

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> patent of Robb <i>et al.</i>	§	REQUEST FOR <i>EX PARTE</i>
	§	REEXAMINATION
U.S. Patent No. 11,455,678	§	
	§	Attorney Docket No.: DKR678
Filed: July 15, 2019	§	
	§	
Priority: August 6, 2010	§	
	§	Customer No.: 165774
Issued: September 27, 2022	§	
	§	Proceeding No.: <i>to be assigned</i>
Title: SYSTEM AND METHOD FOR	§	
DISTRIBUTABLE E-COMMERCE	§	
PRODUCT LISTINGS	§	
	§	
	§	
	§	

REQUEST FOR EX PARTE REEXAMINATION

Mail Stop *Ex Parte* Reexam
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to the provisions of 35 U.S.C. §§ 301-307, Unified Patents, LLC (“Requester”) hereby requests an *ex parte* reexamination of claims 1-6 and 8-20 (the “Challenged Claims”) of U.S. Patent 11,455,678 (the “’678 Patent, EX1001), which issued on September 27, 2022 to David Robb et al., resulting from U.S. Patent Application No. 16/512,018 filed on July 15, 2019, claiming priority to U.S. Patent Application No. 15/591,208 (filed on May 10, 2017; issued as U.S. Patent No. 10,395,304), U.S. Patent Application No. 13/571,293 (filed on August 9, 2012; issued as U.S. Patent No. 9,679,298), and U.S. Patent Application No. 12/852,090 (filed on August 6, 2010; abandoned).¹ The ’678 Patent is presently asserted by and is alleged to be owned by DKR

¹ At this time, Requester assumes this priority date is correct.

Consulting, LLC (“DKR”), but no assignment has been recorded. For convenience, Requester will refer to “Patent Owner” as DKR.

Requester submits that this Request presents prior art references and analysis that are non-cumulative of the prior art that was before the Examiner during the original prosecution of the ’678 Patent and that claims 1-6 and 8-20 of the ’678 Patent are invalid over these references. Requester therefore requests that an order for reexamination and an Office Action rejecting claims 1-6 and 8-20 be issued.

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 based on material, non-cumulative reference patents and printed publications for the Challenged Claims of the ’678 Patent are provided in Section II of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(2), reexamination of the Challenged Claims of the ’678 Patent is requested, and a detailed explanation of the pertinence and manner of applying the cited references to the Challenged Claims is provided in Section III of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(3), copies of every patent or printed publication relied upon or referred to in the statement pointing out each substantial new question of patentability or in the detailed explanation of the pertinence and manner of applying the cited references are provided as Exhibits 1001-1013 of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(4), a copy of the ’678 Patent is provided as Exhibit 1001 of this Request, 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 address of record for Patent Owner, in accordance with 37 C.F.R. § 1.33(c):

ENVISION IP LLC
2020 Progress Court
Suite 100-158
Raleigh, NC 27608

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

Pursuant to 37 C.F.R. § 1.510(b)(6), 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.

TABLE OF CONTENTS

I.	STATEMENT POINTING OUT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY	5
A.	U.S. Patent 11,455,678	5
(i)	Scope.....	5
(i)	Prosecution History of the '678 Patent	7
B.	Claim Construction	8
C.	Listing of Prior Art Patents and Printed Publications.....	8
D.	Discretionary Denial is not Warranted Under § 325(d).....	9
E.	Kuruvila, Chang, and Headings Present Substantial New Questions of Patentability ..	10
(i)	Kuruvila	10
(ii)	Chang	14
(iii)	Headings	15
II.	DETAILED EXPLANATION OF THE PERTINENCE AND MANNER OF APPLYING THE PRIOR ART REFERENCES TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED.....	16
A.	Proposed Rejections of the Claims	16
(i)	Proposed Rejection A1: Claims 1-6 and 8-20 are obvious over Kuruvila, Chang, and Headings under 35 U.S.C. § 103(a).	18
III.	SECONDARY CONSIDERATIONS	50
IV.	DISCLOSURE OF CONCURRENT LITIGATION AND REEXAMINATION PROCEEDINGS.....	50
V.	LIST OF EXHIBITS	51
VI.	CONCLUSION	52

I. STATEMENT POINTING OUT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

Prior to describing the substantial new questions of patentability presented in this Request, provided below is an overview of the '678 Patent, a discussion of claim construction, and a listing of the prior art being discussed in the present Request.

A. U.S. Patent 11,455,678

(i) Scope

The '678 Patent is titled "System and method for distributable e-commerce product listings," and it generally relates to systems for the "distribution of multimedia content over a computer communications network" via a portable web widget. '678 Patent, Abstract. More specifically, the claims of the '678 Patent pertain to the distribution of a widget used to purchase products via a remote computing device. '678 Patent, Claims 1, 9, 15.

Copies of the '678 Patent and its file history are provided as Exhibits 1001 and 1002, respectively. Claim 1, for which reexamination is requested, is reproduced below.

- [1.0] A system for distributing multimedia content over a network, comprising:
 - [1.1] a server configured to control a transaction processing service; and
 - [1.2] a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,
- [1.3] wherein the server is configured to: receive the item from the storage resource;
- [1.4] execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;
- [1.5] distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule;
- [1.6] receive an indication that the clickable buy button has been selected by a remote computing device; and

[1.7] provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.

'678 Patent (EX1001), Claim 1.

In general, the claims for which reexamination are requested relate to systems for generating and distributing product listings to websites or social networks for electronic commerce. More specifically, the '678 Patent contemplates the generation of web widgets for promotion of multimedia content, promotion of a catalogue, or promotion of merchandising content or physical goods. '678 Patent (EX1001), 12:16-38. When a web widget is generated, "it can be distributed over the Internet or other network...to a website where interested parties can activate it or further distribute it to third parties on a network." '678 Patent (EX1001), 12:39-42. Customers can then share the web widget or engage with the web widget to initial a commercial transaction. '678 Patent (EX1001), 13:20-21, 13:33-41. This is reflected in Figure 8 of the '678 Patent, reproduced below:

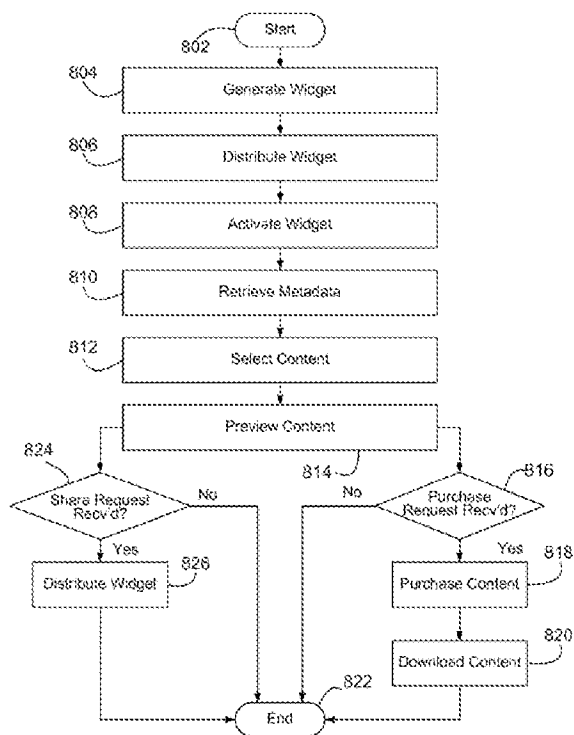


FIG. 8

(i) Prosecution History of the '678 Patent

The '678 Patent issued from U.S. Application No. 16/512,018, filed on July 15, 2019 (the "'018 Application"). The '018 Application claims priority to the following U.S. Patent Applications:

