

Petitioner's Hearing Demonstratives for: *Walt Disney Parks and Resorts U.S., Inc. v. Agile Journeys LLC*

Prepared for January 14, 2025, hearing
Case No. IPR2024-00029 (U.S. Patent No. 7,212,983)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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- 5 Dispute 4 – Whether Herz is analogous art**
- 6 Dependent Claims**

Invalidity Grounds

Ground	Summary
1	Claims 1, 3, 5, 7-8, 10-14, 16-17, 19-20, 22-25 are obvious over Sim in view of Doi
2	Claims 4, 18, 21 are obvious over Sim (as modified by Doi) in view of Waytena
3	Claims 1, 3-5, 8, 10, 12-14, 16-21, 23-25 are obvious over Waytena
4	Claims 1, 3-5, 8, 10, 12-14, 16-21, 23-25 are obvious over Waytena in view of Herz
5	Claim 7 is obvious over Waytena (as modified by Herz) in view of Sim
6	Claims 11, 22 are obvious over Waytena (as modified by Herz) in view of Doi

Overview of the '983 Patent

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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Overview of the '983 Patent

US0071293B2

(12) **United States Patent**
Redmann et al.

(10) **Patent No.:** **US 7,122,983 B2**
(45) **Date of Patent:** **May 1, 2007**

(54) **METHOD AND APPARATUS FOR
PROVIDING VISITORS WITH A
PERSONALIZED ITINERARY AND
MANAGED ACCESS**

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5,559,707 A 9/1996 Del'orme et al.
5,619,695 A 4/1997 Adachi et al.
5,649,766 A 9/1997 Furbush et al.
5,724,520 A 3/1998 Goshen

(Continued)

FOREIGN PATENT DOCUMENTS

GB 2 228 123 * 8/1990

(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 1200 days.

(21) **Appl. No.:** **09/858,376**

(22) **Filed:** **May 15, 2001**

(65) **Priority Publication Data**
US 2000/0174003 A1 Nov. 21, 2002

(51) **Int. Cl.** **G06Q 1/00** (2006.01) **7656**

(52) **U.S. Cl.** _____ **None**

(53) **Field of Classification Search:** _____ **None**
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

3,999,050 A 12/1976 Pinda
4,146,336 A 4/1979 Hoff
4,713,014 A 12/1987 Inoue et al.
4,774,097 A 9/1988 Alkass
4,786,839 A 10/1988 Hirasawa
5,287,205 A 12/1989 Tsang et al.
5,660,833 A 11/1991 Dineen
5,816,057 A 7/1992 Stopp et al.
5,916,104 A 3/1993 Hargrave
5,242,163 A 8/1994 Yeh-Yehuda
5,287,205 A 2/1994 Dorough et al.
5,408,417 A 4/1995 Walker
5,502,806 A 3/1996 Mahoney et al.
5,548,326 A 8/1996 Tai et al.

OTHER PUBLICATIONS

Anonymous, Queue without waiting, Feb. 26, 2001, Electronics
Times, p. 40, dated 2001-2-27.
U.S. Appl. No. 09/617,721, filed Jul. 17, 2000, Loral et al., Known
from CIP app.

Primary Examiner—Thomas A. Dixon

(57)

ABSTRACT

A method is disclosed for creating itineraries for a party of visitors to a facility, the facility having multiple attractions. Visitors give answers to questions about their preferences. Visitors are provided with authoritative information about their admission privileges, and information stored about the attractions and facility, to generate an itinerary. The method can be executed by a portable, handheld computer which asks the questions, accepts the answers, and processes them into an itinerary which is both portable and dynamic, adjusting in real time to schedule changes and unscheduled attraction closures. In an alternative embodiment, the itinerary can be generated as the result of an Internet transaction, or through an interaction with a facility employee. The itinerary may be presented to the party in printed form, such as a schedule or ticket book. If a facility has an access control system that uses a central database, the itinerary can be generated as records in the database, thereby allowing parallel use of prior art access methods.

25 Claims, 15 Drawing Sheets

- The '983 Patent relates to a system and method for “creating itineraries for a party,” such as at a “theme park.”
- The system collects “information” about a party, such as attributes and interests.
- The system further includes “data” about attractions, which can range from rides to movies to attractions within a state.
- A “computer” accesses the party information and attraction data, and “selects” attractions with data matching information about the party to create a customized itinerary.

Overview of the '983 Patent

3. A method of providing an itinerary to a party, said itinerary comprising a second set of attractions selected from a first set of attractions, said method comprising the steps of:

- a) providing data regarding said first set of attractions;
 - b) gathering information about said party, at least a portion of said information distinguishing among said first set of attractions with respect to said data;
 - c) providing a computer having access to said data and said information, said computer having software that selects said second set of attractions from said first set of attractions;
 - d) selecting said second set of attractions with said software such that said second set of attractions comprises at least one of said first set of attractions for which said data substantially matches with said information;
 - e) providing a presentation means able to receive said itinerary from said computer; and,
 - f) presenting said itinerary to said party using said presentation means;
- whereby said itinerary is customized for said party.

Claim 3 is representative and generally recites:

- Providing data regarding a first set of attractions
- Gathering information about a party that distinguishes among the attractions
- Providing a computer having software that selects a second set of attractions from the first set of attractions
- Selecting the second set of attractions with the software, with the second set including at least one attraction for which the data “substantially matches” information about the party
- Providing a presentation means and presenting the itinerary to the party
- Whereby the itinerary is customized for the party

Dispute I: Whether Sim-Doi Discloses “Software That Selects” the Second Set of Attractions

All Challenged Claims

WO 97/18534 (“Sim”) Overview

PCT WORLD INTELLECTUAL PROPERTY ORGANIZATION International Bureau INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)	
(51) International Patent Classification: G07C 11/00	(11) International Publication Number: WO 97/18534 (43) International Publication Date: 22 May 1997 (22.05.97)
(21) International Application Number: PCT/GB95/02910 (22) International Filing Date: 13 November 1995 (13.11.95)	(30) Priority Data: 9524453 15 November 1995 (15.11.95) GB (71) Applicant and Inventor: SIM, Leonard (GB/GB); 344, Rectory Road, Wokingham, Berkshire RG40 1DN (GB) (72) Agent: BOULT WADE TENNANT, 27 Farringdon Street, London EC4A 3DF (GB)
(54) Title: QUEUE MANAGEMENT SYSTEM (57) Abstract: A queue management system comprises a plurality of portable modules, at least one docking station, a queue manager, signal transmitting means, at least one module detector and a communication means. Each portable module includes memory means for containing a unique identification code, means to be operated, transmitter means for transmitting the identification code over a short range to enable the transmitted identification code to be received in a local region around the person, and docking means for downloading the identification code to the portable module when docked. The queue manager maintains the queue sequence for the or each queue and includes a communication means for receiving the or each downloaded code. The signal transmitting means is associated with the queue manager for transmitting the signals to each portable module to enable the person or group of people carrying the portable module to join the queue. The or at least one module detector detects the transmitted identification codes from any portable module in its vicinity. The module detector is arranged at the location of the or each queue to detect when the person carrying the portable module joins the queue. Finally, the communication means is arranged between the queue manager and the or each module detector to communicate any detected identification code to the queue manager.	

