

Viant Technology LLC,

v.

Intent IQ, LLC,

U.S. Patent No. 7,861,260 B2

IPR2024-00421 and IPR2024-00422

(all citations are to papers in the IPR2024-00422 proceeding)

Patent Owner's Hearing Demonstratives

August 28, 2025

Intent IQ LLC
Ex. 2006, IPR2024-00422

Argument Roadmap

- Petitioner's theories require a specific combination of Baig and Costa
- Overview of Baig
- Overview of Costa
- Petitioner fails to show obviousness of adding a TV / STB to a public hotspot in view of Baig and Costa as proposed
- Petitioner fails to show obviousness of a multitude of TVs at a multitude of public hotspot displaying Baig's social media website
- Petitioner fails to show obviousness of a contract to display a TV ad in view of Baig and Costa (Claims 121 and 146)

Petitioner's Baig / Costa Combination

- **First requirement:**
 - It would be obvious to install a TV / STB at a multitude of public Wi-Fi hotspots (e.g., coffee shops) in view of Baig and Costa. POR 5.
- **Second requirement:**
 - The multitude of TVs would obviously display Baig's VCSP website (rather than, e.g., television service or other websites) in view of Baig and Costa. POR 5–6.
- If ***either*** requirement is not true, Petitioner cannot prevail as to any challenged claim. POR 5, 13–17.

Argument Roadmap

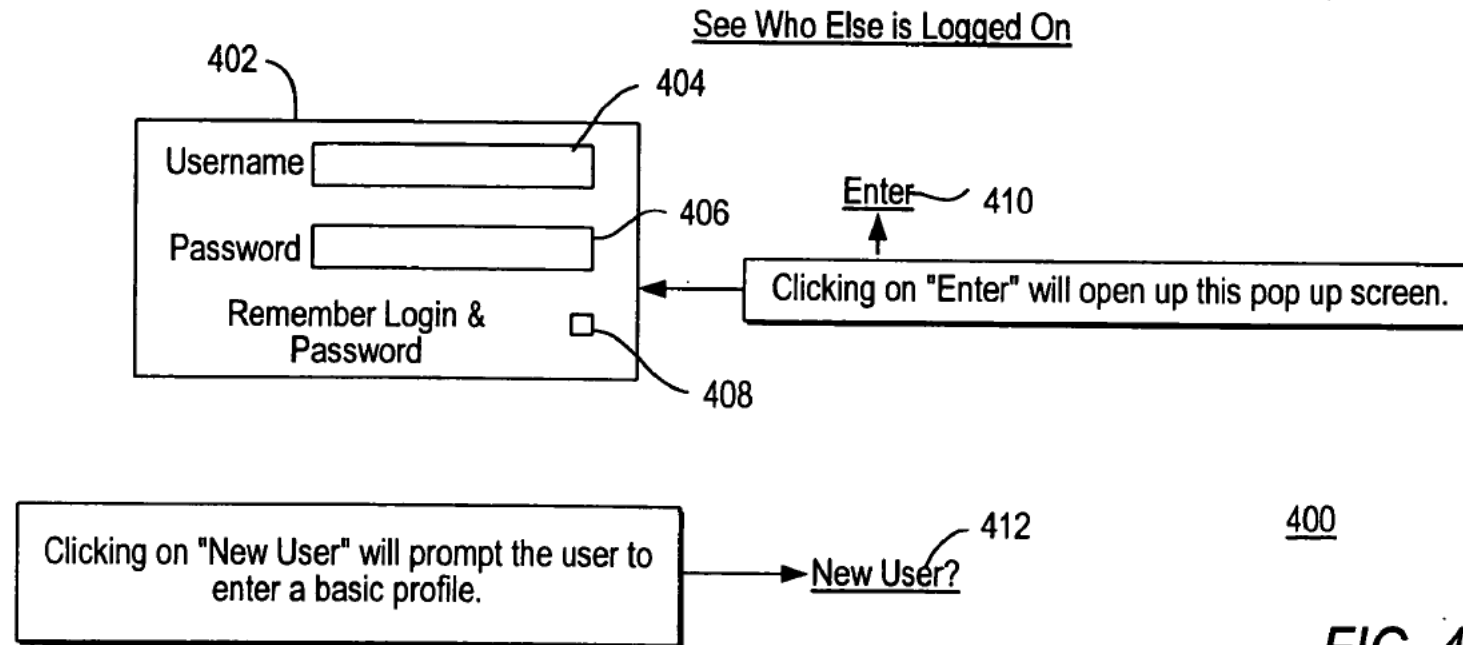
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Baig's Social Media Website

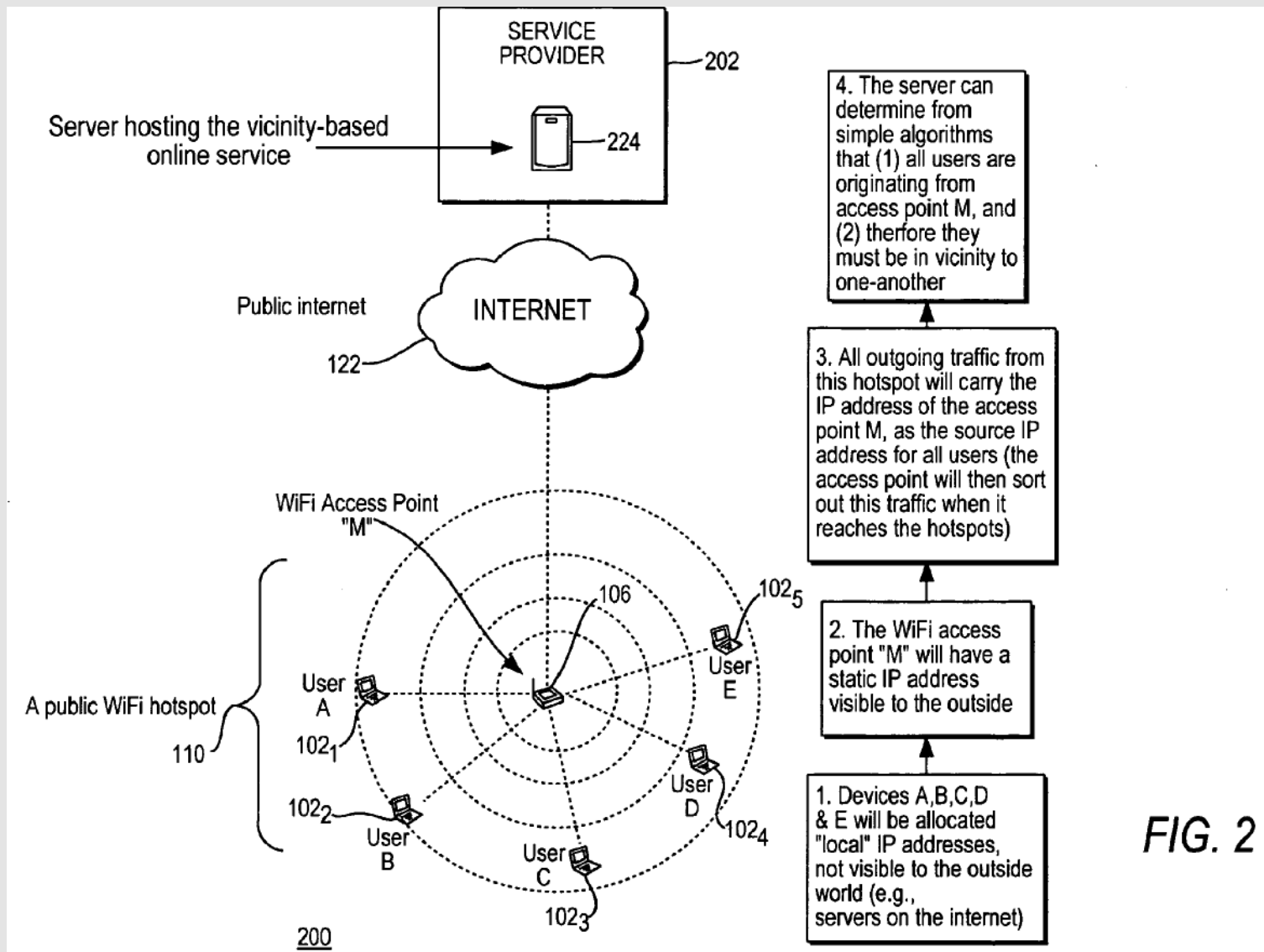
(The main website)

munJee

A location based community for WIFI users. Chat, buy & sell, barter, post messages or blog



