combined with each other and other systems, and modified to provide alternative functionality. EX1004, ¶¶[0216]-[0217]. EX1003, ¶203.

Chu is similarly directed toward a video-karaoke system allowing users to video-record themselves singing over user-selected content. *Chu* teaches its system improves upon prior video-karaoke systems by allowing users to, *inter alia*, record themselves singing over user-selected songs in front of user-selectable backgrounds (*e.g.*, ocean, street, or desert scenes) and composite the background and user's performance using chroma-key technology. *See* §IV.B.2 and below. EX1005, 2:17-23, 32-36. EX1003, ¶¶204-205.

A POSITA having *Cohen* and *Chu* (with/without *Sherman/Joslin*) would have been motivated to modify *Cohen*'s teachings of recording users singing over pre-recorded audio content with *Chu*'s similar process using *Chu*'s user-selectable

background and compositing functionality, at least in view of *Chu*'s teaching that such improvements were desirable and *Cohen*'s teaching that modifications to its system were possible. EX1003, ¶206. In combination, these teachings would have provided an improved multimedia-creation system with additional user-selectable content (*e.g.*, user-selectable backgrounds) and compositing functionality. *Id.* A POSITA would have understood these additions were desirable by 2009-2010. *Id.*

Sherman teaches a video-karaoke system where users select a movie clip, replace its static portions with other images, replace actors with video of users speaking the actor's lines, and process/encode (*e.g.*, as an MPEG) and distribute the content. *See* §IV.B.3 and below. EX1003, ¶207. *Sherman* also teaches using clips as electronic invitations, where an invitee accesses a website providing a user's "individualized video clip [with] their favorite actors or singers deliver[ing] their particular message." EX1006, ¶[0038]. EX1003, ¶208.

A POSITA having *Cohen*, *Chu*, and *Sherman* (with/without *Joslin*) would have been motivated to modify *Cohen/Chu*'s teachings of user-selectable backgrounds with *Sherman*'s teachings of replacing a background's static portions with another background or video. EX1003, ¶209. In combination, these teachings would have provided an improved multimedia creation system including additional user-selectable content (*e.g.*, user-selectable/editable backgrounds). *Id.* A POSITA would have understood such additions were desirable by 2009-2010. *Id.*

A POSITA would also have been motivated to modify *Cohen/Chu's* teachings of sharing user-recorded videos with *Sherman's* teachings of processing and encoding its video clip components as video files (*e.g.*, MPEG) and using them on invitation websites. EX1003, ¶210. Indeed, a POSITA would have easily been able to directly incorporate *Sherman's* invitation creation option into *Cohen's* FIG. 5B for added functionality. *Id.* In combination, these teachings provide an improved system for creating/sharing multimedia files. *Id.* A POSITA would have understood the addition of such functionality was desirable by 2009-2010. *Id.*

Joslin teaches another video-karaoke system that inserts users into background media (*e.g.*, movie), to create new content using chroma-key, and processing, encoding, and storing the new recording on a server as, *e.g.*, an MPEG video for internet streaming. *See* §IV.B.4 and below. EX1003, ¶211.

A POSITA having *Cohen, Chu, Sherman, and Joslin* would have been motivated to modify *Cohen/Chu/Sherman's* teachings of creating and sharing multimedia content-creation with the processing, encoding, and publishing functionality of *Joslin* at least because *Joslin* teaches another choice for implementing the sharing teachings of *Cohen/Chu/Sherman* (*e.g.*, processing/encoding the file and sending it to a streaming site) that a POSITA would have easily been able to incorporate into (or otherwise use with) the *Cohen/Chu/Sherman* combination, either as implementations of existing options

(e.g., one of FIG. 5B's options) or as additional FIG. 5B options for added functionality. In combination, these teachings provide an improved system for creating and publishing multimedia files, characteristics a POSITA would have recognized were desirable by 2009-2010. EX1003, ¶212.

Accordingly, a POSITA would have been motivated to combine *Cohen's* basic functionality, *Chu's* ability to add user-selected backgrounds and composite the backgrounds with user-created videos, *Sherman's* background editing and invitation creation functionality, and *Joslin's* processing, encoding, and publishing functionality to provide an improved multimedia creation and sharing system with additional editing and sharing functionality/methodologies. EX1003, ¶213.

Beyond the above motivations to combine, further motivation can be found in a POSITA's general knowledge at the time reflected in, e.g., §II. EX1003, ¶214. Further, a POSITA would have found it obvious to combine these references' teachings, and would have had a reasonable expectation of success in doing so, at least because each is in the same technical field of multimedia content-creation (the '911 Patent's) and each teaches similar techniques of combining existing content and user-recorded content and sharing it. EX1003, ¶215. A POSITA would have recognized these similar known techniques would have been combined according to known methods, or simply substituted for one another, to yield predictable results and/or reflect a finite number of identified, predictable solutions

that would have been combined with a reasonable expectation of success, as described herein. *Id.*

A POSITA would have had a reasonable expectation of success in modifying *Cohen*, *Chu*, *Sherman*, and *Joslin*'s systems with each other's teachings because each is directed to similar multimedia creation systems providing similar features and functionality and having common components. EX1003, ¶216. Thus, a POSITA would have been able to utilize their teachings interchangeably, including to improve aspects of the multimedia creation/distribution processes taught by each. *Id.*

Therefore, at the purported time of the Challenged Claims' alleged invention, a POSITA would have been motivated to, and it would have been obvious to a POSITA having the teachings of *Cohen*, *Chu*, *Sherman*, and *Joslin* before him/her (with the other knowledge explained above) to, combine these references' teachings as described herein to provide an improved multimedia creation system, with a reasonable expectation of successful. EX1003, ¶217.

2. Independent Claim 1

Cohen in view of *Chu*, *Sherman*, and *Joslin* renders Claim 1 obvious. EX1003, ¶218.

[1a] A method for generating and sharing audio/video content to a social network, comprising:

If a limitation, the *Cohen/Chu/Sherman/Joslin* combination teaches³ [1a], rendering it obvious, because *Cohen* teaches a method for generating and sharing audio/video content (*e.g.*, *Cohen's* system users create multimedia content for other users' access/use) to a social network (*e.g.*, *Cohen's* system is a multi-user network allowing users access to shared content) per [1b]-[1s] below. EX1003, ¶¶219-228. *See also, e.g.*, EX1004, ¶[0036] (systems/methods “for web-based performance collaborations based on multimedia content sharing”), ¶[0037] (“using an online social network for web-based musical collaborations and audio/multimedia content mixing”). A POSITA would have understood *Cohen's* collaborations/mixing to be audio/video content-creation. EX1003, ¶220.

Additionally, each of *Chu*, *Sherman*, and *Joslin* teaches [1a] per [1b]-[1s] below, and [1a]'s functionality was generally known. EX1003, ¶¶221-222. Further, during the '911 Patent's prosecution, PO identified its ¶¶[0036] and [0105]⁴ as supporting [1a] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004,

³ “Teaches” herein represents “teaches or suggests,” or otherwise renders obvious.

⁴ References herein are to application paragraphs.

¶¶[0039], [0140]). EX1003, ¶¶223-225. *Cohen*'s similar portions teach [1a].

EX1003, ¶226.

[1b] initiating a content creation process in response to a request from a user;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1b], rendering it obvious, because *Cohen* teaches initiating a content-creation process (*e.g.*, the content-creation process described in [1c]-[1s]) in response to a request from a user (*e.g.*, users request access to *Cohen*'s system and/or request user interfaces, like FIGS. 4A/B). *See, e.g.*, EX1004, ¶¶[0068], [0070]-[0071], [0092]-[0094], FIGS. 1-2, 4A/B. EX1003, ¶¶229-244.

Specifically, *Cohen* teaches [1c]-[1s]'s content-creation is begun (initiated) by users seeking access to *Cohen*'s system, such as by logging in and/or requesting display of user interfaces like those of FIGS. 4A/B. EX1003, ¶231. This functionality is provided by server-side communications module 204, which manages client communications (EX1004, ¶[0068]), including managing user “log-on requests” (¶[0070]). The interfaces are provided by *Cohen*'s server-side user interface module 214, which “identifies user requests” and provides user interfaces, *e.g.*, per FIGS. 4A/B. EX1004, ¶¶[0092]-[0094], [0164]. And *Cohen*

teaches “communications module 204 may have access rights to peripheral devices on a session-by-session

basis or for a

predetermined duration”

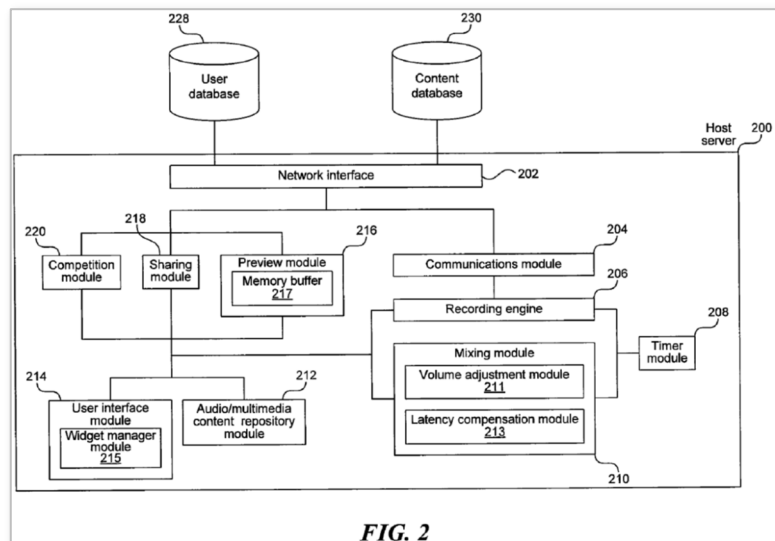
(EX1004, ¶[0071]),

reinforcing that users must

request system access for

content-creation. EX1003,

¶231.



PO wrongly argued during prosecution that *Cohen* doesn’t teach [1b] because it’s missing a “content creation process” and therefore cannot teach “initiating” it. EX1002, 57. EX1003, ¶232. But *Cohen* does teach a “content creation process.” See [1c]-[1s]. EX1003, ¶233. The distinction PO argues (*Cohen*’s videos are only for playback during audio recording) is baseless, as *Cohen* teaches audio **and** video recording during audio playback (see [1i]/[1j]). *Id.*

Moreover, even if *Cohen* were deficient (it isn’t), *Chu* and *Sherman* teach [1b]. See, e.g., EX1005, 2:49-54, 11:21-36 (user “presented with a start screen 100,” which “contains initial instructions”), 8:63-9:7. EX1006, ¶¶[0013]-[0014]. EX1003, ¶¶234-235.

[1b]'s functionality was also obvious as generally known. EX1003, ¶237.

Further, during the '911 Patent's prosecution, PO identified its ¶¶[0037] and [0041] as supporting [1b] (EX1002, 53), which include material copied from *Cohen* (see EX1004, ¶[0048]). EX1003, ¶¶238-241. *Cohen*'s similar portions teach [1b]. EX1003, ¶242.

[1c] prompting the user to record content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1c], rendering it obvious, because *Cohen* teaches prompting the user to record content (*e.g.*, when users receive access to *Cohen*'s system, they are prompted to record content by the system sending and users receiving/viewing interfaces having interactive elements soliciting and providing the mechanisms allowing users to record content, like those of FIGS. 4A/4B). See, *e.g.*, EX1004, ¶¶[0068], [0092]-[0094], [0127]-[0128], [0131], FIGS. 1-2, 4A/B. EX1003, ¶¶245-259.

Specifically, *Cohen* teaches, after users gain access to *Cohen*'s system (see [1b]), user interfaces like those of FIGS. 4A/4B are provided to the user (via user interface module 214), which include various solicitations and mechanisms (*e.g.*, prompting) to facilitate users recording content. EX1003, ¶247. These user interfaces display information to users indicating the system is ready for user input to record content. *Id.* For example, *Cohen* teaches FIG. 4A's user interface 400

“includes a number of selectable tabs allowing the user to select to view a listing of track entries (e.g., tab 402), beat entries (e.g., tab 404), or video entries (e.g., tab 409).” EX1004, ¶[0128]. Tabs allowing user-selection of tracks, beats, or video as part of the content recording process (*see* [1d]-[1j]) are prompts to record content, as they indicate the program is awaiting input and solicit user participation in the recording process. EX1003, ¶247.