- Sim discloses a “queue management system” that can be employed in “theme parks.”
- Groups carry “portable modules” that include information about group members, including “age,” “height,” “health status,” “ride and time preferences,” “location,” and “privileges.”
- The system further includes data about attractions, including “age,” “size,” and “health restrictions,” operation status, and location.
- A “controlling computer” with “Queue Manager” software uses the guest information and attraction data to create customized itineraries for the group, including “in response to party preferences, on the overall demand in the system and any priority attached to the particular party.”

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

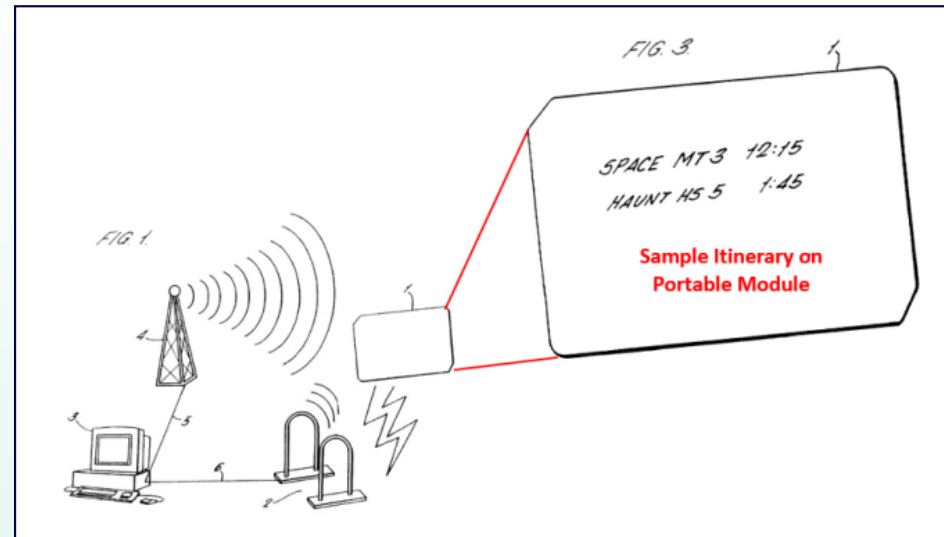
Sim Overview

Referring now to the drawings, as can be seen in Figure 1 the system comprises a portable module comprising a combined short range pager unit and electronic tag, gate units 2 and a base station comprising a controlling computer 3 and a transmitter 4. The controlling computer 3 is linked to the transmitter 4 by a communication line 5 to allow the transmission of messages to the portable module 1. The controlling computer 3 is also linked to the gate units 2 by a further communication line 6 to receive downloaded identification codes which have been detected by the gate unit 2 from the portable unit 1.

Sim at 14:31-15:7

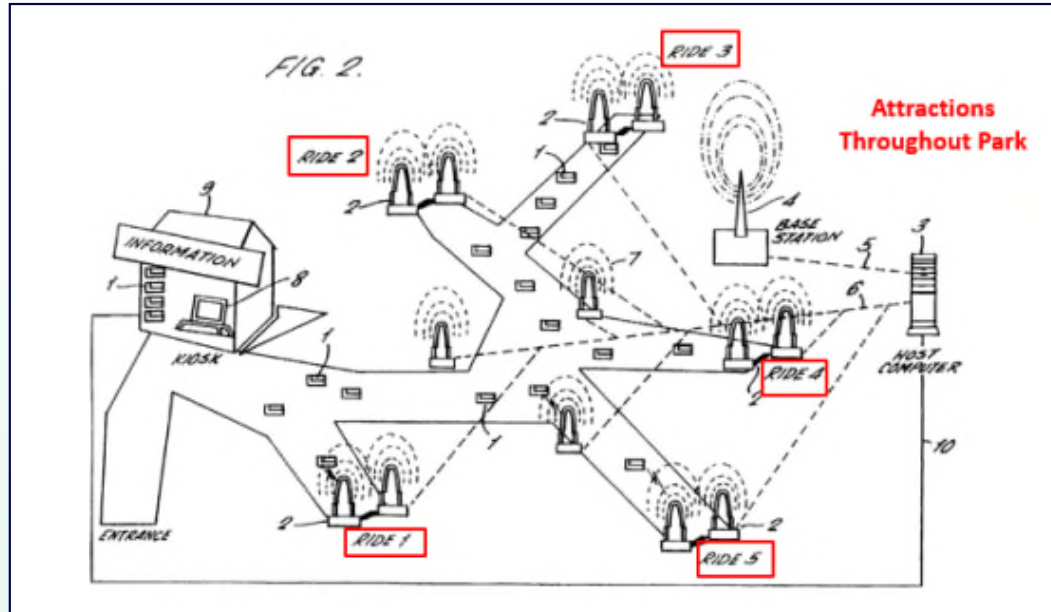
the rides. Once the sequence of rides has been entered and the prompter removed from the docking station, the controlling computer 3 will transmit messages to each of the prompters 1 indicating the sequence and times of the rides. Such a message is illustrated in the illustration of the prompter in Figure 3. Figure 5 illustrates an alternative display arrangement which allows for the display to scroll across to indicate the ride or attraction, the number of places reserved in the queue and the time at which the physical queue should be joined.

Sim at 15:34-16:9



Sim at Figs. 1, 3 (annotated)

Sim Overview



Sim at Fig. 2 (annotated)

When the gate unit 2 detects an identification code this is downloaded to the host computer. If it is determined that the identification code corresponds to an identification code within a predetermined region of the front of the queue sequence held within the memory of the controlling computer 3, the user is permitted access through the gate units. If, on the other hand, the detected identification code is not within a predetermined range on the front of the queue sequence, a signal is transmitted by the host computer to the queue area to deny the user access to the queue area. The controlling computer 3 also transmits a message to the prompter to give a reason as to why access has been denied. Access could be denied because the user has arrived either before or after the time, is at the wrong ride or the user is at the wrong ride and at the wrong time.

Sim at 20:5-22

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

U.S. Patent No. 6,938,066 (“Doi”)

US00038066H1

(12) United States Patent
Doi

(10) Patent No.: US 6,938,066 B1
(45) Date of Patent: Aug. 30, 2005

(54) CUSTOMER NAVIGATION SYSTEM AND CUSTOMER NAVIGATION METHOD

(75) Inventor: Miwako Doi, Kawasaki (JP)

(73) Assignee: Kabushiki Kaisha Toshiba, Kawasaki (JP)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 958 days.