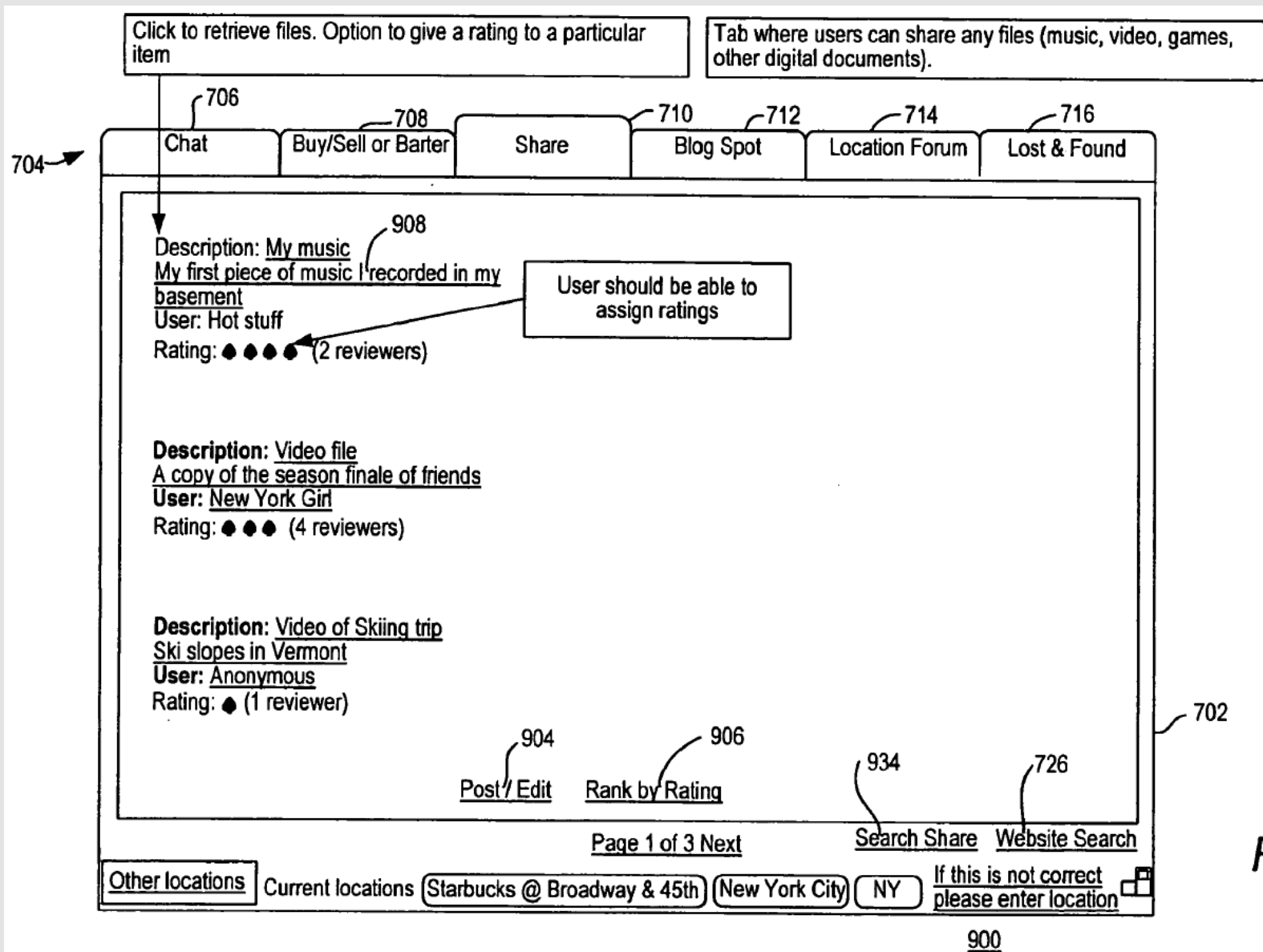
Provision of Baig's Social Media Website



