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Filed on behalf of: Aylo Freesites Ltd

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner

v.

WELLCOMEMAT, LLC,
Patent Owner

IPR2024-00710¹
U.S. Patent No. 8,307,286

PETITIONER'S REPLY TO PATENT OWNER RESPONSE

¹ The Board administratively terminated related proceeding IPR2024-01101, consolidating it with IPR2024-00710. Paper 18.

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<i>T-Mobile USA, Inc. v. Dali Wireless Inc.</i> , IPR2022-01345, Paper 44 (FWD) (Mar. 6, 2024).....	9

EXHIBIT LIST

Exhibit	Description
1001 (EX1001)	U.S. Patent No. 8,307,286 (“’286 patent” or “’286”)
1002 (EX1002)	Declaration of Henry Houh, Ph.D.
1003 (EX1003)	<i>Curriculum Vitae</i> of Henry Houh, Ph.D.
1004 (EX1004)	U.S. Patent Application Publication No. 2005/0081159 (“Gupta”)
1005 (EX1005)	U.S. Patent Application Publication No. 2005/0144305 (“Fegan”)
1006 (EX1006)	U.S. Patent Application Publication No. 2005/0210145 (“Kim”)
1007 (EX1007)	U.S. Patent Application No. 09/911,293; Publication No. 2002/0069218 (“Sull”)
1008 (EX1008)	WO 2003/067594 A1 (“Vasilevsky”)
1009 (EX1009)	U.S. Patent Application Publication No. 2003/0093790 (“Logan”)
1010 (EX1010)	File wrapper for U.S. Patent No. 8,307,286
1011 (EX1011)	Ulead DVD MovieFactor 2 User Guide
1012 (EX1012)	U.S. Patent Application Publication No. 2004/0230600 (“Devore”)
1013 (EX1013)	U.S. Patent Application Publication No. 2003/0231198 (“Janevski”)

Exhibit	Description
1014 (EX1014)	U.S. Patent No. 6,637,031 (“Chou”)
1015 (EX1015)	U.S. Patent Application Publication No. 2002/0065879 (“Ambrose”)
1016 (EX1016)	U.S. Patent Application Publication No. 2001/0020255 (“Hofmann”)
1017 (EX1017)	Excerpts from Microsoft Computer Dictionary, 5th Ed. (2002)
1018 (EX1018)	“Signal.” Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/signal (accessed March 29, 2024)
1019 (EX1019)	EDTX Order Staying Proceedings Pending IPR in Case Nos. 2:20-cv-00193-JRG-RSP, 2:20-cv-00198-JRG-RSP, 2:20-cv-00192-JRG-RSP, 2:20-cv-00200-JRG-RSP, 2:20-cv-00128-JRG-RSP, 2:20-cv-00210-JRG-RSP
1020 (EX1020)	National Judicial Caseload Profile Statistics as of June 30 2024
1021 (EX1021)	WellcomeMat's June 10, 2024 1st Amended Initial Infringement Contentions
1022 (EX1022)	August 9, 2024 Ltr re WellcomeMat’s Deficient ROG Responses
1023 (EX1023)	Reply Declaration of Henry Houh, Ph.D.
1024 (EX1024)	Deposition Transcript of Mark Mahon, Ph.D., March 13, 2025
1025 (EX1025)	Excerpts from Laura Lemay, SAMS TEACH YOURSELF WEB PUBLISHING WITH HTML 4 IN 21 DAYS (2nd ed.) (2000) (“Lemay”)
1026 (EX1026)	Excerpts from David Gourley and Brian Totty, HTTP: THE DEFINITIVE GUIDE (2002) (“Gourley”)

Exhibit	Description
1027 (EX1027)	Wayback Machine archive of Microsoft Windows Server 2003, Internet Information Services, http://www.microsoft.com/WindowsServer2003/iis/default.msp x (archived Oct. 27, 2004)
1028 (EX1028)	Microsoft Learn, ISAPI Extensions, https://learn.microsoft.com/en-us/previous-versions/iis/6.0-sdk/ms525282(v=vs.90)
1029 (EX1029)	Excerpts from Simon Collin, SETTING UP A WEB SERVER (1997)
1030 (EX1030)	Wayback Machine archive of Wikipedia, DOCSIS, https://en.wikipedia.org/wiki/DOCSIS (archived Feb. 9, 2006)
1031 (EX1031)	Xfinity Support, Upgrade internet devices impacted by expiring DOCSIS certificates, https://www.xfinity.com/support/articles/docsis-certification
1032 (EX1032)	Excerpts from Ellen Finkelstein and Gurdy Leete, MACROMEDIA FLASH 8 FOR DUMMIES (2006)
1033 (EX1033)	WellcomeMat LLC’s Opening Claim Construction Brief, <i>WellcomeMat, LLC v. Aylo Holdings S.à r.l.</i> , 2:23-cv-00483-JRG-RSP, D.I. 236 (E.D. Tex. Mar. 14, 2025)

Patent Owner’s (“WellcomeMat”) Response (“POR”) is replete with mischaracterizations—including even of the ’286 Patent (“’286”)—and fails to successfully rebut the Petition.

I. The POR Misrepresents the ’286 Disclosure of the VEE and its Role in the Challenged Claims

A. The Challenged Claims Require Only a Server-Side VEE Receiving a “Set of Video Information” and “Set of Cue Point Information”

Despite WellcomeMat’s arguments (POR, 9-14), the video editing environment (“VEE”) is not claimed to receive a cue point editing command or modify cue point information. Independent claim 13 imposes only two VEE requirements:

- (i) it is part of a server-side computer system (limitation [13.1]); and
- (ii) it receives a set of video information and set of cue point information (limitations [13.2]-[13.3]).

WellcomeMat’s expert, Dr. Mahon, concurs.² EX1024, 110:17-111:17.

Claim 13’s remaining limitations need not be performed by the VEE. Instead, they are performed “using the computer system” (limitation [13.4]), “at

² Dr. Mahon also conceded the VEE is “not restricted to be software” and may “include[] hardware components.” EX1024, 79:3-14.

the server side” (limitations [13.5]-[13.6]) or “over the network” (limitations [13.6]-[13.7]).

WellcomeMat’s argument that the VEE must modify cue point information (POR, 10-12) is unsupported by the claim language. Indeed, this desperate argument violates “one of the cardinal sins of patent law—reading a limitation from the written description into the claims.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1320 (Fed. Cir. 2005). WellcomeMat broadly drafted its claims so certain steps are performed “using the computer system,” “at the server side,” or “over the network” and cannot rewrite them now to require performance by the VEE. “Claim construction analysis ***must begin and remain centered on the claim language itself***, for that is the language the patentee has chosen to particularly point out and distinctly claim the subject matter which the patentee regards as his invention.”³ *Innova/Pure Water, Inc. v. Safari Water Filtration Sys.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004) (emphasis added).

WellcomeMat’s prosecution history citations (POR, 13-14) are unavailing. The Challenged Claims never recite “remote cue point editing,” “creat[ing] and modify[ing] ... cue points remotely,” or similar. It is thus unclear what claim

³ All bolded/italicized emphasis has been added, unless otherwise noted.

language WellcomeMat argues is subject to prosecution history disclaimer that requires the VEE modify cue point information.

Finally, dependent claim 14 cannot narrow independent claim 13. Claim 14 recites “providing a cue point editing mode as part of the [VEE]” for “modifying” “cue point information.” Claim 14 thus *adds* a step of “providing a cue point editing mode” and cannot narrow independent claim 13 to require the VEE perform claim 14’s “modifying” step. *Nazomi Commc’ns., Inc. v. Arm Holdings, PLC*, 403 F.3d 1364, 1370 (Fed. Cir. 2005) (“claim differentiation normally means that limitations stated in dependent claims are not to be read into the independent claim”).

B. ’286 Discloses Using a Client-Side Web Form to Transmit Cue Point Information to a Server-Side VEE to Modify Cue Point Information at the Server

’286 discloses a client using a web browser to enter cue point information into a client-side web form and transmitting that information from the web form to a server-side VEE. The VEE inserts the received information into a server-side cue point database that modifies cue point information server-side. The Challenged Claims contain no limitation excluding this embodiment.