(21) Appl. No.: 09/716,301

(22) Filed: Nov. 21, 2000

(30) Foreign Application Priority Data
Nov. 22, 1999 (JP) 11-331972

(51) Int. Cl. G06F 15/16

(52) U.S. Cl. 709/202; 709/228; 709/705; 709/26; 709/709; 709/206; 709/218

(58) Field of Search 701/200; 705/30; 705/26; 709/218, 202

(56) References Cited
U.S. PATENT DOCUMENTS
5,468,942 A * 11/1995 Osterweber et al. 235/383
5,610,947 A * 5/1997 Wainio et al. 379/114.17
6,075,987 A * 6/2000 Camp et al. 455/427
6,147,278 B2 * 2/2002 Ito 701/209
6,529,143 B2 * 3/2003 Mikkelä et al. 340/909.1

(57) ABSTRACT
A custom navigation system is composed of a customer navigation terminal to be carried by a customer entering a facility having a memory function of information relating to the customer and a communication function with outside, a customer guide server installed at a particular point in the facility and, when the customer navigation terminal has come near, communicates with the terminal to perform a navigation of the customer. The customer navigation terminal has a nickname memory for storing a nickname of the customer, and the customer guide server has a caller for calling the nickname stored in the nickname memory and a voice synthesizer for synthesizing the called nickname as a voice.