Auction Feature of Baig's Website



File Sharing Feature of Baig's Website



Blog Feature of Baig's Website

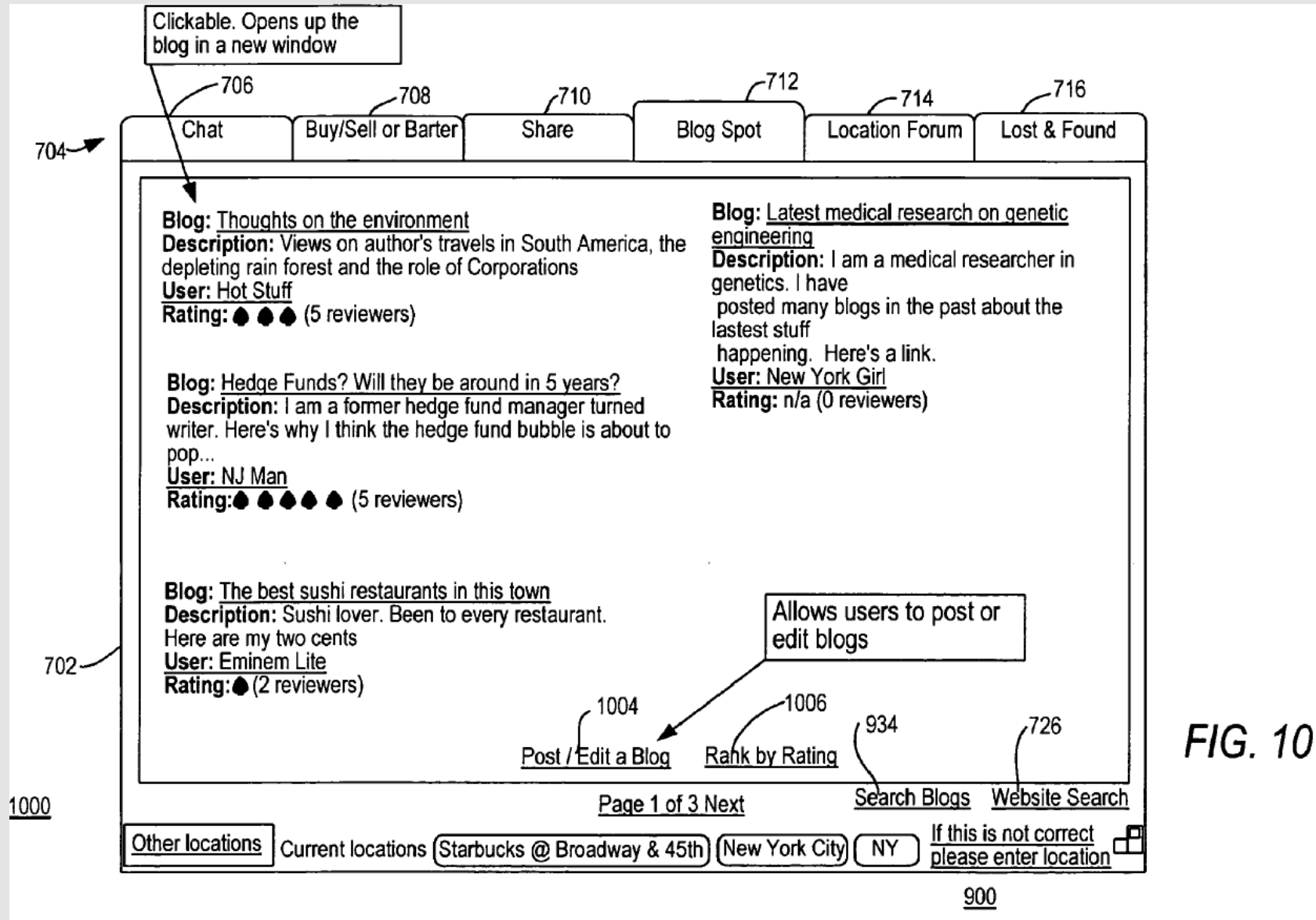
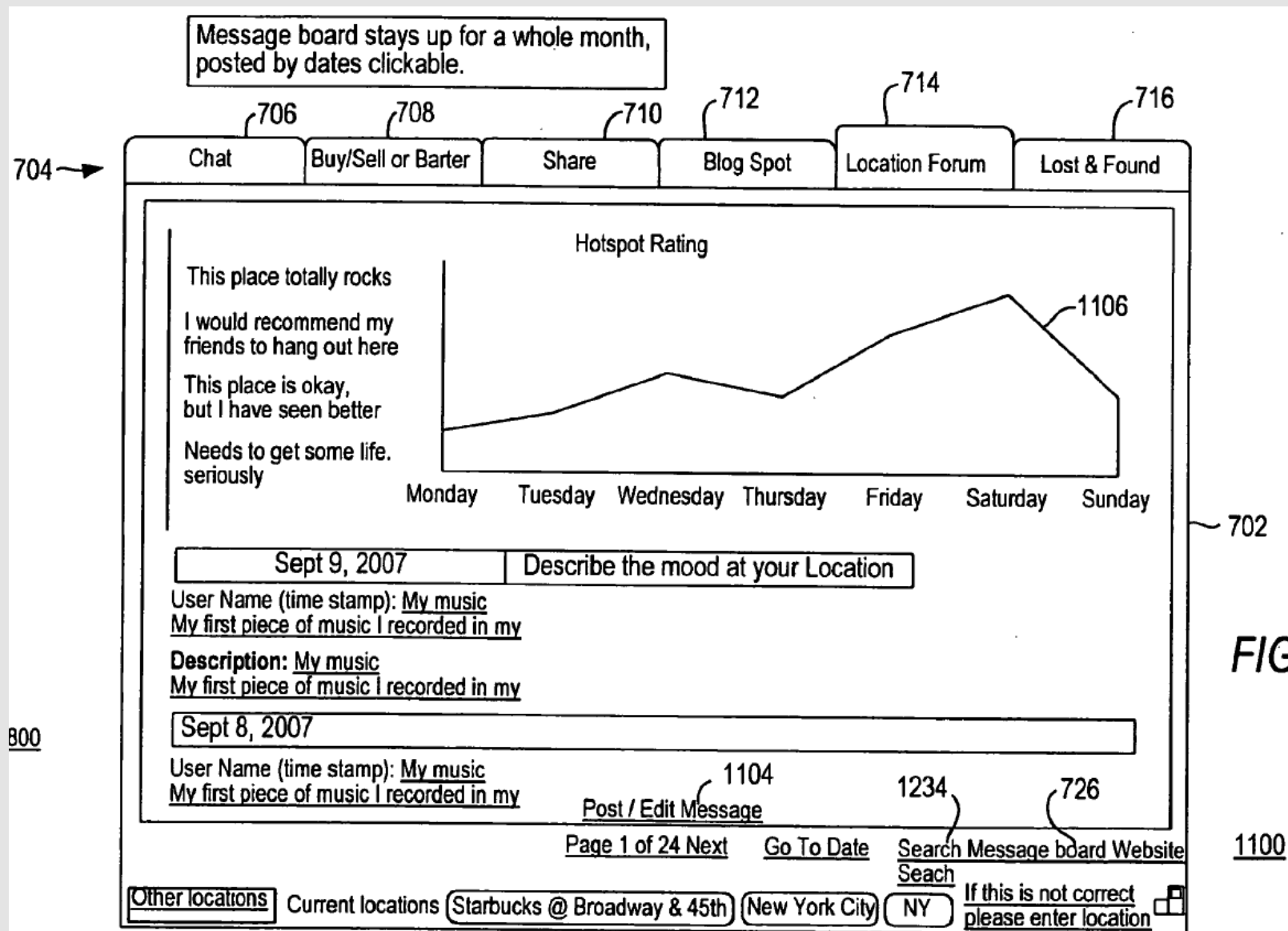
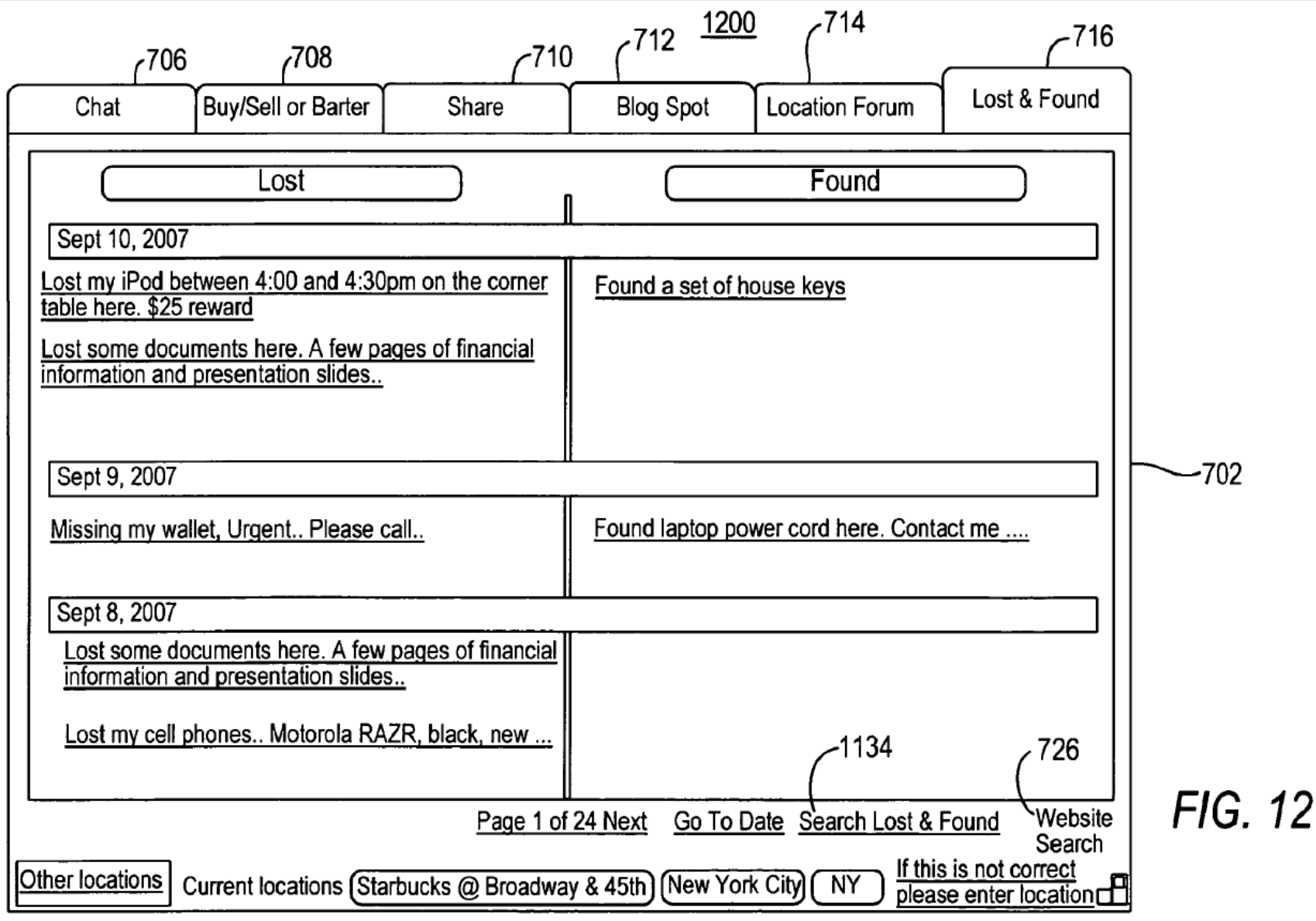