- U.S. Application No. 15/591,208, filed May 10, 2017
- U.S. Application No. 13/571,293, filed August 9, 2012
- U.S. Application No. 12/852,090, filed August 6, 2010

The '018 Application was filed with 7 original claims. Prior to any action by the Office, the applicant filed the following preliminary amendments:

- December 17, 2019, canceling claims 1-7 and adding claims 8-27 (EX1002, 285)
- June 8, 2020, canceling claims 8-27 and adding claims 28-34 (EX1002, 266)
- April 5, 2021, canceling claims 28-34 and adding claims 35-48 (EX1002, 215)
- September 12, 2021, canceling claims 35-47 and adding claims 49-68 (EX1002, 197)
- September 12, 2021, amending claims 49, 57, and 63 (EX1002, 186)
- September 14, 2021, amending claims 49-50, 53-55, 57-58, 62-64, and 67-68 (EX1002, 178)
- October 19, 2021, amending claims 49, 52, 54, 57, 59-60, 62-63, 65-66, and 68 (EX1002, 167)
- November 27, 2021, amending claims 49, 57, and 63 (EX1002, 158)
- June 14, 2022, amending claims 49, 57, and 63 (EX1002, 149)

Following the June 14, 2022 preliminary amendment, a Notice of Allowance issued, with Examiner's amendments to prosecution claims 49, 57, and 63. In the Notice of Allowance, the Examiner stated that the closest prior art of record did not disclose an "application server controlling a transaction processing service" or "an application server with a widget builder resource that generates a product listing and which controls a transaction processing service configured to process a purchase transaction of the product." EX1002, 51.

This Request presents and applies new prior art with analysis that discloses or renders obvious every feature of the challenged claims of the '678 Patent. The prior art references cited in this Request were not applied by the examiner during prosecution. Thus, the prior art presented in

this Request, along with the analysis presented by Mr. McNair (attached as Exhibit 1003), presents substantial new questions of patentability.

Requester therefore asks that an Order for Reexamination be issued and that the reexamination proceeding continue to reject and cancel claims 1-6 and 8-20 of the '678 Patent.

B. Claim Construction

“During patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification.’” MPEP § 2111. The '678 Patent has not yet expired²; thus, the broadest reasonable interpretation standard applies. MPEP § 2258. The present Request presents the following claim analysis in a manner that is consistent with the broadest reasonable interpretation consistent with the specification.

C. Listing of Prior Art Patents and Printed Publications

Reexamination of claims 1-6 and 8-20 of the '678 Patent³ is requested in view of the following references:

Exhibit 1004 (“Kuruvila”) U.S. Patent No. 9,747,621 to Vinay Kuruvila, filed September 23, 2008, and issued August 29, 2017, which is prior art at least under pre-AIA 35 U.S.C. § 102(e)(2) because Kuruvila was granted on an application filed in the United States prior to the August 6, 2010 filing date of the earliest claimed priority application of the '678 Patent.

Exhibit 1005 (“Chang”) U.S. Patent No. 8,260,687 to Stephen Chang et al., filed December 30, 2007, and issued September 4, 2012, which is prior art at least under pre-AIA 35 U.S.C. §§ 102(e)(2) because Chang was granted on an application filed in the United States prior to the August 6, 2010 filing date of the earliest claimed priority application of the '678 Patent.

Exhibit 1006 (“Headings”) U.S. Patent No. 8,468,099 to Kevin P. Headings et al., filed October 10, 2009, and issued June 18, 2013, which is prior art at least under pre-AIA 35 U.S.C. §§ 102(e)(2) because Headings was granted on an

² Based on the terminal disclaimer filed with the '678 Patent, the estimated expiration date of the '678 Patent is August 6, 2030. *See* '678 Patent (EX1001), field (*).

³ The '678 Patent issued from an application filed prior to the enactment of the America Invents Act (“AIA”). Thus, the pre-AIA statutory framework applies.

application filed in the United States prior to the August 6, 2010 filing date of the earliest claimed priority application of the '678 Patent.

Kuruvila and Headings were not cited or applied during the original prosecution of the '678 Patent. And Chang was not applied by the examiner in a rejection during the original prosecution of the '678 Patent; the publication of Chang was cited by the applicant in an IDS by the applicant. *See* EX1002, 128 (Cite No 21, citing publication number 2008/0255962 to Stephen Chang et al); EX1005 (Chang), field (65) (Prior Publication 2008/0255962). As demonstrated below, Kuruvila, Chang, and Headings present substantial new questions of patentability.

D. Discretionary Denial is not Warranted Under § 325(d)

There is no reason to deny reexamination based on any discretionary factor. As explained in greater detail below, this Request raises substantial new questions of patentability with respect to the challenged claims. This Reexamination Request should not be rejected under 35 U.S.C. §325(d) because the proposed rejections presented in this Request present prior art and arguments that are not “the same or substantially the same prior art or arguments” previously presented to the Office. *See* 35 U.S.C. §325(d) (“In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.”).

Of the references listed above, the publication of the application which led to Chang was cited by the applicant in an IDS during the prosecution of the '678 Patent. EX1002, 128. However, no references listed above, including Chang, were applied in a substantive rejection of the claims of the '678 Patent. Accordingly, Chang is being presented herein “in a new light, or in a different way, as compared with its use in the earlier examination(s), in view of a material new argument or interpretation presented in [the instant] request.” *See* MPEP § 2242. Thus, while Chang was previously cited, the instant Request presents new combinations, arguments, and basis for invalidity not previously considered by the Office. Thus, consideration of these references in the instant request is proper. *See id.* Further, Chang presents new-non-cumulative technological teachings that were not previously considered and discussed on the record during prosecution of the application that resulted in the '678 Patent because Chang is being presented in conjunction

with Kuruvila and Headings, neither of which were present during prosecution. Accordingly, there is no reason to deny reexamination based on any discretionary factor.

E. Kuruvila, Chang, and Headings Present Substantial New Questions of Patentability

As shown below, Requester submits that the prior art references Kuruvila, Chang, and Headings raise “substantial question(s) of patentability” because “the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable.” *See* MPEP § 2242 (emphasis in original). Further, 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” at least Kuruvila and Headings each were not before the Office during the original prosecution of the ’678 Patent. *See id.* Further, Chang is being presented herein “in a new light, or in a different way, as compared with its use in the earlier examinations, in view of a material new argument or interpretation presented in [the instant] request.” *See* MPEP § 2242. Thus, while Chang has been previously cited in an IDS by the applicant during prosecution, the instant request presents new combinations, arguments, and basis for invalidity not previously considered by the Office. Thus, consideration of this reference in the instant request is proper. *See id.* Thus, as presented herein, Kuruvila, Chang, and Headings present substantial new questions of patentability.

