

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> patent of David W. Harper, et al.	§ Attorney Docket No.: 698162.0018
U.S. Patent No. 8,793,336	§
Issue date: July 29, 2014	§ Customer No.: 119831
Filing Date: February 2, 2012	§
For: Method, Apparatus And System For	§
Management Of Information Content For	§
Enhanced Accessibility Over Wireless	§
Communication Networks	§

REQUEST FOR *EX PARTE* REEXAMINATION

Mail Stop "*Ex Parte* Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 35 U.S.C. §§ 301-307, Unified Patents, LLC ("Requester") hereby requests an *ex parte* reexamination of claims 1, 11, 15, and 27 (the "Challenged Claims") of U.S. Patent No. 8,793,336 ("the '336 Patent"), which issued on July 29, 2014 and expires on June 18, 2023.¹

The '336 Patent matured from U.S. Patent Application No. 13/364,950 ("the '950 Application"), filed on February 2, 2012. The '336 Patent is a continuation of U.S. Patent No. 8,135,801 and has an earliest claim of priority to

¹ The '336 Patent is subject to a terminal disclaimer to its parent, U.S. Patent No. 8,135,801 ("the '801 Patent"), disclaiming any term of the '336 Patent (including any additional days of Patent Term Adjustment) beyond the statutory expiration date of the '801 Patent. EX1002 at 342.

Provisional Application 60/389,430, filed on June 18, 2002.² The '336 Patent is presently assigned to Mobile Data Technologies, LLC ("Mobile Data"). The assignment to Mobile Data is recorded in the U.S. Patent and Trademark Office ("USPTO" or "the Office") at reel/frame 061439/0690.

None of the primary references applied in this Request were before the Office during the prosecution of the '336 Patent.³ Nor are these references cumulative of the prior art of record. Further, the presented invalidity grounds presented do not address any questions of patentability considered by the Office.

The Challenged Claims are invalid in view of the invalidity grounds presented below. Accordingly, Requester respectfully submits that an order for reexamination and an Office Action rejecting the Challenged Claims is warranted.

Ex Parte Patent Reexamination Filing Requirements

Pursuant to 37 C.F.R. § 1.510(b)(1), statements pointing out at least one substantial new question of patentability ("SNQ") based on material, non-cumulative reference patents and printed publications are provided in Section V of this Request.

Pursuant to 37 C.F.R. §§ 1.510(b)(2)—(3), reexamination of the Challenged Claims is requested, and a detailed explanation of the pertinence and manner of applying the applied references to the Challenged Claims is provided in Section V

² Because the '336 Patent has an earliest effective filing date before March 16, 2013, the pre-AIA provisions of Title 35 apply.

³ While one secondary reference applied in this Request, U.S. Patent No. 7,802,207 ("*Agboatwalla*") (EX1012), is cited on the face of the '336 Patent, this reference was neither cited by the Examiner nor applied during the '336 Patent's prosecution. *Agboatwalla* was instead among hundreds of other references submitted by the Applicant in numerous Information Disclosure Statements. EX1016. Further, the Office never considered the invalidity grounds presented herein, including *Agboatwalla* in combination with the other art applied herein.

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336

and Exhibits AA-CC of this Request. Copies of every patent or printed publication relied upon or referred to in the statement pointing out each SNQ and/or in the detailed explanation of the pertinence and manner of applying the applied references are provided as Exhibits 1009-1012 of this Request.

Pursuant to 37 C.F.R. §1.510(b)(4), a copy of the '336 Patent is provided as Exhibit 1001, along with a copy of any disclaimer, certificate of correction, and reexamination certificate issued corresponding to the patent.

Pursuant to 37 C.F.R. § 1.510(b)(5), the attached Certificate of Service indicates that a copy of this Request, in its entirety, has been served on Patent Owner at the following correspondence address of record, in accordance with 37 C.F.R. § 1.33(c):

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

Requester hereby certifies that the statutory estoppel provisions of 35 U.S.C. § 315(e)(1) and 35 U.S.C. § 325(e)(1) do not prohibit Requester from filing this *ex parte* patent reexamination request. *See* 37 C.F.R. § 1.510(b)(6).

Also submitted herewith is the fee set forth in 37 C.F.R. § 1.20(c)(1).

TABLE OF CONTENTS

Request For <i>Ex Parte</i> Reexamination.....	i
Table of Exhibits.....	vi
I. Introduction.....	1
II. Legal Standard.....	2
III. U.S. Patent 8,793,336	3
A. Overview.....	3
B. '336 Patent Specification	10
C. The Challenged Claims	15
D. Prosecution History	18
IV. Claim Construction	20
A. " <i>mobile information channel</i> ".....	21
V. Substantial New Questions of Patentability.....	22
A. The Prior Applied Below Art Is Not Cumulative with the Prior Art of Record	22
B. Identification of the Prior Art Patents and Printed Publications and Invalidity Grounds.....	23
C. Grounds 1-2: Weiden Anticipates and/or Renders Obvious in view of the Knowledge of a POSITA Challenged Claims 1, 11, 15, and 27.....	27
1. Overview of Weiden	27
2. Weiden is Analogous Art	32
3. Weiden Presents Substantial New Questions of Patentability	33
D. Ground 3: Alcorn in view of Read Renders Obvious the Challenged Claims	35
1. Overview of Alcorn.....	35
2. Alcorn is Analogous Art	43
3. Overview of Read.....	43
4. Read is Analogous Art	50
5. Motivation to Combine Alcorn and Read	51
6. Alcorn in View of Read Provides a Substantial New Question of	

Patentability 55

E. Ground 4-5: Read Anticipates and/or Renders Obvious the Challenged Claims.....	56
1. Overview of Read/Read is Analogous Art.....	56
2. Read Presents a Substantial New Question of Patentability	57
F. Ground 6: Read in view of Agboatwalla Renders Obvious the Challenged Claims	58
1. Overview of Read/Read is Analogous	58
2. Overview of Agboatwalla	58
3. Agboatwalla is Analogous Art	64
4. Motivation to Combine Read and Agboatwalla.....	65
5. Read in view of Agboatwalla Present a Substantial New Question	70
VI. Detailed Application of the Prior Art to Every Claim for Which Reexamination Is Requested71	
A. Proposed Rejection of the Challenged Claims	71
1. Proposed Rejections 1 and 2.....	73
2. Proposed Rejection 3	84
3. Proposed Rejections 4-5	99
4. Proposed Rejection 6	113
B. Secondary Considerations.....	128
VII. Disclosure of Concurrent Litigation and Recexamination Proceedings.....	128
VIII. Conclusion.....	129

TABLE OF EXHIBITS

Exhibit	Descr i ' tion
EX1001	U.S. Patent No. 8,793,336 ("the '336 Patent")
EX1002	File History of the '336 Patent
EX1003	Declaration of Dr. Andrew Wolfe ("Wolfe Decl.")
EX1004	U.S. Patent No. 8,135,801 ("the '801 Patent")
EX1005	File History of the '801 Patent
EX1006	File History of <i>Inter Partes</i> Reexamination of the '801 Patent
EX1007	U.S. Patent No. 7,908,342 ("the '342 Patent")
EX1008	File History of the '342 Patent
EX1009	PCT App. Pub. No. WO 01/72002 (" <i>Weiden</i> ")
EX1010	PCT App. Pub. No. WO 01/93069 (" <i>Read</i> ")
EX1011	PCT App. Pub. No. WO 01/01372 (" <i>Alcorn</i> ")
EX1012	U.S. Patent No. 7,802,207 (" <i>Agboatwalla</i> ")
EX1013	Complaint, <i>Mobile Data Technologies LLC</i> , Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022)
EX1014	<i>Mobile Data Technologies LLC</i> , Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022), Plaintiff's Claim Chart for Asserted U.S. Patent No. 8,793,336
EX1015	U.S. Provisional Application 60/340,405 (" <i>Agboatwalla</i> ")
EX1016	Final Written Decision in IPR2018-01131
EX1017	Final Written Decision in IPR2018-01132
Ex. AA	Claim Charts for Grounds 1-2
Ex. BB	Claim Charts for Grounds 4-6

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336

Exhibit	<u>Descr i ' tion</u>
Ex. CC	Claim Charts for Ground 3

I. INTRODUCTION

The '336 Patent is part of a family of nine patents. Two family members -U.S. Patent Nos. 8,135,801 ("the '801 Patent") and 7,908,342 ("the '342 Patent") —have been the subject of post-grant challenges before the Office. EX1001, Title Page; *see also* EX1006, EX1008. As a result of the challenges, all issued claims of the '801 and '342 Patents have been canceled.⁴

The '801 Patent (the direct parent of the '336 Patent) was the subject of *inter partes* reexamination number 95/001,989, filed on May 14, 2012. *See* EX1006. The Examiner's determination that all 20 claims of the '801 Patent were invalid was upheld on appeal by both the Board of Patent Appeals and Interferences and the Federal Circuit. *Id.* The reexamination certificate canceling all claims issued on June 15, 2018. EX1006.

The similarities between the '336 Patent Challenged Claims and the '801 Patent claims are instructive to this Request. *See generally* EX1001, EX1004. During the '336 Patent's prosecution, the Examiner issued an obviousness-type double patent rejection, finding all pending claims to be obvious over the now-canceled claims of the '801 Patent. EX1002 at 54-58. The Applicant overcame the double patenting rejection via terminal disclaimer to the '801 Patent. EX1002 at 48.

In the '336 Patent Notice of Allowance, the Examiner identified the following three limitations as allegedly not disclosed in the "closest prior art of record":

⁴ The '342 Patent (the direct parent of the '801 Patent) was the subject of two *inter partes* reviews ("IPRs"), IPR2018-01131 and -01131, which together challenged all of the claims of the '342 patent. The Patent Trial and Appeal Board ("PTAB") found all challenged claims invalid and the Federal Circuit affirmed the PTAB's Final Written Decisions. EX1019.

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

EX1002 at 14.

However, as discussed herein, each and every limitation of the Challenge Claims, including the limitations identified above, are anticipated and/or rendered obvious in view of the prior art applied in this Request.

II. LEGAL STANDARD

In general, a "substantial question of patentability" exists when:

[...] there is a substantial likelihood that **a reasonable examiner would consider the prior art** patent or printed publication **important** in deciding whether or not the claim is patentable.

MPEP § 2242 (emphasis added).

A SNQ exists when a reasonable examiner would consider the prior art "important" and "the same question of patentability" has not already been decided by: (1) the Office in an earlier examination, reexamination, or supplemental

examination or (2) a federal court in a final holding of invalidity (after all appeals).
Id.

A request only needs to identify an SNQ with respect to one challenged claim for reexamination to be ordered. *Id.* Further, it is not necessary that a request for reexamination establish a *prima facie* case of unpatentability with respect to the challenged claims. *Id.* An SNQ can exist, "even if the examiner would not necessarily reject the claim as either fully anticipated by, or obvious in view of the prior art applied in a request. *Id.* (emphasis added) (citing *In re Etter*, 756 F.2d 852, 857 n.5 (Fed. Cir. 1985)).

III. U.S. PATENT 8,793,336

A. Overview

The '336 Patent is generally directed to "creating, publishing, distributing or otherwise managing information content." EX1001 at 1:23-25, 1:31-40.⁵

In general, the '336 Patent discloses systems and methods for generating "mobile websites" that can be viewed by existing internet-enabled mobile devices (*e.g.*, mobile telephones, personal digital assistants, PDAs, etc.). *Id.* In particular, these "mobile websites" permit "messaging" and/or "collaboration" between users. *Id.*

The '336 Patent alleges that conventional "techniques for information content management" in "network-based communication systems" suffered from drawbacks such as the "failure to provide suitable integration of messaging, collaboration . . . or other wireless networking functionality with the generation of shared information content." *Id.*, 1:41-53; 1:54-67. According to the '336 Patent, "it [was] generally not

⁵ Copies of the '336 Patent and its file history are provided as Exhibits 1001 and 1002, respectively.

possible for different mobile device users to link to and take further action on a persistent version of a given set of shared information content." *Id.*, 1:54-67.

The '336 Patent purports to address these alleged shortcomings via "content management and mobile websites" that are accessible via a "a network-based communication system 10."⁶ *See id.*, 2:13-31, 5:11-34; Fig. 1A-D, 6-17.

Specifically, the '336 Patent provides a "content management site" comprising a series of web pages that allow the user to identify the information and/or content that the user wants to be displayed on a "mobile website." *Id.* 5:1830, 13:40-50; Fig. 1D, 2, 3, 6-17.⁷ The organization of the various pages of the "content management site" is shown in Figures 2-3. *See* EX1001, 11:24-39, Fig. 23. Examples of these "pages" are illustrated in Figures 6-17.

Figure 8 below illustrates "an example of a main menu page" of a "content management site." As shown below the "main menu page" (*i.e.*, the figure as a whole) that includes, *inter alia*, "information 802" identifying user account information,

⁶ Generally, the "content management site" is stored on one or more "servers 16" of the "network-based communication system 10" depicted in Figure 1A. A more detailed discussion of the structure, function, and operation of the "network-based communication system 10" and its components is provided below in Section III.B.

⁷

"page navigational links 804," "mobile website information 806," "mobile information 808," and a "delete site field 810." EX1001, 13:40-50.

FIG. 8

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D Tine	menede 1:19 Conter	0 Off+
D Rant&Reve	menage rantdreve Conam	
D Surreys	manager aurveys Wotan!	0 OFF
D Chat	manage Chia content	• ON
D Journsl	monism yvrnel contor4	0 OFF
D Quatbook	manalia U Orr asretdOIXA content	
D Links	manage inks conlont	0 OFF
D 11-Card	manacle rn car. content	• ON

Icon Legend

- ON 1A Channel il vothlo In srtn yeutors
- 0 OFF A4-Channel is not v sibe to sae vAattors

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As shown above, Figure 8 includes a list of "mobile information channels 808" (also referred to as "M-Channels") that a user can turn "on" or "off." *Id.*



username's M-Channels (mobile content and communication channels)		
D About	manage about content	U ON
D Announcements	manage announcement content	. OFF
D Core	manage core content	• OFF
D Agenda	manage agenda content	EI OFF
D Notes	manage notes content	ON
D Zine	manage zine content	• OFF
D Rant&Reve	manage rant&rave content	--Z1—CIF.6 th
D Surveys	manage surveys content	. OFF
D Chat	manage chat content	EI ON
D Journal	manage journal content	• OFF
D Guestbook	manage guestbook content	• OFF
D Links	manage links content	. OFF
D M-Card	manage m-card content	U ON

Icon Legend:

ON : M-Channel is visible to site visitors.

EI OFF : M-Channel is not visible to site visitors.

Click on the icon in the same row as the M-Channel you wish to turn On or Off

The '336 Patent broadly refers to these "mobile information channels" as the communication of information or content that can be displayed on a "mobile website."

Id. 5:10-30. Disclosed examples of "mobile information channel" include:

mobile ID/business card . . . announcements, chat, events, guest book, diary/journal, bookmarks/links, discussion forum, survey/poll, newsletter/zine, notes, email, address book,

contribute/donate, mobile volunteer management, company directory, in/out board, field reports, feedback, form builder, live data/in-out syndication, mobile document library, products catalog/shopping cart, services catalog/shopping cart, appointments, task list/assignments, promotions, offers, coupons, sweepstakes, contests, photo blog, etc.

EX1001, 8:27-41.

The user can then specify the information for a given "M-channel" by clicking the corresponding "manage" link displayed above. *Id.*

Once a user has entered all of the pertinent information into the various web pages of the "content management site" (*e.g.*, the "main menu" page of Figure 8) the system generates a "mobile website" or "Winksite" to display the information.⁸ EX1001, 5:16-30, 10:18-24, 16:5-18:7.

An exemplary "mobile website" displaying a "Rant&Rave" "M-Channel" is shown below in FIG. 25h.

FIG. 25h

My WINKsite	My WINKsite	My WINKsite	My WINKsite
RANT&RAVE 1-9 of 126 1 My Topic A:11Jan (OK) 2 My Topic B:06Jan (OK) 8 My Topic C:01Jan (OK) 9 My Topic D:29Dec (OK) More...	RANT&RAVE My Topic Fri.11 Jan 2002 1 View Comments (OK) 2 Add Comment (OK)	RANT&RAVE 18 of 147 1 Add Comment (OK) 2 Name A:11Jan@12:30AM (View) 3 Name B:08Jan@03:15PM (View) 8 Name G 30Dec@04 18AM (View) 9 Anonymots:18Dec403:25PM (View) More... (More)	RANT&RAVE Name A: Comment A Mon.11 Jan 2002 0218PM
Main;	Done;	Done;	Skip/Done : Done/!
My WINKsite : RANT&RAVE Type name : ----- Type comment : ----- OK I	My WINKsite : writing please wait	My WINKsite loading please wait	

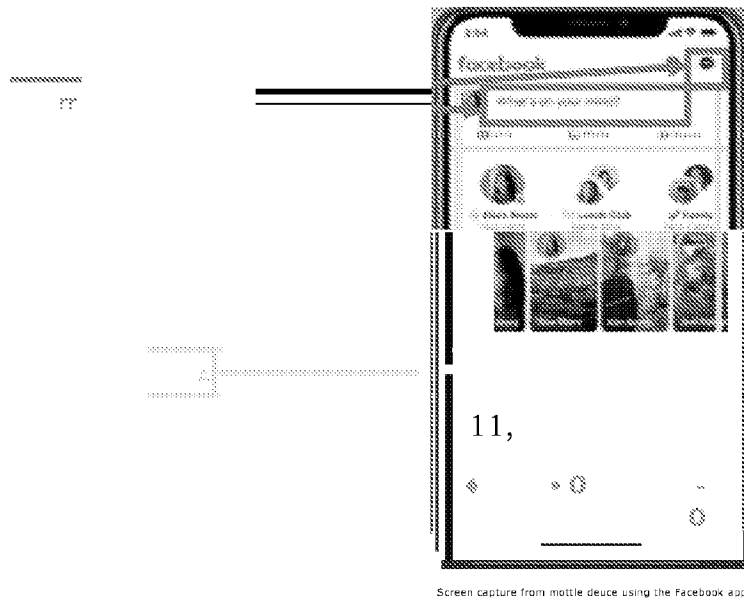
As disclosed, the "mobile websites" may allow for content to be "distributed, collaborated with or acted upon by users of mobile devices." For example, Figure

⁸Throughout, the '336 Patent refers to these "mobile websites" interchangeably as "Winksites," where "Wink," "may be viewed generally as a shortened form of the term "wireless ink," reflecting the wireless content management aspects of the invention." *Id.*, 9:51-65.

25h above allows visitors to "mobile website" to view and add comments. *See, e.g.*, EX1001, Figure 25h.

In its pending district court litigation, Patent Owner asserts Challenged Claims 1 and 15 against Meta's Facebook social media applications and software, including Facebook's mobile app and in-app browser. EX1013 at ¶¶ 86, 88. In particular, Patent Owner alleges that the accused social media functionality "allow[s] users to share user-created content with other users via mobile devices through a computerized network." EX1013 at ¶ 87.

By way of example, for Challenged Claims 1 and 15, Patent Owner identified the home screen of a first user's Facebook account as the claimed *'first web-based user interface'* (annotated as "area A" in the figure below).⁹

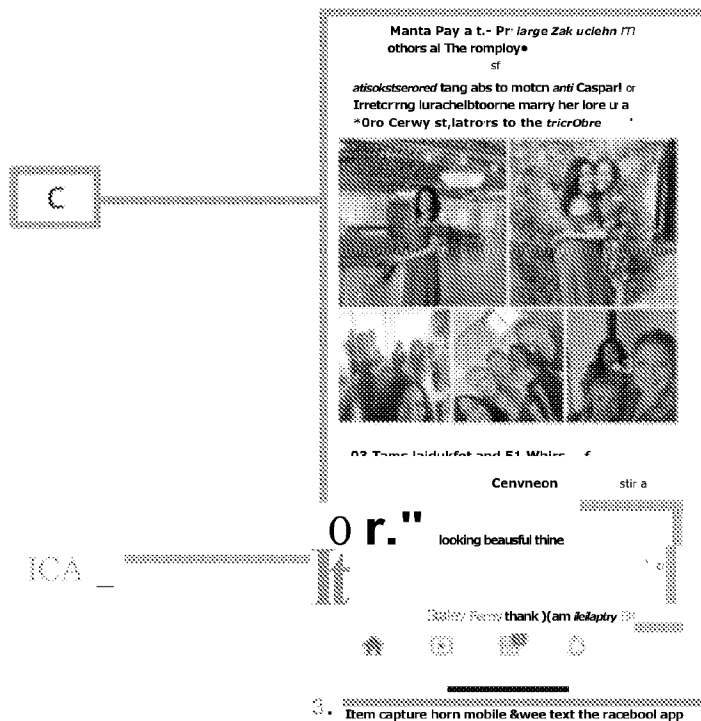


EX1014.

⁹Unless otherwise indicated, all language *"italicized and quoted"* represents recited limitations of the Challenged Claims.