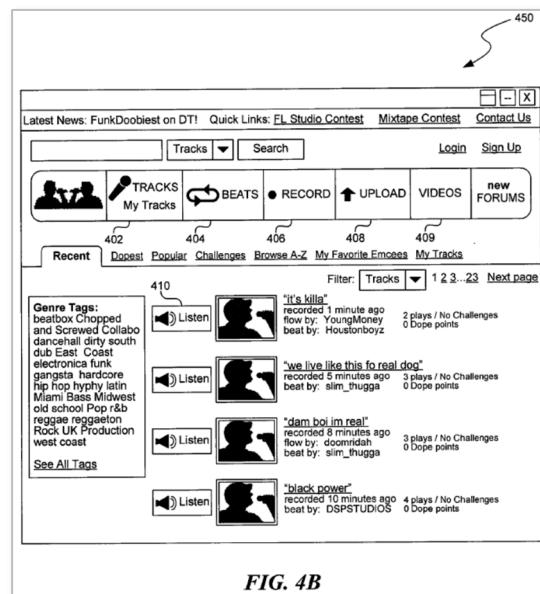
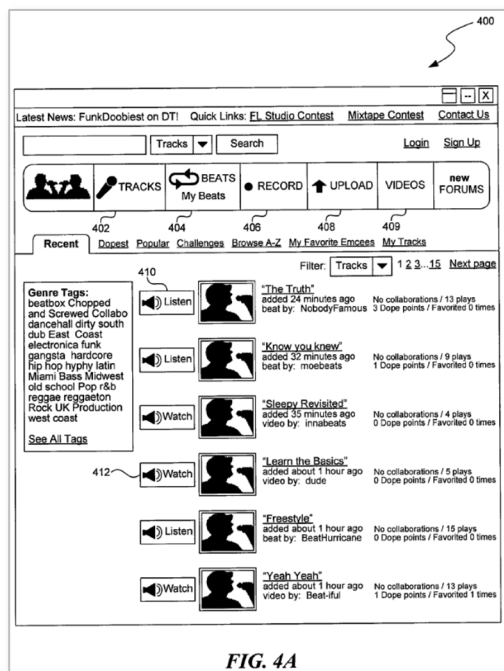
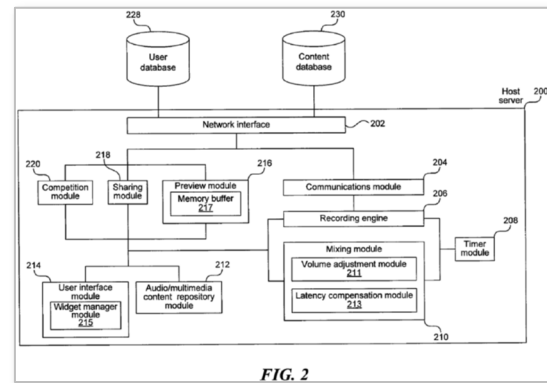


FIG. 4B

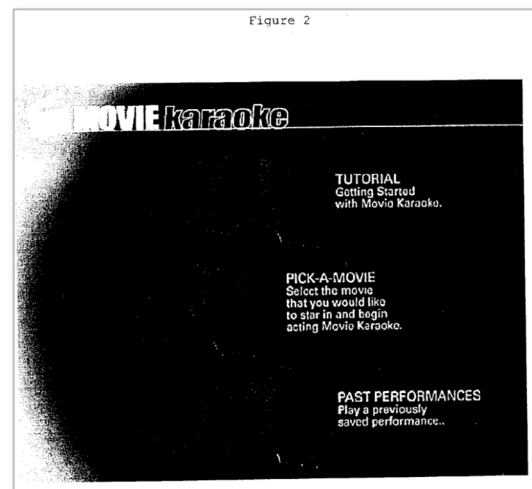
Further, record tab 406 and the contest link are direct prompts for users to record content. EX1003, ¶248. User interface module 214 generates *Cohen's* user interfaces shown in FIGS. 4A/B.



EX1004, ¶¶[0092]-[0093]. *Id.*, ¶[0094], ¶[0127], ¶[0131], ¶[0133].

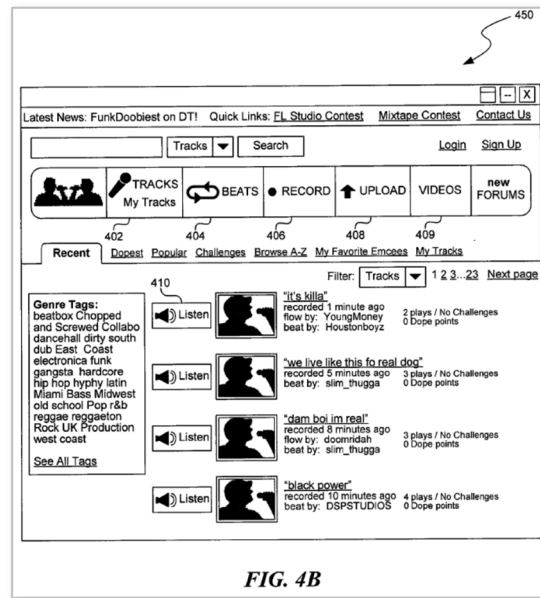
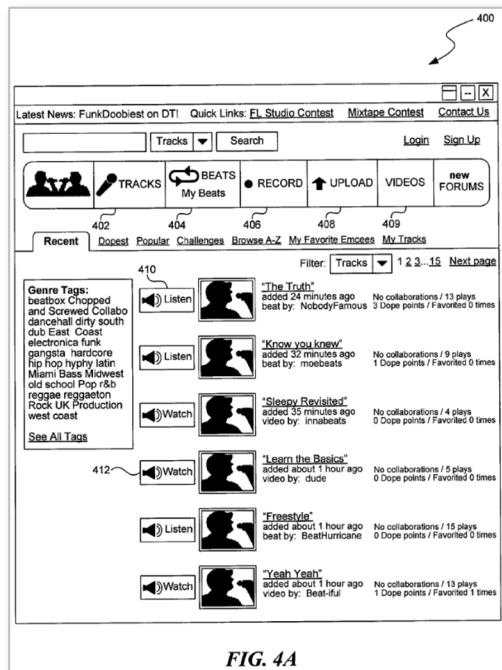
Moreover, even if *Cohen* were deficient (it isn't), *Sherman* teaches prompting users to record content (*e.g.*, *Sherman's* initial screen prompting users to pick movies per FIG. 2). *See, e.g.*, EX1006, ¶[0014], FIG. 2. EX1003, ¶249.

[1c]'s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶251. Further, during the '911 Patent's prosecution, PO identified its ¶[0041] as supporting [1c] (EX1002, 53), which includes material copied from *Cohen* (*see* EX1004, ¶[0048]). EX1003, ¶¶252-254. *Cohen's* similar portions teach [1c]. EX1003, ¶255.

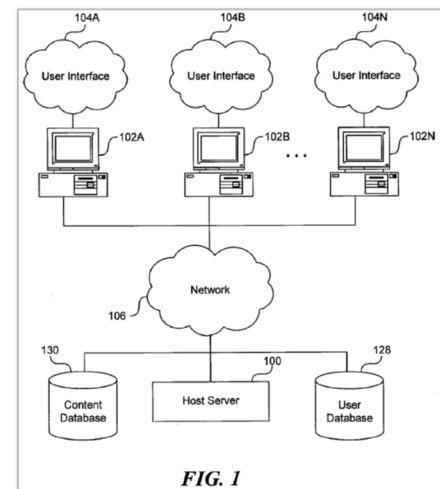


[1d] prompting the user to select an audio composition from a list of compositions retrieved from a host server;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1d], rendering it obvious, because *Cohen* teaches prompting the user (*e.g.*, by providing interactive webpages like FIGS. 4A/B, including user-selectable category tabs, via user interface module 214) to select an audio composition from a list of compositions (*e.g.*, users are prompted to select content from lists like FIGS. 4A/B's) retrieved from a host server (*e.g.*, the content lists, and the content itself, are retrieved from content database 230 and/or audio/multimedia repository module 212 via user interface module 214). *See, e.g.*, EX1004, ¶¶[0046], [0090]-[0091], [0093]-[0094], [0123]-[0129], [0131]-[0133], [0156], [0169], [0188], [0191], [0195]-[0196], [0206], FIGS. 1-4B. EX1003, ¶¶260-274.



Specifically, *Cohen* teaches user interface module 214 providing user interfaces (e.g., webpages like FIGS. 4A/4B), prompting users (through display at clients 102A-102N) to select multimedia content (audio and/or video compositions) from lists (e.g., FIG. 4A/4B's lists) retrieved from a server (e.g., user interface module 214 provides lists by communicating with content database 230 or other storage and displaying in FIGS. 4A/4B available



multimedia).⁵ EX1003, ¶262. *See, e.g.*, EX1004 ¶¶[0046] (users “browse listings of audio tracks or videos”), [0094] (“user interface module 214 identifies user requests and displays a listing of beats, tracks, and/or video content”), [0090]-

[0091], ¶[0093] (user interface module 214 provides user interfaces like FIGS. 4-6, including FIGS.

4A/B’s lists), ¶¶[0123]-[0126]

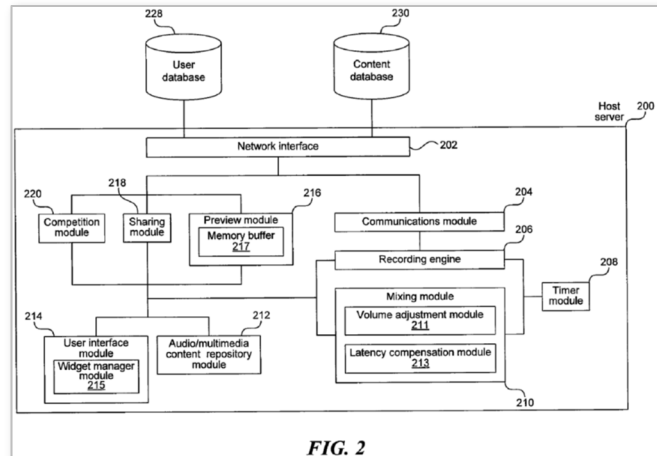
(content database 230/330 stores

multimedia content), ¶[0169],

¶[0127] (FIG. 4A shows “user interface 400 of a listing of recently added tracks”),

¶[0128] (“user interface 400 includes a number of selectable tabs allowing the user to select to view a listing of track entries (e.g., tab 402), beat entries (e.g., tab 404), or video entries (e.g., tab 409)”). *See also* EX1004, ¶[0129], [0131]-[0133], [0156],

[0188], [0191], [0195]-[0196], [0206]. EX1003, ¶262.



⁵ A POSITA would have understood *Cohen*’s host server 200’s modules would have been implemented in one or multiple servers (EX1004, ¶¶[0116]-[0117]), such that content database 230 (or *Cohen*’s other content storage) may be on its own “host server,” which also satisfies this element. *See also* [1n]. EX1003, ¶263.

Moreover, even if *Cohen* were deficient (it isn't), *Chu* also teaches prompting the user (*e.g.*, CPU provides categories of music to users) to select audio compositions from a list (*e.g.*, users prompted to select a category and then presented with song listings) retrieved from a host server (*e.g.*, content lists, and the content itself, are presented by CPU and retrieved from disc 70). *See, e.g.*, EX1005, 12:34-48 (CPU 76 “present[s] the customer 21 with a listing of [titles] within the selected category”), 3:59-4:2 (“user selects from among various alternatives an audio sound track to be played”), 5:1-16, 9:8-45. EX1003, ¶264. While *Chu* teaches its compositions/lists are retrieved by CPU 76/storage 70 in *Chu*'s booth, a POSITA would have found it obvious to arrange these elements in a “host server,” in, *e.g.*, an adjacent room, as that was equivalent structure by 2009-2010. EX1003, ¶265.

[1d]'s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶267. Further, during the '911 Patent's prosecution, PO identified its ¶¶[0038] and [0081] as supporting [1d] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004, ¶¶[0046], [0047], [0095]). EX1003, ¶¶268-270. *Cohen*'s similar portions teach [1d]. EX1003, ¶271.

[1e] presenting the user with a record button;

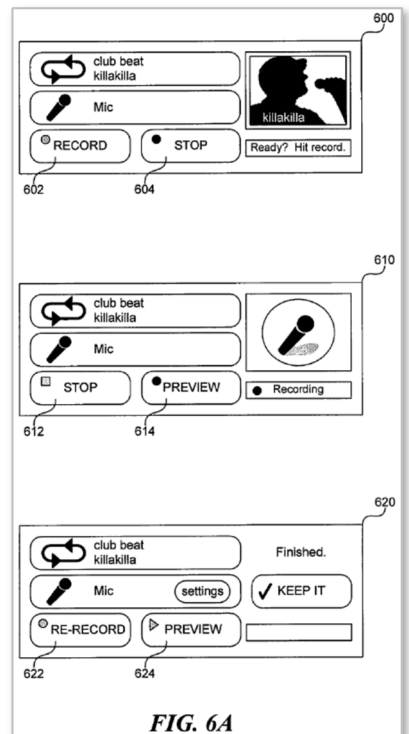
The *Cohen/Chu/Sherman/Joslin* combination teaches [1e], rendering it obvious, because *Cohen* teaches presenting the user with a record button (e.g., users presented with record/challenge buttons, as shown in FIGS. 5A/B, 6A, by user interface module 214). See, e.g., EX1004, ¶¶[0041], [0048], [0095], [0097], [0100], [0137], [0139], [0150]-[0154], [0164], [0183], [0197], [0206], FIGS. 1-2, 5A/B, 6A. EX1003, ¶¶275-288.