First, '286 discloses the VEE providing a webpage user interface to a client's web browser.⁴ EX1001, 24:56-62 ("client may enter the VEE 510 by ... accessing a **webpage**"), 13:48-49, 13:59-67 (VEE "GUI may be generated ... as a **webpage** on a client's **web browser**"), 13:3-6, 14:8-13, claim 26 ("provide the edit interactivity ... via a standard **Internet browser** running on the remote client terminal"). WellcomeMat and Dr. Mahon confirm. POR, 38 n.1; EX1024, 78:17-79:2, 79:14-81:15, 87:12-22. And Dr. Houh concurs. EX1023, ¶¶8-13.

Second, '286 discloses the webpage interface comprises client-side web forms for entering cue point information for creation/modification. EX1001, 21:62-22:19 ("cue point information **form** 382" "solicit[s] ... cue point data from a client ... as part of the **cue point creation or modification**"), 22:20-50 ("partial cue point information **form** 384" "solicit[s] the **remaining ... cue point information from a client**"), 22:3-8, 22:28-39. WellcomeMat's citation to '286, 23:18-20 (POR, 12) reinforces that, even though the VEE is a server-side application, software must execute at the client to generate the client-side cue point information web forms.

⁴ WellcomeMat's litigation *Markman* brief confirms the VEE encompasses a "webpage." EX1033, 2.

Third, '286 discloses cue point information is transmitted from the client-side web form to the VEE for storage in server-side databases. *Id.*, 23:12-23 (“client may be required to ***submit the form over a network to the server*** computer”), 23:24-28 (“method 370 may perform a ***database insert function*** to insert the new or modified cue point information ***into an existing cue point database***, which may be ***stored on a server***.”), 16:11-23, 16:24-29, 7:42-48. And Dr. Mahon agrees. EX1024, 62:22-64:12, 141:1-142:10.

Fourth, '286 discloses creation/modification of cue point information occurs when that information is stored in cue point server 114, as this is where the information is later retrieved. EX1001, 7:42-45 (cue point servers 114 “serve cue point information”). Again, Dr. Mahon agrees. EX1024, 62:22-64:12.

Consistent with this, '286's Figure 6 shows “an embodiment of a [VEE] ***as viewed by a client terminal***” (EX1001, 5:53-55), including a user interface form for entering cue point information:

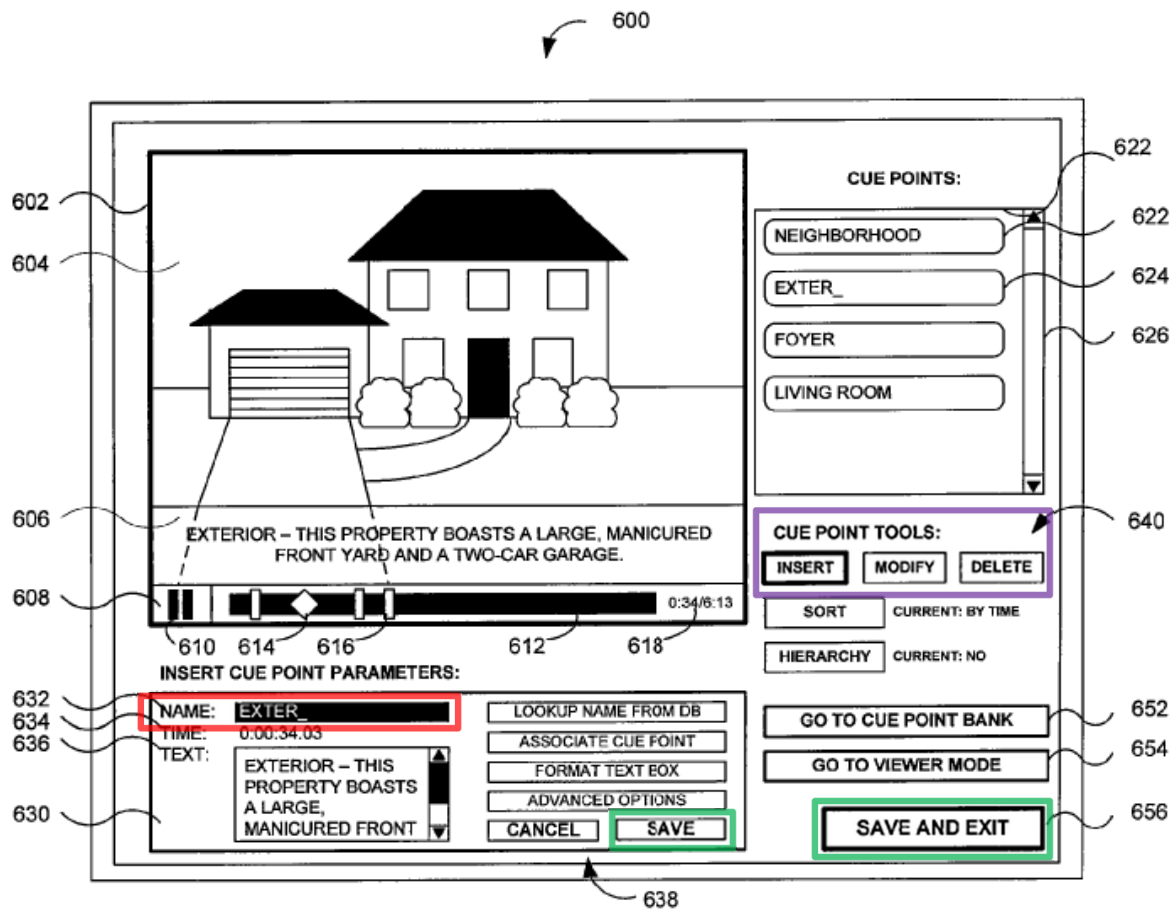


Fig. 6

EX1001, Fig. 6 (annotated).

Figure 6's client user interface contains cue point tools 640 (annotated in **purple**). EX1001, 27:60-65 ("buttons for inserting, modifying, and deleting cue points"). The user creates/modifies a cue point name by editing "Name" field 632 (annotated in **red**). *Id.*, 28:50-60 (a user "entering the cue point name 'EXTERIOR'" in Name field 632).

Figure 6's client user interface also includes "Save"/"Save and Exit" buttons (annotated in **green**) causing the interface to transmit to the server the client-

entered cue point information. The “Save” button “allow[s] a client to save the current cue point editing and possibly *submit the cue point information.*” *Id.*, 27:55-59, 16:15-23 (“a client may choose to save new cue point information, at which point the method 300 may *save the information to a relational database stored on a cue point server*”); 16:24-41 (“cue point associations may be updated ... *after submission* ... The final updated information may then be *saved to databases ... when the client uploads the information or exits the VEE*”), 23:16-23 (“the client ... *submit[s]* the form *over a network to the server computer ... to generate the cue point*”).

A POSITA would also understand Figure 6 in this manner. EX1023, ¶¶14-25; EX1025; EX1026. Thus, '286 discloses client-side web forms having a “Save” button to trigger transmitting the entered cue point information from client to server, where the server creates/modifies cue point information by storing the information.

C. '286 Discloses a VEE Using Conventional Web Server Technologies Such as CGI and PHP

'286 discloses that “many types [of VEEs] are possible” and the “descriptions of embodiments relating to [VEEs] in FIGS. 3-7 should not be construed as limiting the scope of the invention.”⁵ EX1001, 29:29-35.

The VEE may employ conventional server-side technologies such as “CGI scripts.” EX1001, 18:15-17. Tanenbaum’s COMPUTER NETWORKS—*submitted by WellcomeMat*—explains CGI scripts are “[t]he traditional way to handle [web] forms and other interactive Web pages,” such as those disclosed in '286 for modifying/creating cue point information. EX2025, 496.

Tanenbaum presents “an example of how CGI often works,” where a user submits web form data via a browser to create a new server-side database entry. *Id.* A “user fills in the form and clicks on *submit*,” transmitting the information to the server. *Id.* The server-side CGI script “pares the [form] parameters, *makes an entry in the database* ... and sends back an HTML page” to the client web browser as the next user interface screen. *Id.*

⁵ Dr. Mahon testified the '286 VEE could be implemented in any number of ways, and it was up to the designer to select a particular implementation. EX1024, 79:6-86:1.