1 Claim, 10 Drawing Sheets

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graph TD
    subgraph 1A [CUSTOMER NAVIGATION TERMINAL]
        11[NICKNAME MEMORY]
        13[INFORMATION MANAGER]
        12[TRANSMITTER-RECEIVER]
        11 --> 13
        13 --> 12
    end
    subgraph 2A [CUSTOMER GUIDE SERVER]
        23[TRANSMITTER-RECEIVER]
        24[INFORMATION MANAGER]
        22[VOICE SYNTHESIZER]
        21[CALLER]
        23 --> 24
        24 --> 22
        22 --> 21
    end
    12 <--> 23
```

- Doi is directed to a theme park “customer navigation system” and has the same goal as Sim of directing parties to attractions in a way that maximizes attraction utilization.
- Doi, like Sim, provides users with a portable unit, and obtains similar customer information like “height,” “age,” and “positional information.”
- Doi’s system “recommends” attractions to the users when customer information, such as age, matches data about the attractions.
 - For example, Doi may recommend an attraction or show that is popular with ages of members of the group.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

IPR2024-00029 Pet. at 1-2, 17-22; EX1006.

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Sim-Doi Discloses “Software That Selects” Attractions

First, Sim discloses “software that selects” attractions based on party information and attraction data. Sim’s computer:

- Acquires party information, including preferences for rides, times, and sequences.
- Compares party information to attraction data, including locations and current crowding, and generates a recommended sequence of rides and a route (e.g., an “itinerary”).
- Can further re-allocate sequences in response to unexpected events like ride failure or rides being closed.

front. The structuring and managing of the queues are features which can be customised to suite a particular situation. The controlling computer 3 will thus operate in accordance with the customised algorithm to manage the queues.

The controlling computer 3 can be programmed to re-allocate every user's sequence used in accordance with a preset algorithm or to cope with unexpected events. In order to warn the user of this

Sim at 23:22-24:22

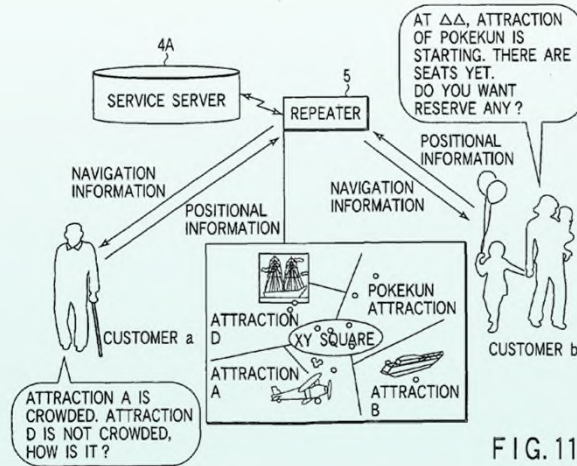
The queue manager includes means of calculating the actual time and sequence of attendance at queue entrances offered to the user. This calculation can be in response to user preferences, on the overall demand in the system and any priority attached to the particular user and would result in effectively, a recommended route. This allows considerable control of the users. Appropriate algorithms ensure that

Sim at 34:22-29

Sim-Doi Discloses “Software That Selects” Attractions

Second, Sim in view of Doi renders obvious “software that selects” attractions with data matching user information.

- Doi’s system collects “use data” and recommends attractions for users based on, for example, user age matching data indicating the attraction is popular for that age group.



For example, as an attraction A is crowded, the navigation planner 42 makes a plan to recommend other attractions to some of customer queuing at the attraction A that are selected in consideration of the age. For example, for customers selected from a view point of their ages, such navigation information is presented that “Attraction A is crowded. Attraction D (enjoyable for aged person) is not crowded, how is it?, as shown in FIG. 11.

Doi, 9:63:10-11

The navigation planner 42 may be configured not simply to plan a navigation method in view of a degree of crowd about a customer, but also to make such a navigation as to positively propagate held events. More specifically, if, for example, a popular attraction “Pokekun” to be held still has non-reserved seats, there are selected matching ages to the attraction from ages of customer stored in use data memories 14, and invitations are given.

For example, for a customer b who is infant, the navigation planner 42 notifies such navigation information that “At . . . , attraction of Pokekun is starting. There are seats yet. Do you want reserve any?”, through a customer navigation terminal 1C the customer b carrying. If the customer

Doi, 10:12-33

Sim-Doi Discloses “Software That Selects” Attractions

It would have been obvious to a POSITA to apply Doi’s teachings to Sim.

- Sim and Doi are both in the field of theme park navigation.
- Both use similar components, including customer terminals and a central computer.
- Both collect the same type of customer information, like age and location.
- Both are directed to achieving crowd control and customer satisfaction.
- Applying Doi’s teachings to Sim would have enabled Sim’s system to take party information, including age, and provide recommendations of attractions in the itinerary.

Sim-Doi Discloses “Software That Selects” Attractions

74. Moreover, a POSITA would have been motivated to combine the teachings of Doi and Sim for numerous reasons. Sim recognizes the importance of “greater control in crowd movement” and the need to “increase customer satisfaction,” and thus contemplates using its “system to concentrate the park users in certain areas at certain times.” (*Id.*, 39:1-8, 23:32-24:22, 22:4-24.) Sim also recognizes the need to direct users to “secondary attractions,” in order to maximize park use and customer spending. (*Id.*, 22:4-12.) Doi recognizes these *same problems* and provides similar solutions to achieve the *same results* as Sim, *e.g.*, reducing wait times, directing users to underutilized attractions, and maximizing ride numbers. (Doi, 9:33-10:44; *see also* 8:60-9:32, 3:9-14.) Doi teaches that this can be done by automatically selecting attractions and times for the party, based on matching party information and attraction data. (*Id.*)

75. A POSITA would have thus been motivated to apply Doi to Sim, such that Sim’s system could select attractions and times that match party information, such as rides and shows popular with a party’s age, when determining a “guest’s itinerary.” This would enable the Sim system to, for example, take party information and, depending on crowds, select attractions for the party for their itinerary at the outset—thereby maximizing attraction utilization, controlling crowding, offering parties sufficient rides for a complete day, and reducing the potential need to later re-allocate sequences, which could cause user frustration.