FIG. 10

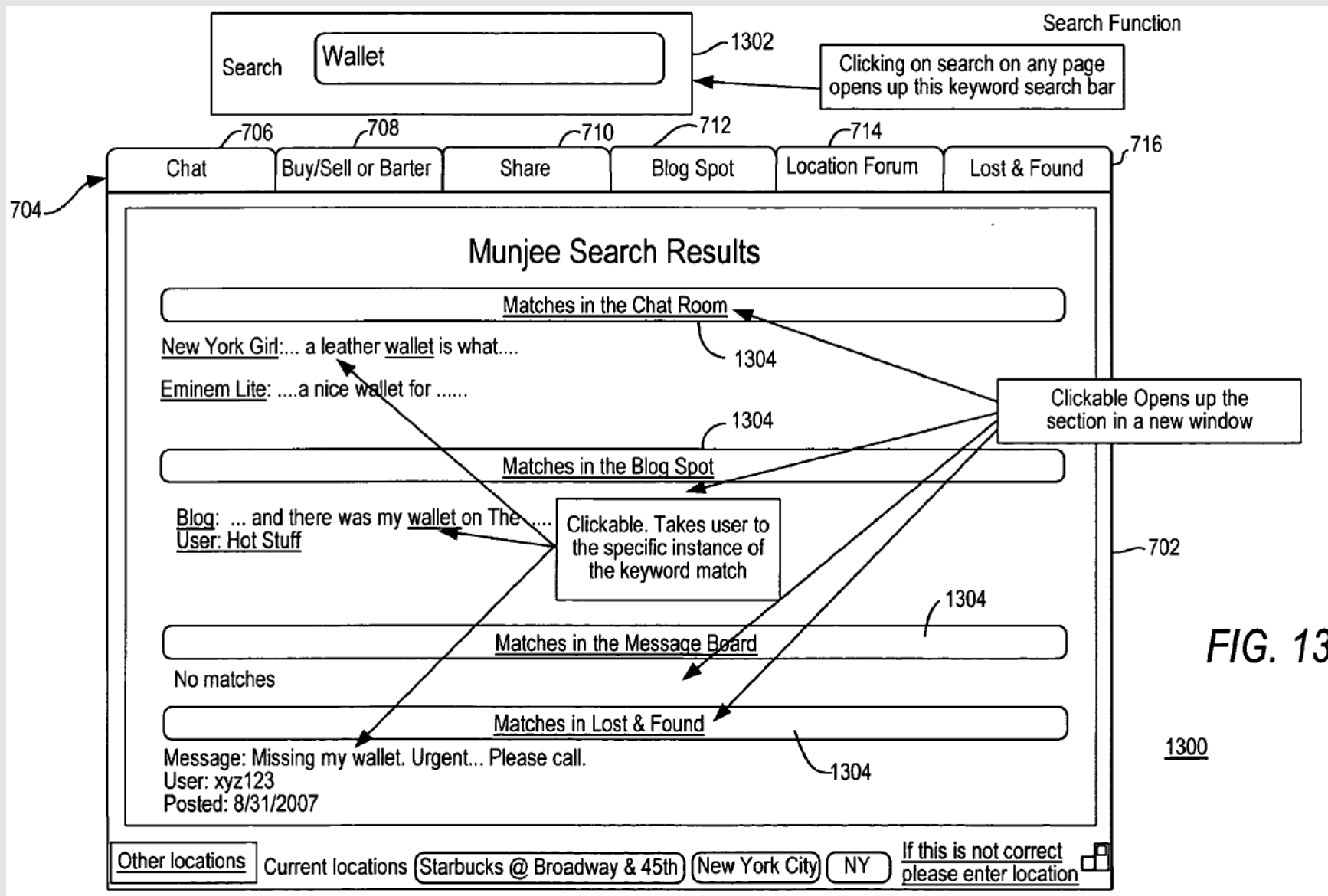
Location Forum Feature of Baig's Website



Lost & Found Feature of Baig's Website



Search Feature of Baig's Website



Ads on Baig's Website

[0102] In one embodiment, multiple advertisers can bid against each other to have their advertisements displayed at a particular location and time of day, or based on some other end-user profile.

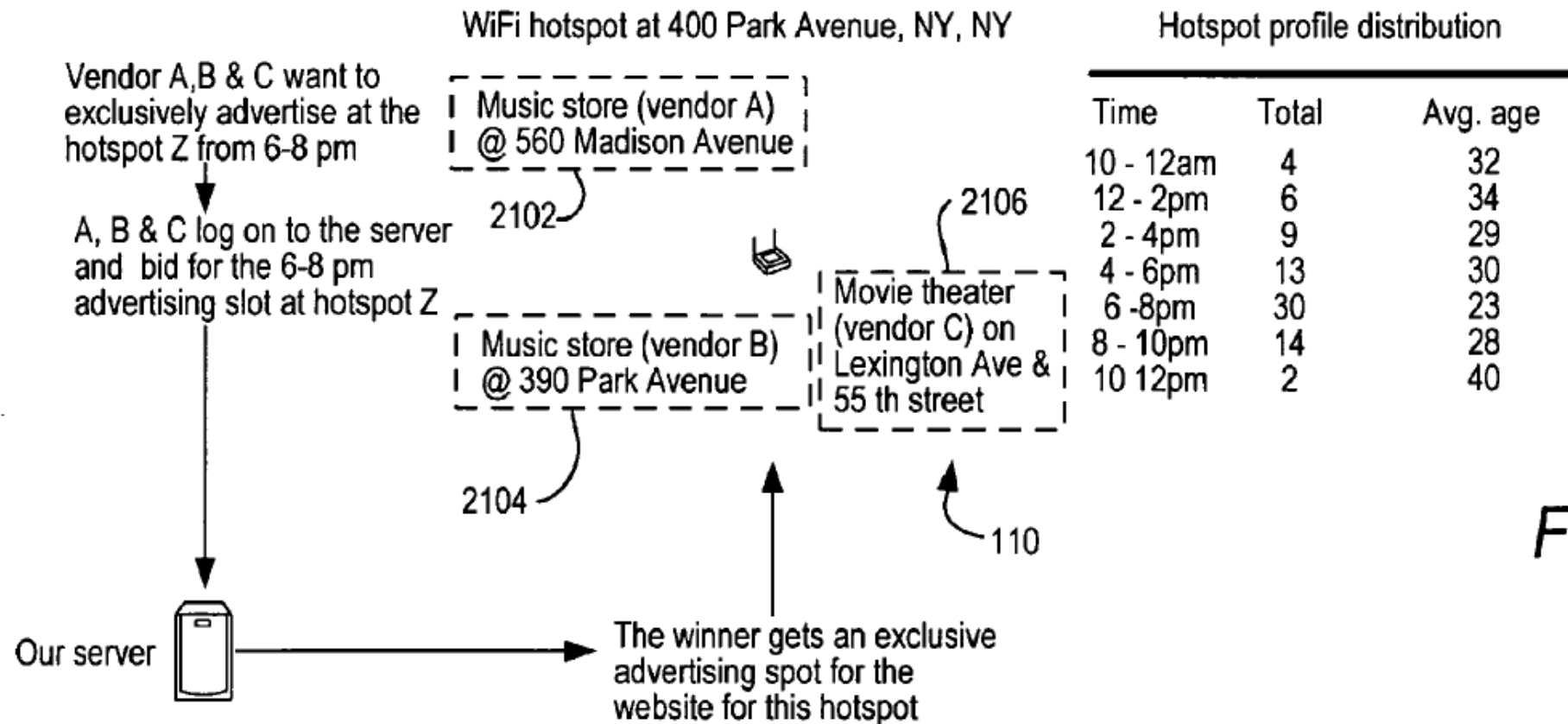


FIG. 21

Baig does not disclose TV ads under Petitioner's theory

Does Baig disclose an advertisement displayed on a television set?