The *'first web-based interface'* allows a user to *"activate a given mobile information channel"* by, for example, *"activat[ing] messenger"* (annotated as *"area B"* below) or *"post[ing] a photo"* to *"shar[e] content between one or more additional users."* EX1014.

Patent Owner identifies an additional user's Facebook feed on the Facebook application (as annotated as *"area C"* in the mobile device screen capture below) as *"a second web-based interface decent than the first web-based interface"* that *"provides additional users access to at least a portion of the shared content."* EX1014.



EX1014. With respect to the *"given mobile information channel support[ing] messaging between the first user and one or more additional users over a wireless network,"* the Patent Owner identifies additional users' ability to write comments on

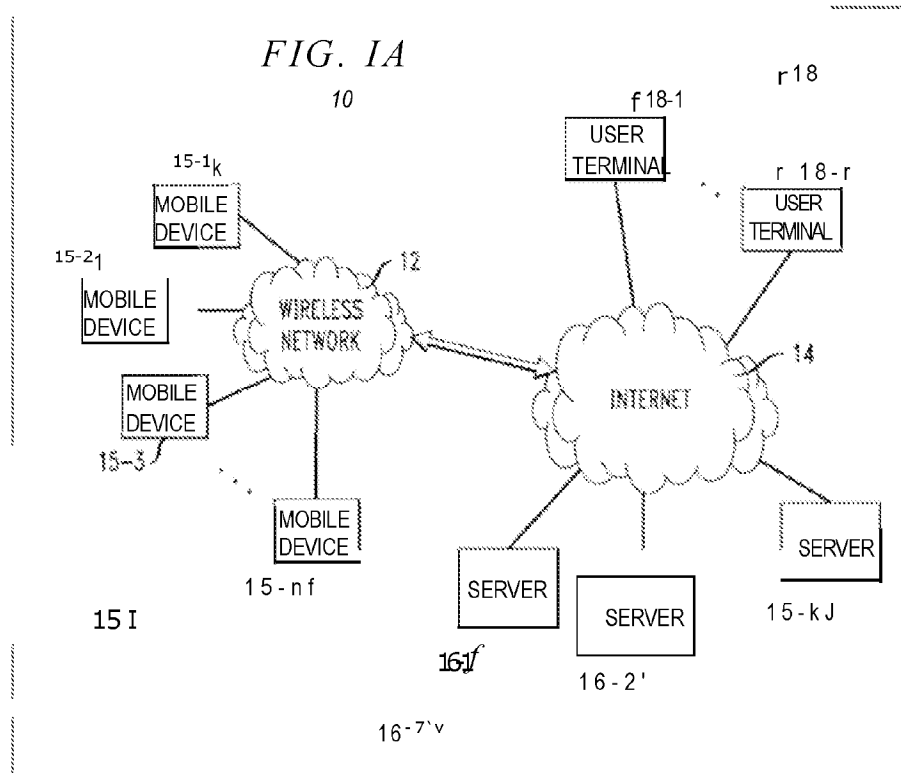
a first user's particular post and the first user's ability to respond to those same comments, which is annotated in "area D" in the figure above. EX1014.

B. '336 Patent Specification

The following table summarizes the overall organization of the '336 Patent specification:

U.S. Patent 8,793,336	
1:1-62	Background
2:6-2:58	Summary
2:60-3:30	Brief description of the figures
3:33-4:51	Network-based communication system
4:52-5:9; 8:58-9:50	Processing elements
5:10-6:22, 8:49-57; 9:60-10:7, 13:1-4	Content Management Website
9:51-59; 10:8 11:23; 12:5-19	Content Management Website — Examples
11:24-11:31; 12:20-39	Content Management Website — Start page
11:32-39; 12:40-50	Content Management Website — Menu page
11:40-12:50	Content Management Website — Features
12:51-14:6	Content Management Website — Mobile information channel pages
15:4-35	Content Management Website — Registration Process
15:36-16:4	Content Management Website — Login Process
14:3-67; 16:5-49	Method of managing content through Mobile Information Channels ("M-Channels")
16:5-49	M-Channels — Mobile website Generation Process
16:50-17:39	M-Channels — Authoring Content Process
17:40-18:7	M-Channels — Content Management Directory Process
18:8-50	Further embodiments

As discussed above, the '336 Patent purports to disclose a technique for the creation and management of mobile websites via a network-based communication system 15. *Id.*, Abstract, 2:1-12, 3:46-48; Fig. 1A.



The "network-based communication system 10" in Figure 1A includes a "wireless network 12" coupled to the "Internet 14," "mobile devices 15-1 to 15-n" connected to the "wireless network 12," and "user terminals 18-1 to 18-r" connected to the "Internet 14." EX1001, 3:46-61. "System 10" also includes a plurality of "servers 16-1 to 16-k." *Id.*, 48-57.¹⁰

The "servers 16" are disclosed as network computers or other types of computers capable of being configured for the maintenance, storage, delivery or

¹⁰ As discussed below with respect to Figure 1B, the '336 Patent uses the term "processing element" to refer to any individual mobile device 15, user terminal 18, or server 16. *Id.*, 4:52-5:2.

other processing of information received or delivered over the Internet or other type of network. EX1001, 4:41-45.

The '336 Patent discloses that "mobile devices 15" are "any type of portable information processing device capable of being configured for communication over a network," including a mobile telephone, personal digital assistant (PDA), palmtop computer, etc. *Id.*, 4:28-40. Likewise, "User terminals 18" are either "mobile devices 15" or non-mobile devices, including, *e.g.*, a desktop personal computer, a workstation, minicomputer, mainframe computer, television, set-top box, kiosk, etc. *Id.*, 4:41-45.

As discussed above, with respect to Figure 8, the disclosed "content management site" generates a "mobile website" that includes the "M-Channels" (the claimed "*mobile information channels*") selected ("*activated*") by the '*first user*.' *Id.* 1:23-26, 2:6-59, 5:10-37, 8:38-41.

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username's M-Channels (mobile content and communication channels)		
D About	<u>manage about content</u>	• ON
D Announcements	manage announcement content	• OFF
D Core	manage core content	• OFF
D Agenda	manage agenda content	• OFF
D Notes	<u>manage notes content</u>	ON
D Zine	manage zine content	• OFF
D Rent&Reve	manage rant&rave content	--Q-Caret'
D Surveys	manage surveys content	• OFF

D Chat	manage chat content	• ON
D Journal	<u>manage journal content</u>	• OFF
D Guestbook	manage guestbook content	M OFF
D Links	manage links content	• OFF
D M-Card	<u>manage m-card content</u>	U ON

Icon Legend:

ON : M-Channel is visible to site visitors.

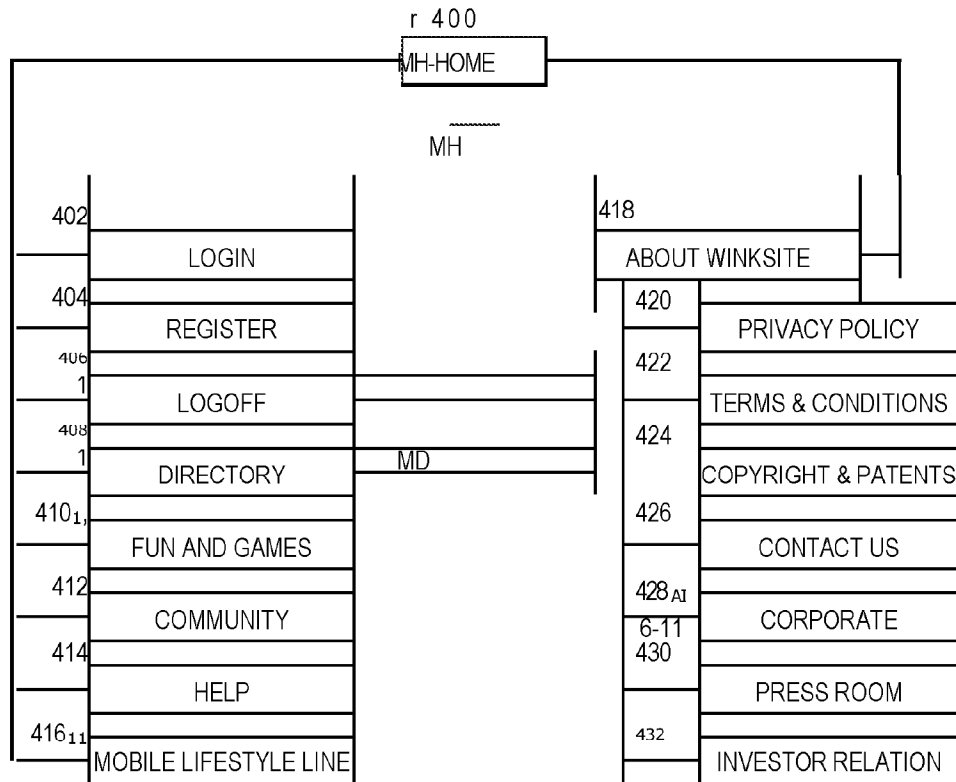
☐ OFF : M-Channel is not visible to site visitors.

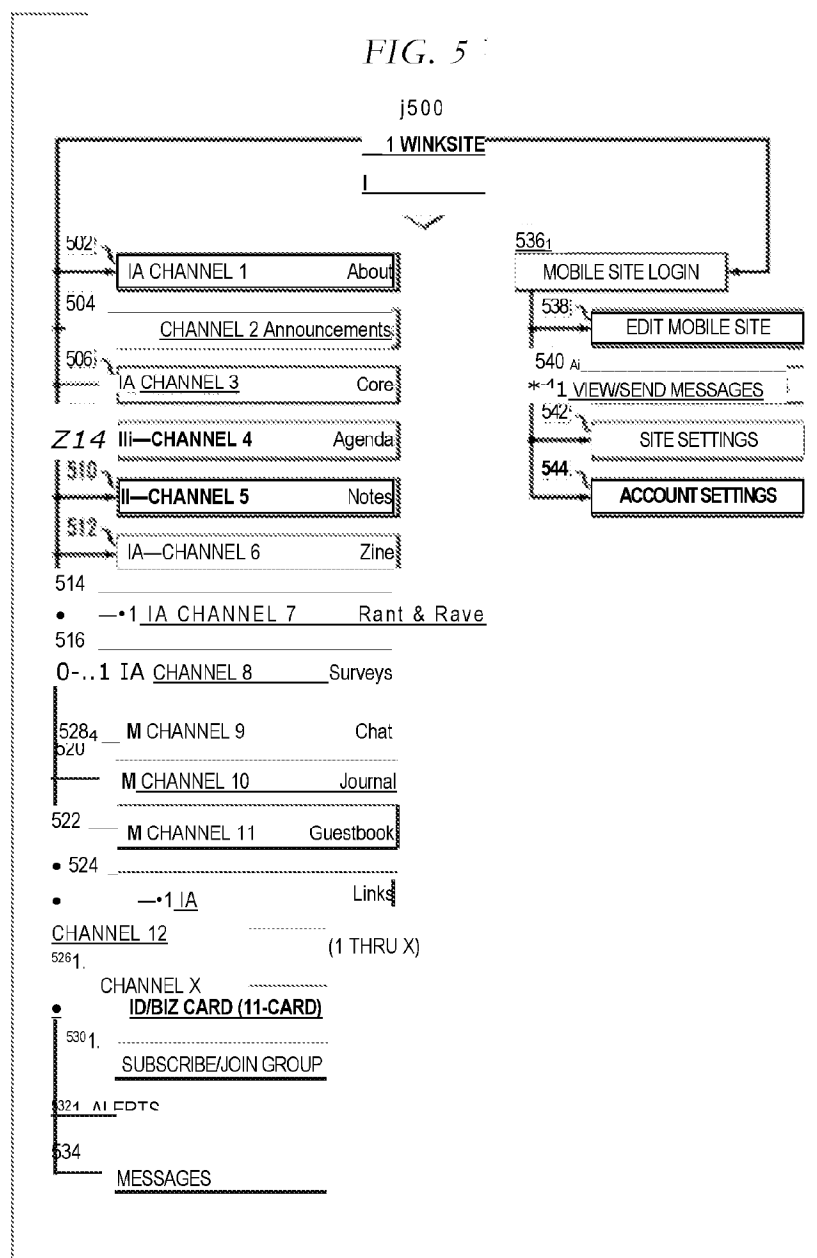
Click on the icon in the same row as the M-Channel you wish to turn On or Off

As shown above, a user (*first user*) can select (*"activate"*) a particular "M-Channel" (*"a given mobile information channel"*) using the "on/off" buttons shown above. See EX1001, 5:10-30, 13:40-14:18; FIGS. 9a, 10.

Exemplary "mobile website" home pages (the claimed "*second web-based interface*") are reproduced as "mobile website home pages (M-home)" 400 and 500 in Figures 4 and 5 below. EX1001, 12:54-67.

FIG. 4





EX1001, FIGS. 4-5.

As shown above, the "mobile website" provides user interfaces ("*second web-based user interface*") that are accessed by both the "first user" and "additional users" to access the "content" and "communications" ("*mobile information channels*")

provided by the "mobile website" via blocks 402 through 432 and blocks 502 through 544, respectively. *Id.*, 12:54-57-60.

The blocks shown correspond to a user-activatable hypertext link or other control mechanism. *Id.*, 12:57-67. "Mobile website 400" may be accessed by entering the URL corresponding to the "mobile website" into a web browser. EX1001, 12:62-64. Alternatively, activating the link associated with block 402 of Figure 4 also allows a user to access the "WINKSite" page 500 (*i.e.*, a given mobile website) shown in Figure 5. EX1001, 9:55-59, 12:64-67.

As disclosed, a given "mobile website may be generated for a group comprising multiple members having a common interest, such as a group of friends, a club, sports team, a business, a sales force, a civic group, a fan group, political party, a campaign, a charity, or other type of multi-member organization. EX1001, 6:23-29; *see also* EX1001, 6:30-8:6. By way of further example, a given "mobile website" may even be associated with a user of a type of messaging service, such as an email. EX1001, 7:36-49.

Once created ("*generated*"), a "mobile website" allows a first user and one or more additional users to exchange relevant information to group members over a wireless network. EX1001, 6:29-42. In addition, a first user and one or more additional users have the ability to post messages to a "community bulletin board" that is accessible to users. EX1001, 12:19-25.

C. The Challenged Claims

The Challenged Claims are generally directed to methods for "*managing information content*" and "*sharing content authored by a first user*" (Claim 1 and 27, respectively) and a corresponding "*network-based system*" (Claim 15) and "*apparatus comprising a processing element*" (Claim 11). *See generally* EX1001.

Challenged Claims 1, 11, and 15 are directed to a method, apparatus, and system, respectively, but otherwise recite substantially identical limitations:

Claim 1	Claim 11	Claim 15
1. <i>A method for managing information content in a network-based communication system, the method comprising the steps of</i>	11. <i>An apparatus for use in managing information content in a network-based communication system, the apparatus comprising:</i>	15. <i>A network-based communication system, comprising:</i>
	[11.a] <i>a processing element comprising a processor coupled to a memory;</i>	[15.a] <i>a plurality of servers configured to communicate over a network;</i>
[1.a] <i>providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;</i>	[11.b] <i>the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;</i>	[15.b] <i>at least one of the servers providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;</i>
[1.b] <i>generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction</i>	[11.c] <i>the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby</i>	[15.c] <i>wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby</i>

Claim 1	Claim 11	Claim 15
<i>between the first user and the one or more additional users;</i>	<i>facilitate interaction between the first user and the one or more additional users;</i>	<i>facilitate interaction between the first user and the one or more additional users;</i>
<i>[1.c] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and</i>	<i>[11.d] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and</i>	<i>[15.d] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and</i>
<i>[1.d] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.</i>	<i>[11.e] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.</i>	<i>[15.e] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.</i>

While Challenged Claim 27 does not recite the "*first*" and "*second web-based interface[s]*" recited in Challenged Claims 1, 11, and 15, this is the only difference between the Challenged Claim 27 and the remaining Challenged Claims.

For example, limitations [1.a], [11.b], [15.b], and [27.a] all require a "*mobile information channel for sharing content between the first user and one or more additional users.*" The scope of the remaining limitations of Challenged Claim 27 are also co-extensive with the corresponding limitations of Challenged Claims 1, 11, and 15.

27. *A method comprising:*

[27.a] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and

[27.b] providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional users;

[27.c] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

[27.d] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

D. Prosecution History

The '336 Patent did not undergo an extensive prosecution. All pending claims were allowed after a single Office Action asserting a double patenting rejection. *See generally* EX1002.

The application of the '336 patent was filed on February 2, 2012 with 20 original claims. EX1002 at 287-293, 319-322.

On November 7, 2013, the Applicant filed a Preliminary Amendment that amended claims 1, 2, 4, 5, 9, 14, 16, 17, and 20, cancelled claims 7, 8, and 10-12, and added new claims 21-31. EX1002 at 175-192. The Preliminary Amendment did not include any substantive arguments regarding the patentability of the new claims over the prior art of record. *Id.*

The original claims (as amended by Preliminary Amendment) correspond to the Challenged Claims of the '336 Patent as shown below:

'950 Application Claims	'336 Patent Challenged Claims
Claim 1	Claim 1
Claim 16	Claim 11
Claim 20	Claim 15
Claim 31	Claim 27

On May 28, 2014, the Examiner issued a Non-Final Rejection (the only rejection in the '336 Patent's prosecution) that rejected all pending claims based on a single ground: nonstatutory (*i.e.*, "obviousness-type") double patenting over claims 1-20 of the '801 Patent. EX1002 at 54-58.

In response to the Non-Final Rejection, the Applicant both filed a Terminal Disclaimer and submitted arguments that certain limitations of the rejected claims related to "*messaging*" were patentably distinct from the '801 Patent claims. EX1002 at 45-48. Notably, the Applicant did not distinguish the Challenged Claims over the '801 Patent claims with respect to the recited "*mobile information channel*" (which was not recited in the '801 Patent claims). *Id.*

On June 23, 2014, following the Terminal Disclaimer filing, the Examiner issued the Notice of Allowance allowing all pending claims. EX1002 at 9-16. In the Notice of Allowance, the Examiner distinguished the Challenged Claims from the prior art of record based on the following limitations:

- "*generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users*"

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

EX1002 at 14.

IV. CLAIM CONSTRUCTION

The '336 Patent will expire on June 18, 2023, during this requested reexamination. Accordingly, the USPTO should apply the *Phillips* standard for claim construction. *In re CSB-System Int'l, Inc.*, 832 F.3d 1335, 1341 (Fed. Cir. 2016).

Under the *Phillips* standard, claims terms are generally given their "ordinary and customary meaning," which is "the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (en Banc). A person of ordinary skill ("POSITA") is deemed to read the claim terms not only in the context of the claim where the term appears, but also in the context of the specification, the prosecution history, and extrinsic evidence. *Id.*, 1315-1319. In particular, the specification "is the single best guide to the meaning of a disputed term." *Id.*, 1315 (citing *Vitronics Corp. v. Conceptiontronic*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)).

As shown below, the Challenged Claims are unpatentable under their plain and ordinary meaning. Requester reserves the right to advocate a different claim interpretation in any other forum or proceeding if necessary."

A. *"mobile information channel"*

The term *"mobile information channel"* should be given its "ordinary and customary meaning." *See* Wolfe Decl. at ¶¶ 31-33.

As discussed above, a POSITA would have understood that the '336 Patent discloses the claimed *"mobile information channels"* to broadly include "information categories" or content that may be displayed on a "mobile website."¹² *See* EX1001, 5:18-21; 8:38-41. Illustrative *"mobile information channels"* (or "M-channels") include:

mobile ID/business card . . . announcements, chat, events, guest book, diary/journal, bookmarks/links, discussion forum, survey/poll, newsletter/zine, notes, email, address book, contribute/donate, mobile volunteer management, company directory, in/out board, field reports, feedback, form builder, live data/in-out syndication, mobile document library, products catalog/shopping cart, services catalog/shopping cart, appointments, task list/assignments, promotions, offers, coupons, sweepstakes, contests, photo blog, etc.

EX1001, 8:27-41.

Accordingly, a POSITA would have understood the ordinary and customary meaning of *"mobile information channel"* to broadly include different categories of

¹¹ While the '336 Patent has been asserted in four district court actions, no claim constructions have been proposed or adjudicated as of the filing date of this Request.

¹² As noted above, the '336 Patent specification also interchangeably refers to *"mobile information channels"* as "M-channels."

information and content communicated with various types of devices.¹³ See Wolfe Decl. at ¶¶ 31-33.

V. SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

For at least the reasons discussed below, each of the grounds presented below raises an SNQ with respect to the Challenged Claims.

A. The Prior Applied Below Art Is Not Cumulative with the Prior Art of Record

As noted above, an SNQ exists when: (1) a reasonable examiner would consider the prior art "important in deciding whether or not the claim is patentable" and (2) "the same question of patentability" has not already been decided by the Office or a federal court. MPEP § 2242.¹⁴

Both are true here.

First, a reasonable examiner would find the prior art applied herein to be "important" because, as shown in detail in Exhibits AA—CC and discussed below, the prior art references clearly discloses each and every limitation of the Challenged Claims.