The present Request proposes the following rejection based on Kuruvila, Chang, and Headings:

Proposed Rejection A1: Claims 1-6 and 8-20 are obvious over Kuruvila, Chang, and Headings under 35 U.S.C. § 103(a).

In brief, Kuruvila discloses a system including widget generation and transaction processing, Chang provides further implementation details of the merchant elements of the system and widget generation, and Headings explains considerations for products available online, such as geographic restrictions or sale campaign runtime.

(i) Kuruvila

Kuruvila describes “a payment service system,” implemented through the addition of widget code to merchant web pages. Kuruvila (EX1004), Abstract. More specifically, Kuruvila contemplates a system including a customer computing device, merchant system, and payment

gateway system, as reflected in Figure 1, below:

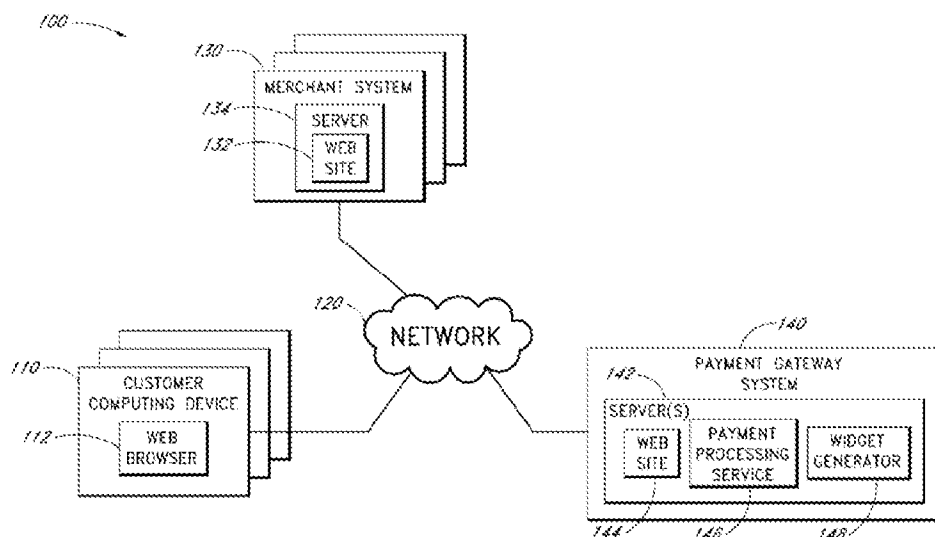


FIG. 1

Kuruvila (EX1004), Fig. 1

This includes both the generation and distribution of widget code, as reflected in Figure 3A, below, as well as the execution of widget code through customer interaction and corresponding transfer of information between systems, as reflected in Figure 3B, below:

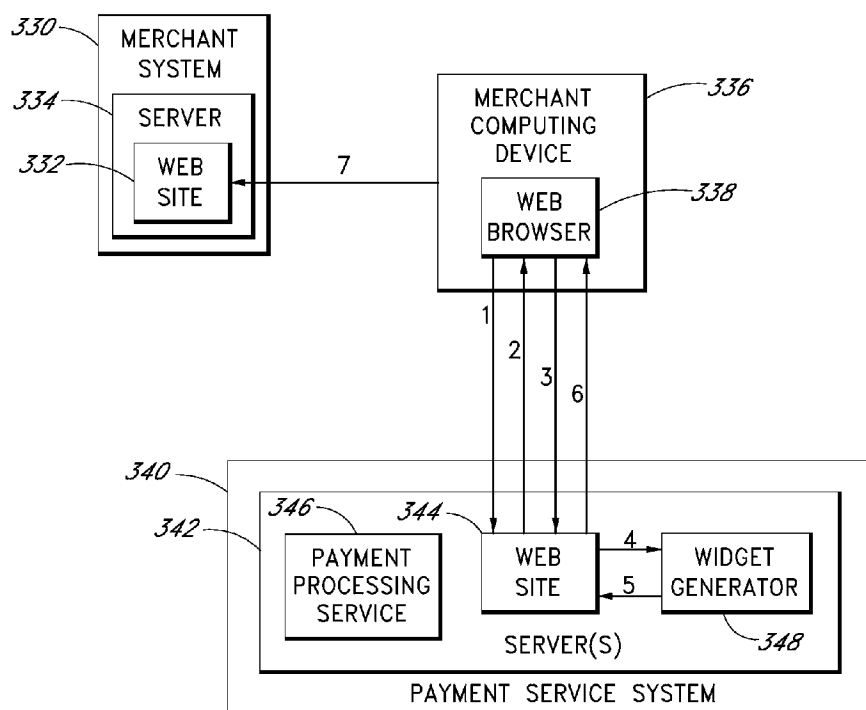


FIG. 3A

Kuruvila (EX1004), Fig. 3A

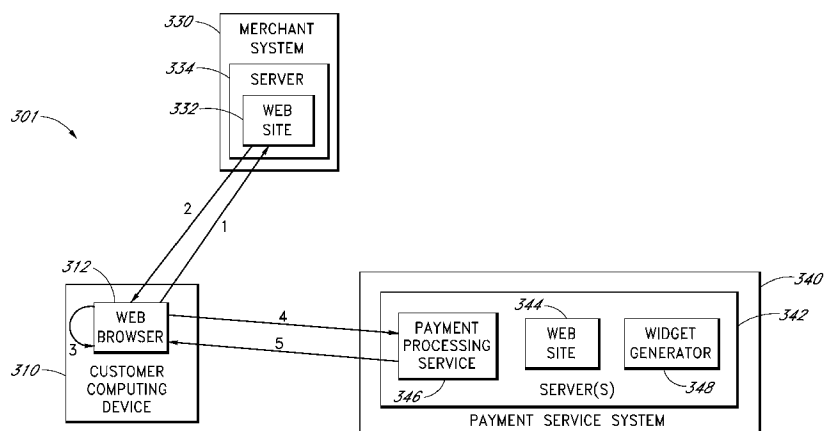


FIG. 3B

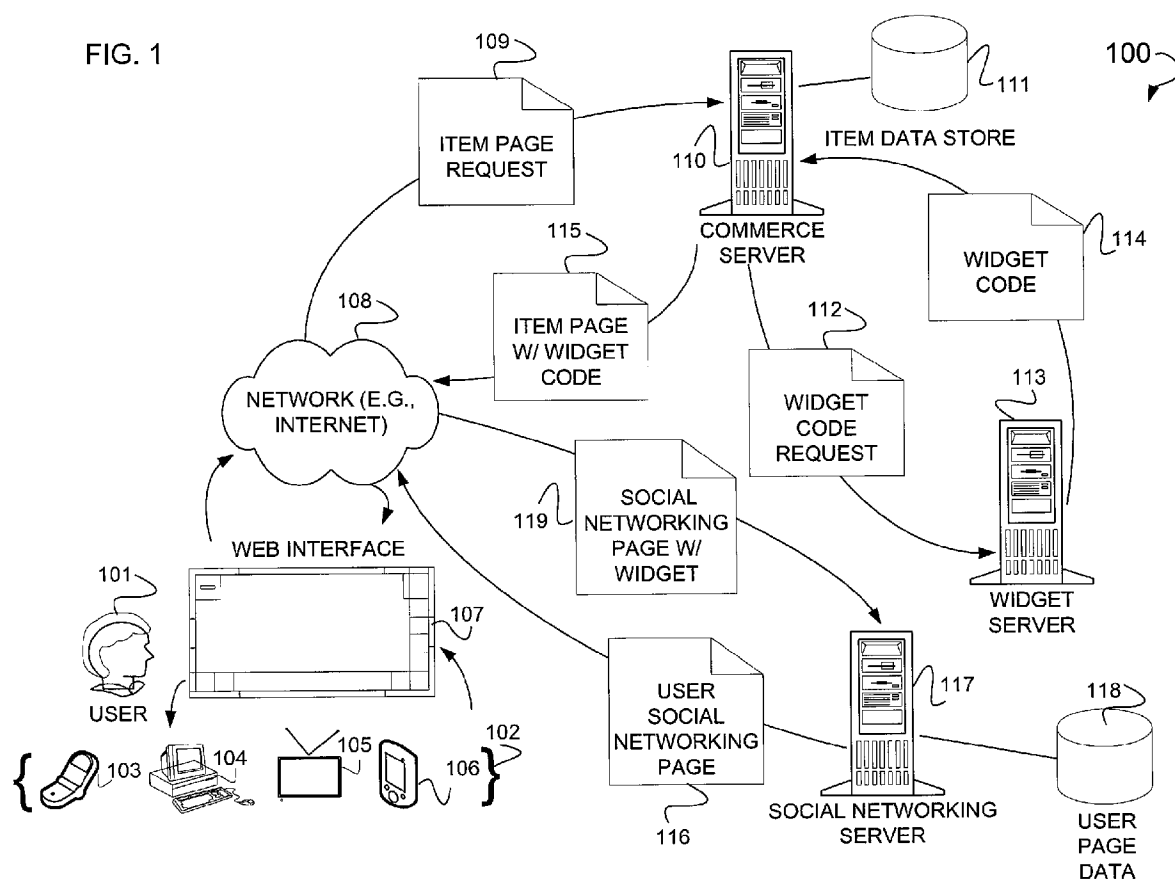
Kuruvila (EX1004), Fig. 3B

Kuruvila is analogous art to the '678 Patent. Kuruvila is within the same field of endeavor as the '678 Patent, as both are related to payment systems for commerce listings. '678 Patent (EX1001), 1:16-21 (“The present disclosure relates generally to **the field of electronic commerce**, and in particular but not exclusively, relates to a system and method for the distribution of multimedia content and **the consummation of transactions** between content owners, content distributors and consumers.”); Kuruvila (EX1004), 2:8-14 (providing “[v]arious embodiments of a payment gateway service” that “enable customer use of the payment service by adding a line or sequence of widget code to a web page, such as a shopping page, of the merchant's site.”). More specifically, the '678 Patent seeks “to engage in purchase transactions and other forms of electronic commerce directly with current and prospective customers from web widgets over the Internet and over the rapidly growing number of mobile networks and associated mobile devices.” '678 Patent (EX1001), 2:10-18. Accordingly, the '678 Patent provides a system which includes a widget builder to generate product listings and distribute the product listings to web pages to enable transactions. *See* '678 Patent (EX1001), Claim 1. Kuruvila similarly contemplates the generation and integration of widgets within web pages to facilitate transactions over the Internet. Kuruvila (EX1004), (“Widget code may additionally or alternatively be added to other types of pages of the merchant site, such as product detail pages, to enable transactions to be completed from such pages.”). Therefore, Kuruvila is analogous art to the '678 Patent because it is within the same field of endeavor (i.e., electronic commerce and transactions) and reasonably pertinent to a problem with which the inventor is involved (i.e., generation of widgets for processing transactions). Thus, a POSITA would have recognized Kuruvila to be analogous art to the '678 Patent. McNair (EX1003), ¶¶36-39.

As demonstrated in the proposed rejections below, Kuruvila in combination with Chang and Headings renders obvious each and every element of claims 1-6 and 8-20. Kuruvila therefore presents a substantial new question of patentability, and a reasonable examiner would consider the reference important in determining whether claims 1-6 and 8-20 are patentable because Kuruvila was not cited during the prosecution of the application that led to the '678 Patent. A detailed explanation of the pertinence and manner of applying Kuruvila to the claims for which reexamination is requested is set for in Section II, below.

(ii) **Chang**

Chang describes a distributed commerce application-widget which includes “generating an item page that includes widget code and details related to an item for sale.” Chang (EX1005), Abstract. More specifically, Chang relates to “the use of widgets to implement a distributed commerce and viral marketing regime.” Chang (EX1005), 1:16-19. Chang contemplates widget and commerce servers which operate to generate item pages integrating widget code, which are then accessed by users via various devices over the Internet, as reflected in Figure 1, below:



Chang (EX1005), Fig. 1

Chang is analogous art to the '678 Patent. Chang is in the same field of endeavor as the '678 Patent, as both are related to payment systems for commerce listings. '678 Patent (EX1001), 1:16-21 (“The present disclosure relates generally to **the field of electronic commerce**, and in particular but not exclusively, relates to a system and method for the distribution of multimedia content and **the consummation of transactions** between content owners, content distributors and

consumers.”); Chang (EX1005), 1:16-21 (Chang “relates generally to the technical field of algorithms and programming and, in one specific example, **the use of widgets to implement a distributed commerce and viral marketing regime.**”), Claim 1 (“generating an item page that includes widget code and item details related to an item for sale, the widget code being an executable object for placement by a user into a webpage that, when executed, causes a sales transaction to be completed”). Therefore, Chang is analogous art to the ’678 Patent because it is within the same field of endeavor (i.e., electronic commerce and transactions) and reasonably pertinent to a problem with which the inventor is involved (i.e., generation and distribution of widgets for processing transactions). Thus, a POSITA would have recognized Chang to be analogous art to the ’678 Patent. McNair (EX1003), ¶¶40-42.

As demonstrated in the proposed rejections below, Kuruvila in combination with Chang and Headings renders obvious each and every element of claims 1-6 and 8-20. Chang therefore presents a substantial new question of patentability, and a reasonable examiner would consider the reference important in determining whether claims 1-6 and 8-20 are patentable because, while Chang was cited on an IDS during the prosecution of the application that led to the ’678 Patent, it was not applied in a substantive rejection, and merely appears on an IDS filed by the applicant. A detailed explanation of the pertinence and manner of applying Chang to the claims for which reexamination is requested is set for in Section II, below.