A. In the combination with Costa, yes.

Q. Okay. In isolation, does Baig disclose an advertisement displayed on a television set?

A. Well, I didn't render any opinions in isolation. All my opinions were based on the combinations.

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Costa discloses networking techniques

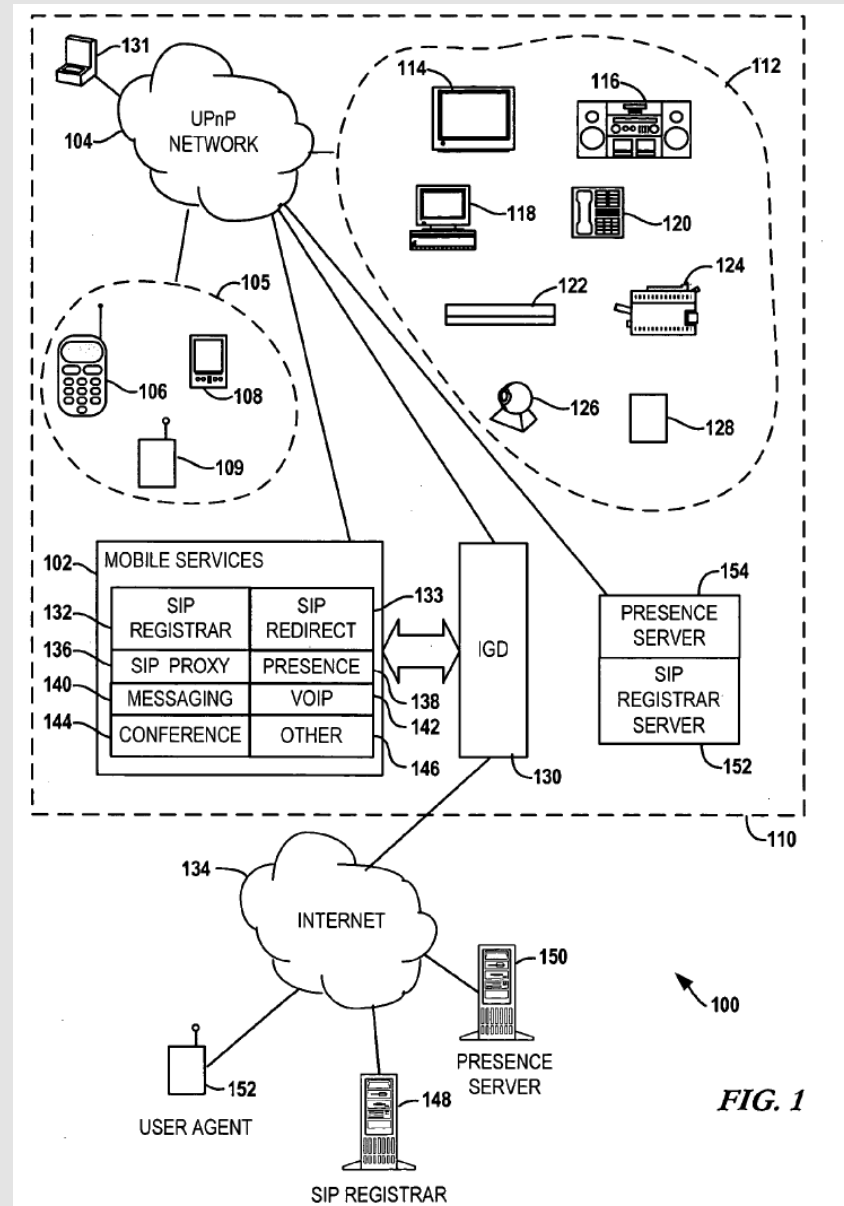
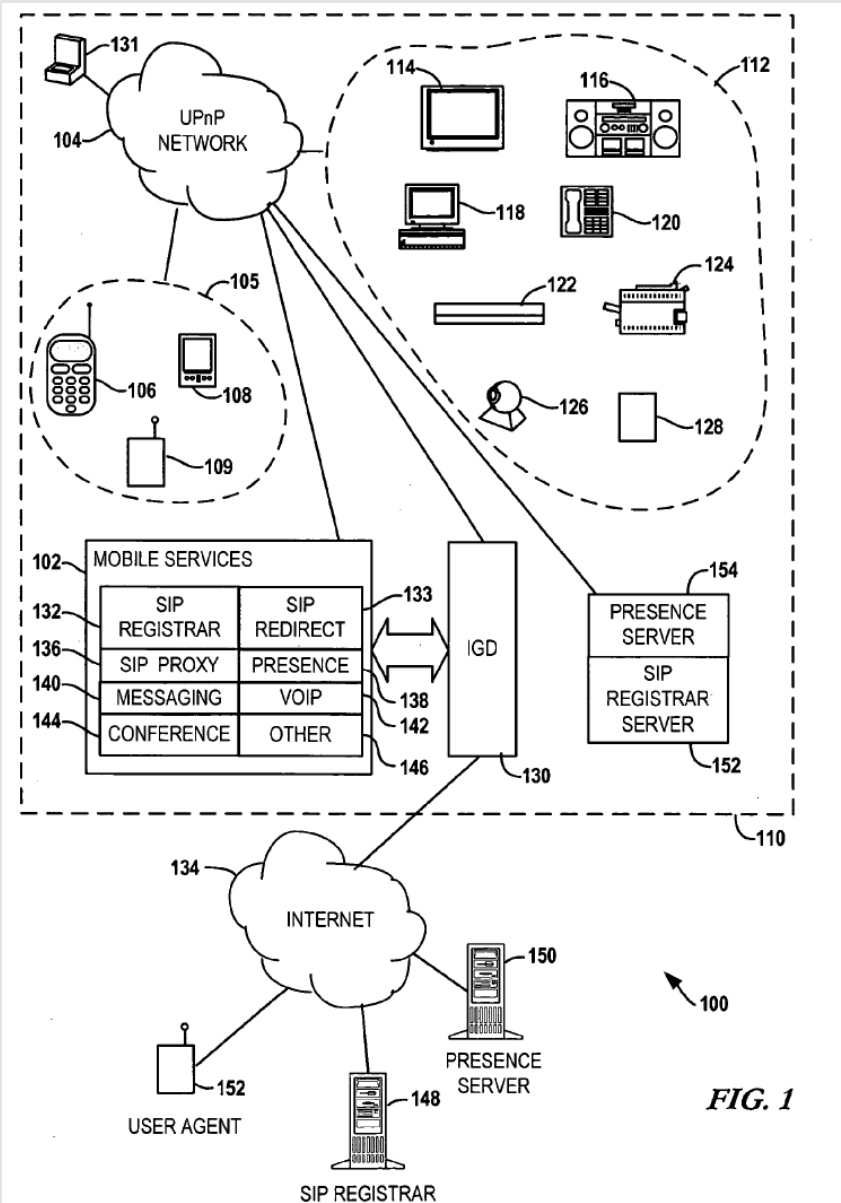