¹³ While the '801 Patent claims do not recite a "*mobile information channel*," the Applicant's description of the '801 Patent specification in its Appeal Brief to the BPAI included a discussion of the disclosed "*mobile information channels*" that is wholly consistent with Requester's position. See EX1005, EX1006 (Appeal Brief).

¹⁴ To the extent Patent Owner argues that reexamination should be denied based on 35 U.S.C. §§ 315(d), 325(d), and/or *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017), this argument would be unavailing because the '336 Patent has not been subject to any previous challenges before the Office (including the PTAB). *In re Vivint, No. 20-1992*, slip op. at 3 (Fed. Cir. Sept. 29, 2021) (holding that § 325(d) only applies to requests for *ex parte* reexamination when the requester "has repeatedly tried to use another pathway, IPR, to forward the same arguments"). In any event, since prior art asserted herein was not before the Office during prosecution and the Challenged Claims were allowed without any prior art rejections. See *Becton*, IPR2017-01586, Paper 8 at 17-18.

Second, the prior art grounds presented below are new and non-cumulative and do not raise any "questions of patentability" previously considered by the Office." As discussed above, the '336 Patent was subject to only one Non-Final Rejection on the basis of nonstatutory double patenting over the claims of its parent, the '801 Patent. *See supra* § III.E. Further, none of the primary prior art references applied below were previously before the Office. Accordingly, the Request presents substantial new questions of patentability and reexamination should therefore be ordered.

B. Identification of the Prior Art Patents and Printed Publications and Invalidity Grounds

Reexamination of the Challenged Claims is requested in view of the following references.¹⁶

- **EX1009 ("*Weiden*")**: PCT App. Pub. No. WO 01/72002 was published in English on September 27, 2001 from PCT Application No. PCT/US01/08552, filed on March 19, 2001 (designating the U.S.). Weiden is prior art under at least pre-AIA §§ 102(a) and/or (e).
- **EX1010 ("*Read*")**: PCT App. Pub. No. WO 01/93069 was published in English on December 6, 2001 from PCT Application No. PCT/GB01/02318,

¹⁵ While the '336 Patent is currently being asserted in a federal court actions (*see infra* Section § VII), including at least Challenged Claim 1, there have not yet been any substantive rulings regarding the invalidity of the Challenged Claims (or any other claims of the '336 Patent).

¹⁶ A Form SB-08 and copies of the applied references are submitted herewith. As noted above, none of the primary references were before the Office during the prosecution of the '336 Patent, and the sole secondary reference previously cited has never been considered in combination with the other art applied herein.

filed on May 25, 2001 (designating the U.S.). Read is prior art under at least pre-AIA §§ 102(a) and/or (e).

- **EX1011 ("*Alcorn*"):** PCT App. Pub. No. WO 01/01372 was published in English on January 4, 2001 from PCT Application No. PCT/US00/17979, filed on June, 30 2000 (designating the U.S.). *Alcorn* is prior art under at least pre-AIA §§ 102(a), (b), and/or (e).
- **EX1012 ("*Agboatwalla*"):** U.S. Patent No. 7,802,207 (issued on September 21, 2010) was filed on June 6, 2002 and claims priority to U.S. Provisional Application 60/340,405, filed on December 13, 2001. *Agboatwalla* is prior art under at least pre-AIA § 102(e).

While *Agboatwalla* qualifies as prior art under pre-AIA § 102(e) as of the June 6, 2002 filing date *alone*, it is also entitled to the December 13, 2001 priority date of the provisional application to which it claims priority. As required by the prevailing case law, *Agboatwalla's* provisional application provides support for both: (1) the invalidating disclosures of *Agboatwalla* applied herein (*see* EX1015, 4:1-17, 35:12-38:5, FIG. 8, FIG. 10, FIG 11, FIG. 12) and (2) at least one issued claim of *Agboatwalla*. *See Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1379-81 (Fed. Cir. 2015) ("[a] reference patent is only entitled to claim the benefit of the filing date of its provisional application if the disclosure of the

provisional application provides support for the claims in the reference patent in compliance with § 112, ¶ 1.").

For example:

<i>Agboatwalla Claim 1 (EX1012)</i>	<i>Provisional Support (EX1015)</i>
<i>1. A method for generating a user-sharable network user interface, comprising:</i>	4:1-14, 6:23-7:2, 36:12-37:21, FIG. 10.
<i>displaying a management interface for allowing a first end user to select and manage information displayed on an information screen of a habitat, wherein the management interface includes information of at least one content source;</i>	4:1-14, 6:1-14, 6:23-7:12, FIG. 8, 32:16-33:14, FIGS. 11-12, FIG. 14., 37:1-40:4, 25:11-27:26.
<i>allowing the first end user to select portions of the information available in the at least one content source;</i>	27:5-26
<i>marking the selected information of the content source by determining an invariant descriptor of the selected information, the invariant descriptor including a description of a location of the selected information within the content source and distinguishing attributes of sub-sections of the content source that contain the selected information, wherein the description of the location includes a unique identifier of a table in the content source that contains the selected information and a position of the selected information within the table, the position including a specified row and column of the table, and wherein the distinguishing attributes include headers of the table, a number of columns in the table, fonts used in the table, and a border width</i>	4:1-14, 6:21-7:17, 23:12-25:9, FIG. 2, 28:1-29:11, FIG. 6

<i>of the table;</i>	
<i>storing the marked information by storing the invariant descriptor;</i>	24:25-25:9, 28:1-29:11, FIG. 6
<i>retrieving the marked information using the invariant descriptor;</i>	28:1-29:11, FIG. 6
<i>displaying the marked information on the information screen, wherein the information screen includes at least one view, wherein each view contains at least one window for displaying the marked information;</i>	4:1-14, FIG. 11-12, FIG. 14, 24:9-24.
<i>checking a permission status of a second end user for determining whether the second end user is authorized to see a window containing information selected by the first end user; and</i>	4:1-19, 35:27-36:15, 69:10-19
<i>allowing the second user to view a window of the information screen if the second user is authorized;</i>	4:1-19, 35:27-36:15, 69:10-19
<i>wherein the invariant descriptor is converted into a hyperlink that contains the selected information and the invariant descriptor or a hyperlink to the selected information and the invariant descriptor.</i>	29:4-11

- This request is also supported by the declaration of Dr. Andrew Wolfe (EX1003, "Wolfe Decl.").

Reexamination of the Challenged Claims is requested in view of the following grounds:

Ground	Exhibit	Challenged Claims	Basis
1	AA	1, 11, 15, 27	Anticipated by <i>Weiden</i> (§ 102)
2	AA	1, 11, 15, 27	Obvious over <i>Weiden</i> (§ 103)
3	CC	1, 11, 15, 27	Obvious over <i>Alcorn</i> in view of <i>Read</i> (§ 103)
4	CC	1, 11, 15, 27	Anticipated by <i>Read</i> (§ 102)
5	CC	1, 11, 15, 27	Obvious over <i>Read</i> (§ 103)
6	BB	1, 11, 15, 27	Obvious over <i>Read</i> in view of <i>Agboatwalla</i> (§103)

C. Grounds 1-2: Weiden Anticipates and/or Renders Obvious in view of the Knowledge of a POSITA Challenged Claims 1, 11, 15, and 27

1. Overview of Weiden

Weiden was filed by America On-Line and is titled "Shared Groups Rostering System." *Weiden* generally discloses a system for online service providers to offer subscribers the ability to create their own interest groups (*e.g.*, for family, friends, co-workers, classmates, or teammates) to share information as well as the ability to transmit electronic messages in discussion groups. EX1009, 1:11-17.

Similar to the '336 Patent, *Weiden*, relates to "transferring data between subscribers of a communications system and more particularly to sharing information among members of a group." EX1009, Abstract, 1:5-7. *Weiden* explains that the disclosed "communication system" improved on existing systems by allowing subscribers to more easily share information with other groups of subscribers. EX1009, 1:24-2:3.

In particular, *Weiden* discloses "a communication system 200" that allows members of a group to "share[] information" and "send[] instant messages." *See, e.g.*, EX1009, 2:11-3:2; 19:17-23. A "founder" creates a "group" by "enter[ing] attributes of the group . . . through a user interface displayed on a client device." EX1009, 20:13-21; *see also id.*, 19:24-20:26. Specifically, *Weiden* discloses:

To create a group, a subscriber enters attributes of the group to the host 704 through a user interface displayed on a client device. The group attributes may include, but are not limited to, a unique group name, a description of the group, a time zone so that events are properly timed, a group theme (e.g., Family, Friends, Activity Group), and a design style having a certain color schemes images that represent members.

Id.

Once created, the "group" provides various "services" that enable the group members to share information or content and exchange messages. *See* EX1009, 22:3-23:26. Like the disclosed examples of '*mobile information channel*' in the '336 Patent, *Weiden's* exemplary "services" include, *e.g.*, a "private group website" displaying audio and video content, a "shared buddy list" enabling instant messaging between the members, a "shared address book," "shared calendar," "shared map," "shared message board," "shared photo gallery," and "shared favorite sites." *Id.* The "founder" can also send "administrative emails" to the group. EX1009, 20:3-12.

Once a "founder" has finished entering the group information into the "user interface", *Weiden's* system generates a "private group website" for all current group members. EX1009, 19:25-28, 22:3-11. One example of this "private group website" is shown below in Figure 8:

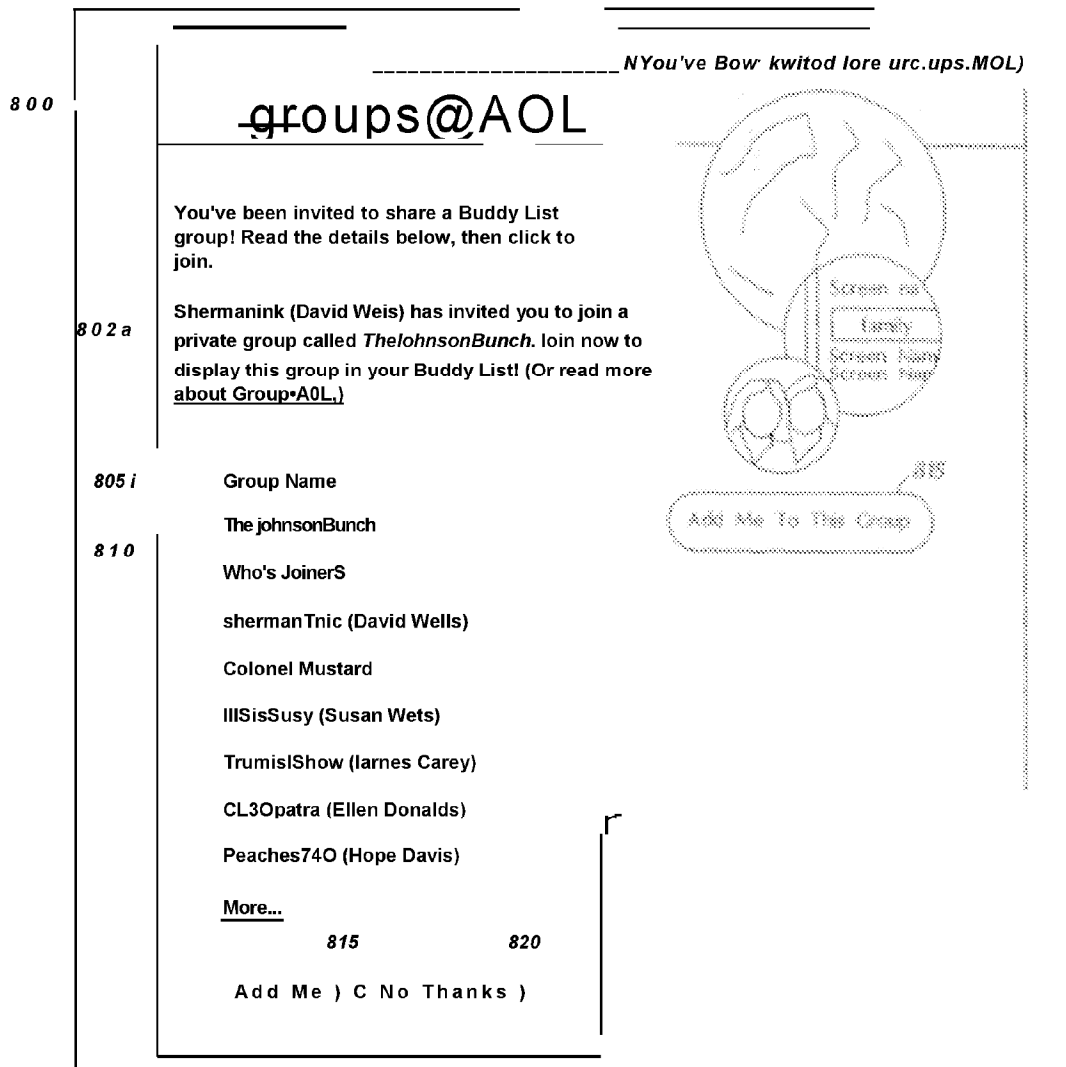


FIG. 8

The "private group website" shown above is the website that a "prospective group member" sees when they are invited to join a group. EX1009, 20:23-22:2, Fig. 7; EX1003, ¶¶ 66-86. The new member accepts the invitation to join the group by clicking the "add me" button 815 on the "private group website" shown above. *Id.* The new "member" is then able to access the content and "services" available to group members.

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336 An exemplary "communication system 200" is illustrated in Figure 2, below.

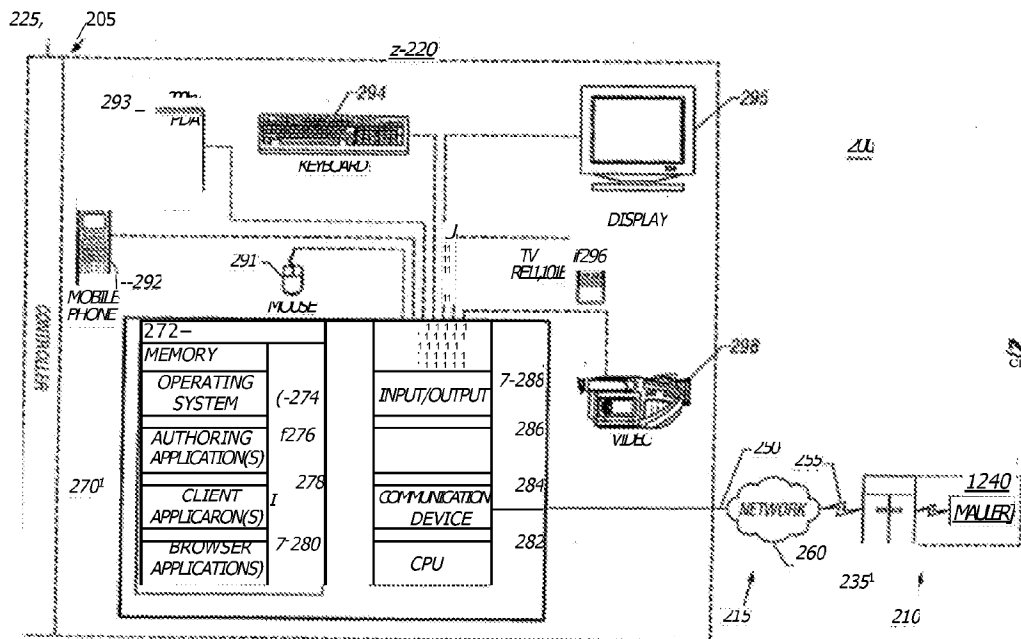


FIG. 2

As shown above, "communication system 200" includes "communications link 215," a "client system 205," and a "host system 210." EX1009, 4:11-13, 6:1112. "Client system 205" further comprises at least one "client device 220" and at least one "client controller 225" for controlling the "client devices 220." EX1009, 6:11-17. "Communications link 215" enables communication between "client system 205" and "host system 210" via one or more "delivery networks 260," such as the Internet, World Wide Web, LANs, analog or digital wired and wireless telephone networks, or any other delivery mechanism for carrying data. EX1009, 5:8-16. "Client device 220" includes one or more application programs, such as "client applications 278 (*e.g.*, AOL client CompuServe client, AIM client, AOL TV client, or an ISP client) capable of communicating with other computer users accessing various computer resources, and viewing, creating, or otherwise

manipulating electronic content."¹⁷ EX1009, 6:27-7:2. *Weiden* explains that various mobile devices such as a "mobile telephone" and "PDA" may be used as a "client device 220" in its system and that the group creation process described by procedure 700 can be "implement[ed] by any type of hardware, software, device, computer, computer system, equipment, component" which would have therefore included such mobile devices. EX1009, 7:26-8:2 ("devices such as mobile telephone 292 [] [and] a PDA 293...may themselves include the functionality of the general-purpose computer 270 and operate as the client device 220"), 19:6-17 ("procedure 700 may be implement by any type of hardware, software, device, computer, computer system, equipment, component,..."); EX1003 at ¶ 80. Moreover, *Weiden* explains that a "founder" is considered a "member" of the created group, and that members "typically have attributes comparable to those described above with respect to client device[...220," where the client device can be a "mobile telephone 292" or "PDA 293" as noted. EX1009, 19:6-17, 20:22-26.

In the embodiment of Figure 6, the "host system 610" further includes a "host device 635" and "a host controller 64Cr."¹⁸

¹⁷ *Weiden* discloses that "mobile phone 292" may function as a "client device" and communicate with "host system 210." EX1009, 7:20-8:1.

¹⁸ *Weiden* discloses that the "client system 605" and "communications link 615," "typically have attributes comparable to those described with respect to client systems 105, 205, 305, 405, and 505 and communications links 115, 215, 315, 415, and 515 of Figs. 1-5." EX1009.

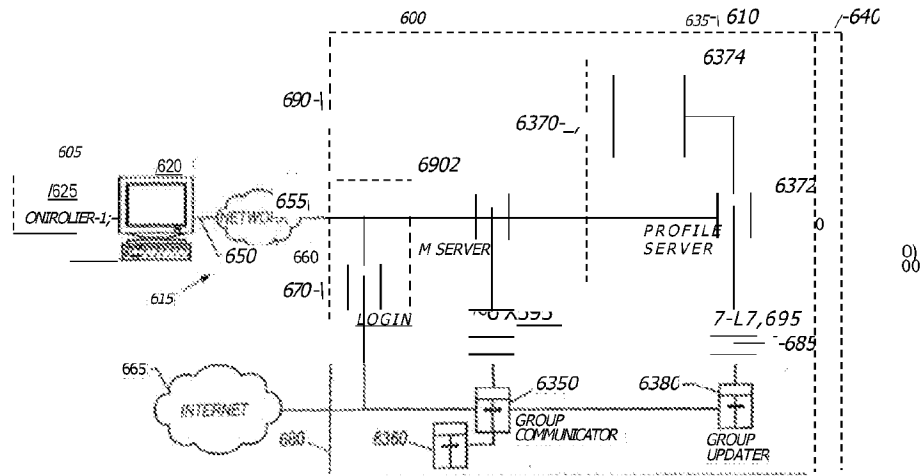


FIG. 6

See, e.g., EX1009, 17:6-22, FIG. 6.

More specifically, a "host system 605" may include the following servers: at least one "group administrator 6370," at least one "group communicator 6350," and at least one "group information updater 6380." EX1009, 17:23-32. *Weiden* further discloses that these servers support web-based user interfaces. *See, e.g.*, EX1009, 3:15-18, 18:10-15. "Group information updater 6350" includes "a user interface configured to interact with client devices of group members and facilitate information exchange." EX1009, 3:15-18, 18:10-15. "The user interface may reside ... **on the Internet.**" (*i.e.*, the claimed '*first web-based interface*'). EX1009, 3:15-18, 18:10-15.

2. Weiden is Analogous Art

Weiden is analogous art to the '336 Patent. "Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the

particular problem with which the inventor is involved." *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004).

Weiden is within the field of endeavor of the '336 Patent, and particularly relevant to the Challenged Claims of the '336 Patent, because it relates to a network-based communication system that facilitates both content sharing and messaging between subscribers. EX1009, 2:5-3:25; EX1003, ¶¶ 58-59. Further, *Weiden* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the challenged claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. *Weiden* identifies similar problems, such as difficulties by users to share information content among one or more additional users through an instant messaging service. EX1009, 1:9-2:3. However, to solve these problems, *Weiden* discloses functionality that offers a solution to these difficulties and can be entirely carried out on mobile device. EX1009, EX1009, 6:12-14, 7:20-8:1; EX1003 ¶¶ 58-59.

3. Weiden Presents Substantial New Questions of Patentability

For the reasons discussed above in Section C.1, as well as those discussed below, in the Proposed Rejection (Section VI.A.1), and in Exhibit AA, *Weiden* is not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.1) and Exhibit AA provides a detailed analysis demonstrating that *Weiden* anticipates and/or renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Weiden* presents substantial new questions of patentability. EX1003, ¶¶ 58-59, 68-86.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.1) and in Exhibit AA, *Weiden* anticipates and also renders obvious the Challenged Claims

because it teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

See Section III.D.