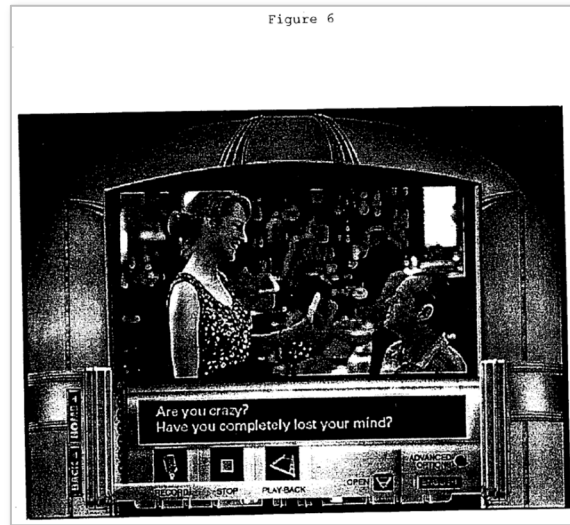
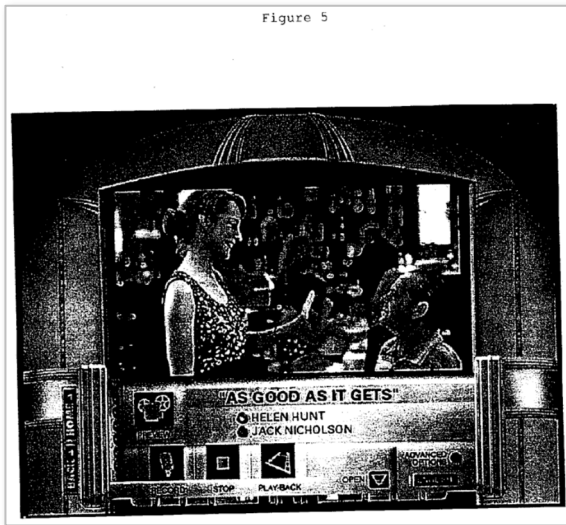
Specifically, *Cohen* teaches presenting, via user interface module 214, users with buttons that, when pressed, result in recording sessions beginning, including FIG. 6A's record button and FIGS. 5A/B's challenge buttons. EX1003, ¶277. See, e.g., EX1004, ¶[0095] ("record button may be displayed such that a user can record audio over the video ... a record button is also typically displayed such that a user can generate a record request over the beat ... a challenge button is typically displayed such that users can request to challenge the track selected"), ¶[0097] (user interface includes "a record button for initiating a recording session"), ¶[0137] ("a challenge button. ... allows a user to record over the same beat as that used in the track listed in the audio player/recorder widget 502. The challenge

button may also allow a user to record video over a track or beat”), ¶[0151] (record button 602), ¶[0152] (“the record button 602, when selected by a user, allows the user to record over the beat or video currently being played.”). *See also* EX1004, ¶[0041], ¶[0048], ¶[0100], ¶[0139], ¶[0150], ¶[0154], ¶[0164], ¶[0183], ¶[0197], ¶[0206]. EX1003, ¶277.

PO wrongly argued during prosecution *Cohen* doesn’t teach [1e]. EX1002, 58. EX1003, ¶278. PO misrepresented *Cohen*, which repeatedly teaches [1e] per the above. EX1003, ¶279.

Moreover, even if *Cohen* were deficient (it isn’t), *Sherman* also teaches presenting the user with a record button (*e.g.*, user presented with record button as in FIGS. 5/6). *See, e.g.*, EX1006 ¶[0015], FIGS. 5-6 (below). EX1003, ¶280.





[1e]'s functionality was also obvious as generally known (*see, e.g.*, §II).

EX1003, ¶282. Further, during the '911 Patent's prosecution, PO identified its ¶¶[0084], [0086], and [0103] as supporting [1e] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004, ¶¶[0097], [0100], [0139], [0152]).

EX1003, ¶¶283-285. *Cohen*'s similar portions teach [1e]. EX1003, ¶286.

[1f] presenting the user with a selection of visual media content for use as a background, wherein upon selecting an instance of pre-recorded visual media content from the selection, the user is presented with an interface to selectively edit the instance of pre-recorded visual media content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1f], rendering it obvious, because: (i) *Cohen* teaches users recording video content of themselves over audio (or audio/video) content as described in [1i]/[1j] and below (*see, e.g.*, EX1004, ¶¶[0040], [0046], [0072], [0114], [0212], FIGS. 1-3B, 5A/B, 6A), and (ii) *Chu* and *Sherman* teach presenting the user with a selection of visual media content for use as a background while recording (*e.g.*, *Chu*'s system provides

selection of background scenes and/or Sherman's system provides movie scene selection) (*see, e.g.*, EX1005, Abstract, 3:9-17, 3:59-4:2, 5:22-32, 9:18-45, 12:49-64, FIGS. 2-3; EX1006, ¶¶[0003]-[0006], [0012]-[0014], [0020], [0024], FIGS. 4-7), wherein upon selecting an instance of pre-recorded visual media content from the selection (*e.g.*, Chu's system allows the user to select a background scene to appear behind the user while the user is video-recorded singing a karaoke song as described in [1j] and/or Sherman's system allows the user to select a movie scene to appear behind the user while the user is video-recorded speaking lines from the movie scene as described in [1j]) (*see, e.g.*, EX1005, Abstract, 3:9-17, 3:59-4:2, 5:22-32, 9:18-45, 12:49-64 and EX1006, ¶¶[0003]-[0006], [0012]-[0014], [0020], [0024], FIGS. 2-7), the user is presented with an interface to selectively edit the instance of pre-recorded visual media content (*e.g.*, Sherman's system allows the user, via Sherman's user interfaces, to segment out the scene's static portions and replace them with other backgrounds/videos) (*see, e.g.*, EX1006, ¶¶[0003]-[0006], [0012]-[0014], [0020], [0024], FIGS. 4-7). EX1003, ¶¶289-302.

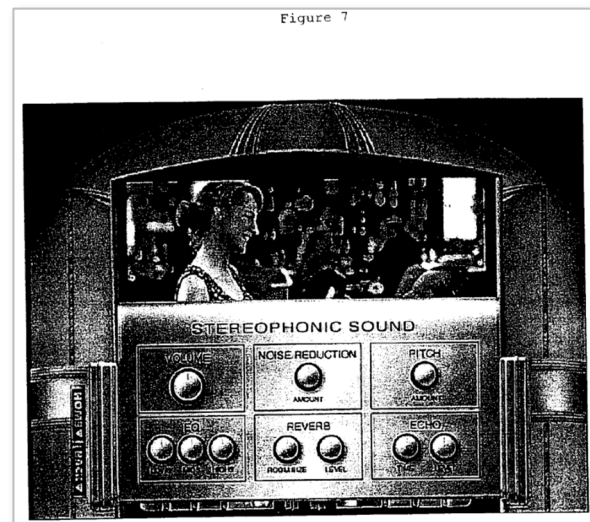
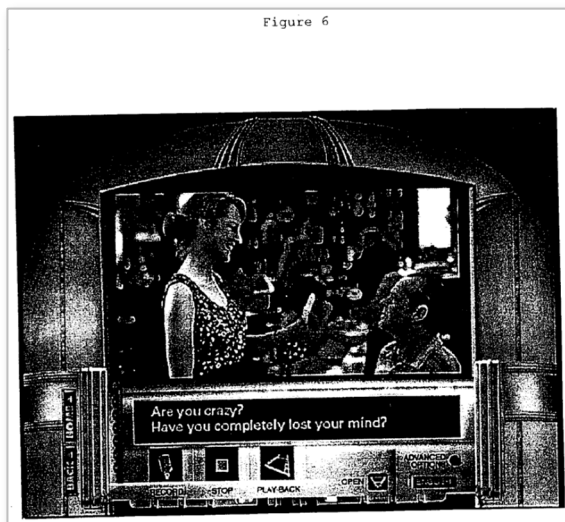
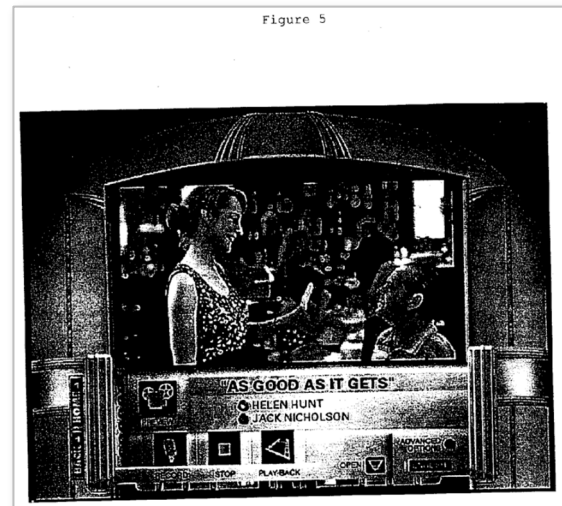
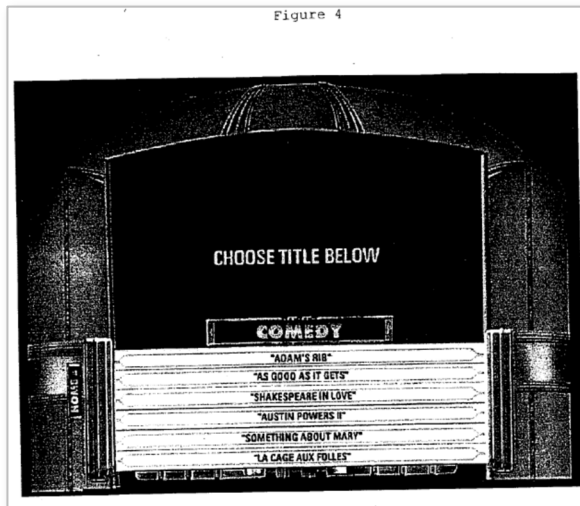
Specifically, *Cohen* teaches users recording video content of themselves over audio (or audio/video) content via, *e.g.*, recording engine 206. *See, e.g.*, EX1004, ¶¶[0040], ¶¶[0046], ¶¶[0114] ¶¶[0212]. EX1003, ¶291. *See* [1j] for more detail.

Further, *Chu* teaches providing a selection of background scenes (*e.g.*, an ocean, street, or desert scene, *etc.*) for users to choose to appear behind them while they video-record themselves singing a karaoke song. *See, e.g.*, EX1005, Abstract (user “provided with a selection of background scenes from which to choose”), 3:9-17 (“the user selects a particular background scene from among a plurality of alternatively selectable, electronically stored background image scenes”), 12:49-64. *See also* EX1005, 3:59-4:2, 5:22-32, 9:18-25, 9:26-45, FIGS. 2-3. EX1003, ¶292.

Sherman teaches providing user-selectable listings of movie clips, as shown in FIG. 4. EX1006, ¶¶[0003]-[0006], [0014], FIGS. 4-7. The clips are stored in storage device 50, which may be a remote server. EX1006, ¶¶[0012]-[0013]. EX1003, ¶293. *Sherman* further teaches editing selected video clips by: (i) users video recording themselves and inserting the video into the clip to replace an actor, per [1i]/[1j]; and (ii) replacing the clip’s static portions with a different background/video. EX1006, ¶[0024] (“Users can select photographs to be superimposed/inserted into the video, thus inserting themselves into the scene. Another possibility is to segment out the static background of a scene and replace it with another background or even video, thus completely altering the context of the video”). *See also* FIGS. 4-7. EX1003, ¶294. Other editing functions are

available, including sound and brightness/contrast. EX1006, ¶[0020], FIG. 7.

EX1003, ¶295.



A POSITA would have understood *Sherman's* teaching of providing users with the ability to “edit the visual elements of the movie clip,” and particularly the editing functionality of replacing a scene’s static background segments, is the selective editing of the scene (the pre-recorded content) of [1f]. Moreover, a POSITA would have understood the mechanism for doing so would be user

interfaces as otherwise taught by *Sherman* (e.g., FIGS. 4-7), or would have considered it obvious to provide such user interfaces as that is how *Sherman*'s functionality is provided to users (and in view *Cohen/Chu/Joslin*'s user interfaces, and the general knowledge demonstrated in §II). EX1003, ¶296.

Additionally/alternatively, *Chu* teaches (see [10p]) providing interfaces to incorporate titles/messages to recordings, which a POSITA would have considered to be an editing function for a selected background. EX1003, ¶297.