This mirrors '286, which teaches a client using a web form to transmit cue point information to the application server, to save in the cue point server database. Section I.B, *supra*; EX2015, ¶134 (Dr. Mahon acknowledging HTTP requests are “a mechanism for the client to make a request (e.g., *to provide content or to get content*) and for the server to respond to the request (e.g., *receive the content or provide the content*)”). Tanenbaum identifies other conventional server-side dynamic webpage generation techniques like CGI, including PHP scripts. EX2025, 496 (PHP scripts are “executed by the server itself to generate the page”), 496-98. EX1023, ¶¶26-31.

I. Dr. Houh’s Testimony is Credible

WellcomeMat’s attempt to discredit Dr. Houh fails. POR, 6-8. First, Dr. Houh’s compensation is not contingent on this IPR’s outcome. EX1002, ¶2. Second, Dr. Houh has testified on behalf of many well-established companies including Meta, Google, and T-Mobile, and the PTAB has repeatedly found his testimony credible and persuasive. *Meta Platforms, Inc. v. VL Collective IP LLC*, IPR2023-00923, Paper 50 at 32 (Dec. 5, 2024) (“testimony credible”); *Google LLC v. Wildseed Mobile LLC*, IPR2023-00244, Paper 36 at 43 (May 29, 2024) (same); *T-Mobile USA, Inc. v. Dali Wireless Inc.*, IPR2022-01345, Paper 44 at 51 (Mar. 6, 2024) (same); EX1003.

Dr. Houh’s testimony should be accorded full weight and credibility.⁶

II. Gupta

A. Claim 13

1. Gupta’s Annotation Server and Server-side Systems Meet the Claimed VEE Limitations

WellcomeMat asserts Gupta does not disclose a server-side VEE because only client-side user interface 152 modifies cue points. POR, 17-20. This argument disregards claim 13’s actual language—claim 13 never recites the claimed VEE must modify cue points. Section I.A, *supra*.

The relevant inquiry is whether Gupta discloses software and/or hardware that satisfies the claimed VEE’s two requirements, which it clearly does. Gupta identifies server-side software running within at least annotation server 10 and media streaming server 11 that satisfy the claimed VEE requirements, as (i) they are part of the server-side computer system shown in Fig. 1; and (ii) media streaming server 11 receives video information (EX1004, ¶[0030] (“media streams might be stored as files” or “supplied to the server on a ‘live’ basis”)) and annotation server 10 receives cue point information (*id.*, ¶[0032] (“annotation

⁶ WellcomeMat’s substantive arguments regarding Dr. Houh’s testimony are addressed in the respective sections below.

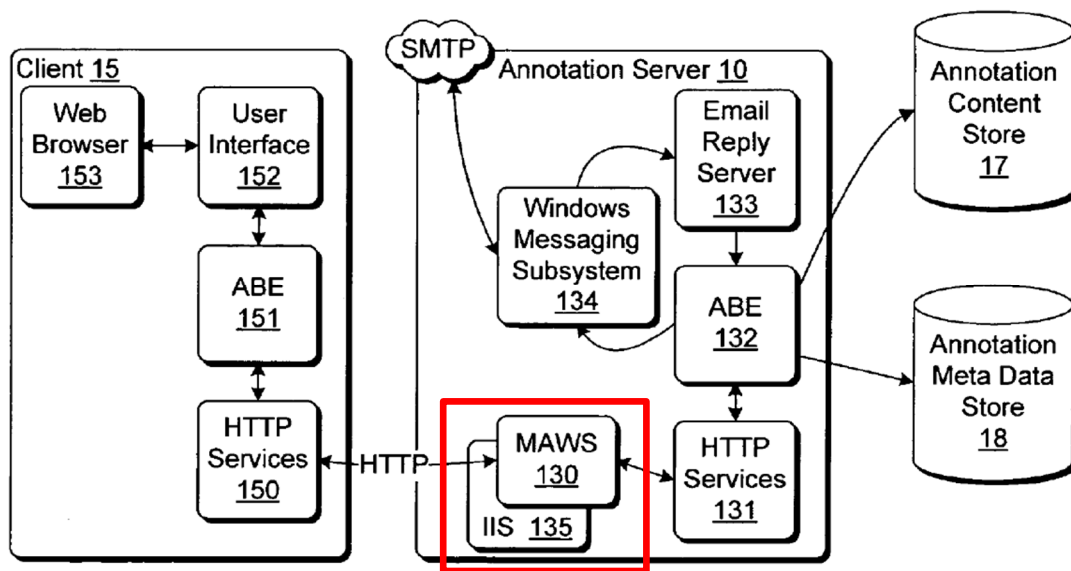
server 10 can receive and provide annotations via direct contact with a client computer 15”)).⁷

Contrary to WellcomeMat’s assertions (POR, 30-32), streaming media server 11 receives streaming media content. EX1004, ¶[0030] (“***Streaming media server computer 11 has access to streaming media content*** in the form of different media streams.” “Some media streams might be ***stored ... in a database or other file storage system***”); Petition, 18. Streaming media server 11 also receives “live” media streams “supplied” to it “from other data source components.” EX1004, ¶[0030]. While WellcomeMat complains Gupta does not disclose receiving live streams “so that annotations can be edited” (POR, 31), this ignores Gupta’s purpose of annotating streaming media (of which “live” content is an example). EX1004, ¶[0030] (“other media streams might be supplied to the server on a ‘live’ basis”), [0033] (“annotations managed by annotation server 10 correspond to the streaming media”).

⁷ Dr. Mahon acknowledges Gupta’s “annotations” constitute cue points. EX2015, ¶97 (referring to Gupta disclosing “annotation editing (cue point editing)”).

2. Gupta's Annotation Server and Server-side Systems Modify Cue Point Information

WellcomeMat is incorrect that Gupta does not teach server-side software for modifying annotations. POR, 15-16, 25-26. Annotation server 10 “includes [MAWS] module 130, which is an *Internet Services Application Programming Interface (ISAPI) plug-in* for *Internet Information Server (IIS) module 135.*” EX1004, ¶[0047].



EX1004, Fig. 3 (annotated).

Gupta's "IIS" refers to Microsoft⁸ Windows Server software providing web server functionality. EX1027. Gupta's "ISAPI" refers to a Microsoft IIS software plug-in for "developing dynamic Web content," that "provides the same

⁸ Notably, Gupta is assigned to Microsoft.

functionality as CGI, but can be executed faster.” EX1028; EX1029, 179-80.

Gupta’s MAWS/IIS modules 130, 135 collectively (i) “provide the web server functionality of annotation server 10” to generate dynamic webpages for client web browser 135, including web form interfaces for entering annotation information (e.g., Figures 7, 8, 21); and (ii) provide the annotations to ABE 132 for storage in annotation store 17. EX1004, ¶¶[0047], [0048].