Weiden therefore presents a substantial new question of patentability, and a reasonable examiner would consider the reference important in determining whether the Challenged Claims are patentable, because Weiden was not cited by the examiner. A detailed explanation of the pertinence and manner of applying Weiden to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.1., below, as well as in Exhibit AA.

D. Ground 3: Alcorn in view of Read Renders Obvious the Challenged Claims

1. Overview of Alcorn

Alcorn was filed by education provider Blackboard and is titled "Internet-Based Education Support System and Methods." *Alcorn* is generally directed to a system for instructors to share course content with students and conduct participatory discussions over an "electronic network." EX1011, Abstract, 1:11-25. In particular, *Alcorn* discloses a system and methods for providing an instructor with a web-based user interface that enables the instructor to transmit course materials and interact with students in diverse locations. EX1011, 1:11-2:15.

An illustrative embodiment of *Alcorn's* education support system is shown by the overall system block diagram in Figure 39 below.

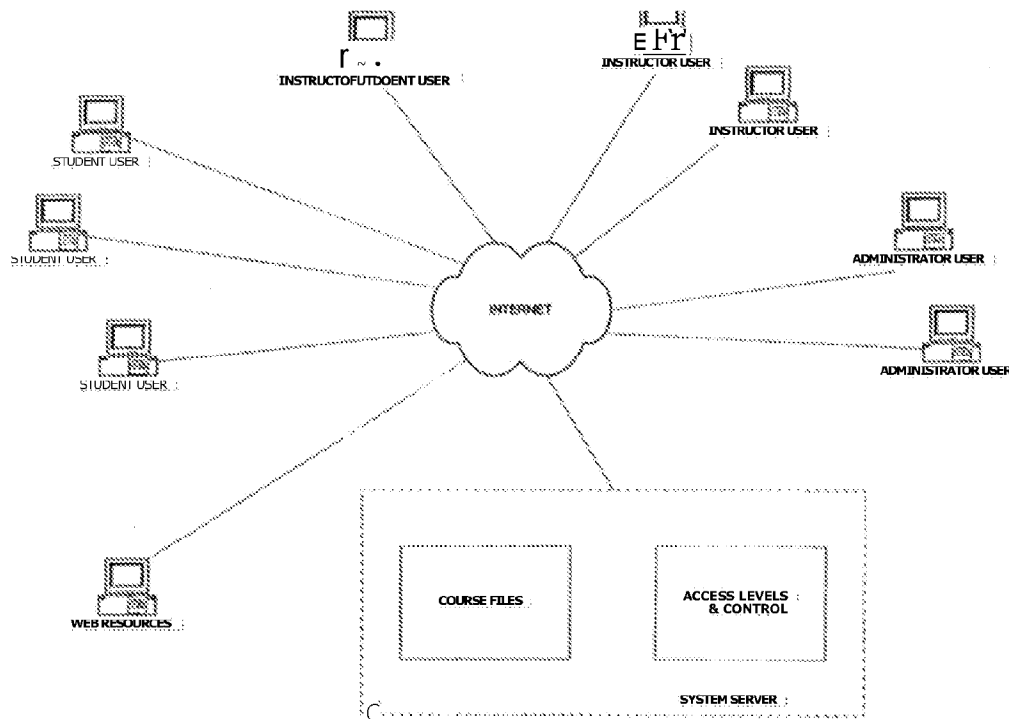
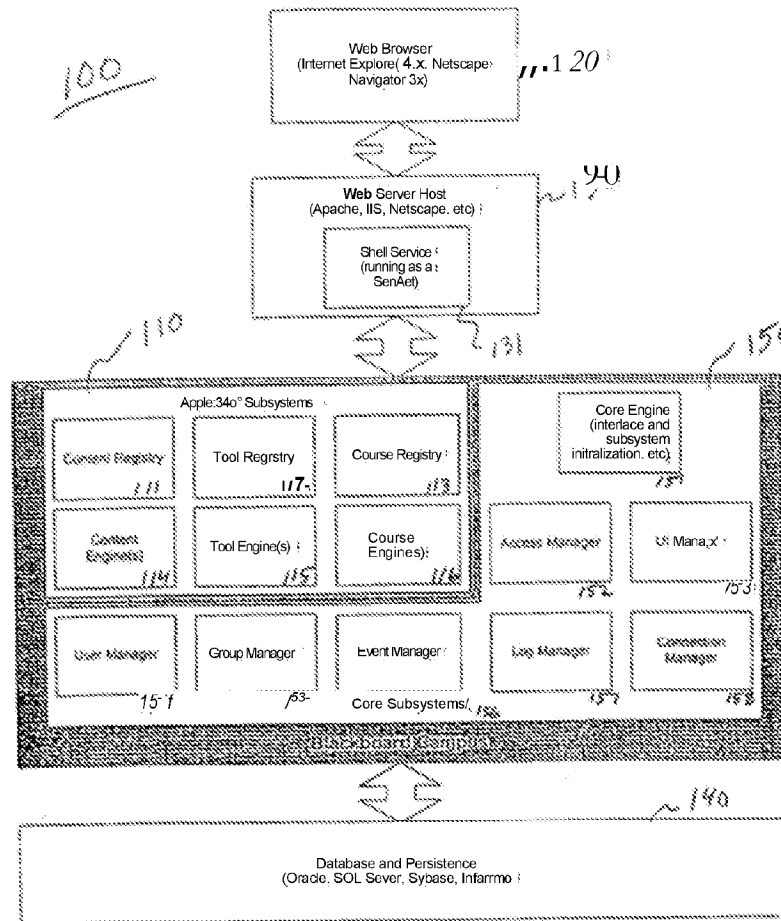


FIG. 39

EX1011, FIG. 39.

As shown in Figure 39, "education support system 100" is implemented in a "client-server network topology" that includes a plurality of "student users," "instructor users," "administrator users," (collectively, "clients"), "web resources," and a "system server" that contains "course files" and "control" software. EX1011, 16:25-27.

Figure 1 provides an exemplary system architecture.



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As illustrated in Figure 1, the system architecture of "education support system 100" primarily consists of a "web browser 120," "web host server 130," "database system 140," and a "Blackboard campus" comprising "application subsystems 110" and "core subsystems 150." EX1011, 16:8-24.

"Applications subsystem 110" further comprises a "content registry 111," "a tool registry 112," a "course registry 113," "one or more content engines 114," "one or more tool engines 115," and "one or more course engines 116." EX1011, 16:1619. "Web host server 130" further comprises "shell service 131." EX1011, 16:14-15. Users access and interact with "education support system 100" through "web browser 120." EX1011, 16:25-17:9.

Using the "education support system 100," *Alcorn* discloses a means for the creation of courses to be taken by students online. EX1011 Abstract. In doing so, the users on the network have predefined roles within the framework, including student, instructor, or administrator (as depicted in Figure 39 above). EX16, 7:1-6, FIG. 39. A user's role (*i.e.*, as a student, instructor, or administrator) provides differing levels of access and control over data files associated with a course. EX1011, 7:26-28.

An "instructor" is provided with a "web browser interface" including a "Course Control Panel" (also referred to as "control panel 1602") for course management. EX1011, 26:1-19, 38:19-23, FIG. 16. By using these provided course management tools, instructors can "monitor, control, and customize their course web sites." EX1011, 26:1-4. The "control panel 1602" provides "a set of links to course management and development tools that are available to an instructor." EX1011, 38:28-31. By way of example, Figure 16 (highlight added) below shows an exemplary "course control panel 1602." *See* EX1011, FIG. 16.

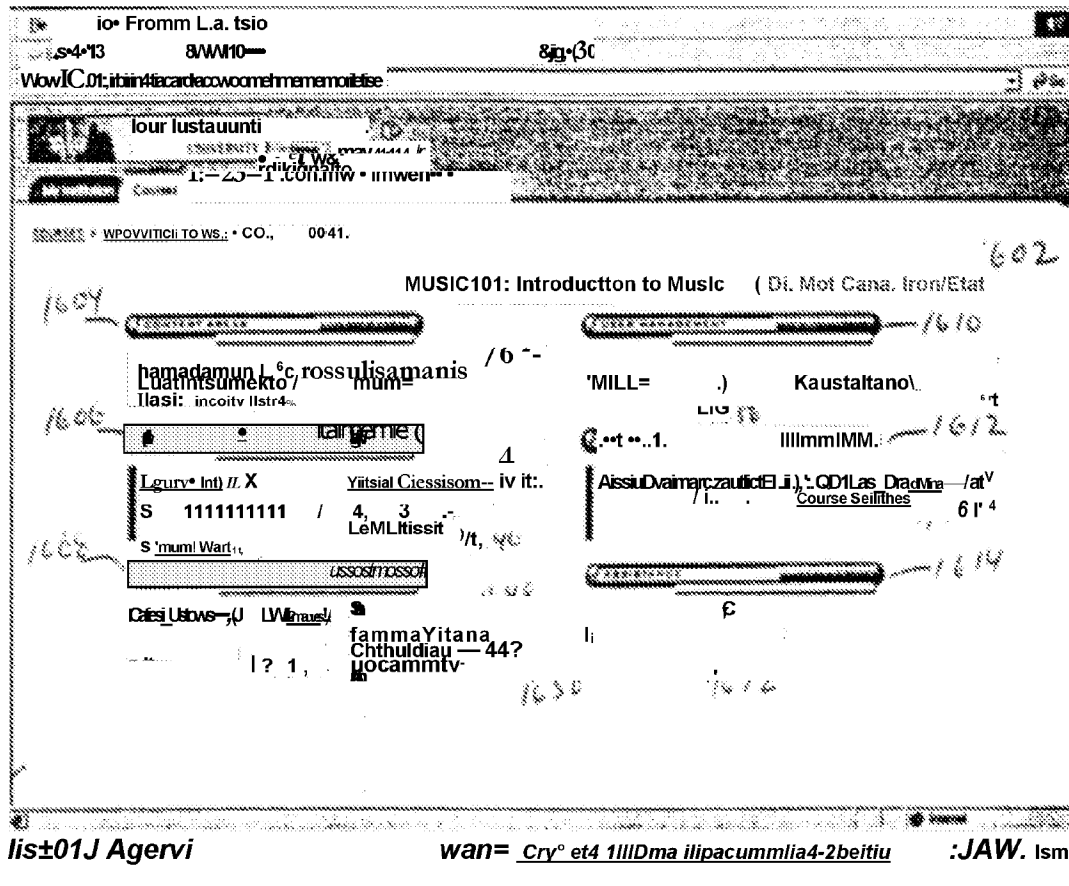


FIG. 16

Figure 16 shows a "course control panel 1602" that is provided to an instructor, Dr. Tim Cane, for his course "MUSIC 101: Introduction to Music." See EX1011, FIG. 16. "Course control panel 1602" provides the following features to an instructor: "Content Areas 1604," "Course Tools 1606," "Course Options 1608," "User Management 1610," "Assessment 1612," and "Assistance 1614." EX1011, 38:2839:7, FIG. 16. Within the "course control panel 1602", each these "features" allows the instructor to customize the content (e.g., "announcements," "assignments," etc.)

and communication (e.g., "virtual classroom," "discussion board," etc.) provided on the course website that will be created by the course control panel 1602." *See generally* EX1011, 39:1-53:30. For example, within the "Course Tools section 1606," provides "links" to the following "features": "Course Calendar 1628," "Course Tasks 1630," "Send E-mail 1632," "Instructor Library 1634," "Discussion Board 1638," "Virtual Classroom 1636," and "Digital Dropbox 1640." *See* EX1011, 41:2046:7.

The "course options 1608" area includes a "course options link 1642" that will "display a web page to the instructor that has," among other links, a link to "Tool Availability," and "[s]election of the Tool Availability link will display a web page that will allow the instructor to enable or disable the student tools and communication functions for that course" that include "email, discussion board, virtual chat, student roster, [and] group pages." EX1011, 46:11-47:17. Thus, an instructor can enable or disable (activate or de-activate) various channels of communication between the instructor and students, as well as between students themselves. *Id.* These teachings of *Alcorn* are just like one of the '336 patent's example techniques of activating or de-activating mobile information channels, shown in Figure 8 of the '336 patent, where mobile information channels can be turned on or off. EX1001, 5:10-30, 10:34-47, 13:40-14:22.



username's M-Channels (mobile content and communication channels)		
D About	manage about content	• ON
D Announcements	manage announcement content	■ OFF
D Core	manage core content	■ OFF
D Agenda	manage agenda content	■ OFF
D Notes	manage notes content	U ON
D Zine	manage zine content	■ OFF
D Rant&Rave	manage rant&rave content	EI
D Surveys	manage surveys content	■ OFF
D Chat	manage chat content	• ON
D Journal	manage journal content	■ OFF
D Guestbook	manage guestbook content	■ OFF
D Links	manage links content	■ OFF
D M-Card	manage m-card content	• ON

Icon Legend:

ON : M-Channel is visible to site visitors.

□ OFF : M-Channel is not visible to site visitors.

Click on the icon in the same row as the M-Channel you wish to turn On or Off

EX1001, Fig. 8

When students access the "course website", the "course website" provides "links" to the "features" enabled by the "instructor." EX1011, 9:24-31, 10:21-24. The students are then able to use these links to access the content and/or communications provided by each "feature." *Id.*

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336

An exemplary course website is shown below in Figure 8:

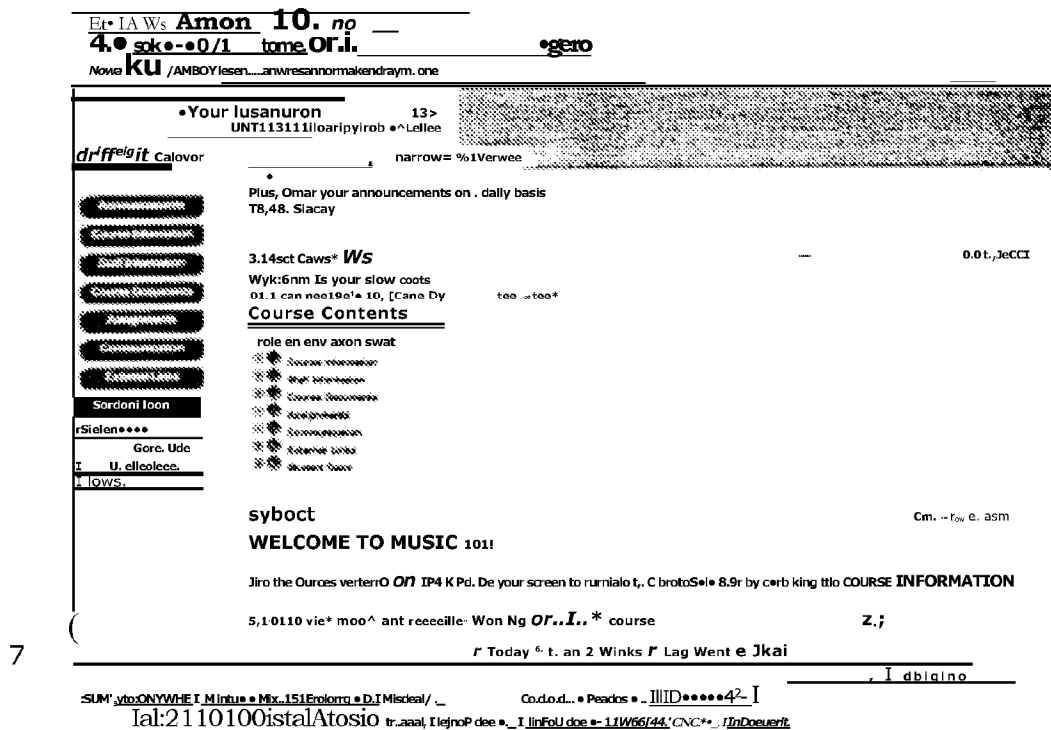
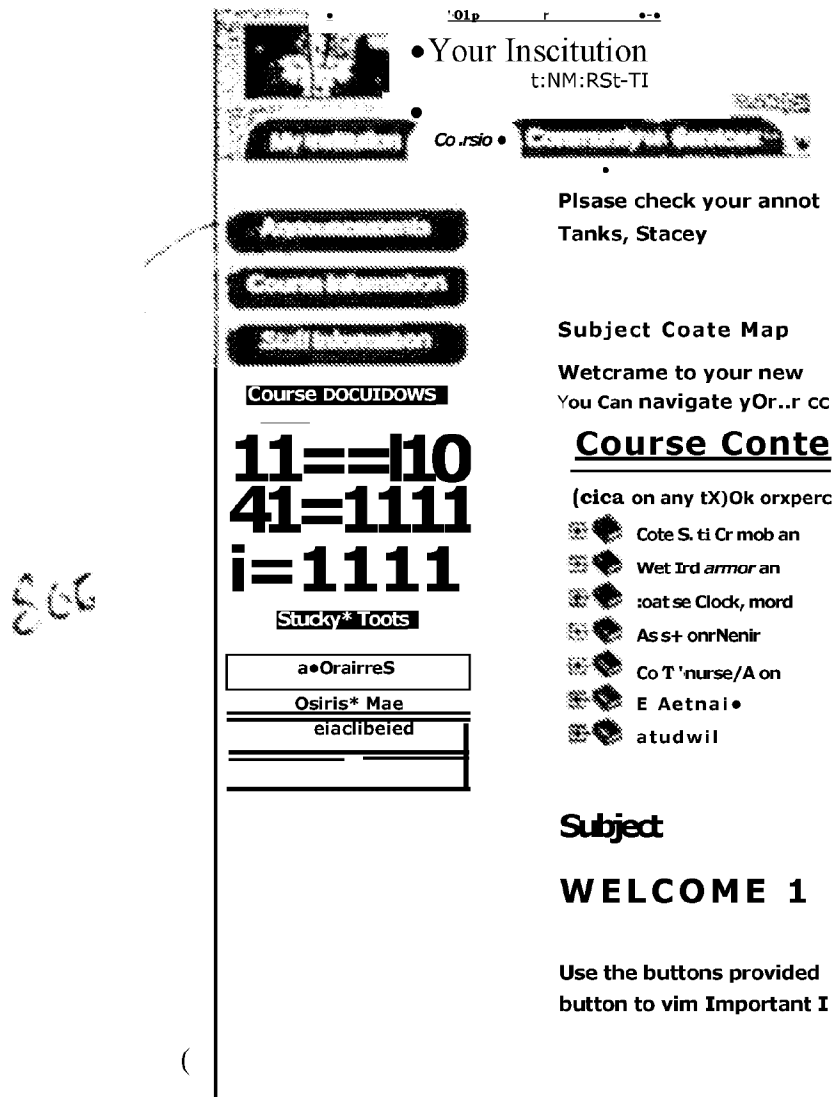


FIG.

As shown above, the "course website" includes "features" that allow an instructor to interact and exchange messages with the students. EX1011, 2:16-29. The instructor user can post "announcements" or exchange messages via the "communication" feature. EX1011, 39:11-20.



For instance, an "instructor" can use "discussion board 1208" to "interact [] with one or more . . . student users ... [to] receive student questions and input, and conduct participatory class discussions using an electronic network such as the Internet or World Wide Web." EX1011, 15:24-16:6 (emphasis added); *see also id.*, 43:6-45:12, FIG. 12-13; EX1003, ¶¶ 61, 94.

2. Alcorn is Analogous Art

Alcorn is analogous art to the '336 Patent. "Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved." *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004).

Alcorn is within the field of endeavor of the '336 Patent, and particularly relevant to Challenged Claims of the '336 Patent, because it relates to a network-based communication system that facilitates both sharing of educational content sharing and messaging between users enrolled in a given course. EX1011, 1:11-13:9. Further, *Alcorn* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the challenged claims, such as the integration of shared information content with messaging, collaboration and other wireless networking functionality. EX1001, 1:54-67. *Alcorn* identifies and addresses similar problems, such as by providing a web-based user interface that facilitate the exchange of educational content and messages between an instructor user and one or more additional student users through an "electronic network." *Id.*; EX1003, ¶¶ 61, 94.

3. Overview of Read

Read is titled, "Internet Communication," is directed to an "Internet communication system" comprising a "Web site" hosted by a "web server" that allows a first user to send "electronic communications" (also referred to as "messages") to a "second user". EX1010, Abstract, p.1.

An exemplary embodiment of *Read's* communication system is shown in Figure 1, below.

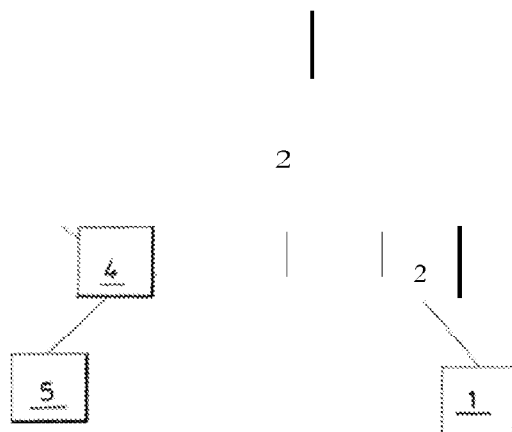


FIG.1

Read's "communication system" includes "Web site server 6," "server 4," and "server 2." EX1010, p.6-7. "Web site server 6" is connected to the Internet, and runs a "Web site" to which users, such as the disclosed "first and second users," may subscribe. EX1010, p.7.