EX1003, Houh Decl. at ¶¶ 74-75

“Software That Selects” Attractions Does Not Exclude a Contemporaneous or Further Manual Confirmation

The Board Was Correct In Its Institution Decision:

Here, Patent Owner provides a summary of the prosecution and post-issuance histories of the '983 patent. Prelim. Resp. 16–20. The prosecution history indicates that the term “software to select” means that the software is selecting a set of attractions from the first set. Ex. 1002, 9 (amending the “operable to select” with “that selects”). However, claim 1 recites that the system “comprises,” in relevant part, a computer having software that selects a second set. “The well-established meaning of ‘comprising’ in a method claim indicates that the claim is open-ended and allows for additional steps.” *Solvay S.A. v. Honeywell Int’l Inc.*, 742 F.3d 998, 1005 (Fed. Cir. 2014) (quoting *Invitrogen Corp. v. Biocrest Mfg., L.P.*, 327 F.3d 1364, 1368 (Fed. Cir. 2003)). Thus, “software that selects” means that the software is selecting a set of attractions from the first set but does not exclude a contemporaneous or further manual confirmation or selection.

Paper 7 at 20.

“Software That Selects” Attractions Does Not Exclude a Contemporaneous or Further Manual Confirmation

Patent Owner Argues:

- Both Sim and Doi require users to “manually select” attractions.
- “Software that selects” “excludes manual selection of attractions to include in an itinerary,” and (contrary to the Board’s finding) excludes any contemporaneous or further confirmation of software selected attractions by the user.

However:

- Sim’s Queue Manager can select attractions, including for modified sequences when re-allocation is necessary.
- Doi is unambiguous that the computer selects the attractions recommended to the user.
- Patent Owner improperly focuses on what happens after the computer has already selected and recommended the attraction, and further ignores the combination of Doi with Sim.
- The ’983 Patent and its prosecution history contain no clear disavowal of contemporaneous or further confirmation of recommended attractions, like making a reservation.

“Software That Selects” Does Not Exclude a Contemporaneous or Further Manual Confirmation

- The '983 Patent is clear what constitutes an itinerary, and distinguishes recommended attractions from reservations.
- Doi's computer, on its own, provides exactly such a recommendation of a time for a party to visit an attraction.
- And, applying to Doi to Sim results in Sim's computer selecting attractions and scheduled times for those attractions.

An itinerary is comprised of events. An event is typically a visit to an attraction at a scheduled time. This is not necessarily a reservation, though it can be. It is a time at which the party is recommended to visit an attraction.

'983 Patent at 7:31-34

The navigation planner 42 may be configured not simply to plan a navigation method in view of a degree of crowd about a customer, but also to make such a navigation as to positively propagate held events. More specifically, if, for example, a popular attraction “Pokekun” to be held still has non-reserved seats, there are selected matching ages to the attraction from ages of customer stored in use data memories 14, and invitations are given.

For example, for a customer b who is infant, the navigation planner 42 notifies such navigation information that “At . . . , attraction of Pokekun is starting. There are seats yet. Do you want reserve any?”, through a customer navigation terminal 1C the customer b carrying. If the customer

Doi, 10:12-33

Dispute 2: Whether Sim-Doi Discloses Selecting at Least One Attraction With Attraction Data That “Substantially Matches” Party Information

All Challenged Claims

“Substantially Matches” Does Not Exclude Exact Matches

Patent Owner Argues:

- “Substantially matches” excludes “exact matches.”
- Sim and Doi cannot meet the claim limitation because they require such exact matches.

But as noted by the Board:

However, claims 1 and 3 do not recite how the match is determined. In other words, the claims do not recite the described utility function in determining whether there is a substantial match between data of the first set of attractions and the information. Ex. 1001, 31:60–62; 32:42–46. “Although the claims must be read in light of the specification, it is important that we ‘avoid importing limitations from the specification into the claims.’” *Ericsson, Inc. v. D-Link Sys., Inc.*, 773 F.3d 1201, 1218 (Fed. Cir. 2014) (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc)).

Claims 1 and 3 do not recite that the data must *only* “substantially” match such that an exact match is excluded. There is no specific definition of what would be considered “substantial” nor is there an exclusion of an exact match that, by its nature, is also a “substantial” match.

Paper 7, at 21

“Substantially Matches” Does Not Exclude Exact Matches

Patent Owner's support for its argument has nothing to do with “exact matches.”

- Patent Owner refers only to sections of the patent allegedly excluding “low/poor” or “unalluring” matches from being “substantial.”
- There is no logical way stretch that to mean a much better match, such as an exact match, would not meet the “substantially matches” limitation.
- The '983 Patent and Patent Owner's expert in fact confirm an exact match of one factor can be “substantial.”

Patent Owner's Expert Confirmed This:

Q. Would you consider an exact match to be a poor match?

A. **No.**

Q. Would you consider an exact match to be unalluring?

A. **No, an exact match would not be an unalluring match.**

EX1009, Gonsalves Depo. at 97:22-98:1, 99:2-5, 109:6-7

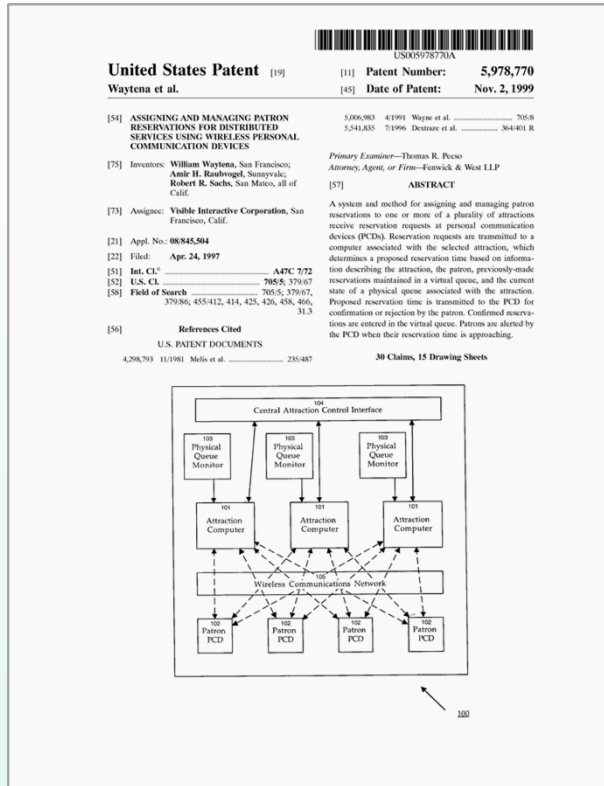
• “Substantially matches” are matches more alluring than an unalluring match and have nothing strictly objectionable (*i.e.*, is not a poor/low match). Attraction data “substantially matches” party information when the party profile matches at least one, but potentially more attraction acceptance factors having a positive response (“+” mark in FIG. 12, *see also* ‘983 Patent, 6:57-60)¹⁰, making such attractions a more desirable selection.

EX2009, Gonsalves Decl. at ¶ 89

Dispute 3: Whether Waytena alone renders the '983 Patent obvious