[1f]'s functionality was also obvious as generally known (see, e.g., §II). EX1003, ¶299.

[1i]⁶ providing simultaneous aural playback of the audio composition during a recording session, thereby permitting the user to hear the composition during recording;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1i], rendering it obvious, because *Cohen* teaches providing simultaneous aural playback of the audio composition during a recording session, thereby permitting the user to hear the composition during recording (e.g., during recording sessions, *Cohen*'s system plays back pre-recorded audio or visual content selected from the list discussed in [1d] while a user is recording new audio or video content via user interface module

⁶ Non-sequential so like elements are similarly labeled between claims.

214 and recording engine 206). *See, e.g.*, EX1004, ¶¶[0046]-[0048], [0074], [0114], [0137]-[0138], [0150], [0152], [0173], [0175], [0200], FIGS. 1-2, 5A/B, 6A. EX1003, ¶¶[303-318].

Specifically, *Cohen* teaches, during recording sessions, playing the user-selected pre-recorded audio or visual content (*see* [1d]) while users record new audio/video content, allowing the user to hear the pre-recorded audio/visual content as it plays. *See, e.g.*, EX1004, ¶[0048] (during “the recording session, the audio track or video content to which the recording user is recording over is

played”), ¶[0074] (“recording engine 206 can perform simultaneous aural playback of a beat to the recording user during a

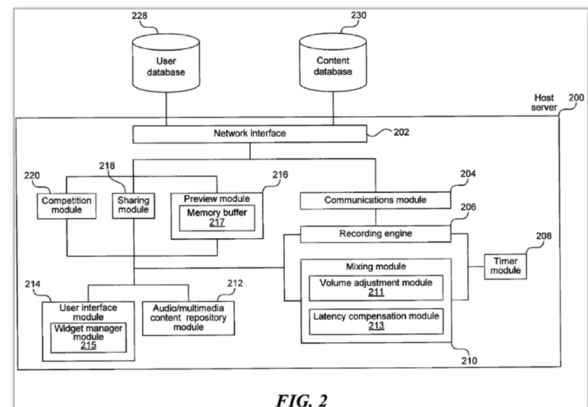


FIG. 2

recording session”), ¶[0114] (“competition module 220 can initiate a recording session to capture audio detected by the user's audio input device (e.g., microphone) while performing audible playback of the beat to the user ... In one embodiment, the competition module 220 also records the video of the challenger during the recording session”), ¶[0138] (“The track representing the beat is usually simultaneously played back during the recording session”), ¶[0152] (record button “allows the user to record over the beat or video currently being played”). *See also*

EX1004, ¶¶[0046]-[0047], ¶[0137], ¶[0150], ¶[0173], ¶[0175], ¶[0200]. EX1003, ¶305.

PO wrongly argued during prosecution *Cohen* doesn't teach [1i]. EX1002, 58. EX1003, ¶306. PO misrepresented *Cohen*, which teaches [1i] per the above. EX1003, ¶307. *Cohen*'s video recording functionality is not limited to the "challenge" embodiments (as PO argued); *Cohen* repeatedly teaches video recording functionality throughout, and teaches combining its embodiments with each other. *See, e.g.*, EX1004, ¶[0217]. EX1003, ¶307. Moreover, a video recording session initiated from a challenge button is no different from one initiated by a record button in *Cohen*; both processes record video over underlying compositions as they are playing. *See, e.g.*, EX1004, ¶¶[0046]-[0047], ¶[0137]. EX1003, ¶307.

Per §III.B.3, the '911 Patent's Examiner allowed the Challenged Claims after an Examiner's Amendment modifying [1i]/[10i]/[11i] to specify the simultaneous aural playback was of an "audio" composition (EX1002, 8-18). It is unclear, and the Examiner didn't explain, how this slight modification rendered the claims patentable. It doesn't distinguish [1i]/[10i]/[11i] from *Cohen*, per the above. EX1003, ¶308.

Moreover, even if *Cohen* were deficient (it isn't), *Chu* teaches [1i] (*e.g.*, during a performance recording, *Chu* provides audible playback of the chosen

musical composition (see [1d]) through speakers). See, e.g., EX1005, 14:38-48

(“During the performance the” system “plays the selected, chosen musical composition from the karaoke storage laser disc ... so that it is audible to the performer.”), 14:49-64, FIGS. 2/3. See also EX1005, Abstract, 1:6-21, 3:36-48, 5:1-16, 9:26-45. EX1003, ¶309.

[1i]’s functionality was also obvious as generally known (see, e.g., §II). EX1003, ¶311. Further, during the ’911 Patent’s prosecution, PO identified its ¶[0068] as supporting [1i] (EX1002, 53), which include material copied from *Cohen* (see EX1004, ¶[0074]). EX1003, ¶¶312-314. *Cohen*’s similar portions teach [1i]. EX1003, ¶315.

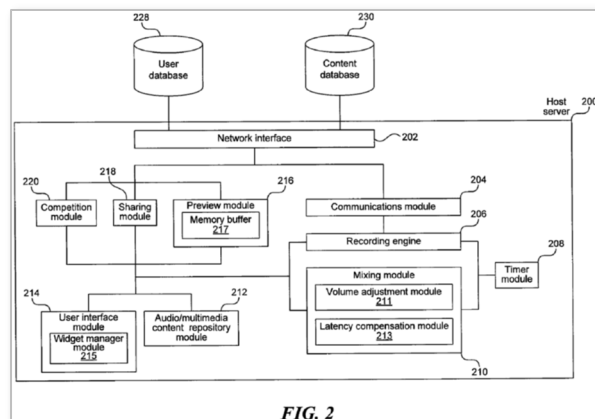
[1j] generating recorded content based on the recording session by compositing video captured during the recording session with the instance of pre-recorded visual media content, such that the video captured during the recording session is selectively made transparent to reveal the instance of pre-recorded visual media content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1j], rendering it obvious, because: (i) *Cohen* teaches generating recorded video content based on the recording session (e.g., *Cohen*’s system records video of users via recording engine 206 and communication module 204) (see, e.g., EX1004, ¶¶[0039]-[0040], [0046]-[0048], [0072]-[0073], [0085], [0090]-[0091], [0101], [0114], [0118]-[0126], [0135], [0137], [0139], [0151], [0163], [0182], [0184], [0212]-[0213],

FIGS. 1-2, 5A/B, 6A), and (ii) *Chu* teaches compositing video captured during the recording session with the instance of pre-recorded visual media content (*e.g.*, *Chu* composites the content selected in element [1f] with video of users), such that the video captured during the recording session is selectively made transparent to reveal the instance of pre-recorded visual media content (*e.g.*, various portions of the captured video are made transparent during the compositing process). *See, e.g.*, EX1005. 1:6-21, 2:36-48, 3:19-58, 5:1-48, 9:26-10:16, 14:49-16:11, 16:25-39, FIGS. 2-3. EX1003, ¶¶319-332. ***The '911 Patent also states compositing processes are well-known.*** EX1001, 17:22-25.

Specifically, *Cohen* teaches generating recorded video (and audio) content based on the recording session via, *e.g.*, recording engine 206. *See, e.g.*, EX1004, ¶[0040] (Audio/video “content can be produced by a user in the vicinity of an audio input device (*e.g.*, microphone) or imaging device (*e.g.*, camera, video recorder, web-cam) that is coupled to a computing device connected to a network.

... The video can be of a user generating the audio production or other types of theatrical performances of the user”), ¶[0046] (“Users can record their own audio or video productions over another user’s



production (e.g., a beat”), ¶[0047] (“a user can select to sing or record a video over a track (e.g., rhythm, beat, melody) listed on the website”), ¶[0048] (“A recording session of audio, video, or a combination thereof, can also be initiated via the user interface by clicking a button on the audio player/recorder widget, for example”), ¶¶[0072]-[0073] (recording engine 206 handles recording processes and communications with clients), ¶[0114] (competition module 220 records video of challengers during recording sessions), ¶[0137] (“challenge button may also allow a user to record video over a track or beat.”). *See also* EX1004, ¶[0085] (video recording and mixing with stored content), ¶¶[0090]-[0091], ¶¶[0118]-[0126], ¶[0135], ¶[0139], ¶[0151], ¶[0163], ¶[0182], ¶[0184], ¶[0212]-[0213]. EX1003, ¶321.

As discussed above, *Chu*’s video karaoke system teaches users video-recording themselves over music and in front of a user-selected background which is composited with the user video. *See* [1i]/[1f], §IV.B.2. As part of this process, *Chu* teaches compositing: (i) pre-recorded content selected per [1f] with (ii) user-recorded video content from a recording session, such that the user-recorded video is selectively made transparent to reveal portions of the pre-recorded visual media content (e.g., the content selected in [1f]), via AV mixer 124 combining the user video and background images and superimposing the user video on the background

via chroma-key processes.⁷ *See, e.g.*, EX1005, 14:49-64 (AV mixer 124 accepts the selected karaoke music, user-selected background, and performer audio/video), 14:65-15:9 (AV mixer 124 combines video from camera 30 and selected background image scene “such that the video images ... are superimposed upon the image scene”), 15:10-26 (AV mixer 124 provides a chroma-key that “performs the process of replacing portions of one video signal with another by replacing those portions of the first video signal having a certain color range with corresponding portions of a second video signal. The audio video mixer 124 electronically filters from the selected background image scene from the hard disk 72 all portions thereof except those upon which the images of the backdrop 34 are superimposed”), 15:32-56-16:11. *See also* EX1005, 1:6-21, 2:36-48, 3:19-58, 5:1-48, 9:26-10:16, 16:25-39 (MPEG converter), FIGS. 2-3. EX1003, ¶322.

A POSITA would have understood *Chu*’s chroma-key process would composite the user video and background by selectively making the user video transparent to reveal portions of the pre-recorded visual media content (*e.g.*, the background). EX1003, ¶323. This is the process *Chu* describes in teaching “superimposing” and “replacing portions” of one signal with the other. *Id.* A POSITA would have understood superimposing/replacing a portion of user video

⁷ The same process described by the ’911 Patent. EX1001, 17:8-10.

with a portion of the background video to be another way of saying that the portion of the user video is made transparent so the background image can be seen. *See* §II (see, e.g., EX1011, ¶[0026] (“[c]hroma key is a technique for blending two images, in which a color (or a small color range) from one image is removed (or made transparent), revealing another image.”)). As indicated in the ’911 Patent (EX1001, 17:22-25), this technique is well-known in the prior art. EX1003, ¶323. *Sherman* and *Joslin* also both teach compositing their respective user videos with backgrounds. *See, e.g.,* EX1006, ¶[0024], EX1007 Abstract, 5:10-34. EX1003, ¶325.

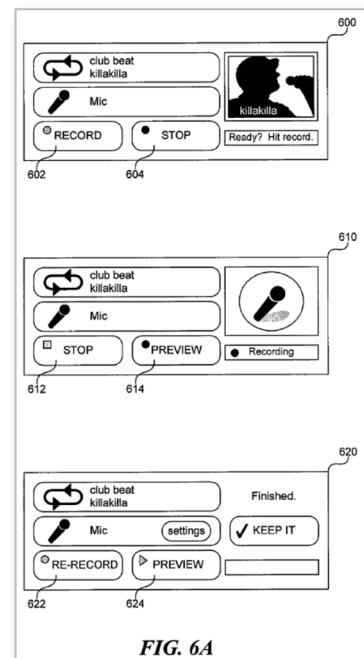
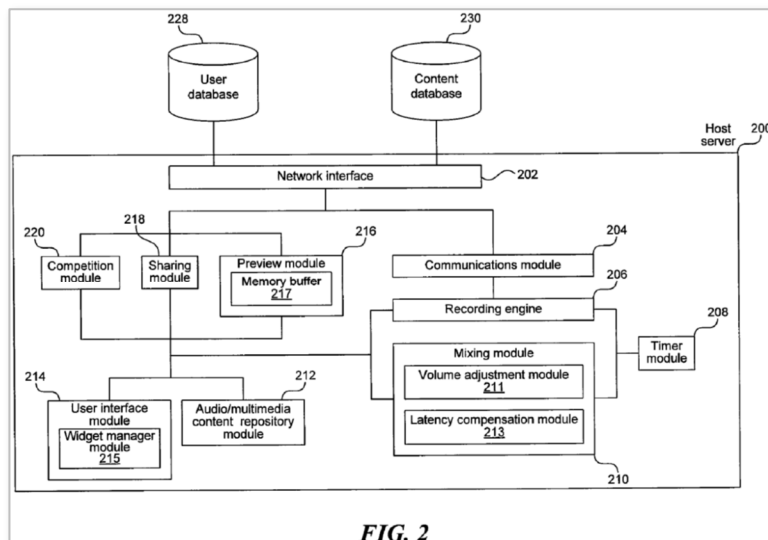
[1j]’s functionality was also obvious as generally known (see, e.g., §II). EX1003, ¶326.