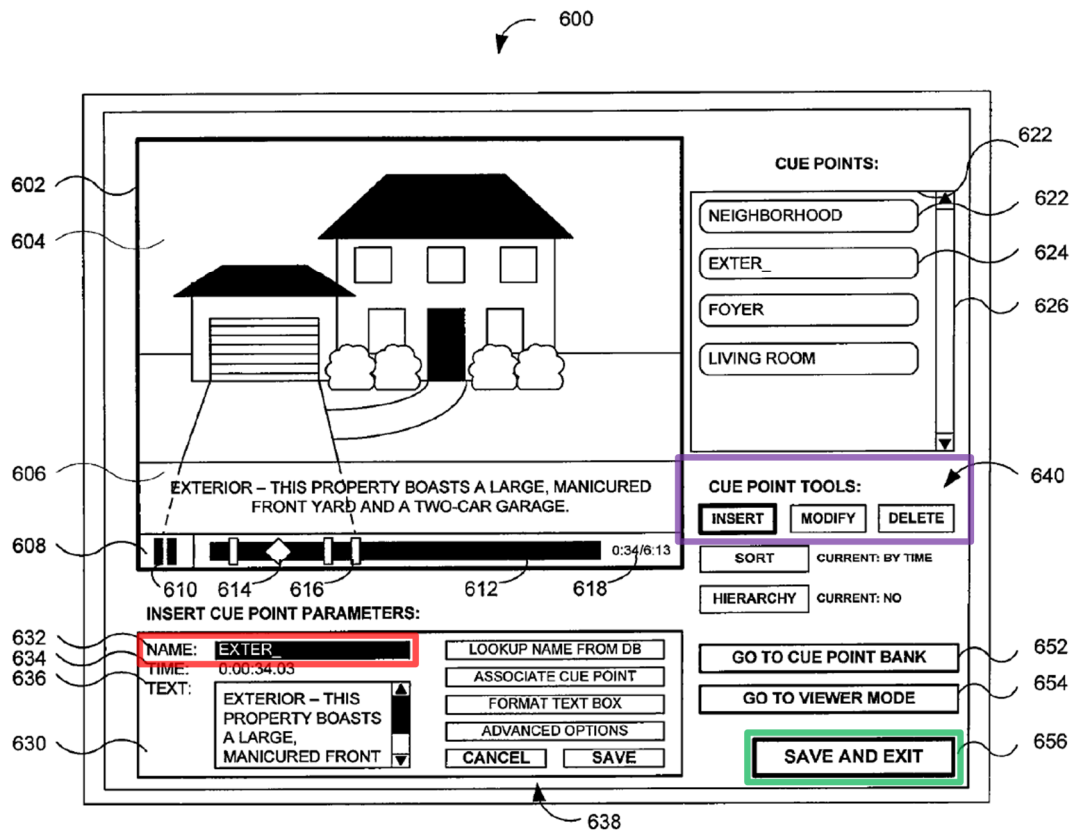
Gupta’s ISAPI technique is like ’286’s CGI technique for receiving client web form data and storing it in a database. Section I.C, *supra*; EX1023, ¶¶32-51. To the extent WellcomeMat contends HTTP cannot be used to cause the VEE to modify cue point modification server-side (POR, 27-28), such argument is belied by ’286 disclosing the “client may enter the VEE 510 by ... accessing a webpage, or in any other useful way” to modify cue point information. EX1001, 24:56-62.

3. Gupta Discloses the Same Server-Side Method for Creating/Modifying Cue Point Information as Described in ’286

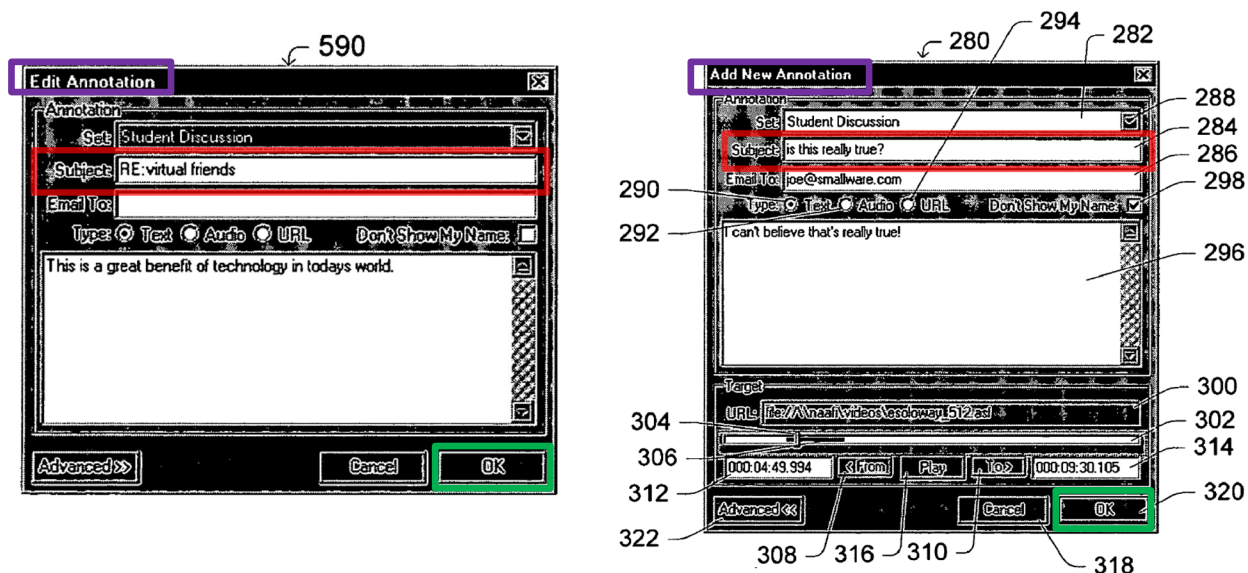
Contrary to WellcomeMat’s arguments that Gupta only discloses client-side cue point editing (POR, 17-24), Gupta’s disclosure for modifying cue point information is the same as ’286’s.

First, both Gupta and ’286 describe displaying user interfaces via client browser. Section I.B, *supra*; EX1004, ¶¶[0046]-[0047], Figs. 1, 3.

Second, both Gupta and '286 describe similar client user interfaces for inputting cue point information. Each includes a text field for entering cue point information (annotated below in **red**), a cue point tool for creating/modifying the information (annotated in **purple**), and a save/OK button for transmitting the information to the server (annotated in **green**):



EX1001, Fig. 6 (annotated).



EX1004, Figs. 21, 7 (annotated).⁹

Third, both Gupta and '286 describe that when the save/OK button is selected, entered cue point information is submitted to the server for database storage. Section I.B, *supra*; EX1004, ¶¶[0100], [0048], [0051].

WellcomeMat's argument that Gupta's dialog boxes for creating/modifying annotations are generated by client-side UIM 152 (POR, 20-24) is misplaced as the Challenged Claims do not mention user interfaces or limit where they are generated. Moreover, WellcomeMat is wrong (POR, 17-19) that UIM 152 creates/modifies cue points client-side. UIM 152 is provided to the client by web

⁹ Dr. Mahon confirms Gupta's "Paragraph 100 describ[ing] the operation of the 'OK' button for Figure 7 ... also applies to Figure 21." EX2015, ¶115 (original bracketing omitted).

server 12 to facilitate making requests of annotation server 10. EX1004, ¶¶[0081]-[0082]. UIM 152 allows the client to enter annotation information into web forms (e.g., Fig. 21) and send the information to annotation server 10 for storage in annotation content store 17. EX1004, ¶¶[0144], [0102], [0100] (“Selection of OK button 320 causes interface 152 to forward the information entered in dialog box 280 to ... annotation server 10”), [0048] (“Annotation content authored at client 15, using user interface 152, is received by ABE 132 and maintained in annotation content store 17”). Dr. Mahon confirms, acknowledging annotation server 10’s ABE module 132 “receives [annotation information] from the client and stores them in the database 17.” EX2015, ¶127; POR, 18. Thus, the client sends a cue point editing command to annotation server 10 with annotation information for storage. The server stores the information in annotation content store 17, thereby creating/modifying a cue point on the server.¹⁰ EX1004, ¶[0048]. This mirrors ’286’s reference to “generating” a cue point by saving it to the server. EX1001, 23:12-37; Section I.B, *supra*; EX1023, ¶¶52-60. But even if cue points are also

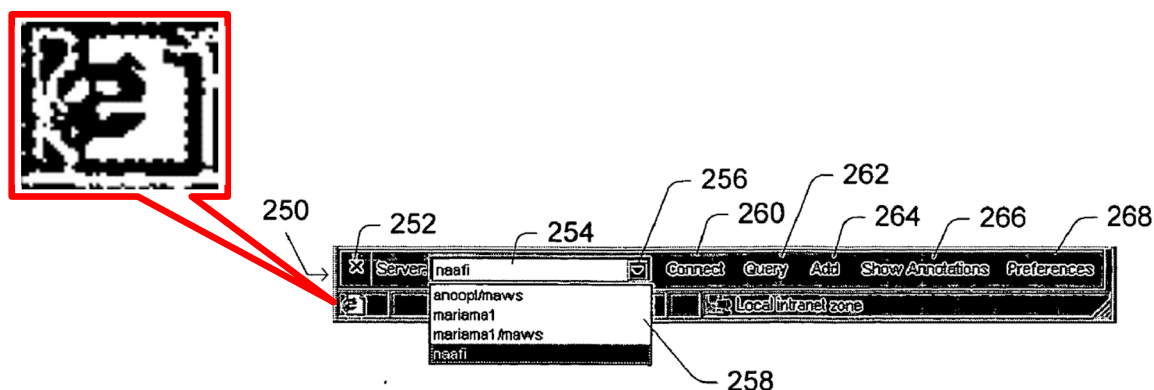
¹⁰ WellcomeMat mischaracterizes Petitioner’s arguments regarding “storing.” POR, 28. Petitioner simply noted that the claim recites “modifying” rather than “storing,” not that “modifying” must exclude storing.

created client-side in Gupta, the Challenged Claims, being open-ended “comprising” claims, do not forbid this.