Claims 1, 3-5, 8, 10, 12-14, 16-21, 23-25

U.S. Patent No. 5,978,770 (“Waytena”) Overview



- Waytena discloses system for providing patrons at a facility, such as a theme park, with attraction information and reservation schedules.
- Patrons carry PCDs and enter information including “age,” “sex,” “height,” “weight,” and “flags” describing preferences and characteristics.
- The PCDs, and system computers, also include attraction data such as “age,” “height” and “weight” restrictions, “location,” and “flags” describing attraction characteristics.
- The PCDs can present a “list of attractions that match the particular preferences” of the patron’s group.
- Patrons can make reservations for these attractions, including by allowing the system to select a default “next available” time.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Waytena Overview

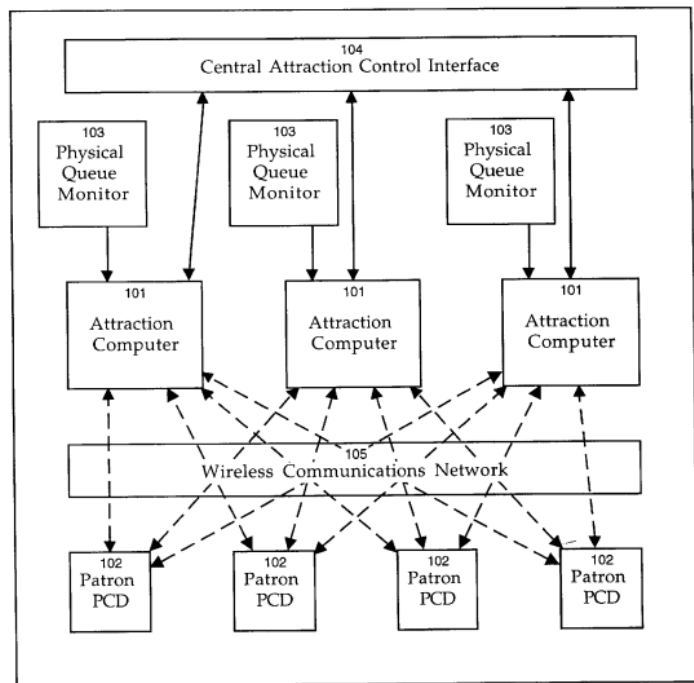


FIGURE 1

System **100** also includes a plurality of personal communication devices (PCDs) **102**, each associated with a patron or group of patrons visiting the park. In one embodiment, PCDs **102** are implemented as shown in FIG. 1A, using conventional, small, hand-held portable computers including a rechargeable battery (not shown), microprocessor or CPU **106**, display screen **109**, auxiliary output device **110** such as audio speaker or vibration mechanism, input device such as a pen-based input device **108**, RAM **107**, and storage device such as a disk drive **111**.

Waytena at 5:59-6:1

Waytena at Fig. 1

Waytena Overview

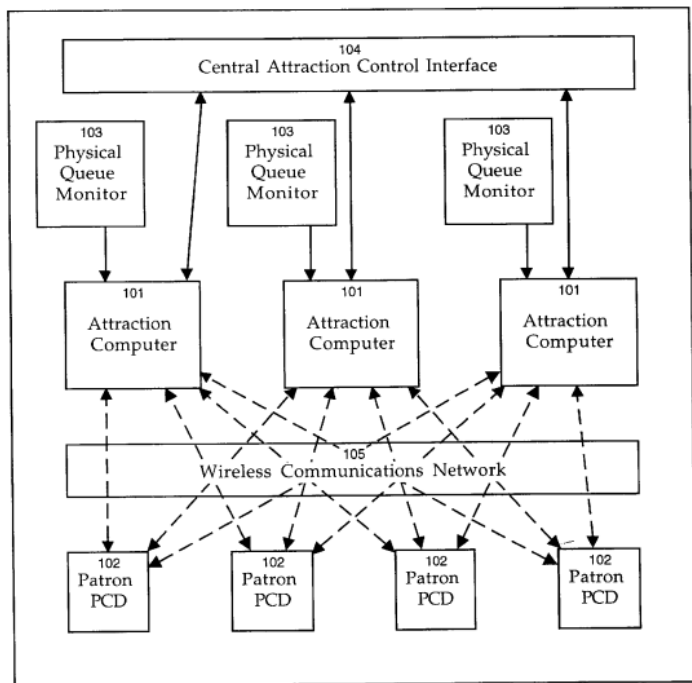


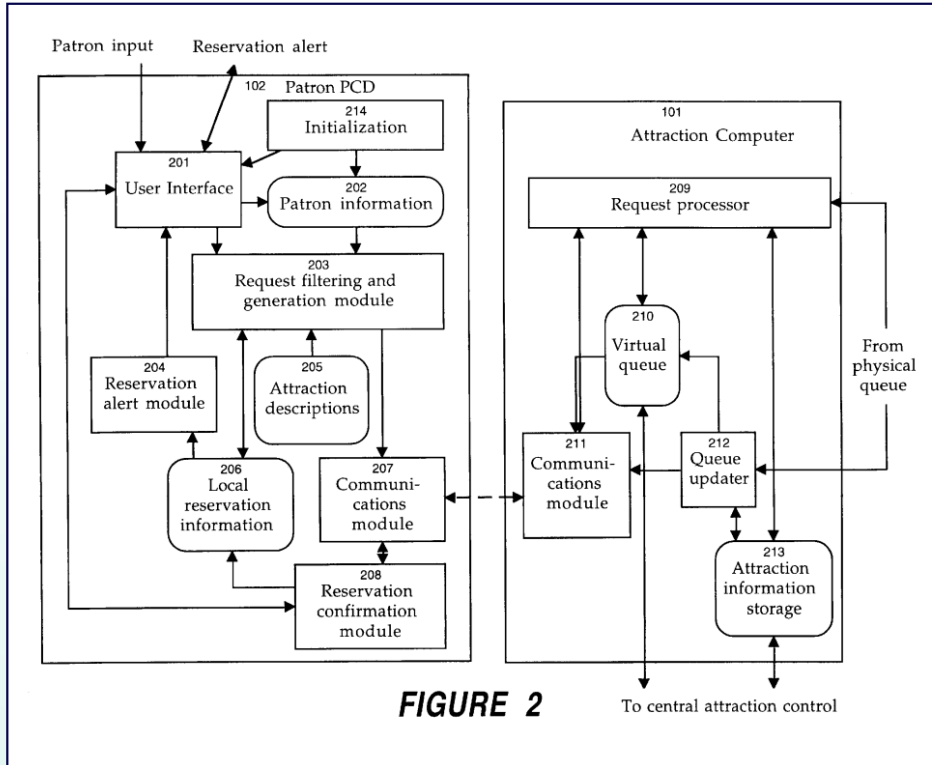
FIGURE 1

Central attraction control interface **104** is implemented in one embodiment as a conventional centralized computer system allowing access to all attraction computers **101** by park staff. Interface **104** facilitates monitoring of virtual and physical queues for all attractions, as well as reservation schedules and other information describing the state of the attractions. Interface **104** also allows park staff to manually change the data describing any of the individual attractions, such as throughput estimates, hours of operation, reservation schedules, attraction information, and any other information stored in attraction computers **101**, as needed. This may be useful, for example, when a particular attraction is functioning at lower than usual capacity due to some unforeseen factors, or when the hours of operation of an attraction are changed.

Waytena at 6:16-30

Waytena at Fig. 1

Waytena Overview



Waytena at Fig. 2

In summary, the present invention provides a system including a plurality of PCDs **102** operating in conjunction with one or more attraction computers **101** to provide for remote scheduling of reservations by patrons for various attractions or services throughout a facility. This enables patrons to efficiently use their time while at the facility, increasing the number of attractions or services visited by the patrons, thereby increasing their enjoyment of the facility. The present invention further increases the facility's utilization of its resources, including improved allocation of staff members, and other resources. Thus, the facility experiences greater patron satisfaction, increased business, and profitability.

Waytena at 25:17-29

Waytena Overview

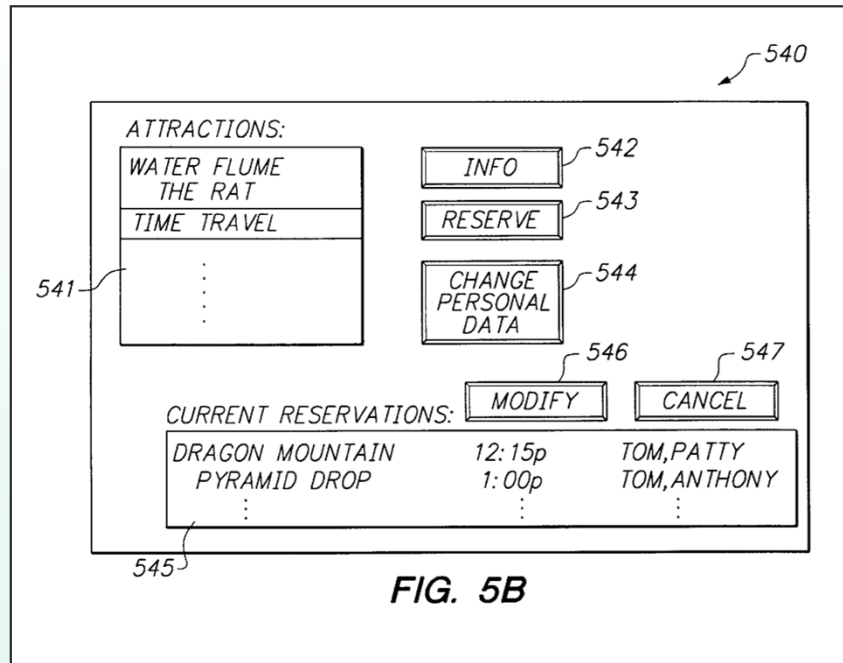


FIG. 5B

Waytena at Fig. 5B

While in idle state **501**, user interface **201** presents a screen **540**, as shown in FIG. 5B, which includes a scrollable and/or pageable list **541** of available attractions, buttons **542** and **543** for obtaining information or generating reservation requests for selected attractions, a button **544** for changing patron information, a scrollable and/or pageable list **545** of previously-made reservations, and buttons **546** and **547** for modifying or canceling previously-made reservations. If desired, the patron may also be presented with a list of attractions that match the particular preferences of the members of the patron's group or that are in relative proximity to the patron's current location. The current

Waytena at 14:12-35

Waytena Overview

WELCOME TO _____

PLEASE ENTER THE FOLLOWING INFORMATION FOR EACH MEMBER OF YOUR GROUP.

NAME SEX

AGE YEARS

HEIGHT FEET INCHES

WEIGHT LBS.

HEALTH CONDITIONS: (CHECK ALL THAT APPLY)

☐ BACK CONDITION ☐ VERTIGO

☐ HEART CONDITION ☐ WHEELCHAIR

☐ PREGNANT ☐ HEARING DISABILITY

☐ NURSING ☐ OVERWEIGHT/LARGE

RIDE PREFERENCES: (CHECK ALL THAT APPLY)

☐ THRILL RIDES ☐ FRONT SEAT

☐ EDUCATIONAL ☐ REAR SEAT

☐ SHOWS ☐ AISLE SEAT

☐ KIDDIE RIDES

CANCEL

NEXT

DONE

FIG. 5A

ATTRACTIONS:

WATER FLUME

THE RAT

TIME TRAVEL

...

...

...

INFO

RESERVE

CHANGE PERSONAL DATA

MODIFY

CANCEL

CURRENT RESERVATIONS:

DRAGON MOUNTAIN 12:15p TOM,PATTY

PYRAMID DROP 1:00p TOM,ANTHONY

...

FIG. 5B

TIME TRAVEL

STEP THROUGH THE GATEWAY AND LOSE YOURSELF IN ANOTHER WORLD...

RESERVE:

SPECIFIC TIME

NEXT AVAILABLE

EXIT

CURRENT RESERVATIONS:

...

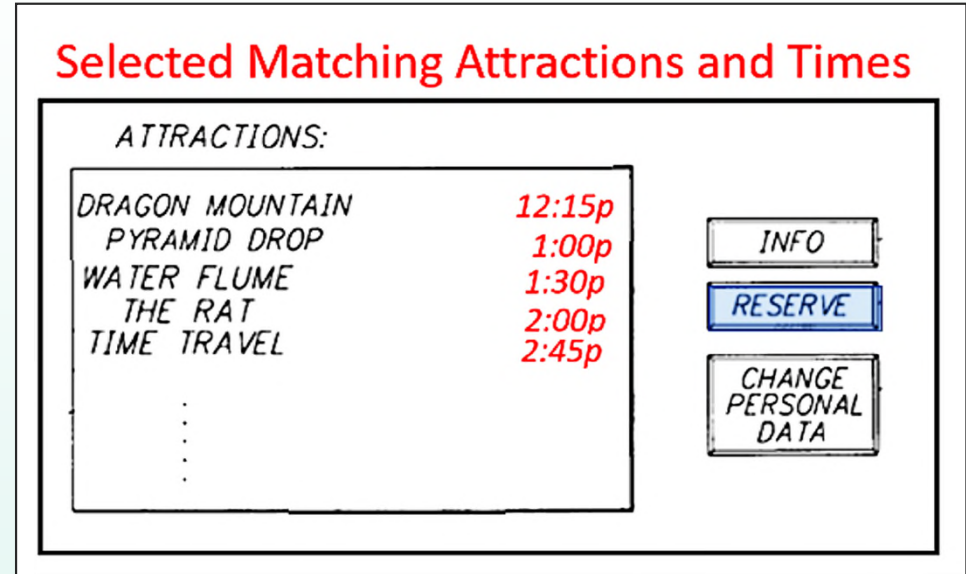
FIG. 5C

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

IPR2024-00029 Pet. at 2-3, 41-69; Pet. Reply at 1-2, 15-20.

Waytena Alone Renders Obvious “Software That Selects”

- While Waytena was considered during prosecution, nothing in the prosecution history suggests the Examiner considered whether the claims may nonetheless be obvious over Waytena.
- Waytena discloses the ability to select recommended matching attractions for a user and also performs default selections of reservation times to complete an itinerary.
- It would have been obvious to modify Waytena to present recommended matching attractions with proposed reservation times for each, thus selecting attractions for an itinerary with the PCD.



Waytena, Fig. 5B (as modified and annotated)

A POSITA would have been motivated to Modify Waytena