(iii) Headings

The majority of the claim elements are rendered obvious by the combination of Kuruvila and Chang. Headings is provided to address certain additional limitations of claims 1, 4, 9, 12, 15, and 18. Headings is analogous art to the ’678 Patent, as both are related to e-commerce and transactions. More specifically, Headings addresses how business rules impact the distribution, marketing, and use of media assets in e-commerce. Headings (EX1006), 4:38-44, 54-58 (“content suppliers can provide business rules for one or more media assets,” such as “business rules governing the distribution, marketing, or other use of a media asset”), 2:9-16 (addressing “a need for a digital service platform that offers a wide variety of content to a consumer and provides an end-to-end solution for managing media content (including advertising and e-commerce), providing enhanced content-related services (e.g., digital rights management (DRM)), collecting consumer information (e.g., billing), and electronically delivering the content to a content user or

consumer.”); *see* ’678 Patent (EX1001), (noting that content owners “set the sales parameters and the timing of sales campaigns relating to specifically available content from a content owner in different geographic regions of the world.”). Therefore, Headings is analogous art to the ’678 Patent because it is within the same field of endeavor (i.e., electronic commerce and transactions) and reasonably pertinent to a problem with which the inventor is involved (i.e., rules for the distribution of assets for sale). Thus, a POSITA would have recognized Headings to be analogous art to the ’678 Patent. McNair (EX1003), ¶¶43-44.

As demonstrated in the proposed rejections below, Kuruvila in combination with Chang and Headings renders obvious each and every element of claims 1-6 and 8-20. Headings, in combination with Kuruvila and Chang, therefore presents a substantial new question of patentability, and a reasonable examiner would consider the reference important in determining whether claims 1-6 and 8-20 are patentable because Headings was not cited during the prosecution of the application that led to the ’678 Patent. A detailed explanation of the pertinence and manner of applying Headings to the claims for which reexamination is requested is set for in Section II, below.

II. DETAILED EXPLANATION OF THE PERTINENCE AND MANNER OF APPLYING THE PRIOR ART REFERENCES TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

A. Proposed Rejections of the Claims

The present request presents proposed rejections based on the references Kuruvila, Chang, and Headings.

Requester notes that each of the proposed rejections below are based on obviousness under 35 U.S.C. § 103(a). Requester notes that, even if there are minor differences between cited disclosures of the prior art and the claimed concepts, the claims are still obvious, as a POSITA would not have appreciated “some new synergy” or unexpected results from the limitations given the disclosures of the prior art and the general knowledge of a POSITA. *KSR Intern. Co. v. Teleflex Inc.*, 550 US 398, 417 (2007). When compared with the prior art described below and in light of the knowledge of a POSITA, any “differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains.” 35 U.S.C. § 103.

The proposed rejections are listed below and above and are described in further detail in the analysis that follows below.

Rejection	Art	Claims Challenged
A1	Kuruvila, Chang, and Headings	1-6 and 8-20

(i) **Proposed Rejection A1: Claims 1-6 and 8-20 are obvious over Kuruvila, Chang, and Headings under 35 U.S.C. § 103(a).**

(a) **Claim 1**

[1.0] A system for distributing multimedia content over a network, comprising:

To the extent the preamble is limiting, Kuruvila renders obvious *a system for distributing multimedia content* (payment gateway system 14, distributing item product listings) *over a network* (network 120). McNair (EX1003), ¶¶46-50.

Kuruvila describes the implementation of a payment gateway system that is “invoked to complete purchase transactions from merchant sites,” where the payment gateway system, a customer computer device, and a merchant system are interconnected by a network. Kuruvila (EX1004), 2:38-44; McNair (EX1003), ¶47. This is reflected in Figure 1 of Kuruvila, below:

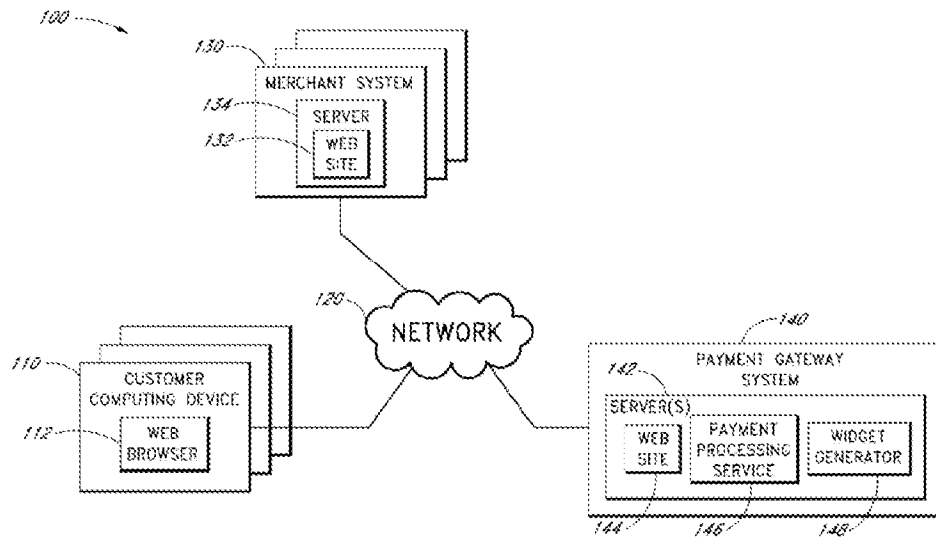


FIG. 1

Kuruvila (EX1004), Fig. 1

Kuruvila’s payment service system includes the distribution of *multimedia content* (item product listings) *over a network* (network 120 in Figure 1, above). As is discussed in further detail below, Kuruvila contemplates a system to generate widgets for items available for purchase. These items and corresponding product listings include *multimedia content* such as “a graphical image of the item.” Kuruvila (EX1004), 8:30-32; McNair (EX1003), ¶48.

Alternatively, to the extent the claimed *multimedia content* describes products available for sale,⁴ Kuruvila alone or in view of Headings renders this obvious. First, Kuruvila describes the sale of “products or services via a merchant web site,” but does not place any restrictions on what types of products are sold. Kuruvila (EX1004), 2:50-53. Thus, it would have been obvious to a POSITA that Kuruvila is not limited to the sale of physical items, but instead the teachings would equally be applicable to digital items such as music or video files. McNair (EX1003), ¶49. Second, as Headings notes, “[t]he digitization of media content (e.g., movies, music videos, educational content, television shows, live events, advertising, literary works, audio programs, and other media assets) is becoming more and more common with the advent of technology that allows content suppliers to derive revenues from these assets in a digital marketplace.” Headings (EX1006), 1:16-21. “Traditional brick and mortar establishments typically do not sell media content in digital form[.]” Heading (EX1006), 1:63-65. Thus, given the increasing prevalence of digital media and lack of sale through traditional physical storefronts, it would have been obvious that merchant web sites, such as those contemplated by Kuruvila, would be used for the sale of *multimedia content* such as music or videos. McNair (EX1003), 49.

Thus, to the extent the preamble is limiting, Kuruvila alone or in view of Headings renders obvious *a system for distributing multimedia content* (payment gateway system 140, distributing item product listings) *over a network* (network 120). McNair (EX1003), ¶¶46-50.

[1.1] a server configured to control a transaction processing service; and

Kuruvila renders obvious *a server configured to control a transaction processing service* (server 142 in payment service system 140, which controls payment processing service 146). McNair (EX1003), ¶¶51-54.