B. Claim 15

WellcomeMat argues no edit mode entry signal is received “over the network” as the transition from Figure 15’s interface to Figure 21’s interface is handled entirely client-side. POR, 32-33. WellcomeMat is incorrect.

Gupta utilizes web browser-based user interfaces, such as Figure 6 which shows interfaces within the Internet Explorer browser:



EX1004, Fig. 6 (portion enlarged); EX1023, ¶¶61-62.

Selecting to “edit” an annotation in Figure 15’s interface causes Figure 21’s interface to load. EX1004, ¶[0128]. Figure 21’s interface “display[s] the *current* information for the annotation.” *Id.*, ¶[0144]. It is undisputed that current annotation information is maintained in server-side store 17 and retrieved by annotation server 10. EX1004, ¶¶[0032], [0048]; EX1024, 152:21-157:19. A

POSITA would have understood that Figure 21's interface cannot be generated locally since *current* information can only come from the annotation server, transmitted to the client after the server receives an edit mode entry signal (from selecting Figure 15's edit tab). EX1023, ¶¶63-64; Section II.A.1, *supra*.

C. Claim 18

WellcomeMat argues Gupta's teaching of "read/write access rights (or associated credentials)" does not satisfy receiving authentication information "over the network." POR, 34-35. WellcomeMat is incorrect.

Gupta discloses "*annotation server 10* ... supports read and write access controls, allowing the creator of the set to identify which users are able to read and/or write to the annotation set" (EX1004, ¶[0090]; Petition, 31) and "controls ... *provision [of annotations] to client computers*" (EX1004, ¶[0032]). A POSITA would have understood (i) the annotation creator must transmit authentication information (identifying users' read/write access rights) to annotation server 10 so it can control access to the creator's annotations; and (ii) a viewer must also transmit authentication information (*e.g.*, user/login credentials) to annotation server 10 so it can restrict annotation access. EX1002, ¶¶131-33; EX1023, ¶¶65-66.

Since annotation server 10 is located server-side and the creators/viewers are located client-side, Gupta discloses receiving authentication information “over the network.”

D. Remaining Challenged Claims

WellcomeMat does not present any new arguments.

III. Fegan

A. Claim 13

1. Fegan Discloses Server-Side Functionality for Segmenting/Annotating Video

WellcomeMat’s characterization of Fegan’s cue point editing system as client-side fails. POR, 35-39.

To start, the relevant inquiry is whether Fegan discloses software and/or hardware that satisfies the claimed VEE’s two requirements. As explained in the Petition (Petition, 33-43), Fegan discloses these requirements and neither WellcomeMat nor its expert disputes this. POR, 38 (“Fegan discloses that a remote server can be used for the storage and retrieval of annotations”), 40 (Fegan’s “database software performs server-side storage and retrieval”); EX2015, ¶¶183-84; EX1024, 172:15-173:6; EX1023, ¶¶67-72.

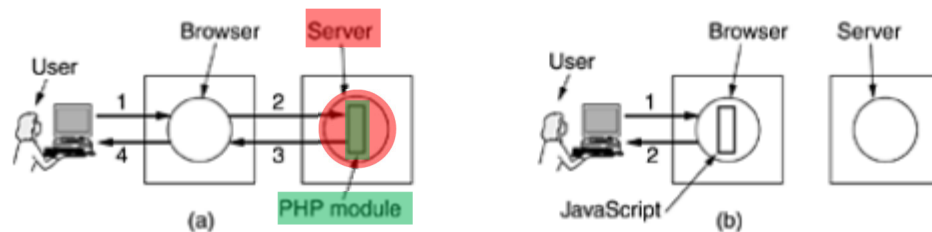
Moreover, Fegan repeatedly touts itself as “a comprehensive *server-side* system for editing, *annotating* ... multimedia events.” EX1005, Abstract,

¶¶[0003], [0005], [0008] (“systems for identifying, *segmenting*, collecting, *annotating* ... are hosted in an *entirely server-side environment*”), [0010] (“system is maintained entirely on the *server-side*”), [0012] (“system for manipulating, *annotating* ... in a *server-side environment*”), [0015] (“*server-side environment*”).

Fegan’s system uses Internet-based website technology, including “hardware/software server components that serve the informational content [*i.e.*, website]” and “‘back end’ hardware/software components, including any non-standard or specialized components ... to perform services for Web site users.” EX1005, ¶[0042]. Fegan discloses using PHP scripts—server-side functionality—to process annotation information received from a client.¹¹ *Id.*, ¶[0010] (“The present invention is not limited to particular types or kinds of server-side software ... In some preferred embodiments, the features of the present invention are encoded in PHP”); Section I.C, *supra*; EX2025, 496-98. Tanenbaum confirms PHP scripts are executed server-side:

¹¹ Despite WellcomeMat’s contrary arguments (POR, 39-40), Petitioner references Fegan’s server-side MySQL and search functionality simply to corroborate Fegan’s receiving and storing information at the server. Petition, 34-39.

Figure 7-37. (a) Server-side scripting with PHP. (b) Client-side scripting with JavaScript.



EX2025, 500 (FIG. 7-37) (annotated).

Fegan eschews prior client-side segmenting techniques that required “download[ing]” the video and “us[ing] specialized software to edit the video” and “special authoring tools and expertise” “to publish the [segmented video] on the web.” EX1005, ¶[0006]. Contrastingly, Fegan’s “*technical tools* ... are *maintained on the server-side*, rather than forcing the user on the client-side to navigate the difficulties of the management of the multimedia files.” *Id.*, ¶[0007].¹²

2. Fegan’s User Interfaces Provide Tools for Segmenting/Annotating Video on the Server

WellcomeMat argues Fegan “performs editing locally through client-side software” (POR, 36) where “segments and associated annotations are created using client-side applications” (POR, 38). But WellcomeMat ignores that Fegan’s

¹² ’286 describes a strikingly similar criticism of client-side applications, which WellcomeMat itself relies on. POR, 2 (citing EX1001, 2:16-25).

browser-based user interfaces provide updated segment/annotation information to the server in order to modify this information in server databases.

First, Fegan’s system segments/annotates multimedia content located on the Internet. EX1005, ¶¶[0005] (“The present invention relates to systems and methods for identifying, *segmenting*, collecting, *annotating*, and publishing *multimedia materials that are stored on remote servers*.”), [0069] (“a ‘smart’ search [for multimedia content] is conducted ... on the *World Wide Web*”), [0073] (“browser window” displays “results of a search for multimedia content”), [0075] (“browser window” displays “user-selected multimedia file and a compatible multimedia player”).

Second, Fegan’s segments/annotations are stored in server-side databases accessed by the client via web browser. *Id.*, ¶¶[0010] (“*system* is *maintained entirely on the server-side*,” “*server (host) system manages* the appropriate *databases* (e.g., user information, multimedia file location information, *annotations, start and stop points*, etc.).”), [0020] (“FIG. 5 shows a demonstration *multimedia database*”), [0081] (“**FIG. 5** shows a browser window displaying *a user-created directory of annotative information* associated with multimedia files”).

Third, Fegan’s user interfaces (Figs. 4, 7) for creating and modifying segments/annotations send information to server-side databases for storage in a

user-designated location. *Id.*, ¶¶[0080] (“FIG. 4 shows a browser window for editing of multimedia content” with “***controls for generating*** time-based index points for virtual ***segmentation*** of the multimedia file, ***and*** a means of ***entering annotative information,***” e.g., “text fields”), [0081] (“FIG. 7 shows a ***saved annotation*** that has been ***opened via the directory for further editing***”), [0015] (“server-side environment ... receiving ... annotation information from the client”), [0012] (same), [0010] (PHP).

Fourth, once stored in server-side databases, the segments/annotations are user-accessible via a server-provided user portal page. *Id.*, ¶[0081] (“After a ***user designates a location for storage and retrieval*** of the ***annotative information***, the information ***appears on the user’s personal portal page*** that can be ***accessed through a browser window***”).