[11] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;
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The *Cohen/Chu/Sherman/Joslin* combination teaches [11], rendering it obvious, because *Cohen* teaches displaying a preview of the recorded content to the user (e.g., previews of video recordings discussed in [1j] are provided by server-side preview module 216), wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content relative to the selected audio composition (e.g., timing/latency of the recorded content may be

adjusted relative to the underlying audio selected as discussed in [1d] by server-side latency compensation module 213). *See, e.g.,* EX1004, ¶¶[0042], [0047]-[0048], [0078]-[0080], [0082]-[0083], [0086]-[0089], [0100], [0140], [0153]-[0154], [0168], [0176], [0178], [0185], [0187], [0204], [0211], FIGS. 1-2, 6A. EX1003, ¶¶333-344.

Specifically, *Cohen* teaches providing previews of its recorded content after recording. *See, e.g.,* EX1004, ¶[0042] (after recording, playing a preview of the audio and video), ¶[0047] (user may “preview a portion of the track or video”), ¶[0048] (after recording, the “user has the option of previewing the recorded content”), ¶[0078]-[0079] (preview module 216), FIGS 2, 6A (below). EX1003, ¶335.



Further, *Cohen* teaches users adjusting the timing/latency of recorded content relative to the underlying audio (or audio/video) content. *See, e.g.*, EX1004, ¶[0080], ¶[0082] (“the preview ... enables the recording user to request latency adjustment between the pieces of multimedia content to be mixed together”), ¶[0083] (“the user can configure any settings that need to be performed in the process of mixing such as ... latency adjustments between the tracks to be mixed”), ¶[0086] (“functions of the mixing module 210 can include ... latency compensation (adjustment), time delays, synchronization”), ¶[0087] (latency compensation module 213), ¶¶[0088]-[0089]. *See also*, for both elements, *e.g.*, EX1004, ¶[0100], ¶[0140], ¶¶[0153]-[0154], ¶[0168], ¶[0176], ¶[0178], ¶[0185], ¶[0187], ¶[0204], ¶[0211]. EX1003, ¶336.

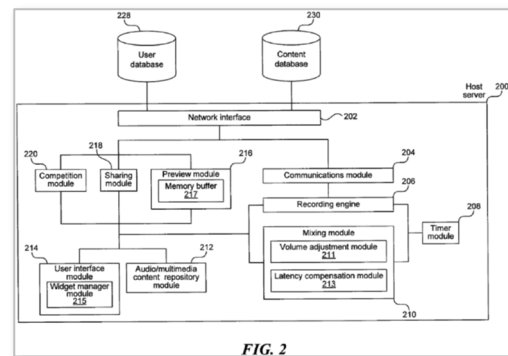
[11]’s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶337. Further, during the ’911 Patent’s prosecution, PO identified its ¶¶[0072]-[0073] and [0093] as supporting [11] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004, ¶¶[0079]-[0080], [0130]). EX1003, ¶¶338-340. *Cohen*’s similar portions teach [1f]. EX1003, ¶341.

[1m] selecting a privacy attribute for the recorded content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1m], rendering it obvious, because *Cohen* teaches selecting a privacy attribute for the recorded content (*e.g.*, users select privacy attributes for recordings as described in [1j] via

server-side sharing module 218). *See, e.g.*, EX1004, ¶¶[0043], [0064], [0098], [0109], [0110], [0169], [0187]. EX1003, ¶¶345-355.

Specifically, *Cohen* teaches sharing module 218 permitting users to select a privacy attribute for recorded content. *See, e.g.*, EX1004, ¶[0109] (“sharing module 218 may receive commands related to privacy attributes of user content ... [a] track may be private, public, private, shared, etc”), ¶[0110] (“sharing module 218 provides the recording user with privacy attribute settings for the recording user.”). *See also* EX1004, ¶[0043] (“user can set the privacy attribute associated with the recorded track and/or video content”), ¶[0064], ¶[0098] (privacy attribute button), ¶[0162] (“owner can set the accessibility (e.g., privacy settings”), ¶[0169] (“content can have its own privacy settings”), ¶[0187] (privacy attribute selection button). EX1003, ¶347.



[1m]’s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶348. Further, during the ’911 Patent’s prosecution, PO identified its ¶¶[0058] and [0088] as supporting [1m] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004, ¶¶[0062], [0109]). EX1003, ¶¶349-352. *Cohen*’s similar portions teach [1m]. EX1003, ¶353.

[1n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;

The *Cohen/Chu/Sherman/Joslin* combination teaches [1n], rendering it obvious, because *Cohen* teaches sending the recorded content to the host server (*e.g.*, in *Cohen's* system, after a preview is provided, the multimedia recordings can be permanently saved by users, such as in content database 130/230 or repository module 212, implemented as a distinct host server), wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute (*e.g.*, *Cohen's* content database 130/230 stores the recorded multimedia content and provides access thereto, such as in accordance with [1d], according to the privacy attributes selected in [1m]). *See, e.g.*, EX1004, ¶¶[0042]-[0043], [0047], [0049], [0078], [0090], [0109]-[0110], [0116]-[0117], [0121]-[0126], [0169], [0179], FIGS. 1-2. EX1003, ¶¶356-368.

Specifically, *Cohen* teaches user recordings are first stored for preview in a buffer, such as memory buffer 217, and then may be saved by the user into permanent storage, such as in content database 230 and/or repository module 212. EX1003, ¶358. Per [1d], *Cohen* teaches each FIG. 2 module may be implemented as a separate server. EX1004, ¶¶[0116]-[0117]. EX1003, ¶358. Thus, it would have been obvious to implement preview module 216, content database 230, and repository module 212 as separate servers, and permanently saving the user's

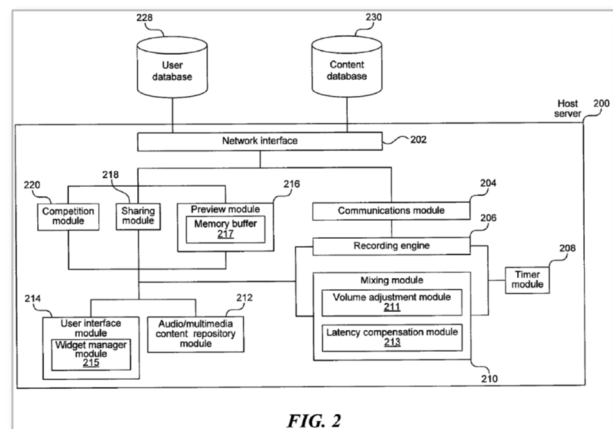
recording would therefore send the recording from one server (e.g., preview module 216) to another (e.g., content database 230 or repository module 212).

EX1003, ¶358, ¶360. *See, e.g.*, EX1004, ¶[0042] (“recorded content is stored in the buffer (e.g., memory buffer) after recording when being played for preview ... and when the recorded audio track or recorded video is satisfactory to the user, the track can be permanently saved”), ¶[0043] (permanently saving content), ¶[0047] (content stored on servers), ¶[0049] (recording “can be saved upon user request”), ¶[0078] (“preview module 216

includes a memory buffer 217,”

where recordings may be stored

“during preview and/or further until the user decides to save or discard the stored content”), ¶[0090] (host server



200 includes audio/multimedia repository module 212 for storing content “after a video is recorded by the recording engine 206 or after mixed multimedia content is generated by the mixing module 210”), ¶[0121]-[0126] (content database 328 storing user content), ¶[0169] (when a user decides to save audio/video content, it “can be saved on a system database”). EX1003, ¶358.

Further, *Cohen* teaches the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute.

EX1003, ¶359. Specifically, *Cohen* teaches user recordings stored in content database 230 and/or repository module 212 with privacy attributes dictating their availability to other system users (*see also* [1d]/[1m], explaining content stored in database 230 and/or module 212 is available to other users of *Cohen*'s system based on the privacy attribute). *See, e.g.*, EX1004, ¶[0043] (user chooses accessibility), ¶[0049], ¶[0109] (sharing module 218 manages accessibility based on user selection), ¶[0110], ¶[0169] ("saved content can have its own privacy settings"), ¶[0179] (owner can save a track/performance art as private or accessible to others). EX1003, ¶359.

[1n]'s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶361. Further, during the '911 Patent's prosecution, PO identified its ¶¶[0058] and [0088] as supporting [1n] (EX1002, 53), which include material copied from *Cohen* (*see* EX1004, ¶¶[0039], [0140]). EX1003, ¶¶362-364. *Cohen*'s similar portions teach [1n]. EX1003, ¶365.

[1o] receiving a request to publish the recorded content;
--

The *Cohen/Chu/Sherman/Joslin* combination teaches [1o], rendering it obvious, because *Cohen* teaches receiving a request to publish the recorded content (*e.g.*, *Cohen*'s user interface widget 520 / widget interface manager 215 receives a request when a user clicks, for example, a Facebook post button, to publish the recorded multimedia content (created as described in [1j] and provided as part of

multimedia player widget 502) to social media websites). See, e.g., EX1004,

¶¶[0064], [0092]-[0094], [0103]-[0105], [0142]-[0149], [0208], FIGS. 1-2, 5B-5E.

EX1003, ¶¶369-382.

Specifically, *Cohen* teaches its user interface includes user interface widget

520 / widget interface manager 215

that receives user requests (e.g.,

user clicks on a Facebook post

button) on widget 520 to publish

content (e.g., the content recorded

in *Cohen*'s system) to social media

websites (e.g., by “migrating” widget 502 that can play the specified content to “an

external platform (target platform)”). See, e.g., EX1004, ¶[0103] (widget 520

includes options related to migration to target

platforms), ¶[0104] (user “can post an instance

of the audio player widget (or multi-media

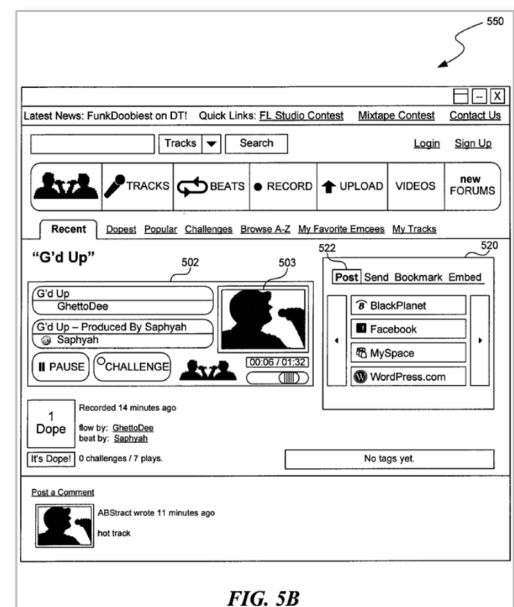
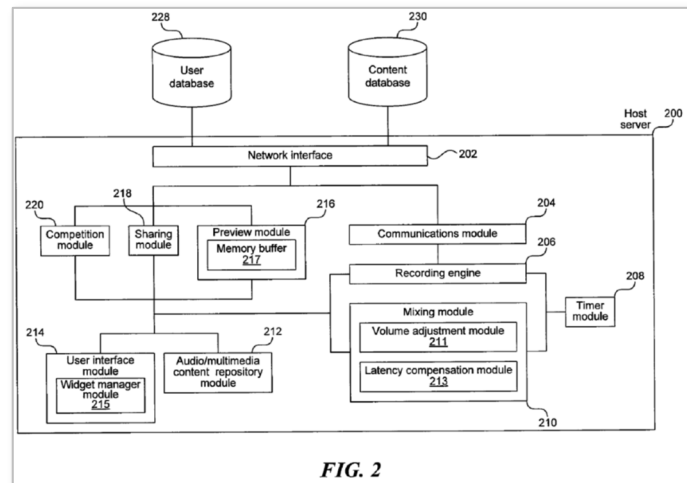
player widget) on his/her profile in an online

social network,” such as Facebook), ¶[0145]

(“post” option 522 allows “users to post the

instance of the audio player widget 502 to a

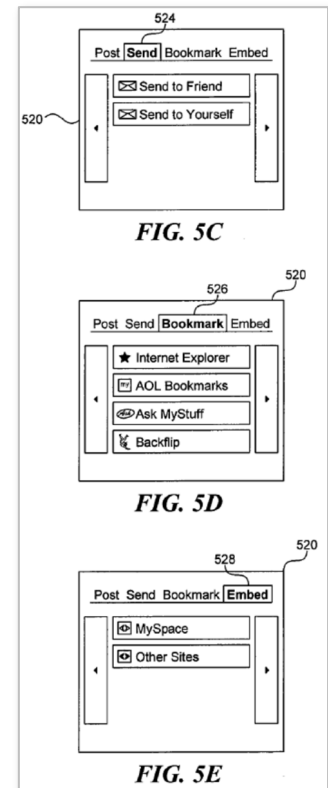
profile page of the user or another user in the



target platform” where it can “be accessed ... for multimedia content playback or recording purposes”), ¶[0142] (adding widget 502 to a user’s personalized space in a social networking site), ¶[0144] (migrated widgets 502 used to access multimedia content). *See also* EX1004, ¶[0064] (widget manager module 215), ¶¶[0092]-[0094] (user interface module 214 provides user interfaces/widgets), ¶[0105], ¶¶[0143]-[0149] (sending widget by email in FIGS. 5C/5F, bookmarking widget in FIG. 5D, and embedding widget in FIG. 5E), ¶[0208], FIGS. 1-2, 5B-5E. EX1003, ¶371.