FIG. 1

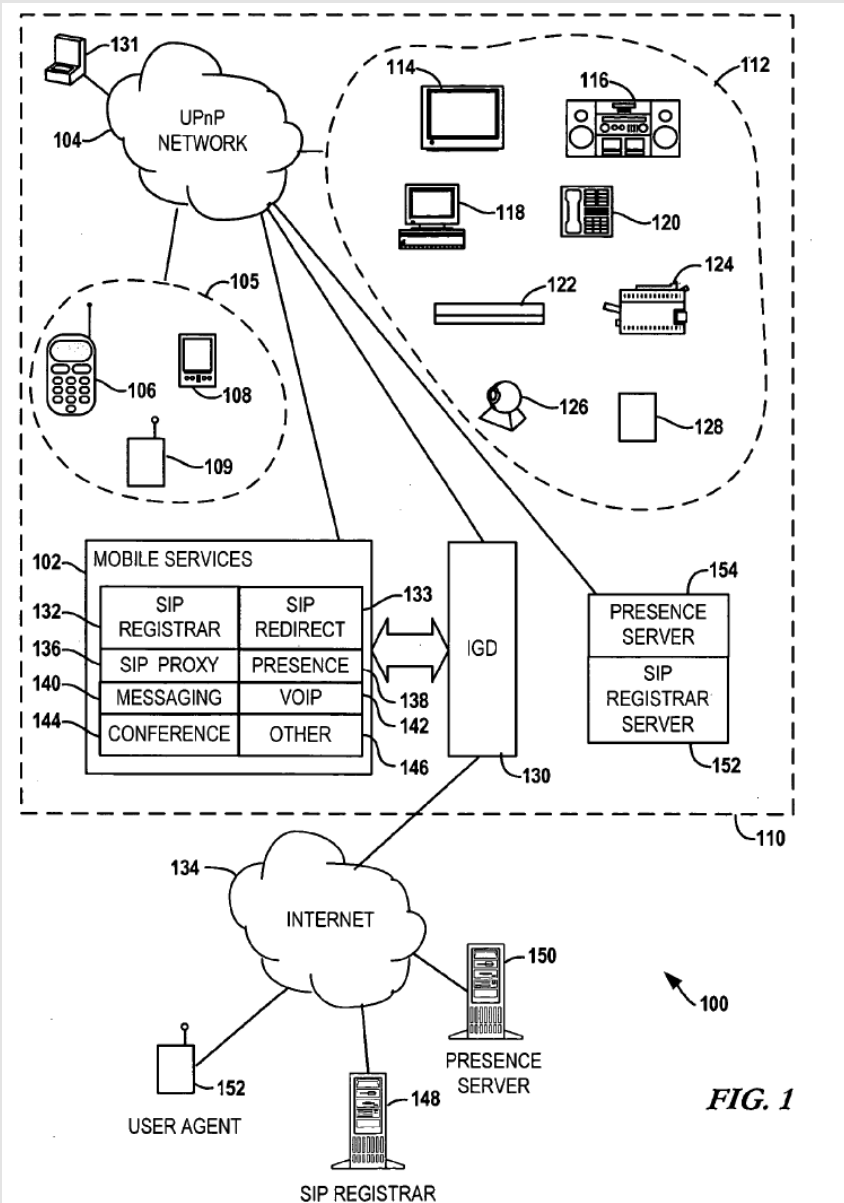
Costa discloses “local environment” can be in a hotspot



[0036] The UPnP network 104 (or similar networking technology) allows devices to exchange data in a local environment 110. The local environment 110 typically includes a home or office, although it will be appreciated that other environments may provide UPnP connectivity, including automobiles, airplanes, boats, public wireless hotspots, etc. The UPnP network 104 may couple consumer electronics devices 112, including televisions 114, audio systems 116, computers 118, telephones 120 (e.g., analog phones, digital phones, cordless phones, SIP phones), digital media centers 122 (e.g., set-top boxes, MP3 jukeboxes, personal video recorders, media hubs), printers 124, cameras 126, and other devices, represented by generic UPnP device 128.

Ex. 1011, FIG. 1 & [0036]; Paper No. 10 at 22–23.

Costa discloses “local environment” can include a TV



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Ex. 1011, FIG. 1 & [0036]; Paper No. 10 at 22–23.

Costa does not disclose TV ads under Petitioner's theory

My question is whether you have offered any opinions that Costa, standing alone, discloses a television advertisement?

A. No, I have not.

Ex. 2005, 22:23–23:1; Sur-Reply 19.

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Baig/Costa do not render the first part of the Petition's combination obvious

- **First requirement:**

- It would be obvious to install a TV / STB at a multitude of public Wi-Fi hotspots (e.g., coffee shops) in view of Baig and Costa. POR 5.

- **Second requirement:**

- The multitude of TVs would obviously display Baig's VCSP website (rather than, e.g., television service or other websites) in view of Baig and Costa. POR 5–6.
- If ***either*** requirement is not true, Petitioner cannot prevail as to any challenged claim. POR 5, 13–17.

Petitioner did not even allege who would be motivated to add a TV to a public hotspot (such as a coffee shop)

Q. (By Mr. Milkey) Okay. So who is responsible for making this modification to Baig's system?

Is it the vicinity -- or, sorry, is it the VCSP or is it the coffee shop owner in the example that you provided?

A. I don't think I provided an opinion on that. I really haven't thought about who -- who installed -- you are asking who installed the set-top box?

Q. Correct.

A. I'm sorry, I -- I don't know.

I haven't really thought about that.

Q. Okay.

A. Sounds like a new opinion.

Petitioner's expert was unaware of any public hotspots that included a STB.

Q. (By Mr. Milkey) As of 2007, are you aware of any public wireless hotspots that included a set-top box?

A. I don't remember.

Patent Owner's expert was also not aware of public STBs at coffee shops.

37. Additionally, I have seen no indication or evidence of any coffee shops that displayed television content via a set-top box in the manner Mr. Lett suggests before the priority date of the '260 patent. Mr. Lett was likewise unable to recall any public wireless hotspots that included a set-top box as of the priority date of the '260 patent. Ex. 2003 at 25:15-18.

The lack of evidence weighs against obviousness.

Of course, that is not dispositive as to the question of obviousness, but if a set-top box truly would have obvious to include at a multitude of coffee shops' wireless hotspots in the relevant timeframe as Petitioner alleges, more than likely there would be some evidence of some coffee shop having actually done it.

The Petition identifies no teaching in Costa suggesting any benefits to adding a STB to a public hotspot

44. I also do not believe that Costa (or any other reference cited by Mr. Lett) discloses any motivation to add a set-top box to a public Wi-Fi hotspot (such as a coffee shop). Specifically, Costa teaches that a STB is one type of device that can be connected to a “UPnP network” which allows “devices to exchange data in a local environment 110.” Ex. 1011, ¶36. Costa teaches that the “local environment 110 typically includes a home or office” (which are not the types of networks contemplated by Baig, which discloses Wi-Fi hotspots such as at a coffee shop), but it can also optionally be a “public wireless hotspot[].” *Id.* Thus, at most, Costa states that it is *possible* to add a set-top box to a public wireless hotspot, but does not suggest any *motivation* to do so.

The lack of evidence undermines Petitioner's theory.

In short, the *only* evidence of record that Petitioner's proposed combination would have been obvious is the conclusory testimony of Petitioner's expert, whose opinions are belied by the fact that even though he purports to be knowledgeable about how public establishments used set-top boxes, was unable to identify *any* objective evidence of *anyone ever* displaying a website like Baig's on a set-top box at a public establishment. This opinion is far more conclusory than the testimony of Patent Owner's expert, who pointed out common sense concerns with the evidence Petitioner had provided, and because it is Petitioner who bears the burden of proof, Petitioner's over-reliance on conclusory expert testimony is fatal to the Petition.

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- **Second requirement:**

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- If ***either*** requirement is not true, Petitioner cannot prevail as to any challenged claim. POR 5, 13–17.

The Petition offered no motivation to tune the TV to Baig's website

Having the television set displaying a website such as Baig's would have been a very strange decision that the Petition provides no reasoning would have been obvious (other than the conclusory allegation that the content is "beneficial[]," without any analysis of whether it would have been beneficial *in the context of an STB at a coffee shop*).

See Pet. 12.

Patent Owner's expert explained the lack of obviousness.

46. In particular, Baig provides numerous examples of services that are provided by its website (Ex. 1007 ¶59), none of which would have been obvious for a coffee shop to display on a television in a public location because use of such services would require that someone be controlling the use of the website to the exclusion of others. This would not have been desirable, particularly in a scenario where the use of the website would be visible to those not actually using the website, causing privacy concerns.

Reply focuses on motivation of an advertiser to direct ads to all devices (not the obviousness of tuning the TV to Baig's website)

The Petition specifically addressed the obviousness of displaying Baig's website advertisements on a television, explaining that "Baig's advertisements would obviously have been displayed on any suitable access device" and "[a]n advertiser would wish to direct a hotspot-targeted advertisement to devices which would reach the widest possible audience at the hotspot, such as Costa's STB with an associated television display." Pet. 27-28. The Petition further explained that "[b]y providing Baig's advertisements to a STB for presentation on a television, such advertisements constitute 'television advertisements' as defined by the '260 Patent." Pet. 27 (citations omitted); Ex. 1001, 6:37-40. Thus, the Petition did indeed establish the obviousness of displaying Baig's website on the STB/television.