A POSITA would have understood that Figure 4’s “Add” button transmits the segment/annotation information to the server for storage in the user-selected “Folder”—the only way the segment/annotation could appear on the user’s portal page (Figures 5-6) is through previous storage on the server. A POSITA would have further understood that editing a segment/annotation (Figure 7) is only possible if (i) the existing segment/annotation is retrieved from server-side storage; and (ii) Figure 7’s “Update” button transmits the edited segment/annotation information to the server for storage in the user-selected “Folder.” EX1023, ¶¶73-

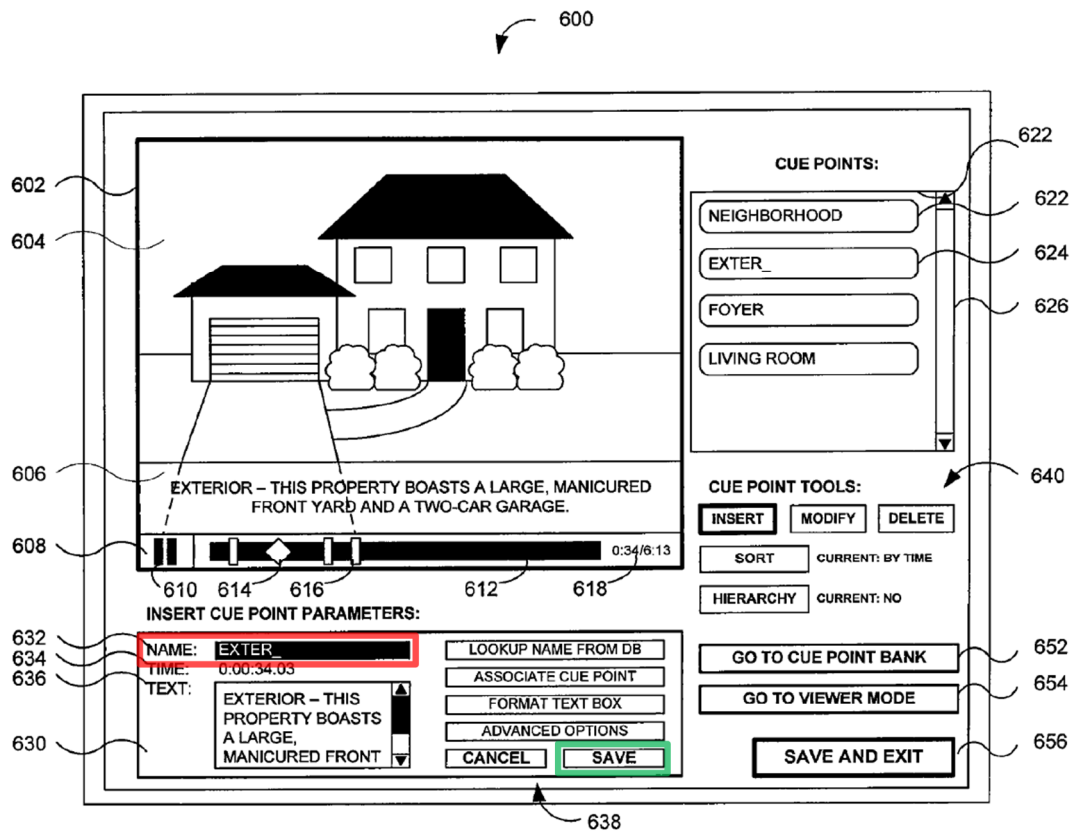
97; EX1032. This arrangement mirrors the '286 disclosure of modifying cue point information via a web form to send updated cue point information to the server for storage. Section I.B, *supra*.

3. Fegan Discloses the Same Server-Side Method for Creating/Modifying Cue Point Information as Described in '286

Despite WellcomeMat's arguments (POR, 35-39), Fegan discloses modifying segments/annotations on the server, as Fegan's teachings mirror those of '286's.

First, both Fegan and '286 describe displaying user interfaces via client browser. Section I.B, *supra*; EX1005, ¶¶[0070]-[0071], Figs. 4-7.

Second, both Fegan and '286 describe similar client user interfaces for inputting cue point information. Each includes a text field for entering cue point information (annotated below in **red**) and a save/add/update button for transmitting the information to the server (annotated in **green**):



EX1001, Fig. 6 (annotated).

FIGURE 4

The system will load the sound into the editor and allow you to create a segment by pressing start and end recording and then adding a title, annotation, and dictating what folder this annotation should go in on your portal page.

The screenshot shows a web browser window with the URL `http://kcar/media/sound_editor.php?soundfile=http://dlv1.matrix.msu...`. The interface includes a play button and a progress bar at the top. Below this, there are instructions and controls for recording a segment. The 'Start Position' is set to 4480 and the 'End Position' is set to 8860. There are buttons for 'Start Recording', 'End Recording', 'Full Sound', and 'Review Clip'. The 'Title' field contains the text 'flint sit down strike' and is highlighted with a red box. The 'Annotation' field contains the text 'this is my annotation/thoughts on this sound'. The 'Folder' dropdown menu is set to 'labor' and the 'Add' button is highlighted with a green box.

Press play to start recording.

Press start to start recording and end to stop recording.

Start Position: 4480 Start Recording

End Position: 8860 End Recording

Full Sound Review Clip

Title: flint sit down strike

Annotation: this is my annotation/thoughts on this sound

Folder: labor Or New: labor Add

EX1005, Fig. 4 (annotated).

FIGURE 7

by clicking the edit button, a user can edit any of the information for that annotation including re-editing the time-offsets from the source.



EX1005, Fig. 7 (annotated).

Third, both Fegan and '286 describe that upon selecting the update/OK button, entered cue point information is submitted to the server for database storage (*e.g.*, using PHP in Fegan and CGI in '286). Section I.B, *supra*; EX1005, ¶¶[0015] (“server-side environment ... receiving ... annotation information from the client”), [0012] (same), [0037] (client sends requests to web server), [0010] (PHP).

WellcomeMat argues cue point “creation” occurs in Fegan with cue point information entry into the client browser (rather than with transmission to the

server and storage in a user-selected folder). POR, 36-39. WellcomeMat further contends Fegan discloses only client-side cue point editing since Fegan does not explicitly identify what actions occur when selecting the “Add”/“Update” buttons. POR, 41-43. But a POSITA would have understood that “Add”/“Update” must send segment/annotation information to the server for storage—otherwise Fegan’s server has no way to list these segments/annotations on the user’s portal page (*e.g.*, Figs. 5-7). Therefore, a POSITA would have understood that selecting “Add”/“Update” causes the client to transmit a cue point editing command to the server with segment/annotation information for storage, thereby creating/modifying a cue point on the server.¹³ EX1023, ¶¶89-104; EX1005, Figs. 4, 7, ¶¶[0009] (“each user has a *personal ‘portal’ hosted on the system* of the present invention that *allows the user to edit* and organize *collected materials*”), [0081] (“After a *user designates a location for storage and retrieval of the annotative information, the information appears on the user’s personal portal page* that can be accessed through a browser window”). This mirrors ’286’s reference to “generating” a cue point by saving it to the server. EX1001, 23:12-37;

¹³ WellcomeMat mischaracterizes Petitioner’s arguments regarding “storing.” See n.10, *supra*.

Section I.B, *supra*. But even if cue points are also created client-side in Fegan, the Challenged Claims, being open-ended “comprising” claims, do not forbid this.

Regarding limitation [13.5], Fegan explicitly discloses “stor[ing] ... the multimedia file annotation information” after “receiv[ing] [it] from the client computer.” EX1005, ¶¶[0015], [0012]. When modifying an existing annotation (e.g., Fegan’s Fig. 7), the “storing” operation must modify the existing annotation in server-side storage. EX1005, ¶¶[0005], [0008]. Even Dr. Mahon concurs. EX1024, 172:15-173:6. Otherwise, the database would contain an outdated annotation and a new annotation instead of what was intended: a modified annotation.