“selection” of attractions. To the extent this is a distinction, Waytena alone renders this obvious. Waytena already discloses its PCD *selecting* attractions that “match” a party’s preferences and presenting these attractions to a party in a list that they can then pick from to schedule reservations.⁶ At the very least, it would have been obvious over Waytena to simply present this list with proposed reservation times for each recommended (*i.e.* computer-selected) attraction, without party involvement. This gives the party the option to simply accept an entire list of attractions and proposed times (e.g., an itinerary), without having to schedule reservations for each individual attraction (*e.g.*, if the user wanted to use the entire recommended list). That is, the party follows the itinerary that the system already generates for her based on her information, i.e., goes to each attraction on the recommended list at the designated (*e.g.*, “next available”) time.

148. Waytena also discloses allowing a party to simply select “next available time” for each recommended (or computer-selected) attraction, and the PCDs and attraction computers communicate to provide a reservation time that fits ride availability and the party’s existing schedule. (*Id.*, 12:25-29, 14:46-47, 14:56-15:38, 16:28-38, 23:3-24) (indicating the system takes into account existing reservations and, for example, the time to get from one attraction to another when suggesting reservation times).) A POSITA would have understood that, rather than waiting for a party to select “next available time” for each selected or recommended attraction, the PCD could use “next available time” as a default and make such selections itself. Thus, these existing processes in Waytena could be used to present a list of selected, matching attractions and proposed times to visit each attraction for the party to confirm all at once, without any party involvement.

EX1003, Houh Decl. at ¶¶ 146, 148

Patent Owner's Arguments Against Modifying Waytena Fail

Patent Owner's arguments are rooted in a notion that user's must pick attractions.

- Patent Owner argues, for example, that Waytena's goal is to overcome the "inability of patrons to communicate their intention to attend particular attractions, and in effect, request a reservation for an attraction."
- This relates to whether Waytena anticipates the limitation, not whether it renders it obvious.
- Patent Owner ignores that users may not wish to serially make every decision themselves, and that Waytena expressly states its system can recommend matching attractions and provide next available times.

Patent Owner's Arguments Against Modifying Waytena Fail

Patent Owner further argues a POSITA would not modify Waytena as proposed based on:

- The sequence of attractions as compared to what a user may prefer. (POR, 38-39, 41)
- Potential time conflicts between reservations and concerns about system delays. (*Id.*, 39)
- Users may not commit to reservations they did not themselves manually select. (*Id.*)

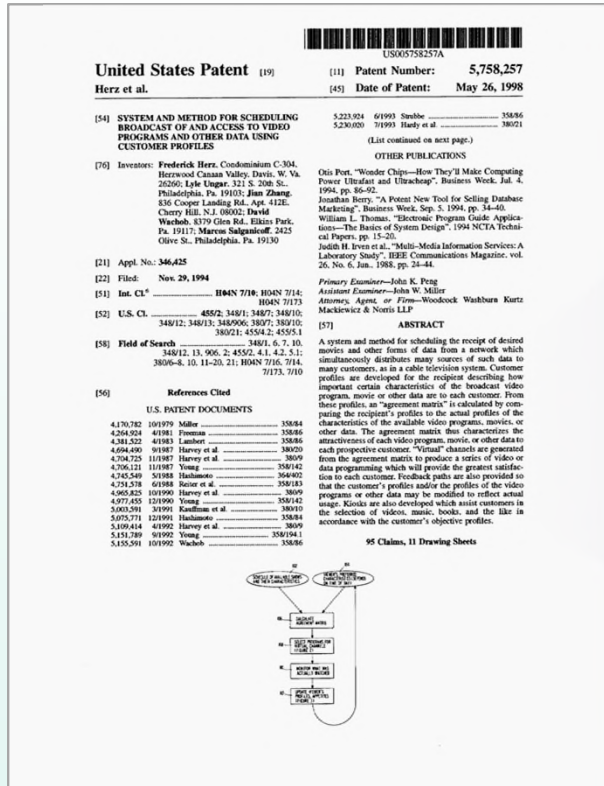
These are either irrelevant or are something Waytena's computer system (not the user) already resolves on its own:

- For example, Waytena's system already takes into account existing reservations and time to get from one attraction to another when suggesting reservation times. (Waytena, 12:25-29, 14:12-17:55, 23:3-24.)
- It already holds pending reservations until confirmed. (*Id.*, 15:47-17:65, 20:41-47 (“While the patron is deciding whether to confirm or reject the proposed reservation, attraction computer 101 in one embodiment holds the proposed reservation time in the virtual queue 210, so that if other patrons request reservations at the same attraction, they will be not be given proposed reservation times that conflict with the first patron's proposed reservation time.”).)

Dispute 4: Whether Herz is Analogous Art

Claims 1, 3-5, 7-8, 10-14, 16-25

U.S. Patent No. 5,758,257 (“Herz”)



[57]

ABSTRACT

A system and method for scheduling the receipt of desired movies and other forms of data from a network which simultaneously distributes many sources of such data to many customers, as in a cable television system. Customer profiles are developed for the recipient describing how important certain characteristics of the broadcast video program, movie or other data are to each customer. From these profiles, an "agreement matrix" is calculated by comparing the recipient's profiles to the actual profiles of the characteristics of the available video programs, movies, or other data. The agreement matrix thus characterizes the attractiveness of each video program, movie, or other data to each prospective customer. "Virtual" channels are generated from the agreement matrix to produce a series of video or data programming which will provide the greatest satisfaction to each customer. Feedback paths are also provided so that the customer's profiles and/or the profiles of the video programs or other data may be modified to reflect actual usage. Kiosks are also developed which assist customers in the selection of videos, music, books, and the like in accordance with the customer's objective profiles.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Herz Qualifies as Analogous Art

A prior art reference qualifies as analogous art if (1) “the art is from the same field of endeavor [as the claimed invention], regardless of the problem addressed” or (2) if the reference is “reasonably pertinent to the particular problem with which the inventor is involved.” *Netflix, Inc. v. DivX, LLC*, 80 F.4th 1352, 1358 (Fed. Cir. 2023) (quoting *Airbus S.A.S. v. Firepass Corp.*, 941 F.3d 1374, 1379 (Fed. Cir. 2019)). Herz qualifies under both prongs.

Pet. Reply, 21

Herz is in “the same field of endeavor”

Patent Owner:

- Suggests an unduly narrow interpretation of the relevant “field of endeavor.”
- Argues the field of endeavor is limited to “managing guest experiences at physical venues,” and suggests the attractions being scheduled must have “specific locations” and “limited attraction capacity,” and must require “travel time.”

However:

The field of endeavor is determined “by reference to explanations of the invention’s subject matter in the patent application, including the embodiments, function, and structure of the claimed invention.” *Id.* at 1359 (citing *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004)). “The field of endeavor is ‘not limited to the specific point of novelty, the narrowest possible conception of the field, or the particular focus within a given field.’” *Id.* (quoting *Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1001 (Fed. Cir. 2016)).

Pet. Reply, 21

Herz is in “the same field of endeavor”