PO wrongly argued during prosecution *Cohen* doesn’t teach [1o]-[1s]. EX1002, 56-57. EX1003, ¶372. To the extent PO addressed [1o], it misrepresented *Cohen*, which teaches [1o] per the above. EX1003, ¶373.

Moreover, even if *Cohen* were deficient (it isn’t), *Sherman* and *Joslin* teach [1o]. EX1003, ¶374. For example, *Sherman* teaches using its video clips for web-based “announcements, invitations, greetings, etc.” EX1006, ¶[0038], ¶[0041]. A POSITA would have understood placing video clips on invitation websites is “publishing” the clips, and that a user creating/setting up the invitation is a “request” by the user to publish a clip. EX1003, ¶375. Additionally/alternatively,



Joslin teaches “modifying the format and resolution to compressed digital video for internet video streaming, and uploading to a server for later download by the participant via the internet.” EX1007, 3:36-44, 10:33-39. *Id.*, 2:39-44, 11:61-67. EX1003, ¶377. A POSITA would have understood placement of the performance on a server for “streaming” is “publishing,” and that formatting/placing it there would have been by user request. EX1003, ¶378.

[1o]’s functionality was also obvious as generally known (*see, e.g.,* §II). EX1003, ¶380.

[1r] in response to the request to publish, processing and encoding individual components of the recorded content to create a streamable video; and
--

The *Cohen/Chu/Sherman/Joslin* combination teaches [1r], rendering it obvious. *First*, *Cohen* teaches, in response to the request to publish (*see* [1o]), processing and encoding individual components of the recorded content to create a streamable video (*e.g., Cohen’s system, in response to the [1o]’s publishing request, processes and encodes (e.g., converts) the individual components (e.g., audio and video components) of a recording to create a streamable video as part of its process of migrating a widget to a target platform*). *See, e.g.,* EX1004, ¶¶[0103]-[0104], [0142], [0144]-[0145], [0208], FIGS. 1-2, 5B-5E. Per the below, a POSITA would have considered it obvious as common knowledge in the art that individual components of *Cohen’s* recorded content (*e.g.,* audio and video) would have been

processed and encoded to create a streamable video compatible with *Cohen's* player widget. Indeed, *Cohen* teaches saving files in streamable formats. *See, e.g.*, EX1004, ¶¶[0090]-[0091]. *Second*, *Chu* teaches processing and encoding (*e.g.*, converting) audio and video components as an MPEG, which a POSITA would have understood to be streamable and usable with *Cohen's* widgets. *See, e.g.*, EX1005, 16:25-39. *Third*, both *Sherman* and *Joslin* teach processing and encoding individual components of recorded content to create streamable videos in response to a user request (*e.g.*, *Sherman* teaches processing/encoding (*e.g.*, converting) components (*e.g.*, audio and video) of its video clips into streamable files that can be stored on an invitation website, and *Joslin* teaches processing/encoding (*e.g.*, converting) components (*e.g.*, audio and video) of its video clips into streamable files and uploading them to a server)). *See, e.g.*, EX1006, ¶¶[0023], [0038], [0041], EX1007, 3:36-44, 10:33-39. EX1003, ¶¶383-403.

Specifically, *Cohen* teaches, in response to user interaction with widget 520 / manager 215 (*e.g.*, clicking the “post” request per [1o] (the “request to publish”)), migrating widget 502 that plays the specified content to a target platform (*e.g.*, social media service like Facebook). *See, e.g.*, EX1004, ¶[0103]-[0104], ¶[0142], ¶[0144]-[0145], ¶[0208], FIGS. 1-2, 5B-5E. EX1003, ¶385.

To support migration (and responsive to user requests), a POSITA would have considered it obvious based on common knowledge in the art that

components of *Cohen*'s recorded content (*e.g.*, audio and video) would have been processed and encoded to create a streamable video (*e.g.*, in mp4 format per *Cohen*'s ¶[0090]) compatible with the player widget, for at least three reasons.

EX1003, ¶386. First, it was well-known by 2009-2010 that web video would have been streamable. *See, e.g.*, EX1014, *passim* and FIGS. 1.4, 7.3, 7.4, 7.6; EX1015, 1-2, 4, 17, 23, 25, 30, 72, 80, 82-83. EX1003, ¶387. Second, it was well-known by 2009-2010 that streamable files were created by “processing and encoding” video components, which a POSITA would have understood to mean the conversion process from audio and video components to a streamable format (*e.g.*, MPEG or Flash), as shown in *Austerberry*'s FIG. 1.4.⁸ *See, e.g.*, EX1014, 133-172. EX1003,

⁸ Processing and encoding have broad meanings, and the '911 Patent doesn't describe particular “processing” or “encoding” actions (*see* EX1001, 17:2-5). This would have led a POSITA to understand “processing and encoding” was nothing different from well-known conversion processes. EX1003, ¶388.

¶388. *Third*, *Cohen* expressly uses known conversion processes. *See, e.g.*, EX1004,

¶[0090] (teaching system capable of storing/playing/reading “a variety of formats,” including mp4). A

POSITA would have understood

converting to mp4/MPEG-4 would

have utilized an MPEG encoder

performing known conversion

processes. EX1003, ¶389. Should

“processing and encoding” be

construed to require two separate

steps, it was also well-known that the above-discussed conversion process

includes, among other things, separate pre-processing and encoding steps, as

shown in *Austerberry*’s FIG. 1.4. Pre-processing may include, *e.g.*, adjusting video

levels, de-interlacing, cropping, and noise reduction before encoding. EX1014,

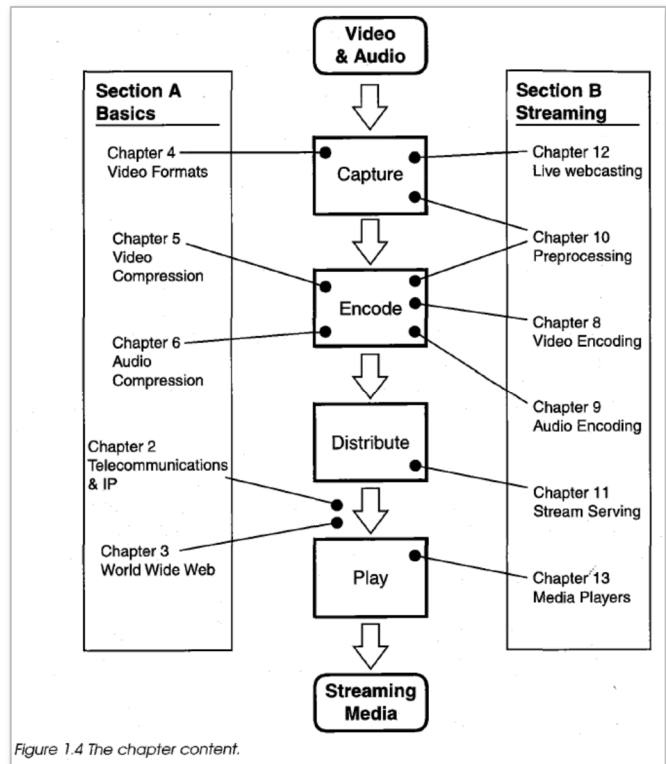
170-178. A POSITA would have understood such pre-processing steps are

“processing” steps and would have been used in the MPEG conversion process

taught by *Cohen*. EX1003, ¶390.

PO wrongly argued during prosecution *Cohen* doesn’t teach [1o]-[1s].

EX1002, 56-57. EX1003, ¶391. Per the above, a POSITA would have understood



Cohen to teach [1r], or would have considered such functionality obvious.

EX1003, ¶392. Moreover, even if *Cohen* were deficient (it isn't), *Chu* also teaches using an MPEG converter 137 to convert audio/video components to an MPEG file (EX1005, 16:25-39), which a POSITA would have understood to process/encode components into streamable files for the same reasons discussed above. EX1003, ¶393-394.

Further, even if *Cohen/Chu* were deficient (they are not), *Sherman* and *Joslin* also teach [1r]. EX1003, ¶395. For example, as discussed above, *Sherman* teaches using its video clips for web-based “announcements, invitations, greetings, etc.,” where an invitee goes to an invitation website where a user has created (by request) an “individualized video clip [with] their favorite actors or singers deliver[ing] their particular message.” EX1006, ¶[0038], ¶[0041]. EX1003, ¶395. *Sherman* teaches saving the clips as, e.g., MPEG files. EX1006, ¶[0023]. EX1003, ¶395. Based on *Sherman*'s teachings and the above-discussed general knowledge in the art, a POSITA would have found it obvious to provide video clips on an invitation website in a streamable format, as streaming was exceedingly well-known by 2009-2010. EX1003, ¶396. Further, a POSITA would have considered it obvious to process/encode *Sherman*'s audio and video components into streamable formats, such as the MPEG file explicitly taught by *Sherman*. EX1003, ¶396.

Additionally/alternatively, *Joslin* teaches, as discussed above, storing its performances as MPEG files, “and modifying the format and resolution to compressed digital video for internet video streaming, and uploading to a server for later download by the participant via the internet.” EX1007, 3:36-44, 10:33-39. EX1003, ¶398. For the reasons above, a POSITA would have considered it obvious that creating an MPEG file or “modifying the format and resolution to compressed digital video for internet video streaming” (EX1007, 3:36-44, 10:33-39) is processing and encoding components of the user’s recording to create *Joslin*’s streamable videos. EX1003, ¶399. And a POSITA would have understood or considered it obvious that *Joslin*’s streamable file creation was according to a user request. EX1003, ¶399.

[1r]’s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶401.

[1s] publishing the streamable video by copying the streamable video to a media server.
--

The *Cohen/Chu/Sherman/Joslin* combination teaches [1s], rendering it obvious. *First*, *Cohen* teaches publishing the streamable video by copying the streamable video to a media server (*e.g.*, per [1r], *Cohen*’s system migrates a widget, which provides streamable video, to a media server). *See, e.g.*, EX1004, ¶¶[0064], [0090]-[0091], [0102]-[0104], [0142], [0144]-[0145], [0208], FIGS. 1-2,

5B-5E. A POSITA would have understood *Cohen*'s migration process includes copying the streamable video (*see* [1r]) to, for example, the social media system's server, or would have otherwise considered it obvious to do so. Second, both *Sherman* and *Joslin* teach publishing the streamable video by copying the streamable video to a media server (*e.g.*, *Sherman*'s placing of streamable video clips on invitation websites and *Joslin*'s storing of performances on servers "for internet video streaming"). *See, e.g.*, EX1006, ¶¶[0023], [0038]; EX1007, 2:39-44, 3:36-44, 10:33-39, 11:61-67. EX1003, ¶¶404-418.

Specifically, *Cohen* teaches publishing the streamable video by copying it (created per [1r]) to a media server because, in response to users requesting "posting" a recording, *Cohen* teaches migrating widget 502 to a social media service (*e.g.*, Facebook), which a POSITA would have understood to be copying (by migrating) the user's recorded content to a social media server, which is a media server.⁹ *See, e.g.*, EX1004, ¶[0064], ¶¶[0090]-[0091], ¶¶[0102]-[0104], ¶[0142], ¶¶[0144]-[0145], ¶[0208], FIGS. 1-2, 5B-5E. EX1003, ¶406.

⁹ Should PO argue (as to [1s] or any element) *Cohen* teaches migrating widgets and not streamable videos, a POSITA would have considered it obvious to migrate/publish streamable videos. EX1003, ¶407.

PO wrongly argued during prosecution *Cohen* doesn't teach [1o]-[1s].

EX1002, 56-57. EX1003, ¶408. To the extent PO addressed [1s], it misrepresented *Cohen*, which teaches [1s] per the above. EX1003, ¶409.

Moreover, even if *Cohen* were deficient (it isn't), *Sherman* and *Joslin* both teach [1s]. For example, *Sherman* teaches (per above) using its video clips for web-based “announcements, invitations, greetings, etc.,” where an invitee goes to an invitation website where a user has created (by request) an “individualized video clip [with] their favorite actors or singers deliver[ing] their particular message.” EX1006, ¶[0038], ¶[0041]. EX1003, ¶410. A POSITA would have understood placing the clip on an invitation website involves copying the streamable media to the invitation website server, or would have considered it obvious to do so. *See, e.g.*, EX1014, 112-132. EX1003, ¶411.