B. Claim 15

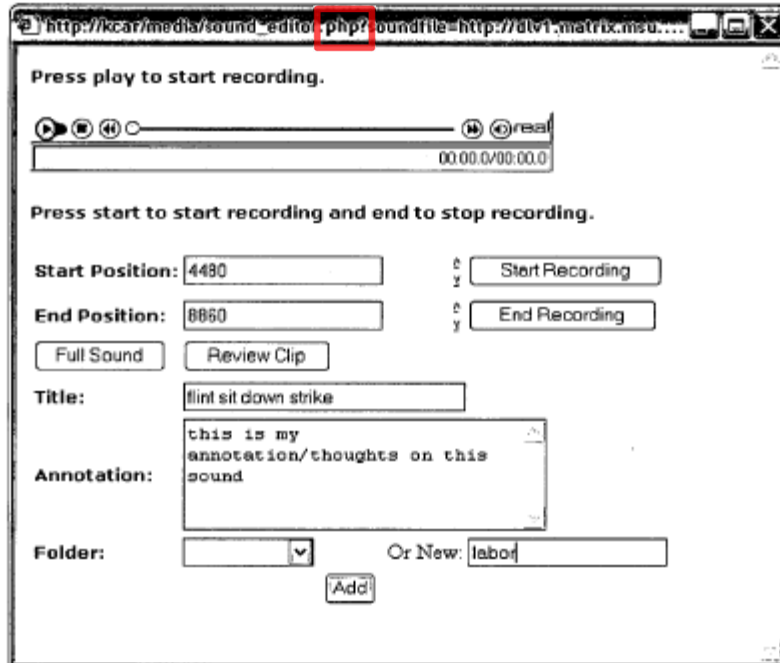
WellcomeMat’s argument (POR, 43-44)—that selecting Fegan’s “Edit” button does not cause sending an edit mode entry signal “over the network”—ignores Fegan’s teachings.

First, Fegan explains fundamentals of webpage interaction: a client browser “*sends a request* to a [web server] and waits for a response” and the web server “responds to browser requests *by serving Web pages*.” EX1005, ¶[0037].

Second, Fegan discloses using server-side PHP scripts to generate dynamic webpages in response to client requests. *Id.*, ¶[0010] (“features of the present invention are encoded in PHP”).

FIGURE 4

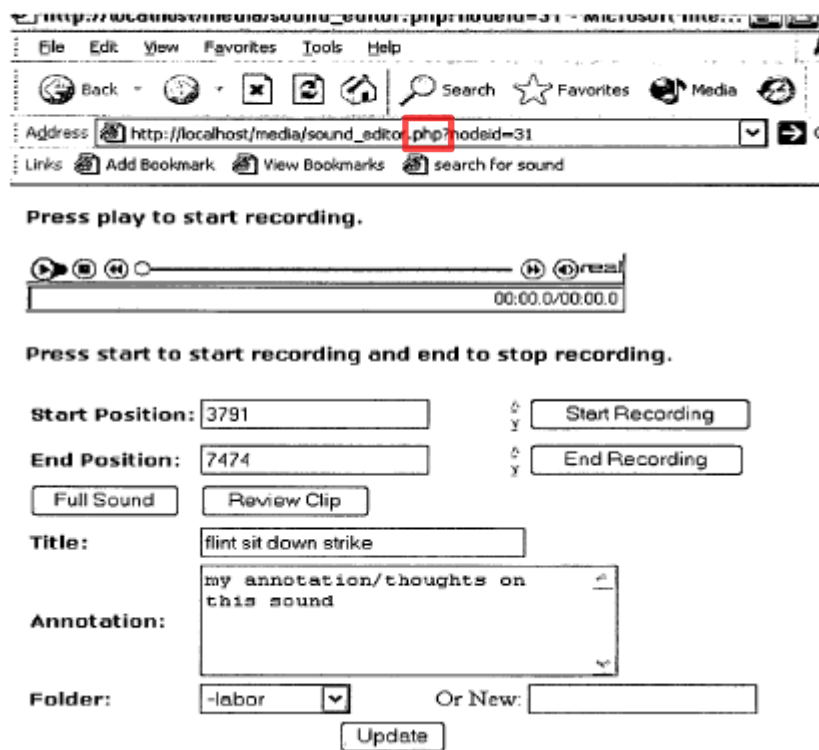
The system will load the sound into the editor and allow you to create a segment by pressing start and end recording and then adding a title, annotation, and dictating what folder this annotation should go in on your portal page.



EX1005, Fig. 4 (annotated).

FIGURE 7

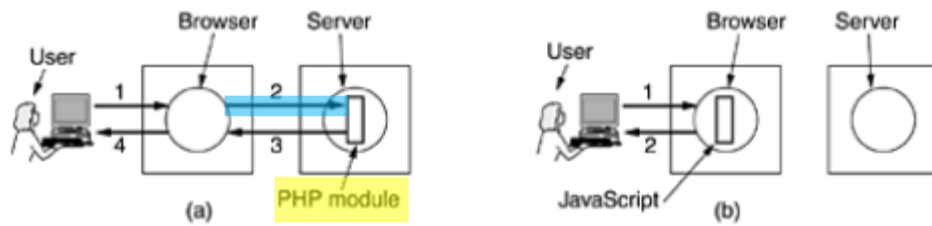
by clicking the edit button, a user can edit any of the information for that annotation including re-editing the time-offsets from the source.



EX1005, Fig. 7 (annotated).

As discussed *supra*, Section I.C, when the client sends a request (*e.g.*, seeking an updated webpage) or command (*e.g.*, updating an entry in a server-side database), the request is answered server-side by dynamically generating a webpage (*e.g.*, via PHP). Tanenbaum explains using server-side PHP to generate new webpages and/or store information in server-side databases. EX2025, 499-500 (a “PHP script produces a new HTML page and that page is sent back to the browser for display”), 500 (“PHP ... [is] used when interaction with a remote database is needed”).

Figure 7-37. (a) Server-side scripting with **PHP. (b) Client-side scripting with *JavaScript*.**



Id., 500 (FIG. 7-37 (client-to-server request/command annotated in [blue](#))).

Finally, Fegan discloses that transitioning from Figure 5 to Figure 7 involves executing a **different** server-side PHP script (“viewtree.php”→“sound_editor.php”). Therefore, selecting the “Edit” button in Figure 5 (generated by web server executing “viewtree.php” PHP script) transmits a client request (*i.e.*, edit mode entry signal) to the web server to execute “sound_editor.php” PHP script to generate Figure 7’s dynamic webpage. EX1023, ¶¶105-09.

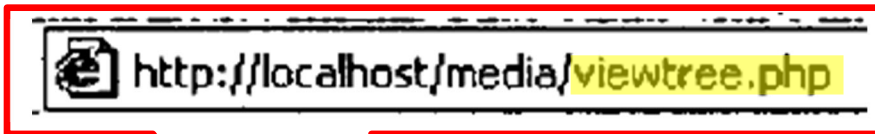
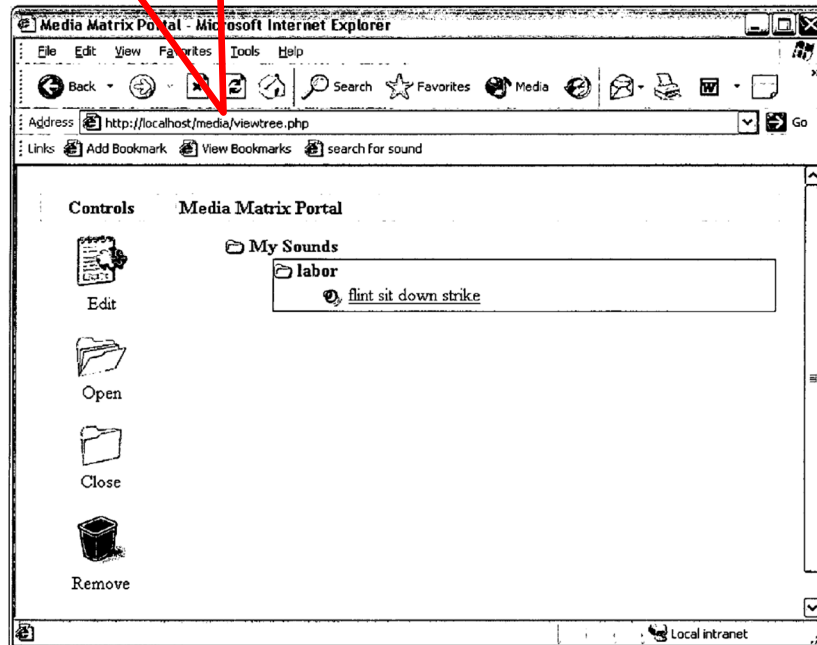


FIGURE 5

The folder created that appears on the user's portal page along with the annotation. Clicking on the folder shows the annotations in the folder as well as bringing up the controls to edit the settings of the folder (rename it, move it to another folder, delete it, etc...)