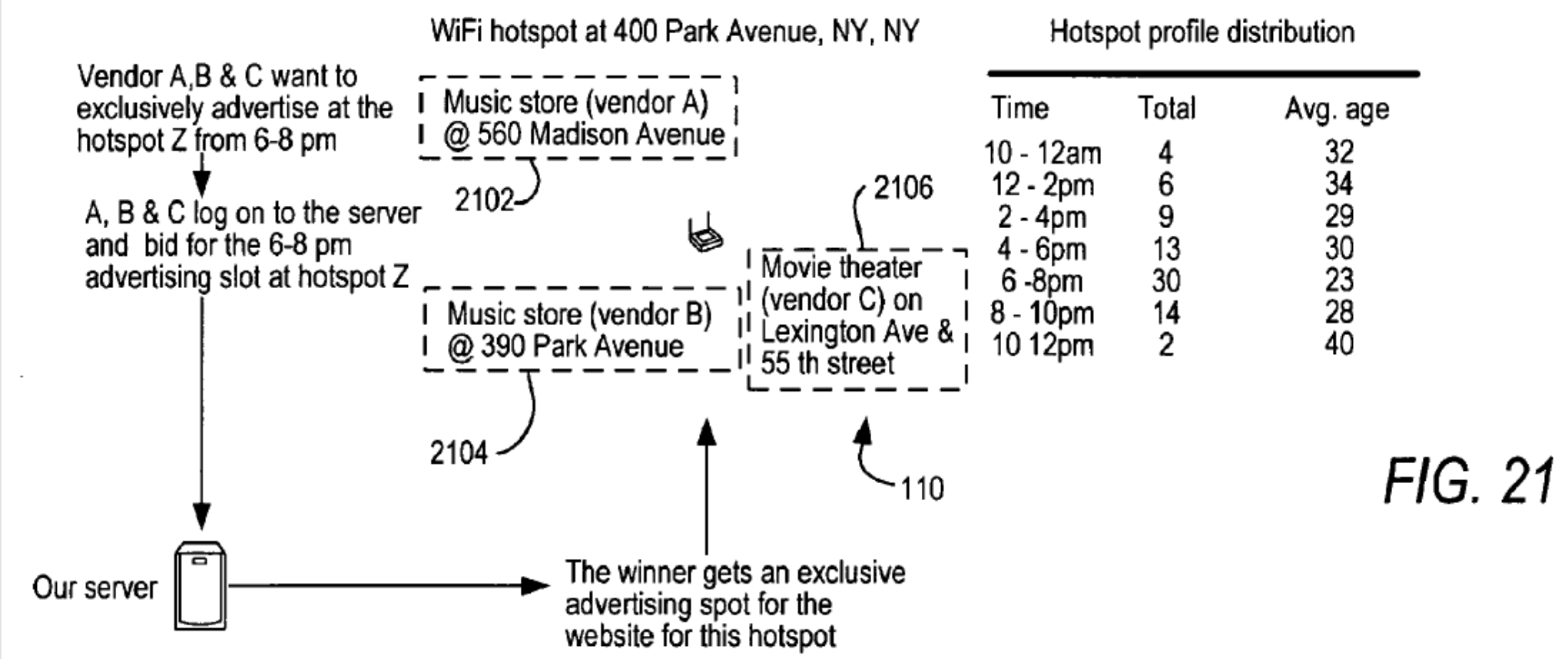
No evidence of motivation for a public establishment to tune a TV to Baig's website to display ads

Advertisers (even the hotspot proprietor) would need to pay to advertise

[0102] In one embodiment, multiple advertisers can bid against each other to have their advertisements displayed at a particular location and time of day, or based on some other end-user profile.

No evidence of motivation for a public establishment to tune a TV to Baig's website to display ads

Advertisers (even the hotspot proprietor) would need to pay to advertise



No evidence of motivation for a public establishment to tune a TV to Baig's website to display ads

Advertisers (even the hotspot proprietor) would need to pay to advertise

Q. You don't offer any opinions that Baig's website gives its advertising away for free, correct?

A. I don't think so. Perhaps if I did you could refer me to it and I could answer a question about it.

Q. Do you have any opinions regarding how Starbucks could get its ad on that television set other than by paying Baig's website to display the advertisement?

A. I don't have an opinion on that.

No evidence of motivation for a public establishment to tune a TV to Baig's website to display ads

Hotspot proprietor would need to bid against neighboring / competing businesses

Q. Okay. So it's possible that Starbucks would go to the effort of adding a television set to its coffee shop to display ads. And then another coffee shop would end up displaying the ad on that television set, correct?

A. Well, this is a very hypothetical situation that I haven't really contemplated. So it's difficult for me to map that to the prior art elements.

No evidence of motivation for a public establishment to tune a TV to Baig's website to display ads

Hotspot proprietor would need to bid against neighboring / competing businesses

Q. Let's say I'm a POSITA and I run a copy shop. I am considering installing a TV in my coffee shop and navigating that TV to Baig's website. I have a concern, however, that competing coffee shops will be able to target ads to my customers.

What in Baig's disclosure would give me confidence as a POSITA that competing coffee shops would not be able to do that?

THE WITNESS: Are you referring to a particular claim element?

BY MR. MILKEY:

Q. No, I'm asking about your proposed combination. And my specific question is what would give me confidence as a POSITA that if I were to install a TV in my coffee shop and navigate it to Baig's website, that other coffee shops wouldn't be able to display advertisements to my customers?

A. That is out of the scope of the disclosure.

No Real-World or Documentary Evidence of Obviousness of Navigating to any Site Like Baig's

Q. So, Mr. Lett, I want to ask you about your own personal experience with set-top boxes.

Do you have personal experience with set-top boxes?

A. Yes.

Q. You're familiar with how set-top boxes are used in public establishments, right?

A. Yes.

No Real-World or Documentary Evidence of Obviousness of Navigating to any Site Like Baig's

Q. Do you have an opinion regarding whether it would be obvious for the proprietor of that Starbucks to navigate the television to the front page of facebook.com?

MR. HOLT: Objection to form and scope.

THE WITNESS: I mean I don't understand the context of Facebook in this regard. I've been focussing on the time of the priority date of the patents as a POSA, so I really haven't considered that.

Q. Are you aware of any public establishment that has ever included a TV that used that TV to display a social media website?

MR. HOLT: Objection to form and scope.

THE WITNESS: I don't have an opinion on that.

No Real-World or Documentary Evidence of Obviousness

Q. Okay. Are you aware of any public establishments that existed before the priority date of the 260 patent that used a TV to display an auction website?

MR. HOLT: Objection to form and scope.

THE WITNESS: I'm not aware of any specific example.

Q. Are you aware of any public establishments that existed after the priority date of the 260 patent that used a TV to display an auction website?

MR. HOLT: Objection to form and scope.

THE WITNESS: I don't recall.

No Real-World or Documentary Evidence of Obviousness

Are you aware of any public establishments that existed before the priority date of the 260 patent that used a TV to display any website?

MR. HOLT: Same objections.

THE WITNESS: I believe there were but I can't recall specifically what they were.

BY MR. MILKEY:

Q. And are you aware of any public establishments that existed after the priority date of the 260 patent that used a TV to display any website?

A. I believe there are but I don't recall specifically which ones they are.

Petitioner's theory is based solely on conclusory expert testimony.

In short, the *only* evidence of record that Petitioner's proposed combination would have been obvious is the conclusory testimony of Petitioner's expert, whose opinions are belied by the fact that even though he purports to be knowledgeable about how public establishments used set-top boxes, was unable to identify *any* objective evidence of *anyone ever* displaying a website like Baig's on a set-top box at a public establishment.

Conclusory testimony, absent evidence, is insufficient.

In *Orexo*, the Federal Circuit (quoting portions of oral argument) provided similar reasoning:

The Court: *If both of those things are really well known, then one would think that ... you could have found some reference that used it.* ... Your expert didn't even testify that he was familiar with this industry and that citric acid was routinely used as a carrier particle in interactive mixtures. He just said it was the right size and it could be used.

Actavis Counsel: Well. You're right Your Honor in terms of your characterization of the record. There was not citric acid used as a carrier particle that was in the record.