Additionally/alternatively, *Joslin* teaches (per above) the participant's performance may be uploaded to a server for streaming and/or download by the user. EX1007, 2:39-44, 3:36-44, 10:33-39, 11:61-67. EX1003, ¶413. A POSITA would have understood *Joslin*'s teaching of uploading its performances for streaming to be copying the streamable video to a media server. *See also* EX1014, 112-132. EX1003, ¶414.

[1s]'s functionality was also obvious as generally known (*see, e.g.*, §II). EX1003, ¶416.

3. Dependent Claim 2

[2] The method of claim 1, further comprising the step of terminating the recording session after a duration of time has elapsed.

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 2, rendering it obvious, because *Cohen* teaches terminating recording sessions after a duration of time either by users clicking on “stop” buttons or automatically. *See, e.g.*, EX1004, ¶[0076] (session termination “in response to receiving a user request,” such as button clicks, or otherwise after a “duration of elapsed time”), ¶[0077], ¶[0097], ¶[0153], ¶[0161], ¶[0168], ¶[0175], ¶[0185]. EX1003, ¶¶419-426. *Chu* also teaches Claim 2 because the end of *Chu*’s recording is defined by its karaoke song ending. *See, e.g.*, EX1005, Abstract, 1:6-21, 2:36-48, 5:1-16, 16:12-24. EX1003, ¶¶422-423. Claim 2’s functionality was also generally known and obvious. EX1003, ¶424.

4. Dependent Claim 3

[3] The method of claim 1, wherein the interface to selectively edit the pre-recorded visual media content comprises an interface to selectively remove an element of the instance of pre-recorded visual media content.

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 3, rendering it obvious per [1f]. EX1003, ¶¶427-433. For example, *Sherman* teaches editing the video clip by inserting a user video over an actor or replacing a scene’s static portion with another background. EX1006, ¶[024]. EX1003, ¶429. A POSITA

would have understood at least the latter to “selectively remove an element of the instance of pre-recorded visual media content.” EX1003, ¶430. Claim 3’s functionality was also generally known and obvious. EX1003, ¶432.

5. Dependent Claim 4

[4] The method of claim 1, further comprising the step of locally saving the streamable video.
--

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 4, rendering it obvious, because it teaches locally saving the streamable video on the media server per [1o]-[1s]. EX1003, ¶¶434-440. Moreover, *Joslin* also teaches recordings are “uploaded to a server for subsequent download by the participant via the Internet.” EX1007, 2:39-44, 3:36-44, 10:33-39. EX1003, ¶436. A POSITA would have understood these teachings to include “locally saving” a streamable file on clients (after download). EX1003, ¶437. Claim 4’s functionality was also generally known and obvious. EX1003, ¶438.

6. Dependent Claim 5

[5] The method of claim 1, further comprising the step of wherein the step of generating the recorded content is executed by a client device controlled by the user.
--

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 5, rendering it obvious, because *Cohen* teaches generating Claim 1’s recorded content via a user’s client device in communication with recording engine 206. *See, e.g.*, EX1004,

¶¶[0072] (recording engine 206 establishes connections with user devices and records multimedia using audio/video inputs), [0054]-[0058], [0062], [0069]-[0070], [0212] (“video content may be recorded using an imaging device (e.g., camera, web-cam, etc.) connected to the user device”), FIGS. 1-2. EX1003, ¶¶441-444. A POSITA would have understood this arrangement as generating recorded content at clients because it uses client cameras/microphones. EX1003, ¶¶442. Claim 5’s functionality was also generally known and obvious. EX1003, ¶443.

7. Dependent Claim 6

[6] The method of claim 1, wherein the audio composition comprises pre-recorded audio.

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 6, rendering it obvious, because *Cohen* teaches the audio composition selected in [1d] comprises pre-recorded audio per [1d] as the audio compositions must be pre-recorded to be selectable and because the listed tracks are available on-demand and display information such as when the track was added, number of plays, rating, comments, tags, *etc.*, which POSITAs would have recognized as indicating pre-recording. *See, e.g.*, EX1004 ¶¶[0047], ¶[0132], ¶[0134], FIGS. 1-2, 4A/B. EX1003, ¶¶445-452. *Cohen* also teaches content stored in databases, and thus pre-recorded. *See, e.g.*, EX1004, ¶¶[0123]-[0126]. EX1003, ¶448. *Chu* also teaches Claim 6. *See, e.g.*,

EX1005, 9:26-45, 12:34-48 (stored selectable karaoke songs). Claim 6's

functionality was also generally known and obvious. EX1003, ¶449.

8. Dependent Claim 7

[7] The method of claim 1, wherein the preview is stored in temporary memory and re-written to non-transient memory upon receiving a save request from the user.

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 7, rendering it obvious, because *Cohen* teaches the preview of the recorded content (*see* [11]) is stored in temporary memory (*e.g.*, memory buffer 217) during user review and then is re-written to non-volatile memory (*e.g.*, content database 230) upon receiving a save request from the user (*e.g.*, as part of sending recorded content to content database 230 per [1n]). *See, e.g.*, EX1004 ¶¶[0042] (“recorded content is stored in the buffer (*e.g.*, memory buffer) after recording when being played for preview” and when the user finds it satisfactory, “the track can be permanently saved”), [0049], [0060]-[0064], [0078]-[0080], [0123]-[0126], [0140], [0154], [0168]-[0169], [0176]-[0179], [0185]-[0187], FIG. 6A, Claims 7, 14, 19, 28. EX1003, ¶¶453-459. Claim 7's functionality was also generally known and obvious. EX1003, ¶456.

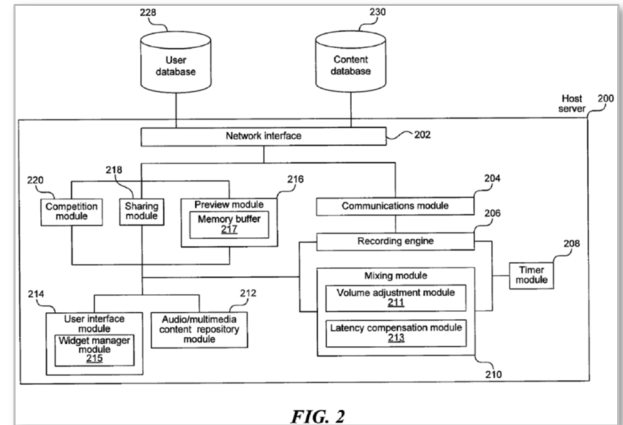
9. Dependent Claim 8

[8a] The method of claim 1, further comprising the steps of:

See Claim 1.

[8b] displaying a countdown to the recording session based on a user interaction with the record button, wherein the recording session comprises video recording; and

The *Cohen/Chu/Sherman/Joslin* combination teaches [8b], rendering it obvious, because *Cohen* teaches displaying a countdown (*e.g.*, numerical/textual countdowns) to the recording session based on user interaction with the record button, wherein the recording session comprises video recording (*see* [1j]). *See, e.g.*, EX1004 ¶[0048] (user “provided with a countdown indicator to the initiation of the recording session” after clicking a record button), ¶[0074] (“recording engine 206 can countdown to the initiation and present an indicator (*e.g.*, visual indicator and/or aural indicator) of the countdown status”). *See also, e.g.*, EX1004, ¶[0041], ¶[0076], ¶[0152], ¶[0166] (numerical or “lights, camera, record” countdown), FIGS 1-2. EX1003, ¶¶461-467. *Chu* also teaches [8b]. *See, e.g.*, EX1005, 14:9-19 (CPU 76 provides countdown), FIGS. 2-3. EX1003, ¶463. [8b]’s functionality was also generally known and obvious. EX1003, ¶465.



[8c] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down.
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The *Cohen/Chu/Sherman/Joslin* combination teaches [8c], rendering it obvious, because *Cohen* teaches providing the user an indication of initiation of the recording session (*e.g.*, “record” instruction or countdown reaching “0”) after the countdown to the recording session (*e.g.*, countdown per [8b]) has counted down. *See, e.g.*, EX1004 ¶[0166] (teaching numerical or “lights, camera, record” countdown). A POSITA would have understood recording session initiation points to be when “record” or “lights, camera, record” is displayed or when counters reach “0” and/or disappear. *See also, e.g.*, EX1004 ¶[0041], ¶[0048], ¶[0152] (recording sessions begin after countdown finishes). In any case, a POSITA would have considered it obvious to provide some visual/audible cue at a countdown’s end that the recording session was beginning. EX1003, ¶¶468-475.

Chu also teaches [8c]. *See, e.g.*, EX1005 14:9-19, FIGS. 2-3. EX1003, ¶470. As in *Cohen*, a POSITA would have understood a recording session initiation point to be when *Chu*’s counter reaches “0” and/or disappears and/or would have considered it obvious to provide some visual/audible cue at the countdown’s end that the recording session was beginning. EX1003, ¶471. [8c]’s functionality was also generally known and obvious. EX1003, ¶473.

10. Dependent Claim 9

[9] The method of claim 1, further comprising associating user-defined tags with the streamable video.

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 9, rendering it obvious, because *Cohen* teaches associating user-defined tags with user recordings, which are then made into streamable videos in accordance with the *Cohen/Chu/Sherman/Joslin* combination's teachings (see [10]-[1s]). See, e.g., EX1004, ¶¶[0121], [0123], [0125]-[0126], [0170], FIGS. 1-3B. EX1003, ¶¶476-483.

Cohen teaches users enter various metadata for their created content, which the system then associates with the content via relational databases. See, e.g., EX1004, ¶[0170] (information includes “artist information, tags, genre information, timing information (e.g., when created, recorded, and/or uploaded) comments, ratings”), ¶[0121] (database 328 stores information about content), ¶[0123], ¶[0125] (database 330B stores metadata, which can be “manually submitted by one or more users”), ¶[0126] (database 330C includes track information “based on user supplied information or automatically identified.”) EX1003, ¶¶477-478. A POSITA would have understood user-entered metadata is “user-defined tags” (EX1003, ¶479) and metadata/tags associated with content would have continued to be associated with the content by the system (or re-

associated as necessary) as it moved from server-to-server (and/or converted for streaming) in *Cohen*'s system to preserve categorization/sorting functionality.

EX1003, ¶480. In other words, because the association of the tags with the content continues after the content is converted for streaming, *Cohen* teaches “associating user-defined tags with the streamable video.” *Id.* Alternatively, to the extent this claim is understood to require association of user-defined tags by a user with a streamable video only *after* the streamable video is created, *Cohen* also teaches this functionality at least because a POSITA would have considered it obvious to provide tag association functionality at any time in a content creation process as it is merely association of metadata to the file and the timing of such an association is of no particular import. Claim 9's functionality was also generally known and obvious. EX1003, ¶481.

11. Independent Claim 10

The *Cohen/Chu/Sherman/Joslin* combination teaches Claim 10, rendering it obvious. EX1003, ¶484.

[10a] A method for generating and sharing audio/video content to a social network, comprising:

[10b] initiating a content creation process in response to a request from a user;

[10c] prompting the user to record content;

[10d] prompting the user to select an audio composition from a list of compositions retrieved from a host server;

[10e] presenting the user with a record button;

See [1a]-[1e].

[10g] displaying a countdown to a recording session based on a user interaction with the record button, wherein the recording session comprises video recording;

[10h] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down;

See [8b]-[8c].

[10i] providing simultaneous aural playback of the audio composition during the recording session, thereby permitting the user to hear the composition during recording;

See [1i].

[10j] generating recorded content based on the recording session by compositing video captured during the recording session with a second video recording, such that the video captured during the recording session is selectively made transparent to reveal the second video recording;

See [1j], where the “second video recording” is taught for the same reasons as [1j]/[1f]’s “prerecorded visual media content.” EX1003, ¶¶493-496.

[10l] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;

[10m] selecting a privacy attribute for the recorded content;

[10n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;

See [1l]-[1n].

[10p] prompting the user to continue editing the recorded content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [10p], rendering it obvious, because *Chu* teaches prompting the user to continue editing the recorded content (*e.g.*, *Chu*’s system prompts a user through a user interface to incorporate a title or personal message into the recorded video and/or pre-recorded visual media content). EX1005, 12:49-64, 16:12-24, 16:40-57. EX1003, ¶¶500-505.

Specifically, *Chu* teaches providing an interface allowing the user to incorporate a title or message into the performance as a distinct editing function. *See, e.g.*,

EX1005, 16:12-24 (asking whether the user wishes to add a title/message), 16:40-45, 16:46-57 (title/message can be added to the recorded video), FIGS. 2-3.

EX1003, ¶502. [10p]’s functionality was also generally known and obvious.

EX1003, ¶504.