EX1005, Fig. 5 (highlighted; portion enlarged).



FIGURE 7

by clicking the edit button, a user can edit any of the information for that annotation including re-editing the time-offsets from the source.

Press play to start recording.

Press start to start recording and end to stop recording.

Start Position: 3791 Start Recording

End Position: 7474 End Recording

Full Sound Review Clip

Title: flint sit down strike

Annotation: my annotation/thoughts on this sound

Folder: -labor Or New: Update

EX1005, Fig. 7 (highlighted; portion enlarged).

C. Claim 18

WellcomeMat argues Fegan's system, despite having individual user portals and using security protocols, does not send authentication information "over the network." POR, 44-45. But WellcomeMat ignores Dr. Houh's detailed testimony that a POSITA would have understood Fegan's reference to a user's *personal* portal page to involve sending authentication information to the server (e.g., via user/login credentials) to grant/deny portal access. Petition, 50-51; EX1002, ¶¶202-04; EX1023, ¶¶110-12.

D. Remaining Challenged Claims

WellcomeMat simply references earlier arguments.

IV. Kim and Kim/Gupta

Petitioner rests on its Petition for these grounds.

V. Vasilevsky/Logan

A. Claim 13

1. Dr. Houh’s Testimony Regarding Modifying Vasilevsky’s HAN to be Logan’s Public Network is Credible

WellcomeMat contends Dr. Houh incorrectly opined that “a Home Area Network [HAN] located in the family home is a *public network*.” POR, 7 (citing EX1002, ¶320), 57-58. Not so. Dr. Houh identified Vasilevsky’s HAN as what a POSITA would recognize could be modified to be a public network, *e.g.*, the Internet as Logan describes: “To the extent Vasilevsky does not explicitly disclose its network (HAN) is a ‘public’ network ... [a] POSITA would have been motivated to modify Vasilevsky’s network [HAN] to be a public network such as the Internet as taught by Logan.” EX1002, ¶¶320-22.

WellcomeMat’s argument that modifying Vasilevsky’s HAN to be Logan’s Internet would not work is unavailing as it improperly reduces a POSITA to an automaton lacking common sense. POR, 63-67. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007) (“A [POSITA] is also a person of ordinary creativity, not an

automaton.”); *id.* (rejecting “[r]igid preventative rules that deny factfinders recourse to common sense”).

WellcomeMat argues Petitioner’s proposed combination would “preclude [the server] from receiving television program transmissions” because there would be “no cable line connections to the cable TV system.” POR, 64. This argument assumes a POSITA disregards that Vasilevsky is a cable TV system and that cable line connections would need to be maintained. It also ignores that cable providers have offered Internet and TV over the same line since the mid-1990s, which would facilitate incorporating the Internet into Vasilevsky. EX1023, ¶¶113-19; EX1030; EX1031. Further, Vasilevsky’s system *already* has broadband connection 102 and is therefore already suited to implement the proposed public network modification. EX1008, 12:8-13; Petition, 77-78; EX1024, 178:7-179:1.

Logan teaches the desirability of implementing a video bookmarking system over a public network to beneficially allow users outside the home to enjoy viewing, adding, or modifying video bookmarks. Petition, 77-78 (citing EX1009, ¶¶[0050], [0308]). Petitioner’s proposed modification opens access to Vasilevsky’s system by incorporating Logan’s public network to provide these obvious benefits over the current HAN constraint. A POSITA would have had a reasonable expectation of success in modifying the type of network used, due to

Vasilevsky's already-existing connections to broadband and cable TV. EX1023, ¶¶120-22.

WellcomeMat's own evidence pre-dating '286 confirms motivation to combine Vasilevsky and Logan. WO 2005/122025 recognizes it would "be beneficial to enable people to enjoy their television programming ... on [personal] computing devices ... regardless of location and without dependence on physical [cable] connections." EX2032, ¶[0003]. Another benefit of combining cable TV and public networks is described: "enabl[ing] a user to access and control television ... from any number of remote networks where a broadband connection is available to a user" such as at a hotel. *Id.*, ¶¶[0004], [0007]. Thus, a POSITA would have recognized Petitioner's modification as beneficial and had a reasonable expectation of success. EX1023, ¶¶123-25.

2. Vasilevsky's Server Components Satisfy the Claimed VEE

WellcomeMat concedes "Vasilevsky discloses that a user can create/edit bookmarks by providing an input to the application unit 134, which converts user inputs to commands" (POR, 59), but argues this does not meet the claimed VEE because Vasilevsky discloses hardware, not software. POR, 57-63. But Vasilevsky's Application Unit 134 must comprise software as it is "responsible for generating a graphical user interface (GUI) containing an electronic program guide

(EPG) for display.” EX1008, 15:17-20. There is no reason to believe Application Unit 134 lacks software for “convert[ing] user commands to commands compatible with the media server.” *Id.*, 15:15-17. Regardless, Dr. Mahon testified the VEE is not limited to only software (EX1024, 79:3-14) and conceded “[t]here would be ... various types of software running on *any* instantiation where you’re providing a *server* for clients to access” (*id.*, 57:15-17).¹⁴ EX1023, ¶¶126-30.

3. Vasilevsky Discloses Limitations [13.2]-[13.3]

Petitioner mapped certain Vasilevsky components to the claimed computer system. Petition, 74-75. WellcomeMat mischaracterizes this identification as applying to the claimed VEE to argue that video information and cue point information are received *within* rather than *at* the VEE. POR, 68-71.

WellcomeMat acknowledges video information is retrieved from Memory 118 by Video Manager 116 (*i.e.*, by using the computer system), thereby satisfying limitation [13.2]. POR, 68. WellcomeMat further acknowledges cue point information is retrieved from Bookmark Database 162 by Application Unit 134 (*i.e.*, by using the computer system), thereby satisfying limitation [13.3]. POR, 70.

¹⁴ WellcomeMat reliance on *Amgen* and *Ariad* (POR, 62) for lack of prior art disclosure is erroneous as these cases relate to § 112 enablement/written description.

4. Vasilevsky Discloses Limitations [13.4]-[13.5]

WellcomeMat mischaracterizes Petitioner's argument to contend Petitioner relies on the same operation to meet limitations [13.3] and [13.4]. POR, 71-73. Not so. The Petition explains that when a bookmark is created by a user and received by the VEE, this meets limitation [13.3]; when the user modifies that bookmark, a cue point editing command is received by the VEE to modify and store the new bookmark information in memory. Petition, 79-84. WellcomeMat's argument that additional changes are needed to Receiver 124 (POR, 73) ignores Vasilevsky's disclosure of Ethernet/wireless networks connecting receivers and the media server. EX1008, 16:13-17:18.

B. Claim 15

WellcomeMat argues Vasilevsky does not teach any signal being transmitted "over the network" when the user modifies bookmark information. POR, 74-75. To modify bookmark information the client must issue a command to the server over the network to enter an edit mode. Vasilevsky explains the server's Application Unit 134 receives/converts client commands to commands compatible with the media server. EX1008, 15:15-17; EX1023, ¶¶131-33.

C. Claim 18

WellcomeMat argues, despite Vasilevsky teaching a bookmark may "be edited only by a user purporting to have established the particular bookmark," no

authentication information is received “over the network.” POR, 75-76.

WellcomeMat offers no alternative explanation for how the server could allow modification by only the user who created a bookmark without receiving a user’s authentication information over the network. Additionally, Vasilevsky’s Figures show usernames (*e.g.*, “Schmidt”) attached to bookmarks, indicating user authentication information was transmitted to the server. EX1008, Figs. 5-6. EX1023, ¶¶134-37.

D. Remaining Challenged Claims

WellcomeMat simply references earlier arguments.

VI. Conclusion

The Board should find the Challenged Claims unpatentable.

DATED: April 7, 2025

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), Petitioner certifies that this Petitioner's Reply contains 5599 words as measured by the word processing software used to prepare the document, excluding the cover page, signature block, and portions exempted under 37 C.F.R. § 42.24(a).

DATED: April 7, 2025

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CERTIFICATE OF SERVICE

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