The '983 Patent broadly defines, and claims, what can comprise an attraction selected for the itinerary.

12. The method of claim 3, wherein said first set of attractions comprises a plurality of attractions selected from the group consisting of ride, show, movie, theater, restaurant, exhibit, display, presentation, store, tour, parade, museum, room, area, fountain, restroom, hiking trail, picnic site, autograph session, historic recreation, beach, viewpoint, photo opportunity, lookout, fireworks display, attraction within a district, attraction within a city, attraction within a region, attraction within a state, and attraction within a country.

'983 Patent, Claim 12

Patent Owner's Expert Confirmed the '983 Patent's field is broadly related to scheduling:

A. ... So in some sense, it is somewhat related because there was scheduling of resources associated with my dissertation, and the '983 patent is also about scheduling of resources. The resources are different. With the '983 patent, the resources are about, for instance, the attractions at an amusement park. The resources for my dissertation were different than that, but at a high level, they both involve scheduling of resources.

Q. And do you consider that work of scheduling algorithms for air traffic control in satellites to be relevant to the '983 patent?

A. Yeah, it is relevant because both involve scheduling.

EX1009, Gonsalves Depo. at 29:16-30:3, 35:8-12, 56:7-11

Herz is in “the same field of endeavor”

country).) Taking this into account, Herz is relevant, and in the same field of endeavor, as it is also directed to software for scheduling applications. In fact, Herz is particularly close to the field of endeavor of the '983, as is it not just directed to scheduling resources in general, but rather to scheduling resources (including shows and movies as claimed by the '983) in a manner that matches information about a party with data about attractions—a key feature of the alleged invention. (Pet., 6-7, 69-72; Herz, Abstract, 4:18-5:22, 23:14-16.)

Pet. Reply, 22

A system and method for scheduling the receipt of desired movies and other forms of data from a network which simultaneously distributes many sources of such data to many customers, as in a cable television system. Customer profiles are developed for the recipient describing how important certain characteristics of the broadcast video program, movie or other data are to each customer. From these profiles, an “agreement matrix” is calculated by comparing the recipient’s profiles to the actual profiles of the characteristics of the available video programs, movies, or other data. The agreement matrix thus characterizes the attractiveness of each video program, movie, or other data to each prospective customer. “Virtual” channels are generated from the agreement matrix to produce a series of video or data programming which will provide the greatest satisfaction to each customer. Feedback paths are also provided so

Herz, Abstract

preferences. The virtual channels are determined by selecting from the available alternatives only those video programs or other data which most closely match the customer’s objective preferences.

Herz, 4:18-5:22

Herz is at least “reasonably pertinent to the particular problem with which the inventor was involved”

- “A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem.”
In re Clay, 966 F.2d 656, 659 (Fed. Cir. 1992).
- Whether a reference is reasonably pertinent “ultimately rests on the extent to which the reference of interest and the claimed invention relate to a similar problem or purpose.” *Donner Tech., LLC v. Pro Stage Gear, LLC*, 979 F.3d 1353, 1359 (Fed. Cir. 2020).
- “The reality of the circumstances” or “common sense” must be considered when making such a determination.
In re Asset Guard Products, Inc., 2022 WL 1097363, *4 (Fed. Cir. Apr. 13, 2022)

Herz at 4:18-31

Herz is at least “reasonably pertinent to the particular problem with which the inventor was involved”

- The '983 Patent seeks to provide users with an “appropriate itinerary,” related to several “attractions”—such as movies—taking into account users’ “interests and tastes.”
- Common sense dictates Herz logically would have commended itself to a POSITA considering the problems of the '983 Patent.
 - Herz is concerned with assisting parties to identify and schedule the “most desired” attractions.
 - Like the '983 Patent, Herz also takes into account attraction start times, attraction duration, and scheduling factors.
 - And, a user must physically be present at their TV to view the scheduled itinerary of programs.

There is a need for a tool or method by which a party of visitors’ interests and tastes can be understood and an appropriate itinerary within the facility created for them.

'983 Patent at 5:50-53

The present invention relates to a system and method for making available the video programming and other data most desired by the customer by developing an “agreement matrix” characterizing the attractiveness of each available source of video programming or data to each customer. From the agreement matrix, one or more “virtual channels” of data, customized to each customer, are determined. At any given time, the one or more virtual channels include the video programming or other data which is predicted to be most desirable to the customer based on the customer’s preferences. The virtual channels are determined by selecting from the available alternatives only those video programs or other data which most closely match the customer’s objective preferences.

Herz at 4:18-31

Dependent Claims

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

41

The Dependent Claims Are Unpatentable

With respect to the dependent claims, Patent Owner:

- Bases its arguments on the faulty premise, addressed above, that the references (Sim, Doi, and Waytena) require “manual” selection of attractions.
- Improperly argues the references individually, rather than the combination presented.
- Improperly reads limitations in the claims, including by pointing to descriptions in the '983 Specification that are not present or required in the claims.

These arguments are unavailing.

Conclusion

The Board should cancel the challenged claims as unpatentable.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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