The "first user" accesses the various "pages" of the "Web site" using a Web browser on "computer 1." EX1010, p.6-7. Once logged into the "Web site," the "first user" can author an "electronic communication" to the "second user," which is retained on "Web server 6." EX1010, p.7. When the "second user" wants to read their mail, the second user can access the web site via his "computer 5" and a "server 4." EX1010, p. 7.

Read's communication system facilitates "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (LP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. More specifically, these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user

has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) then he may access the web site using the telephone." EX1010, p.10.

The first user's message is retained on "Web site server 6." EX1010, p.7. The Web server also retains "status information indicating whether the electronic communication has been opened by the second user." EX1010, p.2. The Web server is also configured to specify other users that are authorized to open messages that have been previously opened by the "first user." EX1010, p.5. As such, "additional predetermined users" are allowed "to access the status information or to *[sic]* the electronic communication." EX1010, p.4.

Read discloses an exemplary "Web site" as an e-payroll website. EX1010, p.12. A first user, "Mr. First," is a subscriber of the payroll website, where his role is as a "payroll administrator." EX1010, p.12. An exemplary first Web-based interface (*e.g.*, an e-payroll website) accessed by the first user (*e.g.*, "Mr. First") is shown in Figure 2 below:

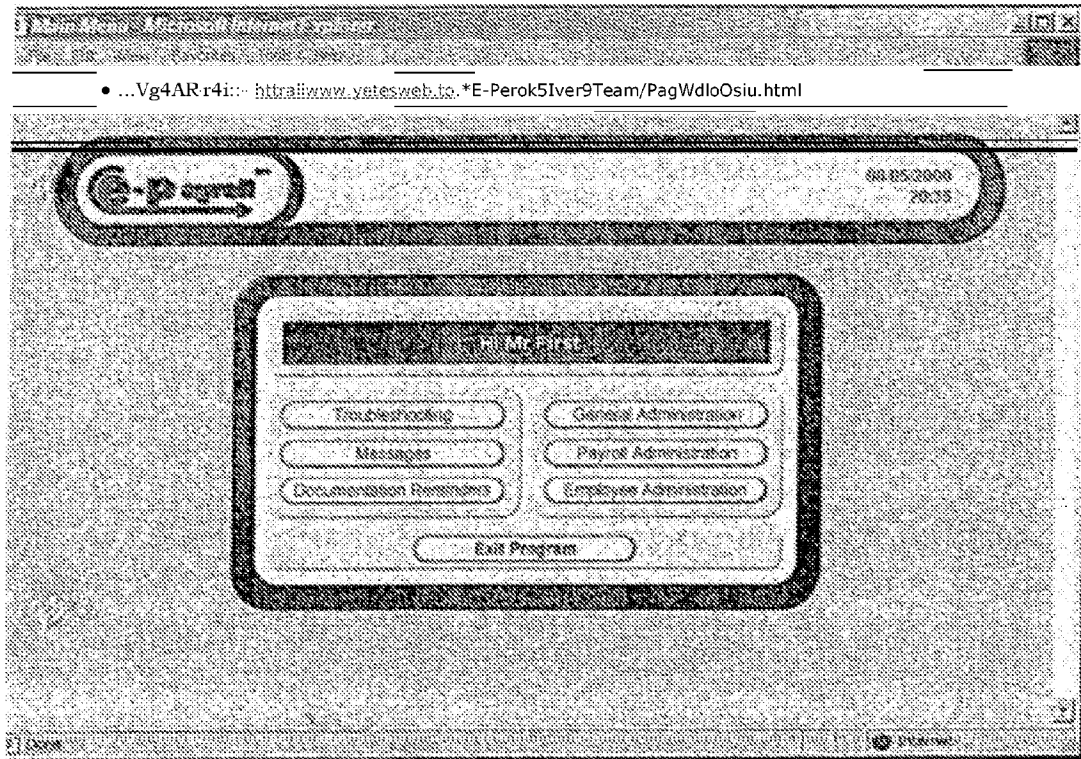


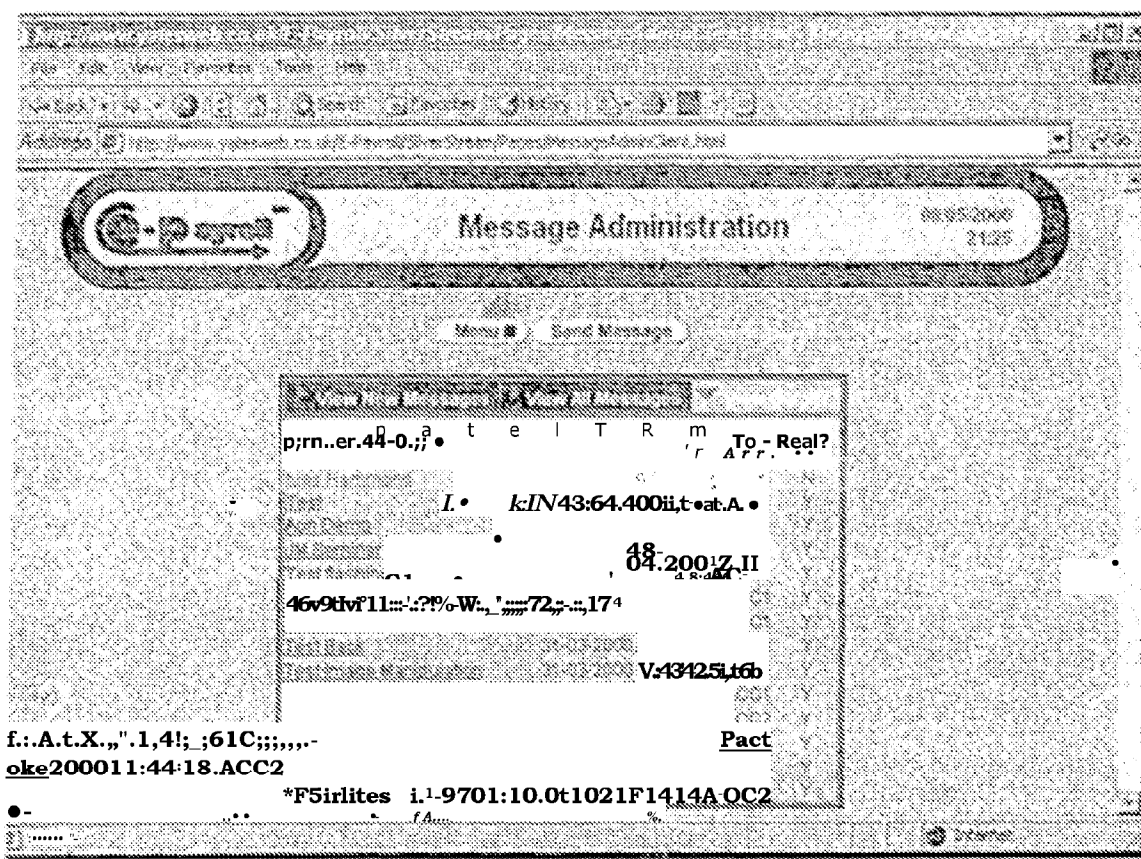
FIG. 2

EX1010, FIG. 2, p.12. When Mr. First logs on to the e-payroll website, a menu of services is displayed (as shown in Figure 2). EX1010, p.13.

From the first web-based interface, Mr. First can compose a message to a second user (*e.g.*, the company accountant Julie) by selecting first selecting the "Messages" button followed by the "Send Message" button (which is pictured in Figure 7 below). EX1010, p.13. The sending of a message to Julie establishes an electronic communications session between Mr. First and Julie since messages can now be exchanged between these users, *i.e.*, an email message sent by Mr. First to

Julie, a responsive email sent by Julie to Mr. First, a responsive email sent by Mr. First to Julie, etc. *Id.*; EX1003, ¶¶98-117.

To view the status of the message sent to Julie, Mr. First can select the "View Outbox" option from the "Message Administration" screen (shown in Figure 7 below). EX1010, p.13-14.



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EX1010, FIG. 7. The "Outbox" keeps a log of all messages sent by Mr. First, and indicates whether the message has been opened by the "second user." EX1010, p.13-14. As shown above, the "Read?" column depicted in Figure 7 uses the following

notations for "status information": "Y" (indicating that the recipient has opened the message) and "N" (indicating the recipient has not yet opened the message).

EX1010, FIG. 7.

A "second user," such as "Julie," is also a subscriber to the same "Web site" run on "Web site server 6." EX1010, p.6. When the second user checks their mail, the second user accesses the "messages pages of the "Web site" on their "computer 5" via "web server 4." EX1010, p.7.

"Web site server 6" keeps a "record" of messages sent by subscribers to each other, allowing "first and second users" to view when a given message was sent, when a given message was opened, and the contents of the messages. EX1010, p.78. "The main menu presented to [the second user] once she has logged on to the Web site is slightly different from the main menu presented to [the first user]". EX1010, p.14.

As noted, *Read* discloses, for example, a "second user" (*e.g.*, Julie) is a subscriber to the same e-payroll Web site as Mr. First, which was previously discussed. EX1010, p.12. When accountant Julie logs onto the "Web site," a different main menu is presented to Julie, which is shown in Figure 9 below. EX1010, p.14.

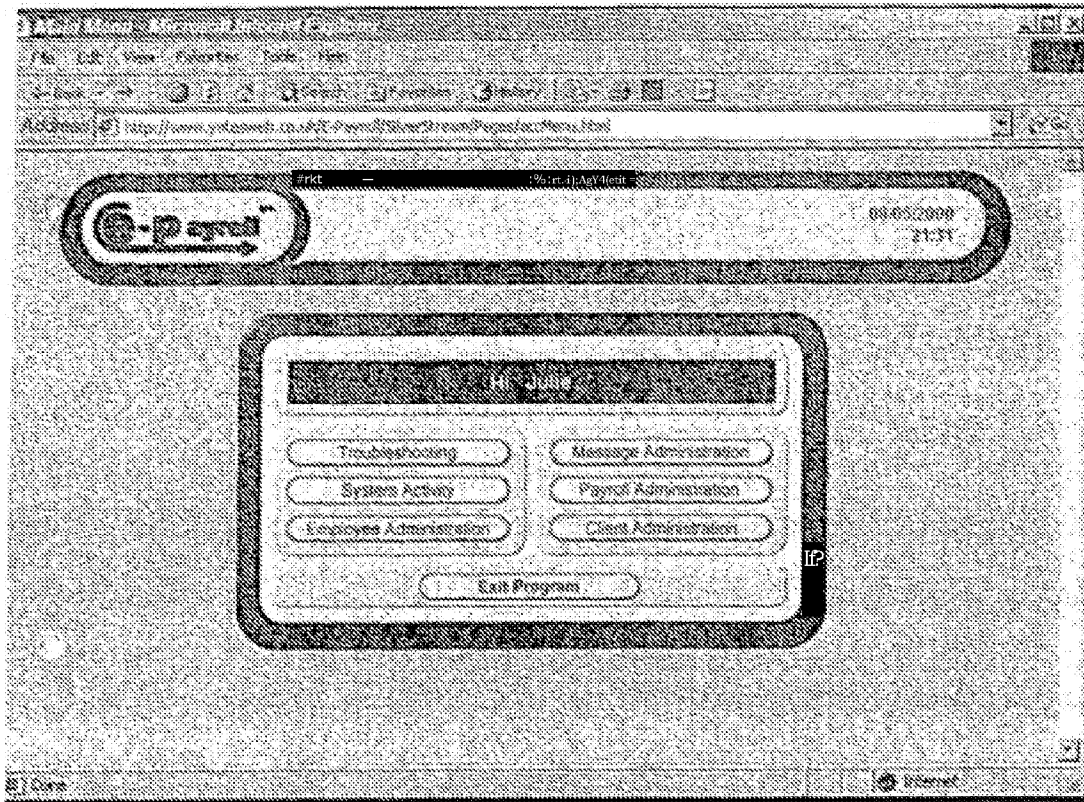


FIG. 9

The "Message Administration" button is flashing red because Julie has unread messages for her from Mr. First. EX1010, p.14. Once Julie opens the message (in the same manner as Mr. First above), the "Message Administration" button no longer illuminates red because the message has now been viewed. EX1010, p. 14.

As discussed, the first user uses the Web site's "Write Message page" to send "messages" or "electronic communications" to a second user where "a message [is] sent via the Internet." EX1010, p.2, p.11-12. These "first and second users," who are subscribers to the "Web site," may configure which users are authorized to send them messages on the "Web site." EX1010, p.4-6. For example, the second user Julie may

send messages to Mr. First. EX1010, p.14. Thus, where a user is authorized, the user can send messages in accordance with *Read's* disclosure, *i.e.*, the user is permitted to use the "Write Message" page to send "messages" and "electronic communications" to "second users." EX1010, p.4-7.

4. Read is Analogous Art

Read is analogous art to the '336 Patent. *Read* is within the field of endeavor of the '336 Patent, and particularly relevant to the Challenged Claims of the '336 Patent, because it relates to an Internet-based communication system that facilitates both content sharing and messaging between a first user and additional users. EX1010, Abstract.

Further, *Read* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the Challenged Claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. With respect to the first identified problem, *Read* discloses that its Web server retains both status information and electronic communications that is accessible the first user and additional users, and moreover, the communication (which may include content such as a drafted document) may be modified such that a hierarchy of the content and its modifications is saved by the server. EX1010, p.3-4. With respect to the second identified problem, *Read* discloses that users are able to take action on the shared information described through the use of a mobile phone with Internet connection capabilities. EX1010, pp. 3, 10.

5. Motivation to Combine *Alcorn* and *Read*

To the extent *Alcorn* is found not to teach a *mobile information channel*, the combination of *Alcorn* and *Read* teaches this. EX1003, ¶¶ 87-97.

Alcorn discloses accessing education support system via web browser 120 to view various webpages of the system and interact with other users. EX1011, 16:9-17:9, 46:11-47:17; *see also id.*, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. *Read* discloses that the electronic communications in its Internet-based communication system encompasses "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (LP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. *Read* further discloses that these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) **then he may access the web site using the telephone.**" EX1010, p.10. Thus, the combination of *Alcorn* and *Read* would have allowed *Alcorn's* web pages to be accessed using a mobile device — i.e., both the instructor and student would have been able to access via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless mobile devices. EX1003, ¶¶ 87-97.

A POSITA would have been motivated to combine *Alcorn* and *Read* based on the teachings within the prior art references themselves and the knowledge of

POSITA. Given the widespread proliferation of mobile devices (including web-enabled mobile devices), a POSITA would have been motivated to modify *Alcorn's* **"website environment [wherein] the user is able to access all of the relevant course material and communication features"** such that the website was optimized to be accessible via mobile devices. EX1012, 31:5-7 (emphasis added). As an additional example, *Alcorn* provides "synchronous communication tool(s) and asynchronous communication tool(s)" through its education support system, a POSITA would have been motivated to combine *Alcorn's* communication tools with *Read's* ability to conduct Internet communication via mobile devices. See EX1011, 10:19-23; see also EX1010, p.3, 10. In the combination, both the instructor and student would have been able to access content and communicate via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless mobile devices. EX1003, ¶¶ 87-97.

A POSITA would have been motivated based on the knowledge generally available to a POSITA to modify *Alcorn* in view of *Read*. EX1003, ¶¶ 87-97. In particular, web-based content management integrating network functionality was widely known prior to June 18, 2002 (the '336 Patent's earliest effective filing date). For instance, America Online (AOL) was a known web portal and online service provider. By October 2000, AOL had already launched a service that provided its subscribers with the ability to not only use their email (messaging user network functionality), but also view customized Webpages (web-based content management) accessible from any wireless phone or mobile device.¹⁹ AOL's

¹⁹ *AOL Launches New Service*, CNNMONEY (Oct. 25, 2000), <https://money.cnn.com/2000/10/25/technology/aol/> ("America Online Inc., the world's No. 1 Internet service provider, on Wednesday launched a new service allowing subscribers to read e-mail, news and stock quotes on customized Web pages accessible from any computer, wireless phone or mobile device.")

provision of these types of services is described with greater detail herein with respect to *Weiden*. EX1009; *see also supra* § V.C. In particular, *Weiden* describes a purported improvement on AOL's well-known instant messaging functionality that further incorporates web-based content sharing. *See generally* EX1009. Additionally, prior to June 2002, other online service providers were competing with AOL and providing similar services. Yahoo provided a similar type of functionality. Similar to AOL and the '336 Patent, *Yahoo! Clubs* provided a group for members who shared a common interest. Each club was provided with its own "places to share photographs, news, addresses, and links" along with a "message board and chat room."²⁰ Furthermore,

Yahoo! Also allowed user to "set up [their] mobile device and Yahoo! So that they will work together, as well as specify the content that will be sent to your device."²¹

Based, in part, on the commercial success of AOL and Yahoo in the 1990's and the early 2000's, a POSITA would have been motivated to modify *Alcorn's* online content in view of *Read* to make it accessible via a mobile device, where both the instructor and student would have been able to access content and communicate via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless devices. EX1003, ¶¶98-117.

A POSITA would have also been motivated to combine *Alcorn* and *Read* based on the teachings in *Alcorn*. *Alcorn* describes that "education support system 100" is designed to "give[] students **quick, easy access**" to its features. EX1011, 33:16-17 (emphasis added); *see also, id.*, 28:25-29:6. A POSITA would have understood that such "quick, easy access" to *Alcorn's* online courses could be even further achieved through incorporating *Read's* mobile device functionality with

²⁰ Alan Neibauer, *How to Do Everything With Yahoo!* at 473 (2000).

²¹ Alan Neibauer, *How to Do Everything With Yahoo!* at 167 (2000).

Alcorn. A POSITA would have been motivated to combine's *Read*'s web-enabled mobile device with *Alcorn*'s Internet-based education support system because this would apply a known technique to a known method (ready for improvement) to yield predictable results. *Alcorn* discloses a "base" method. See generally EX1011. As discussed, *Alcorn* discloses "education online," whereby instructors can transmit content like "course materials" and conduct "participatory class discussions using an electronic network." EX1011, 1:11-25. *Read* contains a known technique—enabling mobile devices to access web-based content—that is applicable to *Alcorn*'s online courses. See EX1010, p.3, 10. A POSITA would have recognize that applying optimization of the display of web-based content for mobile devices would have yield predictable results—a student user would be able to view *Alcorn*'s online education via a mobile device, and an instructor would have similarly been able to access required functionality via a mobile device. EX1003, EX1003, ¶¶ 87-97..

A POSITA would have been further motivated to enhance *Alcorn*'s functionality in view of *Read* because both references are directed to the same field of endeavor. Both references are directed to the use of Internet-based communications to facilitate interactions between multiple users through systems configured to allow users to share content and send messages to one another. EX1011, EX1011. Moreover, there are market forces that would have prompted adaption of *Alcorn*'s content sharing system and method's with *Read*'s ability to access websites containing shared content through a mobile device. In particular, such adaptation would have been prompted by the widespread proliferation of mobile devices and their corresponding utilization to access the Internet-based content like that disclosed in *Alcorn*. In view of these design and market forces, POSITA could have implemented the claimed variation of *Alcorn* in view of *Read* as incorporating *Read*'s disclosure into *Alcorn* using well-known and routine techniques, which would have led to predictable results. EX1003, ¶¶ 87-97..

A POSITA would have further had a reasonable expectation of success in modifying *Alcorn* in view of *Read*. At most, incorporating *Alcorn* in view of *Read* would have required minor software modifications to *Alcorn* using well-known and routine techniques: the optimization of the display of a website on the screen of a mobile device. *Alcorn* even notes that a **"general object** of [its disclosure] is to **provide a system** that can easily be integrated with existing computer network and backend systems **with minimal disruption to existing operations and systems."** EX1011, 6:17-21 (emphasis added). EX1003, ¶¶ 87-97.

6. Alcorn in View of Read Provides a Substantial New Question of Patentability

For the reasons discussed above in Sections V.D.1-V.D.5, as well as those discussed below, in the Proposed Rejection (Section VI.A.2), and in Exhibit CC, *Alcorn* and *Read* are not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.2) and Exhibit CC provides a detailed analysis demonstrating that *Alcorn* in view of *Read* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Alcorn* in view of *Read* presents substantial new questions of patentability. EX1003, ¶¶ 87-97

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.2) and in Exhibit CC, *Alcorn* in view of *Read* renders obvious the Challenged Claims because the combination teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby*

facilitate interaction between the first user and the one or more additional users"

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

See Section III.D.

Alcorn in view of *Read* therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Alcorn* and *Read* were not cited by the examiner. *Alcorn* in view of *Read* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242. A detailed explanation of the pertinence and manner of applying *Alcorn* in view of *Read* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.2., below, as well as in Exhibit CC.

E. Ground 4-5: Read Anticipates and/or Renders Obvious the Challenged Claims

1. Overview of Read/Read is Analogous Art

Sections V.D.3. and V.D.4 provide an overview of Read and explain how Read is analogous art to the '336 patent.