Kuruvila explains that explains that its payment service system 140 “may be implemented as a computer system that includes one or more physical servers 142 and/or other computer hardware resources.” Kuruvila (EX1004), 3:1-3; McNair (EX1003), ¶52. As reflected in Figure

⁴ Requester notes that in district court, DKR maps claim 1 of ’678 Patent to an online storefront selling *physical products* such as “kylash volume mascara.” EX1010, 12. Accordingly, the preamble of the claim should not be read as limiting products to multimedia content.

1, below, Kuruvila's payment service system 140 includes one or more servers 142 which host a web site 144, payment processing service 146, and widget generator 148:

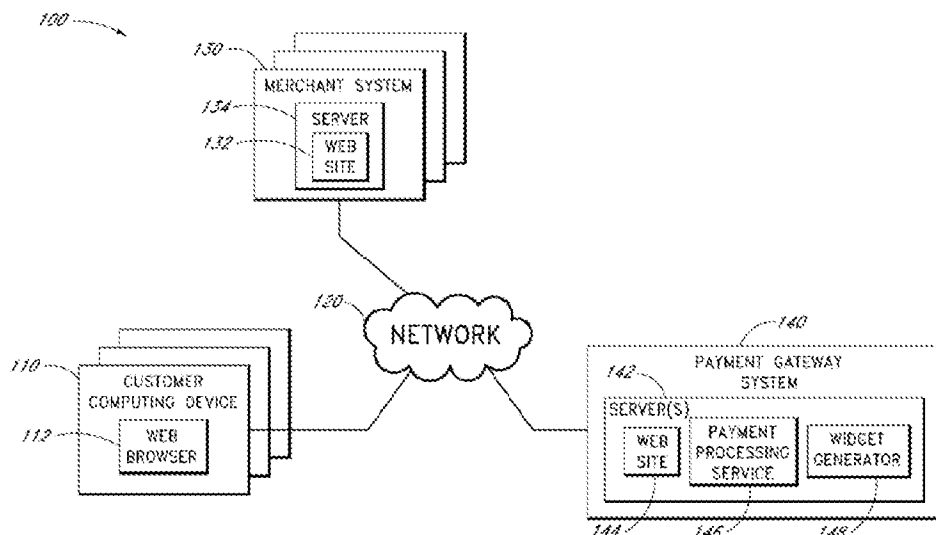


FIG. 1

Kuruvila (EX1004), Fig. 1

More specifically, Kuruvila's payment processing service 146 *control[s] a transaction processing service* because "[a] payment processing web service 146 can run on one or more of the servers 142 and **is called to process payments on behalf of the merchant in response to a request from the customer.**" Kuruvila (EX1004), 3:18-21. Payment gateway system 140 "processes payments from customers associated with purchases from merchants in an efficient and user friendly manner." Kuruvila (EX1004), 3:24-26. When a user checks out, the payment gateway system 140 "receives a request from the user computing device 110 that includes the payment information," and "payment processing service 146...is called in response to this request and processes the payment from the user on behalf of the merchant." Kuruvila (EX1004), 4:42-49. Thus, a POSTIA would have recognized that server 142, which controls and operates payment processing service 146, *control[s] a transaction processing service* by calling the payment processing service to process payments associated with the purchase of items by a customer. McNair (EX1003), ¶53.

Thus, Kuruvila renders obvious *a server configured to control a transaction processing service* (server 142 in payment service system 140, which controls payment processing service 146 in processing payments from users). McNair (EX1003), ¶¶51-54.

[1.2] a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,

Kuruvila in view of Chang renders obvious *a storage resource* (item data store) *communicatively coupled to the server* (in communication with the server via the Internet) *and configured to store an item* (storing an item for sale and corresponding information), *wherein the item comprises an identifier, multimedia content, and metadata* (e.g., the item data store includes item IDs, graphical images, titles, and textual descriptions). McNair (EX1003), ¶¶55-66.

Kuruvila discloses “the transfer of information between a merchant system” and “a payment service system.” Kuruvila, 7:53-57. Kuruvila primarily focuses on the payment gateway functionality and corresponding widget generation, rather than the merchant system itself, and does not explicitly describe how information is stored with a merchant system. However, it would have been obvious to a POSITA to implement Kuruvila’s system, in view of Chang, such that a merchant would utilize *a storage resource...to store an item* that it is offering for sale, and *communicatively couple[]* the storage resource to the payment service system to transfer information for the generation of widgets. McNair (EX1003), ¶56.

First, Chang discloses *a storage resource...configured to store an item*. Like Kuruvila, Chang contemplates commerce and corresponding widgets for the sale of an item. *See* Chang (EX1005), Abstract (“a system and method are illustrated as including generating an item page that includes widget code and details related to an item for sale.”); Kuruvila (EX1004), 2:53-56 (a “customer selects and purchases products or services (generally referred to as ‘items’) using a web browser 112 running on the computing device 110”); McNair (EX1003), ¶57.

Chang explains that items for sale and corresponding information are stored in an item data store:

[T]he user 101 may be prompted to provide details relating to the good or service for purchase. These item details, when entered, may then be posted along with the other item data for the good or service being sold. Further, these details may also be stored into the item data store 111. Item details may include: seller contact

information, selling price information, condition of item information, time of same information, lowest bid price information, or some other suitable information.

Chang (EX1005), 9:1-11. While Kuruvila does not explicitly describe the storage of item information, Kuruvila similarly contemplates the sale of items where similar information is provided. Catalog pages “display[] various icons and information associated with items that are available for purchase, including the name 212 of each item, the price 214 associated with each item, a graphical image 216 of each item, a user selectable shipping type 217 (e.g., ground or air) and a user-fillable quantity field 218.” Kuruvila (EX1004), 3:58-63; McNair (EX1003), ¶58.

A POSITA would have been motivated to combine Kuruvila and Chang, and doing so would have been the use of a known technique (Chang’s use of an item data store to store information related to items for sale) to improve similar devices (Kuruvila’s system for generation and integration of widgets for the sale of items) in the same way. *See* MPEP § 2143(C). Kuruvila describes a system for generating widgets and corresponding payment gateway integration for the sale of items but does not focus on the implementation of a merchant system. Chang similarly contemplates the generation of widgets and corresponding sale of items, and further details how information related to such items would be stored by a commerce server prior to the request and generation of widgets. In the combination, a POSITA would have stored information for items available for sale by merchants, per Kuruvila, in an item database, per Chang. This would include information such as the name and price of items, as well as a description or graphical images related to the item, per Kuruvila, as well as any other sale information, per Chang. Doing so would allow for efficient storage of items for sale and transfer of information related to items to Kuruvila’s widget generator. McNair (EX1003), ¶59.

Second, the combination of Kuruvila and Chang renders obvious that the items for sale would include *an identifier, multimedia content, and metadata*. McNair (EX1003), ¶60.

Chang teaches that item entries in a database would include unique item IDs (*identifier[s]*) to allow for easy identification and retrieval of items from the database. Chang (EX1005), 17:13-17 (describing the use of an item ID when transacting a purchase), 13:23-24 (“an operation 1305 is executed that parses an item identifier from the item details data packet 1301”); McNair (EX1003), ¶61. Thus, in the combination of Kuruvila and Chang, items for sale stored in the data store would include *an identifier* as part of the item details. McNair (EX1003), ¶61.