Orexo AB v. Actavis Elizabeth LLC, 903 F.3d 1265, 1272 (Fed. Cir. 2018).

Numerous Additional Problems With Petitioner's Combination

Petitioner identifies no theory regarding control of Baig's website on a public TV.

Petitioner fails to present any plausible theory regarding *how* the TV set would be controlled. Baig's website is *interactive*, and Petitioner never explains how the website would be controlled in a public environment such as a coffee shop. Would the proprietor of the coffee shop, e.g., be using the chat and file-sharing functionality? Would that control be given to an individual user? If so, how would that user be selected? What if the user searched for inappropriate content using Baig's "Website Search" link 726? *See* Ex. 1007, FIG. 7.

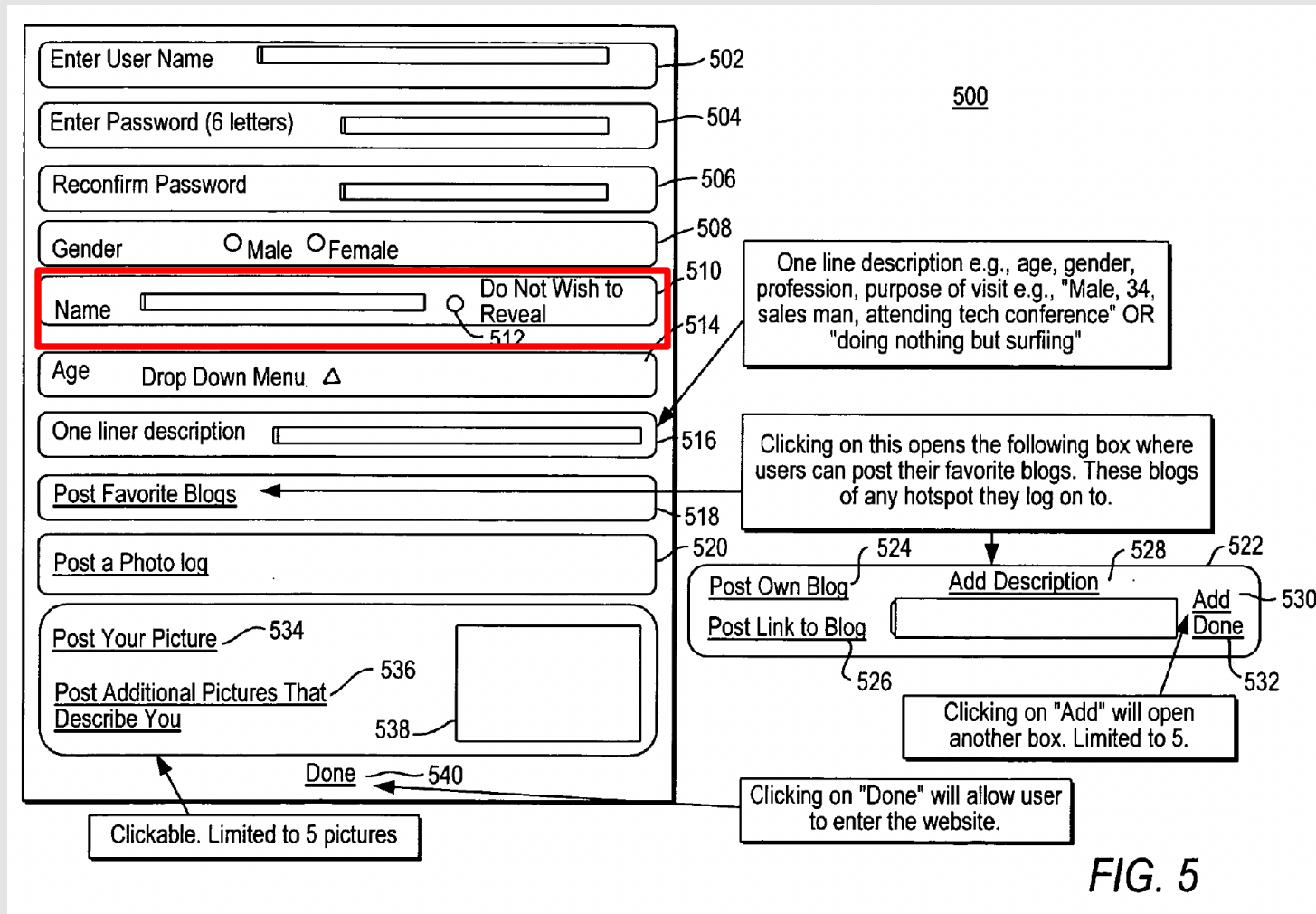
Numerous Additional Problems With Petitioner's Combination

Despite Baig's privacy concerns, Petitioner identifies no privacy safeguards for public usage.

Nor does Petitioner address how privacy concerns would be addressed. Petitioner asserts that there would be no privacy concerns because “Baig teaches that its user profile does not include personally-identifiable information.” Reply at 16 (citing Ex. 1002, ¶¶264-265). But Baig’s “user profile” is what is provided to *advertisers*, not what is displayed *on Baig’s website* as a user is using it. Baig itself makes clear that private information can and will be shown as part of typical website usage, as shown by FIG. 5 (as just one example):

Numerous Additional Problems With Petitioner's Combination

Despite Baig's privacy concerns, Petitioner identifies no privacy safeguards for public usage.



Numerous Additional Problems With Petitioner's Combination

Despite Baig's privacy concerns, Petitioner identifies no privacy safeguards for public usage.

Furthermore, if a user attempts to purchase a product using Baig's "Buy/Sell or Barter" functionality (e.g., Ex. 1007 at FIG. 8), they would presumably need to enter credit card or similar data. These are not the type of features that would be obvious to use at a television at a public establishment, which is presumably why Petitioner identifies no real-world or documentary evidence of anyone finding this approach to be an obvious one.

Independent Claim Summary

In short, Petitioner proposes combining Baig with Costa in ways neither reference contemplates. Neither reference suggests or discloses a set-top box at a public hotspot displaying a website, much less a website like Baig's. This portion of Petitioner's proposed combination is purely the invention of Petitioner and its expert, and Petitioner offers no documentary evidence, or any legally sufficient rationale, that would have motivated a POSITA to actually implement Petitioner's proposal.

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Petition's Theory: TV ads are ads displayed on a TV

In the proposed combinations, Costa's STB is one of the devices receiving ads. Baig's advertisements would obviously have been displayed on any suitable access device, including Costa's STB (provided as one of several consumer electronic devices along with a television). *Id.*, ¶236. A POSA thus would have been motivated to provide advertisements to the STB (and its associated television) connected to the access point to broaden the reach of the advertising. *Id.* By providing Baig's advertisements to a STB for presentation on a television, such advertisements constitute "*television* advertisements" as defined by the '260 Patent. *Id.*; Ex. 1001, 6:37-40.

Reply's Theory: TV ads are ads displayed on a TV

As explained in the Petition, because Baig's website (and its advertisements) would be provided "to [Costa's] STB for presentation on a television," these advertisements are TV ads "as defined by the '260 Patent" that advertisers can contract to display through Baig's bidding system.

Petitioner's Expert: TV ads are ads displayed on a TV

Q. So Mr. Lett, I believe you said a television advertisement is an advertisement displayed on a television set, correct?

A. In the context of this proceeding, yes.

Q. You can't have a television advertisement without a television display, correct?

A. I think my understanding is that a television ad is an advertisement displayed on a television set.

Petitioner's Expert: No opinion that Baig discloses TV ads

Q. You can't have a television advertisement without a television display, correct?

A. I think my understanding is that a television ad is an advertisement displayed on a television set.

Q. So does Baig disclose a television ad -- sorry, strike that.

Does Baig disclose an advertisement displayed on a television set?

A. In the combination with Costa, yes.

Q. Okay. In isolation, does Baig disclose an advertisement displayed on a television set?

A. Well, I didn't render any opinions in isolation. All my opinions were based on the combinations.

Petitioner identifies no “contract[] to display a TV ad” under the Petition’s theory.

To the extent any “TV ad” occurs under the Petition’s theory, it is a result of ***a contract to display an ad***, with no contemplation of it being a “TV ad.”