2. Read Presents a Substantial New Question of Patentability

For the reasons discussed above in Sections V.D.3-D.4, as well as those discussed below, in the Proposed Rejection (Section VI.A.3), and in Exhibit **BB**, *Read* is not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.3) and Exhibit **BB** provides a detailed analysis demonstrating that *Read* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* presents substantial new questions of patentability. EX1003, ¶¶ 62-63, 98-117.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.3) and in Exhibit **BB**, *Read* discloses or renders obvious the Challenged Claims because it teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

See Section III.D.

Read therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Read* was not cited by the examiner. *Read* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242. A detailed explanation of the pertinence and manner of applying *Read* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.3., below, as well as in Exhibit **BB**.

F. Ground 6: Read in view of Agboatwalla Renders Obvious the Challenged Claims

1. Overview of Read/Read is Analogous

Sections V.D.3. and V.D.4 provide an overview of Read and explain how Read is analogous art to the '336 patent.

2. Overview of Agboatwalla

Agboatwalla, titled "System, Method, and Article of Manufacture for Generating a Customizable Network User Interface," is directed to a "method for generating a user-sharable network user interface." EX1012, Abstract, 1:30-4:21. *Agboatwalla* describes custom Internet portals for displaying web-centric information. EX1012, 1:60-65. "These portals aggregate information from different HTML sources into one interface where it can be accessed through one interface." *Id.* However, *Agboatwalla* also describes how typical portals do not provide users with control over which web sites are used content sources for aggregating information. EX1012, 149-2:4. As such, *Agboatwalla* purports to provides users the ability to "completely configure both the source and content that he/she wants on his/her own portal." EX1012, 2:22-29.

Agboatwalla is generally directed "**management interface**" "that allows a user" to select and manage information displayed on **an information screen of a habitat**" (where the habitat information screen corresponds to the aforementioned "portal"). EX1012, 2:30-35 (emphasis added). *Agboatwalla* further describes the habitat as an "**Internet habitat**." EX1012, 4:47-48 (emphasis added). The management interface includes "**information from one or more content sources**." EX1012, 2:30-63 (emphasis added). A user may select portions of information available from "content sources." *Id.* The selected information is "marked" and stored. *Id.* Then, the "marked information" is displayed on the "habitat information screen." *Id.* "The aggregated content may be displayed in a customized **web-based habitat**." EX1012, 18:39-52 (emphasis added).

The "habitat information screen" is comprised of "windows" and "views." Ex. 2:41-43. The "habitat information screen" "includes at least one view." EX1012, 2:41-42. "Each view contains at least **one window**" "for displaying the marked information." EX1012, 2:41-43.

Agboatwalla further discloses "a method for generating a **user-sharable** network user interface." EX1012, 2:31-32. More specifically, "[t]he **first user**" "may set permissions for **other users** to view view(s) and/or window(s)." EX1012, 2:48-49. Because the "window [is] for displaying **at least a portion of the marked content**," the "window" enables shares "marked content" with "other users." *Id.* (emphasis added); *see also* EX1012, 2:66-67.

An exemplary embodiment of a "habitat" is reproduced in Figure 8 below. EX1012, 4:47-48.

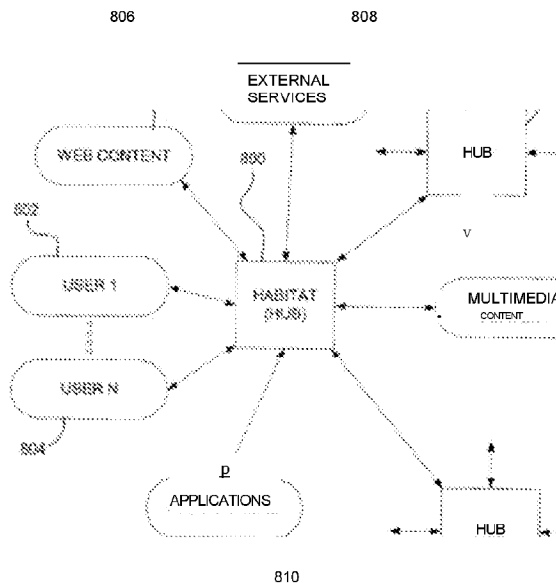


Fig. 8

EX1012, FIG. 8. The Internet habitat is in communication, *inter alia*, with users 802 and 804 and content 806. EX1012, 16:25-28. "Habitat 800" also allows the user to create an information portable whose content is customizable. EX1012, 16:28-32. For example, customization may be carried out using "an intuitive drag and drop capability," which allows a user to "select[] the source or headlines of choice and drag[] and drop[] them into the windows and views of choice." EX1012, 16:53-59. As such, a user can quickly compile and manage their preferred content. *Id.*

As shown by Figures 11 and 12 below, an exemplary "Enterprise Habitat" organizes content according to a series of views, windows, and categories. EX18:55-57.

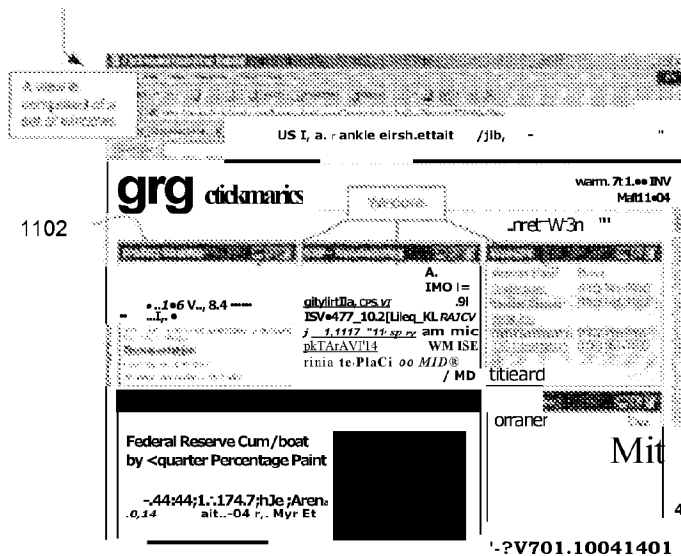


Fig. 11

More specifically, "windows" and "views" are containers for holding and organizing content, while categories are used to further organize content within each window. EX1012, 18:55-60, 19:1-7, FIG. 11. As such, a user is able to categorize related information within individual "windows" and "views," providing the user one place to access all of their favorite information and content from the web. EX1012, 13:31-43. *Agboatwalla's* specification further specifies that the "content includes (but is not limited to): (a) News and Information headlines (of all sorts) (b) Information about email, bank and other accounts (c) Information about shopping and comparison of rates and prices (d) Graphs, Images, Sounds, or any other media." EX1012, 13:39-43.



Fig. 12

EX1012, FIG. 12. "Windows" (*i.e.*, the claimed "*mobile information channel[s]*") may communicate content from a single source (*e.g.*, a single Web site or a single document) or multiple sources (*e.g.*, news headlines or sales statistics). EX1012, 19:8-32, FIG. 12.

Agboatwalla discloses "a process 1000 for **generating a user-sharable network user interface.**" that containing "aggregated content may be displayed in a customized **web-based habitat.**" EX1012, 18:39-52 (emphasis added). Figure 10, which is reproduced below, illustrates process 1000. EX1012, 17:58-59.

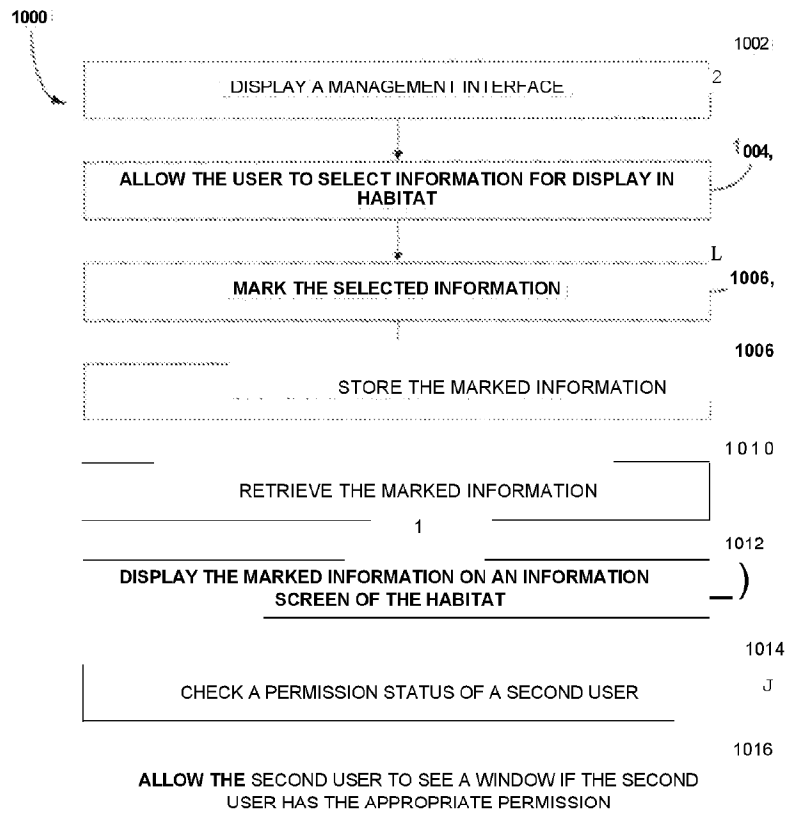


Fig. 10

EX1012, FIG. 10. In step 1002, a "management interface" is displayed, enabling a "first user" to select and manage the information that will be displayed on the screen of a "habitat." EX1012, 17:58-64. In step 1004, the first user is further able to select portions of information that will be available from the "content sources." EX1012, 17:64-65. In steps 1006 and 1008, the "content" is marked and stored. EX1012, 17:66-67. When the user desires to view the selected information, the user can retrieve the content in step 1010 such that the content is displayed in step 1012. EX1012, 17:66-18:5.

A "second user" may be able to view this content. EX1012, 18:5-52. At step 1014 of the process for generating a "user-sharable network" (depicted in Figure 10

above), the "permission status of a second user is checked ... to determine whether the second user is authorized to see a window." EX1012, 18: 5-8. "The first user may set permissions for allowing other users to view view(s) and/or window(s), at the first user's option." EX1012, 18:11-12. The first user may "**only allow access to certain windows.**" EX18:23-24 (emphasis added). If the "second user" is authorized, the "second user" can view the shared content in the window of the information screen. EX1012, 18:8-10. Thus, the "second user" is only able to view particular authorized windows of the "habitation information screen" via the "user sharable network interface." *Id.* The "window" is "for displaying **at least a portion of the marked content,**" and these windows of the "user-shareable network interface" "can be shared on a **group basis.**" *Id.*; see also EX1012, 2:66-67, 18:29.

The sharable content is accessible through various devices. EX1012, 19:1632. "By default, all windows are **wireless enabled.**" EX1012, 19:8-32 (emphasis added). Once an Enterprise Habitat (EH) "has been **set up with the browser,** the user can **access the content from a Personal Digital Assistant (PDA), handheld computer,** etc." EX1012, 27:6-18 (emphasis added). The information in a habitat can be accessed by a variety of client devices, including a PDA, wire web phone, wireless telephone, or any other device capable of storing and/or outputting information by direct connection or via wireless transmission. EX1012, 16:35-41.

3. Agboatwalla is Analogous Art

Agboatwalla is analogous art to the '336 Patent. Like the '336 Patent, *Agboatwalla* is within the same field of endeavor, and particularly relevant to Challenged Claims, because it relates to generating a network-based user interface with sharable data. EX1012, 2:30-4:21. *Agboatwalla* is also reasonably pertinent to the problems identified by the '336 Patent and addressed by the Challenged Claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of

mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. EX1003, ¶¶ 62-63.

4. Motivation to Combine Read and Agboatwalla

To the extent Read is found not to teach a *mobile information channel*, the combination of *Read* and *Agboatwalla* teaches this. EX1003, ¶¶ 62-63.

Read discloses that the electronic communications in its Internet-based communication system encompasses "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (IP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. *Read* further discloses that these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) **then he may access the web site using the telephone.**" EX1010, p.10.

Agboatwalla's describes a "management interface allows a user to select and manage information displayed on an information screen of a habitat." EX1012, 2:34-35. The habitat is organized by, *inter alia*, windows, whereby windows are configured to display at least a portion of content marked by a first user. EX1012, 2:64-67, 18:55-60. "A second user is allowed to see the window of the information screen of the first user if the second user is authorized." EX1012, Abstract. The habitat "allows users to aggregate content of their choice from any website and share that content with others." EX1012, 18:38-42. *Agboatwalla* discloses that there is a wide array of potential shared content:

text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying,

selling, trading, auctions, barbers, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services.

EX1012, 18:38-52(emphasis added).

Thus, the combination of *Read* and *Agboatwalla* would have allowed *Read* to share expanded types of content using "windows" as taught by *Agboatwalla*. EX1003, ¶¶ 118-123.

A POSITA would have been motivated to combine the windows and expansive categories of shared content contemplated by *Agboatwalla* with *Read's* "Internet Communication System." EX1003, ¶¶ 118-123. In particular, a POSITA would have been motivated by the knowledge generally available to POSITA and the teachings of the references themselves to modify *Read* in view of *Agboatwalla* such that *Read's* system provides the sharing of expanded types of content such as "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barbers, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services" between devices, including mobile devices, using *Agboatwalla's* display windows. EX1012, 18:38-52; EX1003, ¶¶ 118-123. A POSITA would have recognized that there is a vast amount of web-based content available online as described by *Agboatwalla*, and making additional categories of content available (in addition to "electronic communications" and "status information") within *Read's* "Internet Communication" system would be advantageous to carry out *Read's* purported invention, "facilitating communication between the first and second users via ... a Web site" by allowing users to share and exchange additional categories of content. EX1011, p.5. By sharing expanded types or categories of content, *Read's* intranet

system would have had increased flexibility, allowing users to have shared additional types of content that is not limited to simply email or status information. Indeed, *Read's* own disclosures also strongly motivate the combination. For example, *Read* already proposes that among the "electronic communications ... retained by the Web server," certain configurations of the communication system will result in "a hierarchy of documents retained at the Website." EX1010, p.4. "The communication could be ... a legal document that is amended in turn by several lawyers, each amendment resulting in the creation of a new document." EX1010, p.4. Thus, *Read* strongly suggests that the shared content may expanded beyond mere "electronic communications," and *Agboatwalla* simply provides examples of such expanded content—i.e., "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barbers, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services." *Id.*; EX1012, 18:38-52. As such, a POSITA would have been motivated to enhance *Read's* functionality by incorporating *Agboatwalla's* ability to share expanded types of content using "windows" (i.e., the claimed "mobile information channel(s)"). EX1003, ¶¶ 118-123.

The combination would have been straightforward with predictable results; indeed, a POSITA would have combined *Read's* system with *Agboatwalla's* teachings using minor software modifications that were known in the art, which would not change the functions that both *Read* and *Agboatwalla* perform separately, such that *Read's* system would have simply presented *Agboatwalla's* expanded content for sharing between users via *Agboatwalla's* display windows and recipients of such content would have simply viewed the shared content via windows on their respective webpage. EX1003, ¶¶ 118-123. *Agboatwalla* describes that "email"

(shared content already described by *Read*) is included as part of *Agboatwalla's* expanded content, so as combined *Read's* system would still have provided the same functionality of sending and receiving email communications. EX1003, ¶¶ 118-123. But rather than merely providing this functionality, *Read's* "Write Message" page would have been adjusted to display *Agboatwalla's* windows that provide a conduit for sharing emails as well as expanded types of content. EX1003, ¶¶ 118-123. And rather than simply displaying a "message" button to effectuate sharing content (i.e., via email communication specifically) and tracking/displaying message status (EX1010, p.13-14, Figs. 2, 7), the minor software modifications would have simply resulted in *Read's* interface instead displaying a "share content" button or an equivalent, reflecting the expanded categories of content that would have been available for sharing as taught by *Agboatwalla*, and the capability to track which types of content have been shared. EX1003, ¶¶ 118-123. These adjustments would have been straightforward and predictable, and well within the knowledge of a POSITA. *Id.* Moreover, both *Read* and *Agboatwalla's* systems can be implemented using WAP protocols, which further provides that the combination would have been straightforward and predictable and only required minimal adjustment. EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1003, ¶¶ 118-123.

A POSITA would have further had a reasonable expectation of success in modifying *Read* in view of *Agboatwalla*. *Read's* communications system is provided by a "Web site" accessible "via the Internet." EX1010, p.2. More specifically, *Read* provides for content sharing via a specified page of the "Web site," the "Write Message" page. EX1010, p.7. *Agboatwalla's* "method for generating a user-sharable network user interface" utilizes a customized **web-based habitat.**" EX1012, 18:3952 (emphasis added). *Agboatwalla's* habitat comprises "windows" which are "containers for holding and organizing content," including expanded types of

content such as "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barbers, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services." EX1012, 18:38-60. A POSITA would have had a reasonable expectation of success in modifying the "Write Message" button and page of *Read's* Website to incorporate *Agboatwalla's* web-based "windows" for holding such expanded content because only minor software modifications to *Read* using well-known and routine techniques would have been needed. EX1003, ¶¶ 118-123. As noted above, the combination would have merely provided that *Read's* system would have presented *Agboatwalla's* expanded content for sharing between users via *Agboatwalla's* display windows and adjusted tangential implementation details associated with *Read's* system such as the "message" button and tracking functionality. EX1003, ¶¶ 118-123. Moreover, both *Read* and *Agboatwalla's* systems can be implemented using WAP protocols, which further provides that the combination would have had a reasonable expectation of success. EX1012, 29:3330:18 ("the user can access the content from a WAP-enabled phone"); EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10. A POSITA therefore would have been motivated to combine *Read* and *Agboatwalla* as discussed. EX1003, ¶¶ 118-123.

Thus, for at least the foregoing reasons, *Read* in view of *Agboatwalla* presents an SNQ because neither reference was before the Office (or otherwise considered during prosecution) and their combined teachings disclose each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* in view of *Agboatwalla* presents substantial new questions of patentability. Ex1003, ¶¶ 118-123.

5. Read in view of Agboatwalla Present a Substantial New Question

For the reasons discussed above in Sections V.D.3-D.4, V.E.1-V.E.2, and V.F.1-4, as well as those discussed below, in the Proposed Rejection (Section VI.A.4), and in Exhibit **BB**, *Read* and *Agboatwalla* are not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. *Read* is a new reference that was not previously considered. Although *Agboatwalla* was previously cited, it has never applied or considered as a secondary reference in combination with *Read* as this Request proposes. Accordingly, *Read* in view of *Agboatwalla* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242.

The Proposed Rejection (Section VI.A.4) and Exhibit **BB** provides a detailed analysis demonstrating that *Read* in view of *Agboatwalla* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* in view of *Agboatwalla* presents substantial new questions of patentability. EX1003, ¶¶118-123.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.4) and in Exhibit **BB**, *Read* in view of *Agboatwalla* renders obvious the Challenged Claims because the combination teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby*

facilitate interaction between the first user and the one or more additional users"

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

See Section III.D.

Read in view of *Agboatwalla* therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Read* was not cited by the examiner. A detailed explanation of the pertinence and manner of applying *Read* in view of *Agboatwalla* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.3., below, as well as in Exhibit BB.

VI. DETAILED APPLICATION OF THE PRIOR ART TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

A. Proposed Rejection of the Challenged Claims

The present request presents multiple proposed rejections based on the *Weiden*, *Read*, *Alcorn*, *Agboatwalla*, POSITA knowledge, and combinations thereof.

Requester notes that the proposed rejections below are based on anticipation under 35 U.S.C. § 102(b) and obviousness under 35 U.S.C. § 103(a). Requester further notes that, even if there are minor differences between cited disclosures of the prior art applied herein and the claimed concepts, the Challenged Claims are still obvious, as a POSITA would not have appreciated some new synergy or unexpected

results from the limitations of the Challenged Claims, given the disclosures of the prior art and the general knowledge of a POSITA. When compared with the prior art described below and in light of the knowledge of a POSITA, any "differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. § 103 (pre-AIA).

The proposed rejections are listed below and are described in further detail in the attached claim charts. *See* Exhibits AA—CC.

Proposed Rejection 1	Claims 1, 11, 15, and 27 are anticipated by <i>Weiden</i>
Proposed Rejection 2	Claims 1, 11, 15, and 27 are obvious over <i>Weiden</i>
Proposed Rejection 3	Claims 1, 11, 15, and 27 are obvious over <i>Alcorn</i> in view of <i>Read</i>
Proposed Rejection 4	Claims 1, 11, 15, and 27 are anticipated by <i>Read</i>
Proposed Rejection 5	Claims 1, 11, 15, and 27 are obvious over <i>Read</i>
Proposed Rejection 6	Claims 1, 11, 15, and 27 are obvious over <i>Read</i> in view of <i>Agboatwalla</i>

The claim charts provided in Exhibits AA—CC provide a detailed analysis mapping each and every element of the above-listed claims to the prior art. Below, Requester summarizes the proposed grounds.