Kuruvila describes the inclusion of graphical images (*multimedia content*) as part of the

item details, which would have been stored in an item data store in the combination of Kuruvila and Chang. Kuruvila explains that information related to items includes “a graphical image 216 of each item” (e.g., *multimedia content*). This information is also information that is provided from a merchant to the payment service system for the generation of widgets, as discussed in the analysis of limitation [1.3] below. Kuruvila (EX1004), 8:27-32 (“For example, the merchant may be prompted to enter the price of the item, the description of the item, and whether or not the widget should collect the shipping address of the customer. In some embodiments, other **information related to the item, such as a graphical image of the item, is also provided by the merchant.**”). It would have been obvious that the information related to an item that is provided by a merchant to the payment service system would be stored in a data store, per the combination of Kuruvila and Chang, because such information is related to the item and is included in the information provided by a merchant to the payment service system, per Kuruvila. McNair (EX1003), ¶62.

The combination of Kuruvila and Chang renders obvious the inclusion of *metadata* as part of the item details, which would have been stored in an item data store in the combination of Kuruvila and Chang. The '678 Patent defines the claimed metadata as including “a title or textual description.” *See* '678 Patent (EX1001), Claim 2 (“The system of claim 1, wherein the metadata includes a title or textual description.”). Kuruvila explicitly describes the inclusion of the name of each item (e.g., a title) as part of the item information listed in catalog listings. Kuruvila (EX1004), 3:58-63. Kuruvila also describes the description of an item (e.g., a textual description) as information provided from a merchant to the payment service system for the generation of widgets, as discussed in the analysis of limitation [1.3] below. Kuruvila (EX1004), 8:27-30 (“For example, the merchant may be prompted to enter the price of the item, **the description of the item**, and whether or not the widget should collect the shipping address of the customer.”). And Chang describes additional information associated with items, such as “condition of item information” (e.g., a textual description). Chang (EX1005), 9:7-11. Thus, both Kuruvila and Kuruvila in view of Chang render obvious the inclusion of *metadata* as part of the item details, which would have been stored in an item data store in the combination of Kuruvila and Chang. McNair (EX1003), ¶63.

Third, as reflected in Figure 3 of Kuruvila, below, a merchant computing device and payment service system are *communicatively coupled* so that requests and information are communicated between the two devices, such as in events 1, 2, 3, and 6:

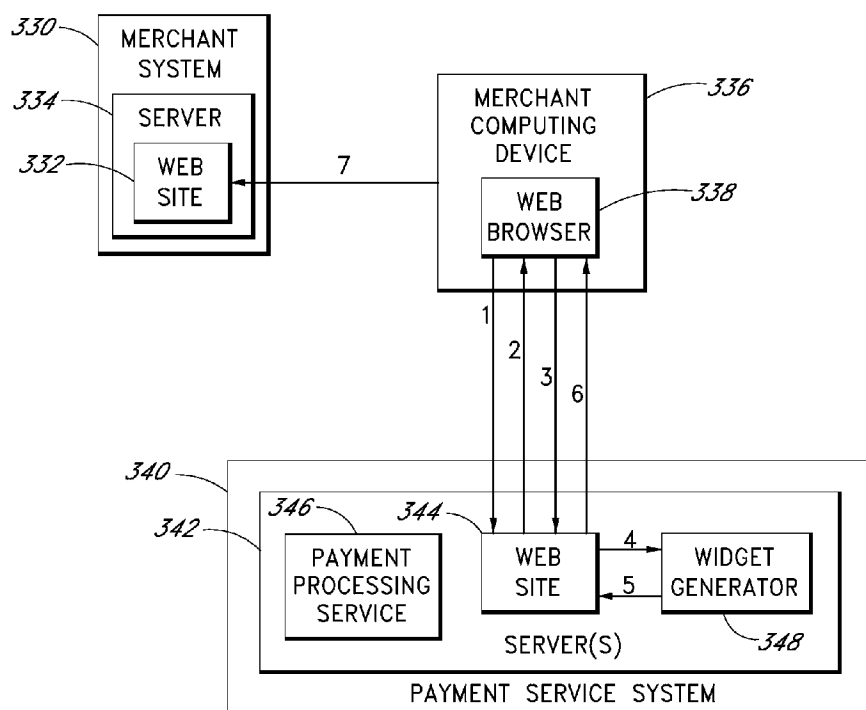


FIG. 3A

Kuruvila (EX1004), Fig. 3A

Kuruvila explains that “[i]nformation is sent between the components 330, 336 and 340 over a communications network such as the Internet.” Kuruvila (EX1004), 7:59-61. Thus, in the combination, a data store configured to store items for merchants, per Chang, would have been integrated in Kuruvila’s merchant computing device and thus *communicatively coupled* to a payment service system. McNair (EX1003), ¶¶64-65.

Thus, Kuruvila in view of Chang renders obvious *a storage resource* (item data store) *communicatively coupled to the server* (in communication with the server via the Internet) *and configured to store an item* (storing an item for sale and corresponding information), *wherein the item comprises an identifier, multimedia content, and metadata* (e.g., the item data store includes item IDs, graphical images, titles, and textual descriptions). McNair (EX1003), ¶¶55-66.

[1.3] wherein the server is configured to: receive the item from the storage resource;

Kuruvila in view of Chang renders obvious that *the server* (server 142 in the payment

service system) is configured to: receive the item from the storage resource (receive items and corresponding item data, such as item IDs, graphical images, titles, and textual descriptions, from a data store). McNair (EX1003), ¶¶67-70.

As part of the payment gateway functionality disclosed by Kuruvila, Kuruvila describes the request of widget code by a merchant from the payment service system. This is reflected in event 3 of Figure 3A, below, where “the merchant elects to request a gateway widget for the merchant site.” Kuruvila (EX1004), 8:21-22; McNair (EX1003), ¶68.