[10q] prompting the user to publish the recorded content;

The *Cohen/Chu/Sherman/Joslin* combination teaches [10q], rendering it obvious, per [1o]. For example, [10q] is rendered obvious by *Cohen* because *Cohen* teaches prompting the user to publish the recorded content (*e.g.*, *Cohen’s* widget 520 / manager 215 prompts a user to click on, for example, a Facebook post button, to publish recorded content per [1j]). *See, e.g.*, EX1004, ¶¶[0064], [0092]-[0094], [0103]-[0105], [0142]-[0149], [0145], [0208], FIGS. 1-2, 5B-5G. EX1003, ¶¶506-507.

[10r] in response to a request to publish, processing and encoding individual components of the recorded content to create a streamable video; and

[10s] publishing the streamable video by copying the streamable video to a media server.

See [1r]-[1s].

B. Ground 2

A POSITA would have found Claim 11 obvious based on the teachings of *Cohen* in view of *Chu*, *Sherman*, *Joslin*, and *Lei*. EX1003, ¶510.

1. Ground 2 Combination

As discussed herein, *Cohen*, *Chu*, *Sherman*, and *Joslin* teach similar systems and a POSITA would have understood the addition of more user-editing capabilities was recognized as desirable by 2009-2010. EX1003, ¶¶511-512. *Lei* teaches the use of a particular special effect in a recorded video—a trail line showing object movement—and underlying object movement detection. See §IV.B.5 and below. EX1003, ¶513. A POSITA would have been motivated to combine *Cohen/Chu/Sherman/Joslin*'s system with *Lei*'s trail-line teachings to provide a system with additional special effect options, characteristics a POSITA would have recognized as desirable by 2009-2010. EX1003, ¶¶514-517. A POSITA would also have found it obvious to combine these references because they are all in the same technical field (that of the '911 Patent) and use similar techniques, and their combination would yield predictable results. EX1003, ¶515. A POSITA would have also had a reasonable expectation of success in combining these references because each is directed to similar multimedia creation and editing systems that provide similar features and functionality and have common components. EX1003, ¶516.

2. Independent Claim 11

The combination of *Cohen*, *Chu*, *Sherman*, *Joslin*, and *Lei* teaches Claim 11, rendering it obvious. EX1003, ¶518.

- [11a] A method for generating and sharing audio/video content to a social network, comprising:**
- [11b] initiating a content creation process in response to a request from a user;**
- [11c] prompting the user to record content;**
- [11d] prompting the user to select an audio composition from a list of compositions retrieved from a host server;**
- [11e] presenting the user with a record button;**

See [1a]-[1e].

- [11g] displaying a countdown to a recording session based on a user interaction with the record button, wherein the recording session comprises video recording;**
- [11h] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down;**

See [8b]-[8c].

- [11i] providing simultaneous aural playback of the audio composition during the recording session, thereby permitting the user to hear the composition during recording;**
- [11j] generating recorded content based on the recording session;**

See [1i]-[1j].

- [11k] detecting user movement in the video captured during the recording session and representing that movement by a trailing light;**

The *Cohen/Chu/Sherman/Joslin/Lei* combination teaches [11k], rendering it obvious, because *Cohen* and *Chu* teach generating recorded content during a recording session, and *Lei* teaches detecting user movement in captured video and representing that movement by trailing lights (*e.g.*, *Lei's* object tracking and trail-

line determination). *See, e.g.*, EX1008, Abstract (system performs “object

tracking”), ¶[0003] (object

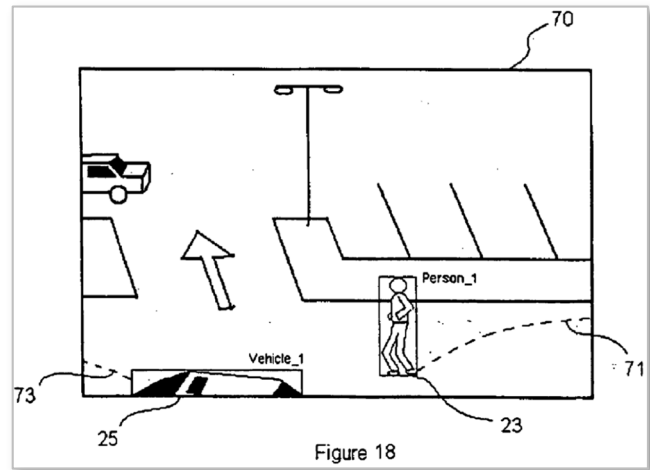
movement detection determines “a

trail line indicating the cumulative

path taken by ... objects in the

video”), ¶[0111], ¶[0112] (object

tracking stage 5 tracks objects to



“display a trail line”), ¶[0114] (frame 70 shows “trail lines 71, 73”). EX1003,

¶¶528-533. A POSITA would have understood *Lei*’s trail lines 71, 73 are “trailing

lights” as that term is used in the art to describe special effects showing movement.

EX1003, ¶530. [11k]’s functionality was also generally known and obvious.

EX1001, 17:29-33. EX1003, ¶532.

- [11l] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;**
- [11m] selecting a privacy attribute for the recorded content;**
- [11n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;**
- [11o] receiving a request to publish the recorded content;**
- [11r] in response to the request to publish, processing and encoding individual components of the recorded content to create a streamable video; and**
- [11s] publishing the streamable video by copying the streamable video to a media server.**

See [11]-[1s].

C. Grounds 3/4

A POSITA would have found: (i) Claims 1-10 obvious based on the teachings of *Cohen* in view of *Chu*, *Sherman*, *Joslin*, and *Austerberry*; and (ii) Claim 11 obvious based on *Cohen* in view of *Chu*, *Sherman*, *Joslin*, *Lei*, and *Austerberry*. EX1003, ¶540. Should “processing and encoding” be construed to require, and the *Cohen/Chu/Sherman/Joslin* combination be found deficient as to teaching, two separate steps, it would still have been obvious to utilize *Austerberry*’s pre-processing and encoding steps (which teach two separate steps, *see* [1r]) as part of the *Cohen/Chu/Sherman/Joslin* combination’s MPEG conversion processes to provide improved conversion per [1r], and a POSITA

would have been motivated to do so as such improvements were desirable by 2009-2010. EX1003, ¶¶541-545.

VIII. NO OBJECTIVE INDICIA OF NON-OBVIOUSNESS

Petitioner is unaware of any secondary considerations of non-obviousness.

IX. CONCLUSION

For the foregoing reasons, Petitioner requests IPR and cancellation of the Challenged Claims.

X. MANDATORY NOTICES AND FEES

Real Party In Interest: The real party-in-interest is Snap Inc. No other parties directed, controlled, or funded this IPR proceeding.

Related Matters: To Petitioner's best knowledge, the '911 Patent is or was involved in only the case involving Petitioner and PO: Playvuu, Inc. v. Snap Inc, Case No. 2:22-cv-06019-GW-PDx (C.D. Cal.), filed August 24, 2022.

Lead and Backup Counsel: Pursuant to 37 C.F.R. §42.8(b)(3) and 42.10(a), Petitioner designates Daniel Yannuzzi (Reg. No. 36,727) as Lead Counsel, and Timothy Cremen (Reg. No. 50,855) and Eric Gill (Reg. No. 71,709) as Back-Up Counsel, each of Sheppard, Mullin, Richter & Hampton LLP.

Service Information: Petitioner consents to service by e-mail at: LegalTm-Snap-IPR@sheppardmullin.com. Petitioner's counsel may also be served by mail or hand delivery at Sheppard, Mullin, Richter & Hampton LLP, 12275 El Camino

Real, Suite 100, San Diego, California 92130. Petitioner's counsel may be reached by telephone at 858.720.8900 and by facsimile at 858.509.3691.

Fees: Petitioner paid the required fees. The Office is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-4561.

Dated: May 26, 2023

Respectfully submitted,

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CLAIM APPENDIX

[1a] 1. A method for generating and sharing audio/video content to a social network, comprising:

[1b] initiating a content creation process in response to a request from a user;

[1c] prompting the user to record content;

[1d] prompting the user to select an audio composition from a list of compositions retrieved from a host server,

[1e] presenting the user with a record button;

[1f] presenting the user with a selection of visual media content for use as a background, wherein upon selecting an instance of pre-recorded visual media content from the selection, the user is presented with an interface to selectively edit the instance of pre-recorded visual media content;

[1i] providing simultaneous aural playback of the audio composition during a recording session, thereby permitting the user to hear the composition during recording;

[1j] generating recorded content based on the recording session by compositing video captured during the recording session with the instance of pre-recorded visual media content, such that the video captured during the recording session is selectively made transparent to reveal the instance of pre-recorded visual media content;

[1l] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;

[1m] selecting a privacy attribute for the recorded content;

[1n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;

[1o] receiving a request to publish the recorded content;

[1r] in response to the request to publish, processing and encoding individual components of the recorded content to create a streamable video; and

[1s] publishing the streamable video by copying the streamable video to a media server.

2. The method of claim 1, further comprising the step of terminating the recording session after a duration of time has elapsed.

3. The method of claim 1, wherein the interface to selectively edit the pre-recorded visual media content comprises an interface to selectively remove an element of the instance of pre-recorded visual media content.

4. The method of claim 1, further comprising the step of locally saving the streamable video.

5. The method of claim 1, further comprising the step of wherein the step of generating the recorded content is executed by a client device controlled by the user.

6. The method of claim 1, wherein the audio composition comprises pre-recorded audio.

7. The method of claim 1, wherein the preview is stored in temporary memory and re-written to non-transient memory upon receiving a save request from the user.

8[8a]. The method of claim 1, further comprising the steps of:

[8b] displaying a countdown to the recording session based on a user interaction with the record button, wherein the recording session comprises video recording; and

[8c] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down.

9. The method of claim 1, further comprising associating user-defined tags with the streamable video.

[10a] 10. A method for generating and sharing audio/video content to a social network, comprising:

[10b] initiating a content creation process in response to a request from a user;

[10c] prompting the user to record content;

[10d] prompting the user to select an audio composition from a list of compositions retrieved from a host server;

[10e] presenting the user with a record button;

[10g] displaying a countdown to a recording session based on a user interaction with the record button, wherein the recording session comprises video recording;

[10h] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down;

[10i] providing simultaneous aural playback of the audio composition during a recording session, thereby permitting the user to hear the composition during recording;

[10j] generating recorded content based on the recording session by compositing video captured during the recording session with a second video

recording, such that the video captured during the recording session is selectively made transparent to reveal the second video recording;

[10l] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;

[10m] selecting a privacy attribute for the recorded content;

[10n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;

[10p] prompting the user to continue editing the recorded content;

[10q] prompting the user to publish the recorded content;

[10r] in response to a request to publish, processing and encoding individual components of the recorded content to create a streamable video; and

[10s] publishing the streamable video by copying the streamable video to a media server.

[11a] 11. A method for generating and sharing audio/video content to a social network, comprising:

[11b] initiating a content creation process in response to a request from a user;

[11c] prompting the user to record content;

[11d] prompting the user to select an audio composition from a list of compositions retrieved from a host server;

[11e] presenting the user with a record button;

[11g] displaying a countdown to a recording session based on a user interaction with the record button, wherein the recording session comprises video recording;

[11h] providing the user an indication of the initiation of the recording session after the countdown to the recording session has counted down;

[11i] providing simultaneous aural playback of the audio composition during a recording session, thereby permitting the user to hear the composition during recording;

[11j] generating recorded content based on the recording session;

[11k] detecting user movement in the video captured during the recording session and representing that movement by a trailing light;

[11l] displaying a preview of the recorded content to the user, wherein the preview of the recorded content enables the user to change the timing or latency of the recorded content to relative to the selected audio composition;

[11m] selecting a privacy attribute for the recorded content;

[11n] sending the recorded content to the host server, wherein the host server is configured to store multimedia content to facilitate access to other users according to the selected privacy attribute;

[11o] receiving a request to publish the recorded content;

[11r] in response to the request to publish, processing and encoding individual components of the recorded content to create a streamable video; and

[11s] publishing the streamable video by copying the streamable video to a media server.

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Petitioner certify that this petition complies with the type-volume limitation of 14,000 words, includes 13,973 words, as measured by Microsoft Word, exclusive of the table of contents, table of authorities, mandatory notices under §42.8, certificates of service, word count, or appendix of exhibits.

Additionally, this petition complies with 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman.

Date: May 26, 2023

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/s/ Daniel N. Yannuzzi

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Counsel for Petitioner Snap Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 10,931,911 and Exhibits EX1001 through EX1052 were served in their entirety on May 26, 2023, on the Patent Owner at the following addresses of record as listed on the USPTO's Patent Center via Priority Mail Express® or Express Mail:

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The undersigned certifies that on May 26, 2023, a true and correct copy of the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 10,931,911 and Exhibits EX1001 through EX1052 were also sent in their entirety via electronic mail to the attorneys of record for Defendant in the concurrent litigation matter:

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