1. **Proposed Rejections 1 and 2**

Claim 1

Regarding Claim 1, *Weiden* discloses or at least renders obvious, **a method for managing information content** (*Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract.) **in a network-based communication system** (*Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 816, 4:12-21, 1:6-7, FIG. 1), **the method comprising the steps of:**

- a. **providing a first web-based interface accessible to a first user** (*Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:6-20:21, 3:15-18, Fig. 7), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (*Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that facilitates the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; thus, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **for sharing content between the first user and one or more additional users** (*Weiden* describes the generated private group website is used to share information among group members, including

files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7); **and**

- b. generating a second web-based interface** (*Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11) **different than the first web-based interface** (*Weiden* describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:2-19, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; as noted, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** (*Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);
- c. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Weiden* describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; as noted, the private group

website that facilitates sharing information via mobile devices provides a *mobile information channel*. EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-10); **and**

d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (*Weiden* describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; as noted, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel*. EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

Claim 11

Regarding Claim 11, *Weiden* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** (*Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract. *Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 8-16, 4:12-21, 1:6-7, FIG. 1. *Weiden* describes host system 210 provides "updated services" to group members, including a means of sharing information (*e.g.*, shared data files) among group member client devices, by operating within Local Area

Networks and/or Wide Area Networks . EX1009, 4:12-21, 5:8-16, 6:11-23, 8:259:10, 17:23-18:32, 19:1-22:30, FIGS. 1, 6.), **the apparatus comprising:**

- a. **a processing element comprising a processor coupled to a memory** (*Weiden* describes host system 210 includes a host device 235 having a database as memory. EX1009, 4:17-20. The host system 210 also includes a host controller 240 coupled to the host device 235 (and correspondingly its database). EX1009, Abstract, 2:6-11, 3:3-5, 4:1720 5:17-28, 6:11-23, 23:27-24:29, FIGS. 1, 2, 6);
- b. **the processing element providing at least a portion of a first web-based interface accessible to a first user** (*Weiden* describes the host system includes a host device capable of executing the host controller's instructions. The host device further includes a group communicator server that has an OSP host complex. The group communicator's OSP host complex provides a "user interface displayed on a client device" that may reside on the Internet to a "founder." EX1009, 19:24-20:12, 20:13-21, 3:15-18, 3:11-14, 5:17-20. Indeed, *Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:620:21, 3:15-18, Fig. 7), **the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users** (*Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and

another subscriber, using mobile devices (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17). *Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files; thus, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7);

c. the processing element generating a second web-based interface (The host system's OSP host complex receives data requests from client devices. OSP complex, then, converts data from the Internet into a web-based interface, a "private group website," delivered to the client device of a group members, where an interface of the "private group website" is viewed by the group members; EX1009, 22:3-11 EX1009, 12:1-7. Indeed, *Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11.) **different than the first web-based interface** (*Weiden* describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:219, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; as noted, the private group website that facilitates sharing information via

mobile devices provides the *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** (*Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);

- d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Weiden* describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; as noted, the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-1); **and**
- e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Weiden* describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; as noted, the private group website that facilitates sharing information via mobile devices provides the *mobile information channel* EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

Claim 15

Regarding Claim 15, *Weiden* discloses or at least renders obvious, **an network-based communication system** (*Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract. *Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 8-16, 4:12-21, 1:6-7, FIG. 1), **comprising:**

- a. **plurality of servers** (*Weiden* describes its host system has an OSP host complex 380 (comprising one or more servers, such as group communicator 6350) and an IM host complex (which includes an IM server). EX1009, 9:3-31, 17:23-32) **configured to communicate over a network** (*Weiden* describes the host system includes gateways that connect the OSP host complex and IM complex, and their corresponding servers, to enable the servers to communicate via networks; EX1009, 3:3-14, 9:3-31, 17:23-32);
- b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** (*Weiden* describes the host system includes a host device capable of executing the host controller's instructions. The host device further includes a group communicator server that has an OSP host complex. The group communicator's OSP host complex provides a "user interface displayed on a client device" that may reside on the Internet to a "founder." EX1009, 19:24-20:12, 20:13-21, 3:15-18, 3:11-14, 5:17-20. Indeed, *Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:620:21, 3:15-18, Fig. 7), **the first web-based interface being**

configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users (*Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17). *Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7);

- c. wherein said at least one server generates a second web-based interface** (The host system's OSP host complex receives data requests from client devices. OSP complex, then, converts data from the Internet into a web-based interface, a "private group website," delivered to the client device of a group members, where an interface of the "private group website" is viewed by the group members; EX1009, 22:3-11 EX1009, 12:1-7. Indeed, *Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11.) **different than the first web-based interface** (*Weiden* describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:2-19, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one**

or more additional users access to at least a portion of the shared content via the given mobile information channel (*Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** (*Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:611);

- d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Weiden* describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-1); **and**
- e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Weiden* describes the private group website creates a group that permits the founder to message group members

over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

Claim 27

Regarding Claim 27, *Weiden* discloses or at least renders obvious, **a method** (*Weiden* describes "techniques for sharing information among members of a group" that include associated methods. EX1008, Abstract.) **comprising:**

- a. generating a given mobile information channel** (*Weiden* describes the founder uses the user interface to enter attributes and generate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides a *mobile information channel*. (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **for sharing content authored by a first user** (*Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7. Client devices include authoring applications 276 (*e.g.*, word processing or graphics programs) that enable group members, including a "founder" to generate

electronic content. Once a user interface is used to create a group, the "founder" can share information, such as the generated electronic content through the created group (EX1009, 6:24-32, 1:5-3:36); indeed, the generated private group website is used to share information among group members, including share data files like photographs, text files, or multimedia files (EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7)) **with one or more additional users** (*Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7); **and**

- b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. (EX1009, 4:12-5:16, 6:11-23, 7:268:2, 19:6-17)) **to facilitate interaction between the first and additional users** (*Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);
- c. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Weiden* describes the private group website supports

messaging between the founder and group members via a wireless network using group communicator 6350; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*.. EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-10); **and**

d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (*Weiden* describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel*. EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

2. Proposed Rejection 3

Claim 1

Regarding Claim 1, *Alcorn* in view of *Read* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** (*Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an

electronic network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39), **the method comprising the steps of:**

- a. **providing a first web-based interface accessible to a first user** (*Alcorn* describes a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (*Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; see Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel. Id.*) **for sharing content between the first user and one or more additional users** (*Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for

out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17.); **and**

b. generating a second web-based interface (*Alcorn* describes course engines 116 generate an online course webpage based on the educational materials accessible to a particular student user. EX1011, 16:9-23, 17:1126) **different than the first web-based interface** (*Alcorn's* online course webpage based on the educational materials accessible to a particular student user is different than the instructor accessible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:11-47:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:1-10, 26:3127:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and

communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** (*Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can... actively engage in discussions"), 45:2-12, 46:11-47:17);

- c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.) **and**
- d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional**

users (*Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.).

Claim 11

Regarding Claim 11, *Alcorn* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** (*Alcorn* describes web server host 130 comprising an application subsystem 110, database subsystem 140, and core subsystem 150 implements a "computer network-based education support system" that allows an instructor to manage content associated with a student course. EX1011, Abstract, 1:13-25, Title Page, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, FIG. 39, 15:24-16:6, 16:25-17:9), **the apparatus comprising:**

- a. a processing element** (*Alcorn's* application subsystems 110) **comprising a processor** (*Alcorn's* application subsystems 110 comprises a "content registry 111, a tool registry 112, a course registry 113, one or more content engines 114, one or more tool engines 115, and one or more course engines 116") **coupled to a memory** (*Alcorn's* application subsystems 110 comprises a "content registry 111, a tool registry 112, a course registry 113, one or more content engines 114, one or more tool engines 115, and one or more course engines 116" is coupled to server 130's "means for storing

data files associated with a course") (*see* EX1011, 11:4-15, 7:19-8:3, 20:31-21:19, FIG. 1, 16:8-17:9, FIG. 3, 17:11-19:22);

b. the processing element (*Alcorn's* application subsystems 110) **providing at least a portion of a first web-based interface accessible to a first user** (*Alcorn's* server 130 receives an HTTP request from an instructor which will invoke the corresponding requested application subsystem 110 or core subsystem 150. Thus, the instructor will be provided with a first web-based interface, such as a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (*Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel. Id.*) **for sharing content between the first user and one or more additional users** (*Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual

chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17);

- c. the processing element generating** (*Alcorn's* application subsystems 110 comprises a "one or more course engines 116" that generate an online course by associating together the materials to which a student has access. EX1011, 16:9-23, 17:11-26; EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3) **a second web-based interface different than the first web-based interface** (*Alcorn's* online course webpage based on the educational materials accessible to a particular student user is different than the instructor accessible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:11-47:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the

discussion board. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Akorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; see Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** (*Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17);

- d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011,

1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.); **and**

- e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.).

Claim 15

Regarding Claim 15, *Alcorn* discloses or at least renders obvious, **a network-based communication system** ("*Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an electronic network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39), **comprising:**

- a. plurality of servers** (*Alcorn's* "web server hosts 130" and load balancing server 200. EX1011, 11:4-15, 7:19-8:3, 20:31-22:5, FIG. 1, 16:8-17:9, FIG.

3, 17:11-19:22) **configured to communicate over a network communicate** (*Alcorn's* load balancing server 200 communicates with web servers 130 over the wireless network to allocate web browser clients to the least busy server 130) (*see* EX1011, 21:21-22:5, FIG. 2, 16:9-24, FIG. 1, 16:25-17:9, 23:15-24, 2:16-29, 6:11-16, 7:7-11, 7:19-8:3);

b. at least one of the servers providing at least a portion of a first web-based interface accessible to a first user (*Alcorn's* server 130 receives an HTTP request from an instructor which will invoke the corresponding requested application subsystem 110 or core subsystem 150. Thus, the instructor will be provided with a first web-based interface, such as a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (*Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*.

Id.) **for sharing content between the first user and one or more additional users** (*Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:212, 46:11-47:17);

- c. wherein said at least one server generates a second web-based interface different than the first web-based interface** (*Alcorn* 's server 130 receives an HTTP request which will invoke the corresponding requested application subsystem 110 or core subsystem 150 to generate an online course webpage for a student by associating together the materials to which a student has access. EX1011, 16:9-23, 17:11-26; EX1011, 46:1147:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3. *Alcorn*'s online course webpage for a student is different than the instructor accessible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:1147:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared**

content via the given mobile information channel (*Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Akorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; see Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** (*Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can... actively engage in discussions"), 45:2-12, 46:11-47:17);

d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a

wireless network (*Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.); **and**

- e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.).

Claim 27

Regarding Claim 27, *Alcorn* in view of *Read* discloses or at least renders obvious, **a method** (*Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an electronic

network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39) **comprising:**

- a. generating a given mobile information channel for sharing content authored by a first user with one or more additional users** (*Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content, which generates such student tools and communication functions when used by an instructor or student for communication. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. *Id.* *Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17.); **and**

- b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:110, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; see Section V.D) **to facilitate interaction between the first and additional users** (*Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17);

- c. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.); **and**
- d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel*. EX1010, pp. 3, 10; *see* Section V.D.).

3. Proposed Rejections 4-5

Claim 1

Regarding Claim 1, *Read* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** (*Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1), **the method comprising the steps of:**

- a. **providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel** (*Read* describes that a first user "Mr. First" (*see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp.12-13, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; electronic communications in *Read* are Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** (*Read* describes the electronic communications session (*mobile*

information channel) where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

- b. generating a second web-based interface different than the first web-based interface** (*Read* describes that a second user "Julie" (*see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Read* describes the second-web based interface allows second user Julie to access the content of electronic communications sent by Mr First in the electronic communications session (*mobile information channel*) by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (*Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

- c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communications can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **and**
- d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 11

Regarding Claim 11, *Read* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication**

system (*Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1), **the apparatus comprising:**

- a. a processing element comprising a processor coupled to a memory** (*Read* describes a "web site server," where servers are known to include processors coupled to memory such as the "hard drive of the Web server." Ex 1010, 3-4, 6, FIG. 1);
- b. the processing element providing at least a portion of a first web-based interface accessible to a first user** (*Read* describes web site server 6 runs the intranet website and sends "the 'login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; specifically, first user "Mr. First" (*see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp. 6-7, 12-14, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or

other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface permits the first user "Mr. First" to activate a electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 24, 6-13, FIGS. 1-5, 7, 10);

- c. **the processing element generating a second web-based interface different than the first web-based interface** (*Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. A second user "Julie" (*see* Fig. 9) logs on to the intranet web site and as shown in Figure 9 is presented with a second-web based

interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session (*mobile information channel*) by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (*Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

- d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can

be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 15

Regarding Claim 15, *Read* discloses or at least renders obvious, **a network-based communication system** (*Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1) **comprising:**

- a. **plurality of servers configured to communicate over a network** (*Read* describes servers 2, 4, and 6 that communicate over a network including Internet 3. EX1010, p. 6-7, 11, FIG. 1);
- b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** (*Read* describes web site server 6 runs the intranet website and sends "the 'login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; specifically, first user "Mr. First" (*see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp. 6-7, 12-14, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface permits the first user "Mr. First" to activate an electronic communications session (*mobile information channel*) where electronic

communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** (*Read* describes electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

- c. **wherein said at least one server generates a second web-based interface different than the first web-based interface** (*Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. A second user "Julie" (*see* Fig. 9) logs on to the intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given**

mobile information channel (*Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session (*mobile information channel*) by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (*Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9) ;

- d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**
- e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional**

users and to receive messaging content from the one or more additional users (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 27

Regarding Claim 27, *Read* discloses or at least renders obvious, **a method** (*Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1) **comprising:**

a. generating a given mobile information channel (*Read* describes that a first user "Mr. First" (*see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp.12-13, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to generate an electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic

communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content authored by a first user with one or more additional users** (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 24, 6-13, FIGS. 1-5, 7, 10); and

- b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (*Read* describes that a second user "Julie" (*see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10. *Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session (*mobile information channel*) by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to facilitate interaction**

between the first and additional users (*Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9. It should be noted that communications can be sent by Mr. First to additional users as well, for example by copying other users on messages as is known and/or would have been obvious. *Id.*; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network (*Read* describes the electronic communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First to second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (*Read* describes the electronic

communications session (*mobile information channel*) where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

4. Proposed Rejection 6

Claim 1

Regarding Claim 1, *Read* in view of *Agboatwalla* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1), **the method comprising the steps of:**

- a. **providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" (*see Read*, Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using

Agboatwalla's display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, *Read* explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies" (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4) **for sharing content between the first user and one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

- b. generating a second web-based interface different than the first web-based interface** (In the *Read Agboatwalla* combination *Read* describes that a second user "Julie" (*see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-

4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 1415, FIGS. 2, 9);

- c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-

based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5) **and**

d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 11

Regarding Claim 11, *Read* in view of *Agboatwalla* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1), **the apparatus comprising: a. a processing element comprising a processor coupled to a memory** (In the *Read-Agboatwalla* combination *Read* describes a

"web site server," where servers are known to include processors coupled to memory such as the "hard drive of the Web server." Ex 1010, 3-4, 6, FIG. 1);

b. the processing element providing at least a portion of a first web-based interface accessible to a first user (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website and sends "the 'login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" (*see Read*, Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr.

First" (*see Read*, Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, *Read* explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4-5) **for sharing content between the first user and one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. the processing element generating a second web-based interface different than the first web-based interface (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" (see Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." See Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. See Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. See Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention

also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

- d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**
- e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 15

Regarding Claim 15, *Read* in view of *Agboatwalla* discloses or at least renders obvious, a **network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1) **comprising:**

- a. **plurality of servers configured to communicate over a network** (In the *Read Agboatwalla* combination *Read* describes servers 2, 4, and 6 that communicate over a network including Internet 3. EX1010, p. 6-7, 11, FIG. 1);
- b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website and sends "the 'login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who accesses the website; the *Read-Agboatwalla* combination would have provided that a first user "Mr. First" (*see Read*, Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more

other users; as taught by *Read*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, *Read* explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:3330:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4-5) **for sharing content between the first user and one or more additional users** (The *Read Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content

between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

- c. wherein said at least one server generates a second web-based interface different than the first web-based interface** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" (*see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a

method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

- d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**
- e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

Claim 27

Regarding Claim 27, *Read* in view of *Agboatwalla* discloses or at least renders obvious, **a method** (In the *Read-Agboatwalla* combination *Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1) **comprising:**

- a. generating a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" (*see Read*, Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to generate a mobile information channel that is formed by the display window of *Agboatwalla*, because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla*, such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, *Read* explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled

phone"); *See* Section V.F.4-5) **for sharing content authored by a first user with one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

- b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" (*see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10. The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to facilitate interaction between the first and additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First

and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9. It should be noted that content can be sent by Mr. First to additional users as well, for example by copying other users on messages as is known and/or would have been obvious. *Id.*; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

- c. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**
- d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including

Request for *Ex Parte* Reexamination, U.S. Patent No. 8,793,336

emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled 'new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

B. Secondary Considerations

This Request demonstrates that the Challenged Claims of the '336 Patent are unpatentable in view of the foregoing grounds. The Applicant did not identify any evidence of secondary considerations during prosecution, and the clear disclosure in the prior art cannot be overcome by any supposed "secondary considerations."

VII. DISCLOSURE OF CONCURRENT LITIGATION AND REEXAMINATION PROCEEDINGS

The '336 Patent is the subject of one pending litigation, as listed below. The '336 Patent has not been subject to any *inter partes* review proceedings, prior reexaminations, or other post-grant proceedings:

Title	Civil Action #	Court	Filed On	Terminated
<i>Mobile Data Technologies LLC v. Meta Platforms, Inc. et al.</i>	7:22-cv-00244	W.D. Tex.	11/23/2022	pending

VIII. CONCLUSION

The Commissioner is hereby authorized to charge to Deposit Account No. 50-6990 the *Ex Parte* Reexamination fee of \$12,000 under 37 C.F.R. § 1.20(c)(1). Requester believes no other fee is due with this submission, however the Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 50-6990.

Please direct all correspondence in this matter to the undersigned.

Dated: June 9, 2023

Respectfully submitted,

By: Cono A. Carrano

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,221	06/12/2023	8793336	698162.0018	9205
31825 7590 07/21/2023 RYAN, MASON & LEWIS, LLP 48 South Service Road Suite 100 Melville, NY 11747			EXAMINER KE, PENG	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 07/21/2023	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,221 .

PATENT UNDER REEXAMINATION 8793336 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting Request For Ex Parte Reexamination	Control No. 90/019,221	Patent Under Reexamination 8793336	
	Examiner PENG KE	Art Unit 3992	AIA (FITF) Status No
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- The request for <i>ex parte</i> reexamination filed 06/12/2023 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached. Attachments: a) ☐ PTO-892, b) ☒ PTO/SB/08, c) ☐ Other: _____ 1. ☒ The request for <i>ex parte</i> reexamination is GRANTED. RESPONSE TIMES ARE SET AS FOLLOWS: For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c). For Requester's Reply (optional): TWO MONTHS from the date of service of any timely filed Patent Owner's Statement (37 CFR 1.535). NO EXTENSION OF THIS TIME PERIOD IS PERMITTED. If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.			
/PENG KE/ Primary Examiner, Art Unit 3992			
cc:Requester (if third party requester)			

U.S. Patent and Trademark Office
PTOL-471G(Rev. 01-13)

Office Action in *Ex Parte* Reexamination

Part of Paper No. 20230626

Decision on Request

A substantial new question of patentability affecting claims 1, 11, 15, and 27 of United States Patent Number 8,793,336 to Harper et al. (“’336”) is raised by the request for ex parte reexamination file on Jun. 09 2023. The ‘336 patent is continuation of 8,135,801 (‘801) patent, which is a continuation of 7,908,342 (‘342) patent, which is a continuation of 7,599,983 (‘983) patent.

Extension of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to “an applicant” and not parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that ex parte reexamination proceedings “will be conducted with special dispatch” (37 CFR 1.550(a)). Extensions of time in ex parte reexamination proceeding are provided for in 37 CFR 1.550(c).

Reference cited in Request

1. WO 01/72002 (“Weiden”) AOL, International Publication Date: Sep. 27 2001
2. WO 01/92069 (“Read”) Yaes Web Marketing, International Publication Date Dec. 6, 2001
3. WO 01/01372 (“Alcorn”) BlackBoard, International Publication Date Jan. 04, 2001
4. U.S. Patent 7,802,207 (“Agboatwalla”) Filed Date: Jun. 6. 2002
5. U.S. Provisional Application 60/340,405 (“Agboatwalla”) Filed Date: Dec. 13, 2001

Availability of reference for double patenting rejection:

References 1-5 i.e., predate the earliest priority date of the ‘336 Patent is therefore qualified as prior art under 35 USC 102(e).

The 1-3 reference were not applied in any rejection during the original prosecution, reexamination, or review of the '336 patent. Accordingly, they are be used to raise a Substantial New Question of Patentability.

Although Agboatwalla was cited in the IDS of '336 patent, it was not applied in the view of Read in a 103 rejection. Accordingly, they can be used to raise a Substantial New Question of Patentability.

Information Disclosure Statement

An information disclosure statement was submitted by the Patent Owner on 06/09/2023.

MPEP §§ 2256, under the heading "Prior Art Patents and Printed Publications Reviewed by Examiner in Reexamination," states:

Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the 25 information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.

MPEP § 609.05(b) states:

The information contained in information disclosure statements which comply with both the content requirements of 37 CFR 1.98 and the requirements, based on the time of filing the statement, of 37 CFR 1.97 will be considered by the examiner. Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [Emphasis added.]

With this, the examiner notes that prior art references and other documents listed in an Information Disclosure Statement are considered by the Examiner to at least the "degree to which the party filing the information citation has explained the content and relevance of the information," and in "the same manner as other documents in Office search files are considered by the Examiner while conducting a search of the prior art in a proper field of search."

Furthermore, Patent Owner's remarks submitted in relation to the information disclosure statement filed 06/09/2023, have only been considered to the extent they explain the content and relevance of documents listed on the accompanying 1449 forms. Only those documents listed on

the 1449 forms, in compliance with Rules 97 and 98, have been expressly considered by the Examiner. Moreover, expunged or unavailable documents referred to in Patent Owner's IDS remarks, if any, have not been considered.

Prosecution History

The 13/027,950 ('950) is the application to the '336 Patent. During the original prosecution of '950, on Nov 7, 2013, a primary amendment was filed that amended claims 1, 2, 4, 5, 9, 14, 16, 17, and 20, cancelled claims 7, 8, and 10-12 and added claims 21-31. On June 23, 2014, following Applicant's Terminal Disclaimer, the Examiner issued the Notice of Allowance. The notice indicated that following limitation as the reason for allowance:

“Generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to a least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users”

“wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network”

“wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.”

Scope of Reexamination

On November 2, 2002. Public Law 107-273 was enacted Title III, Subtitle A, Section 13105, part (a) of the Act revised the reexamination statute by adding the following new last sentence to 35 U.S.C. 3030(a) and 312 (a):

The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.

For any reexamination ordered on or after November 2, 2002, the effective date of the statutory revision, reliance on previously cited/ considered art, i.e. "old art," does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on the old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact specific inquiry done on a case-by-case basis.

Substantial new question of patentability

For the purpose of determination, independent claim 1 is used as the representative claim. The italicized sections below are utilized by the examiner to show how specific teachings of the proposed references create a substantial new question of patentability in light of the original prosecution history.

Claim 1: A method for managing information content in a network-based communication system, the method comprising the steps of:

providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and

generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

Issue 1: Weiden

Weiden is a system for sharing information among group members. Abstract The request shows that Weiden teaches following limitation of claim 1 in '336 patent:

generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Weiden teaches designing custom interface for different member groups 2:12-28; Media content for private group member 22:12-19; using mobile information channel 7:26-31 Fig. 8, 7:26-31, 2:6-11;)

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Weiden teaches communication between the client and the host system through wireless telephone network. 5:8-16; 20:27-21:3; 7:26-8:2, Fig. 13 and 6 8:3-10) and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Weiden teaches an on-lines forum group member to chat 22:12-19;

and a share message board to share posts 23:13-19; 5:8-16, 7:25-8:2; 8:2-10; 20:27-21:3; 22:12-19, 23:13-19; Figs 1-3, 6)

It is agreed that the consideration of Weiden raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Weiden is important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

Issue 2: Alcorn & Read

Alcorn is an online course system that allow instructors and students to share assignments, announcements, course materials, chat and whiteboard facilities. See Abstract Read is a web server for user to send and receive electronic communication. See Abstract The request shows that Alcorn and Read teach following limitation of claim 1 in '336 patent:

generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Alcorn provide course information to selected students 1:13-15; 8:17-9:24; 16:25-17:9; 18:11-30; 18:31-19:23; 19:24-20:19; 22:16-23; 27:25-33; 30:21-32:11; 34:25-35:15; 45:3-12; 46:11-47:17; Read teaches customizing different interface and different electronic message for different users such as employee or administrator 2-10; 14, 15;)

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Alcorn teaches supporting

messaging between teaches and students over the internet 1:13-25, 2:16-29; 18 :12-39, 21:1-12, 24:1-10, 36:31-27:8; 45:2-12, 46:11-47:17;) and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Alcorn teaches allowing instructor to send messages to a selected group of students 1:13-25; 2:16-29; 18:12-30; 21:1-12, 24 1-10; 26:31-27:8,45: 2-12; 46:11-47:17);

It is agreed that the consideration of Alcorn and Read raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Alcorn and Read are important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

Issue 3: Read and Agboatwalla

Read is a web server for user to send and receive electronic communication. See Abstract Agboatwalla teaches a management system that customize interface for different user. See Abstract The request shows that Read and Agboatwalla teach following limitation of claim 1 in '336 patent:

generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Read teaches customizing different interface and different electronic message for different users such as

employee or administrator Read 2-10; 14, 15; Agboatwalla teaches allowing a user to share information with a selected group of users: 18:11-19:32; 27:6-14; 31:38-33:6)

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Read discloses wherein the given mobile information channel supports messaging between first user and another user over a wireless network 2-10; 14, 15;) and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Read teaches allowing a user to send and receive message from another 2-10; 14, 15;);

It is agreed that the consideration of Alcorn and Read raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Alcorn and Read are important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

Scope of Reexamination

Claims 1, 11, 15, and 27 will be reexamined as requested in the Request.

35 USC 325(d)

A review of the post grant history for the '336 patent indicates that there have been no other Office post grant challenges involving the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Accordingly, a determination of whether to exercise discretion to reject the request pursuant to 35 USC 325(d) is not applicable.

Extension of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexaminations proceeding. Additionally, 35 U.S.C. 305 requires that ex parte reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in ex parte reexamination proceedings are provided for in 37 CFR 1.550(c).

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-G), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP §2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 8,793,336 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop Ex Parte Reexam
ATTN: Central Reexamination Unit Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:
(571) 273-9900
Central Reexamination Unit

By hand to:
Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/PENG KE/
Primary Examiner, Art Unit 3992

Conferees:
/William H. Wood/
Primary Examiner, Art Unit 3992

/ALEXANDER J KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,221	06/12/2023	8793336	698162.0018	9205
31825 7590 11/24/2023 RYAN, MASON & LEWIS, LLP 48 South Service Road Suite 100 Melville, NY 11747			EXAMINER KE, PENG	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 11/24/2023	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K STREET N.W.
WASHINGTON, DC 20006

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,221 .

PATENT UNDER REEXAMINATION 8793336 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/019,221	Patent Under Reexamination 8793336	
	Examiner PENG KE	Art Unit 3992	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

- a. ☒ Responsive to the communication(s) filed on 09 June 2023.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- b. ☐ This action is made FINAL.
- c. ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. ☐ Notice of References Cited by Examiner, PTO-892. | 3. ☐ Interview Summary, PTO-474. |
| 2. ☒ Information Disclosure Statement, PTO/SB/08. | 4. ☐ ____. |

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1,11,15 and 27 are subject to reexamination.
- 1b. ☐ Claims ____ are not subject to reexamination.
2. ☐ Claims ____ have been canceled in the present reexamination proceeding.
3. ☐ Claims ____ are patentable and/or confirmed.
4. ☒ Claims 1,11,15 and 27 are rejected.
5. ☐ Claims ____ are objected to.
6. ☐ The drawings, filed on ____ are acceptable.
7. ☐ The proposed drawing correction, filed on ____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
1 ☐ been received.
2 ☐ not been received.
3 ☐ been filed in Application No. ____.
4 ☐ been filed in reexamination Control No. ____.
5 ☐ been received by the International Bureau in PCT application No. ____.
- * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: ____

cc: Requester (if third party requester)

U.S. Patent and Trademark Office

PTOL-466 (Rev. 08-13)

Office Action in Ex Parte Reexamination

Part of Paper No. 20231027

Detailed Action

This Office Action address claims 1, 11, 15, and 27 of US Patent 8,793,336 ('336 Patent) to Harper et al. It has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed on 07/21/2023 that a substantial new question of patentability was raised in the Request for Ex Parte Reexamination filed on 06/09/2023. (hereafter the "Request").

Priority

Based upon a review of the '336 patent, the Examiner finds that the '167 patent is continuation of 8,135,801('801) patent, which is a continuation of 7,908,342 ('342) patent, which is a continuation of 7,599,983 ('983) patent.

Because the effective filing date of the '167 patent is before March 16, 2013, the pre-AIA first to invent provisions is applied.

PRIOR OR CONCURRENT PROCEEDINGS

Based upon Examiner's review of the 10,769,167 patent itself, the Request, and its prosecution history, the Examiner found following Proceeding:

7:22cv244, Mobile Data Technologies LLC v. Meta Platforms, Inc. et al.

Reference cited in Request

1. WO 01/72002 ("Weiden") AOL, International Publication Date: Sep. 27 2001
2. WO 01/92069 ("Read") Yaes Web Marketing, International Publication Date Dec. 6, 2001
3. WO 01/01372 ("Alcorn") BlackBoard, International Publication Date Jan. 04, 2001

4. U.S. Patent 7,802,207 ("Agboatwalla") Filed Date: Jun. 6. 2002
5. U.S. Provisional Application 60/340,405 ("Agboatwalla") Filed Date: Dec. 13, 2001

Availability of reference for double patenting rejection:

References 1-5 i.e., predate the earliest priority date of the '336 Patent is therefore qualified as prior art under 35 USC 102(e).

The 1-3 reference were not applied in any rejection during the original prosecution, reexamination, or review of the '336 patent. Accordingly, they are be used to raise a Substantial New Question of Patentability.

Although Agboatwalla was cited in the IDS of '336 patent, it was not applied in the view of Read in a 103 rejection. Accordingly, they can be used to raise a Substantial New Question of Patentability.

Information Disclosure Statement

An information disclosure statement was submitted by the Patent Owner on 06/09/2023.

MPEP §§ 2256, under the heading "Prior Art Patents and Printed Publications Reviewed by Examiner in Reexamination," states:

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MPEP § 609.05(b) states:

The information contained in information disclosure statements which comply with both the content requirements of 37 CFR 1.98 and the requirements, based on the time of filing the statement, of 37 CFR 1.97 will be considered by the examiner. Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [Emphasis added.]

With this, the examiner notes that prior art references and other documents listed in an Information Disclosure Statement are considered by the Examiner to at least the “degree to which the party filing the information citation has explained the content and relevance of the information,” and in “the same manner as other documents in Office search files are considered by the Examiner while conducting a search of the prior art in a proper field of search.”

Furthermore, Patent Owner’s remarks submitted in relation to the information disclosure statement filed 06/09/2023, have only been considered to the extent they explain the content and relevance of documents listed on the accompanying 1449 forms. Only those documents listed on the 1449 forms, in compliance with Rules 97 and 98, have been expressly considered by the Examiner. Moreover, expunged or unavailable documents referred to in Patent Owner’s IDS remarks, if any, have not been considered.

Response to this Action

In order to ensure full consideration of any amendments, affidavits, or declarations, or other document as evidence of patentability, such documents must be submitted in response to this Office Action. Submissions after the next Office Action, which is intended to be a Final Action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted

on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 15, and 27 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Weiden WO 01/72002.

8,793,336	Weiden WO 01/72002
Claim 1	
A method for managing information content in a network-based communication system, the method comprising the steps of:	Weiden (Abstract, 5:8-16, 4:12-21, 1:6-7, Fig. 1)
[1.1] providing a first web-based interface accessible to a first user, The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and	Weiden discloses displaying web-based interface on a client device and content can be shared between subscribers, including the founder and another subscriber, using mobile devices; (19:6-20:21, 3:15-18, Fig. 7) a given mobile information channel for sharing content between the first user and one or more additional users (1:9-15, 2:12-3:2, 4:12-5:15, 6:11-8:2, 18:10-20:23 Fig. 2, 7)
[1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface	Weiden teaches a private group website different the initial website. (22:3-19; 20:13-21, Figs. 8, 7:25-31, 2;6-11) where private

provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	member website allows members to access the shared information via a mobile information channel (2:12-28; 4:12-623, 7:26-8:2, 19:6-17; 20:13-21)
[1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	Weiden discloses transmitting information over a wireless network (20:27-21:3, 5:8-8:2, Fig. 13, 6, 8:3-10; where the host system communicates with group communicator; 6350, (17:23-18:15, 20:27-21:3) which can be a wireless telephone network. (5:8-16)
[1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users.	Weiden describe the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. (5:8-8:10, 20:27-21:3, 22:12-23:19 Fig. 1-3, 6).
Claim 11	
[11. Pre] An apparatus for use in managing information content in a network-based	Weiden Fig. 3, 4:12-21, 5:8-16, 8:25-9:2, 9:3-10

communication system, the apparatus comprising:	
[11.1] a processing element comprising a processor coupled to a memory;	Weiden discloses a host system includes a database as memory. (4:17-20, abstract, 2:6-11, 3:3-5, 5:17-28, 23:27-24:29)
[11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;	Weiden discloses a group communicator provides a user interface displayed on a client device reside on the internet; Fig. 7, 19:24-20:12, 20:13-21, 3:15-5:20; uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members 20:13-21; content can be shared between subscribers, including the founder and another subscriber, using mobile devices; 4:12-5:16, 6:11-8:2, 19:6-17; generates private group website is used to share information among group members, including files like photographs, text files, or multimedia files; thus, the private group website that facilitates sharing information via mobile devices provides mobile information

	channel Fig. 2, 7; 1:9-3:2, 3:11-14, 7:26-12:7, 18:10-20:23;
[11.3] the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	Weiden converts data from the internet into a web-based interface, a private group website, delivered to the client device of a group members, where an interface of the private group website is viewed by the group members, 20:13-22:19, Fig. 8, 7:26-41, 2:6-11; and content can be shared between subscribers via mobile devices provides the mobile information channel; Fig. 2, 8, 4:12-8:2, 19:6-17, 11:19-12:17, 18:25-22:19;
[11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Weiden 1.3 Above.
[11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Weiden 1.4 above.
Claim 15	

[15.pre] A network-based communication system, comprising:	See Weiden 1.pre
[15.1] a plurality of servers configured to communicate over a network;	Weiden teaches the host system includes gate ways that connect the OSP host complex and IM complex, and their corresponding servers, to enable the servers to communicate via networks 3:3-14, 11:2-18, 9:3-31, 11:19-32, 13:28-14:30, 17:5-32;
[15.2] at least one of the servers providing at least a portion of a first we-based interface accessible to a first user, the first we-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users,	Weiden discloses a user interface for a client device; 19:6-20:21, 3:15-18 Fig. 7; Weiden teaches sharing information between founder and other group members; (20:13-21, 4:12-5:16, 6:11-23, 726:8:2, 19:6-17) and also information sharing with private groups. (1:9-15, 2:12-3:2, 7:26-31, 19:6-20:23, 18:10-20, Figs 2, 7); where the content can be shared between user using mobile device (4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)
[15.3] wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users	Weiden an interface private group website that is different from the first web interface 22:3-11, 12:1-7; 20:13-21, 22:2-19, Fig 8, 7:26-31, 2:6-11; 7:26-8:2, 18:17-21, 19:6-17;

access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	
[15.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Weiden 1.3 above.
[15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Weiden limitation 1.4 above.
27	
[27.pre] A method comprising:	
[27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and	Weiden discloses a user interface for sharing information (20:13-21) through mobile device (Fig. 2, 7 4:12-6:23, 7:26-8:2, 18:6-19:23, 22:3-11)
[27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile	See Weiden 1.2 above

information channel to facilitate interaction between the first and additional user;	
[27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Weiden 1.3 above.
[27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Weiden 1.4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 15, and 27 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Read WO 01/93069 in view of Agboatwalla U.S. Patent 7,802,207.

8,793,336	Read WO 01/93069 in view of Agboatwalla U.S. Patent 7,802,207
Claim 1	

A method for managing information content in a network-based communication system, the method comprising the steps of:	Read discloses use of a communication system that keeps a record of electronics communication and status information accessible to authorized users, wherein communication system allows the sending of messages via Internet abstract Fig. 1, p1-12;
[1.1] providing a first web-based interface accessible to a first user, The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and	Read teaches sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-5, 7, 10 p 2-4, 6-13; Agboatwalla discloses customized web-based habitat displays in a customized web-based habitat, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage.
[1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface	Read teaches each user's interface is different from the other (Fig. 1-5, 7, 9, 10, p2-4, 6-14)

provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	and each user can sent and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)
[1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	Read teaches implementing electronic communication over TCP/IP networks of an intranet, WAP (Wireless Application Protocol) and other mobile internet connection technologies.” (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13)
[1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users.	Read teaches each user can sent and view messages from other users. (Fig. 2, 9 p 1,2 5-10, 14-15)
Claim 11	
[11. Pre] An apparatus for use in managing information content in a network-based communication system, the apparatus comprising:	Read teaches a communication system allows the sending of messages via TCP/IP networks and the internet. Abstract, pp. 1-8, 11-12, Fig 1, 6.

[11.1] a processing element comprising a processor coupled to a memory;	Read discloses server includes processors coupled to memory, p 3-6, Fig. 1.
[11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;	Read teaches sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-7, 10 p 2-4, 6-13; Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; 31:38-32:19. It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage.
[11.3] the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given	Read describes website server runs internet website; P6-7, 12-14, fig. 2. and different interfaces for different users and user can sent messages to each other. (p 2-4, 6-14, Figs 1-5, 7, 9, 10)

mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31;
[11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Read & Agboatwalla 1.3 Above.
[11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Read & Agboatwalla 1.4 above.
Claim 15	
[15.pre] A network-based communication system, comprising:	See Read & Agboatwalla 1.pre above.
[15.1] a plurality of servers configured to communicate over a network;	Read discloses internet communication network; Figs. 1-7, 10 p 2-4, 6-13;
[15.2] at least one of the servers providing at least a portion of a first we-based interface	See Read & Agboatwalla 1.2

accessible to a first user, the first we-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users,	
[15.3] wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	Read describes website server runs internet website; P6-7, 12-14, fig. 2. and different interfaces for different users and user can sent messages to each other. (p 2-4, 6-14, Figs 1-5, 7, 9, 10) Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; 27:6-14, 31:38-32-19, It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage.
[15.4] wherein the given mobile information channel supports messaging between the first	See Read & Agboatwalla 1.3 above.

user and the one or more additional users over a wireless network; and	
[15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Read & Agboatwalla 1.4 above.
27	
[27.pre] A method comprising:	
[27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and	Read teaches Wireless Application Protocol telephone for sharing content authored by a first user with one or more additional and sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-5, 7, 10 p 2-4, 6-13;
[27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional user;	See Read & Agboatwalla 1.2 above.

[27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Read & Agboatwalla 1.3 above.
[27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Read & Agboatwalla 1.4 above.

Claims 1, 11, 15, and 27 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Alcorn WO 01/01372 in view of Read WO 01/93069.

8,793,336	Alcorn WO 01/01372 in view of Read WO 01/93069
Claim 1	
A method for managing information content in a network-based communication system, the method comprising the steps of:	Alcorn discloses an educational system that allows communication between instructor and the students. Abstract 1:13-2:29, 6:11-11:2, 15:24-17:9, Fig. 39
[1.1] providing a first web-based interface accessible to a first user, The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content	Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17,

between the first user and one or more additional users; and	Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone.
[1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)

[1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)
[1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users.	Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17.
Claim 11	
[11. Pre] An apparatus for use in managing information content in a network-based	See Alcorn & Read [1.pre]

communication system, the apparatus comprising:	
[11.1] a processing element comprising a processor coupled to a memory;	Alcorn discloses server includes processors coupled to memory, (11:4-15, 7:19-8:3, 20:31-21:19, Fig. 1, 16:8-17:9, Fig. 3, 17:11-19:22)
[11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;	Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone.
[11.3] the processing element generating a second web-based interface different than the	Alcorn teaches provide communication tools such as email, discussion board, and virtual

first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)
[11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Alcorn & Read 1.3 Above.
[11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Alcorn & Read 1.4 Above.
Claim 15	
[15.pre] A network-based communication system, comprising:	See Alcorn & Read 1.pre Above.

[15.1] a plurality of servers configured to communicate over a network;	Alcorn discloses internet communication network; 21:21-22:5, Fig. 2, 16:9-24, Fig. 1, 16:25-17:9, 23:15-24, 2:16-29, 6:11-8:3;
[15.2] at least one of the servers providing at least a portion of a first we-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users,	Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone.
[15.3] wherein said at least one server generates a second web-based interface	Alcorn teaches provide communication tools such as email, discussion board, and virtual

different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;	chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)
[15.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Alcorn & Read 1.3 above.
[15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Alcorn & Read 1.4 above.
27	
[27.pre] A method comprising:	See Alcorn & Read 1.pre

[27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and	Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17. Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone.
[27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional user;	See Alcorn & Read 1.2. above

[27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and	See Alcorn & Read 1.3. above
[27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.	See Alcorn & Read 1.4. above.

Important Reexamination Notices

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in ex parte reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for ex parte reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment To Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to the first Office Action on the merits (which does not result in a close of prosecution). Submissions after the second Office Action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

The patent Owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent Number: 8,793,336 throughout the course of this reexamination proceeding.

Contact Information

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

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Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

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