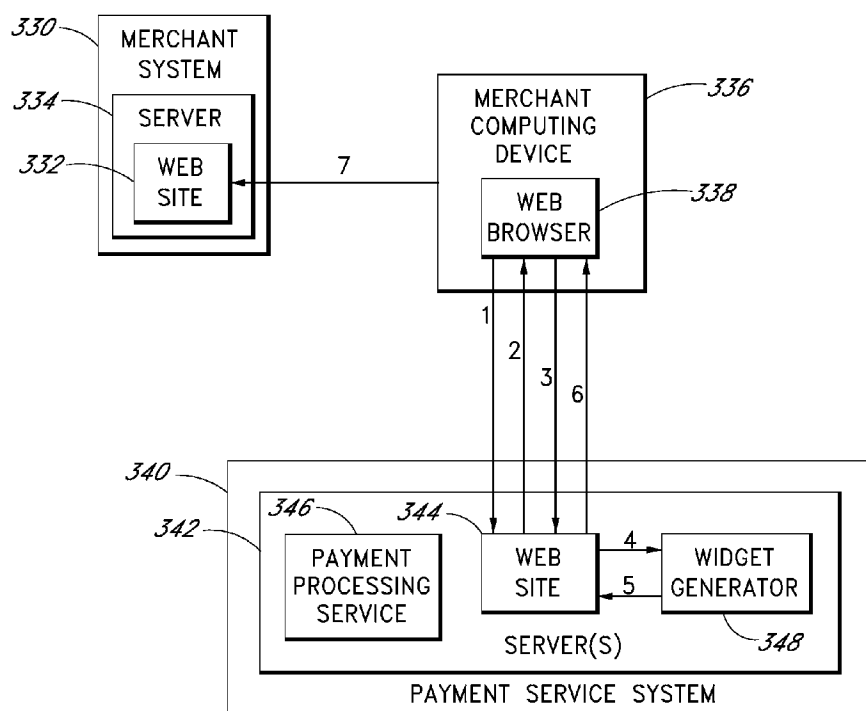


FIG. 3A

Kuruvila (EX1004), Fig. 3A

As explained above in the discussion of limitation [1.2], it would have been obvious in view of Chang to store items and the corresponding information related to items in a storage resource such as a data store. McNair (EX1003), ¶69, ¶¶57-59. Chang further teaches that “item data may be retrieved from the item data store 111 utilizing some type of query language such as a Structured Query Language (SQL), a Multidimensional Expression (MDX) language, or some other suitable query language.” Chang (EX1005), 4:7-11. This item data is retrieved by Chang’s

commerce server 110 in response to a request. Chang (EX1005), 4:5-15. In the combination of Kuruvila and Chang, server 142 of Kuruvila's payment service system would receive item data from the data store through a query request at event 3 of Figure 3A, above. McNair (EX1003), ¶69. Doing so would allow for the transfer of items and corresponding information, such as titles, graphical images, descriptions, prices, or other necessary information from the merchant to server 142 of the payment service system for the generation of widgets. McNair (EX1003), ¶69.

Thus, Kuruvila in view of Chang renders obvious that *the server* (server 142 in the payment service system) *is configured to: receive the item from the storage resource* (receive items and corresponding item data, such as item IDs, graphical images, titles, and textual descriptions, from a data store). McNair (EX1003), ¶70.

[1.4] wherein the server is configured to: ... execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;

First, Kuruvila in view of Chang and renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... execute a widget builder resource* (widget generator 148) *configured to generate a product listing* (widget code). McNair (EX1003), ¶¶71-75.

As reflected in Figure 3A, below, server 142 in the payment service system (labeled "342" in Figure 3A) includes a widget generator element (*a widget builder resource*):

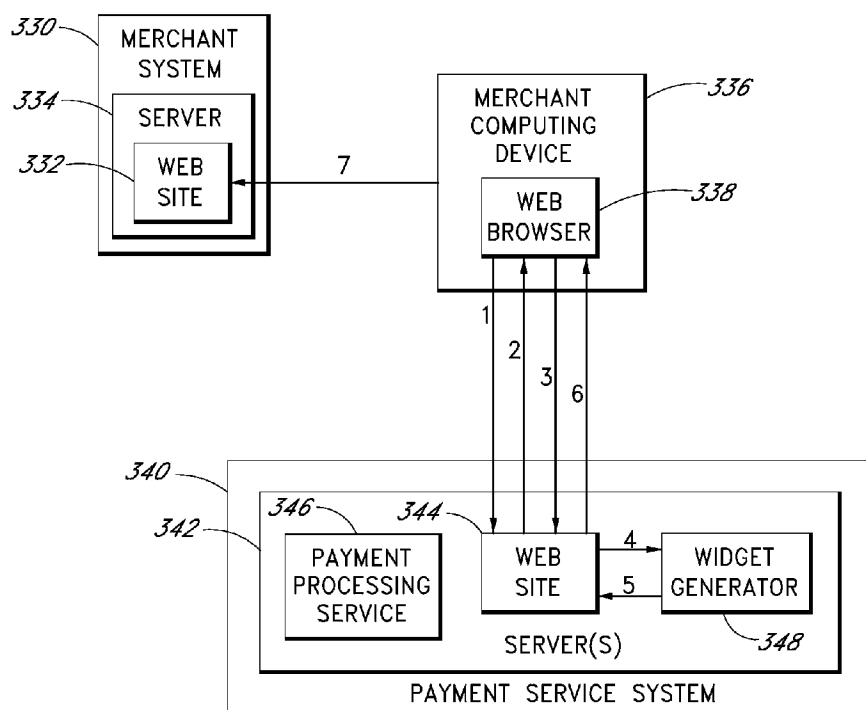


FIG. 3A

Kuruvila (EX1004), Fig. 3A

Kuruvila explains that at event 4, the information received from a merchant (discussed above in the analysis of limitation [1.3]) is passed to a widget generator 348. Kuruvila (EX1004), 8:36-39. Kuruvila explains that its widget generator is “a software module or function which creates the widget coding based on the information provided by the merchant regarding the item.” Kuruvila (EX1004), 8:39-42. Thus, Kuruvila’s widget generator is *a widget builder resource* because it creates the widget coding information, and it is executed by the payment service system (i.e., *the server is configured to...execute a widget builder resource*). McNair (EX1003), ¶¶72-73.

Kuruvila’s widget code discloses *a product listing* because widget generator 348 “creates the widget coding based on the information provided by the merchant regarding the item,” such as “the price of the item, the description of the item...[and] a graphical image of the item” which are provided by the merchant to the payment service system. Kuruvila (EX1004), 8:39-42, 8:27-30. This widget is then integrated within a merchant site and enables transactions to be completed. Kuruvila (EX1004), 2:29-32; McNair (EX1003), ¶74.

To the extent it is argued that Kuruvila's widgets do not disclose *a product listing*, it would have been obvious in view of Chang to implement widgets as *a product listing*. Like Kuruvila, Chang describes the use of widgets on web pages to facilitate the sale of items. Chang (EX1005), 2:58-50 ("In some example embodiments, a system and method are shown that facilitate distributed commerce and/or viral marketing through the use of widgets embedded in web pages. These web pages may be associated with social networking web sites or web sites transacting commerce. These widgets may be used to sell good or services."). And like Kuruvila, Chang describes the distribution of these widgets to allow for the sale of items. Chang (EX1004), 3:18-21 ("These widgets may track a good or service for sale, and/or **allow a person (e.g., a natural person or legal entity) to purchase the good or service using the widget.**"). Thus, it would have been obvious to a POSITA that Kuruvila's widgets, alone or in view of Chang, are *product listings* because they are generated using information related to items and facilitate the sale of the corresponding items. McNair (EX1003), ¶75.

Second, Kuruvila in view of Chang and Headings renders obvious generating product listings which *includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button*. McNair (EX1003), ¶¶76-81.

Kuruvila renders obvious that product listings would include information about the product listings (*information associated with the item*). As discussed above in the analysis of limitations [1.2]-[1.3], Kuruvila explains that a merchant provides information related to an item, which is then passed to a widget generator "which creates the widget coding based on the information provided by the merchant regarding the item." Kuruvila (EX1004), 8:39-42. By creating widgets (*product listings*) based on the information related to the item, the widgets *include...information associated with the item* because the information is what is used to generate the widgets. McNair (EX1003), ¶77.

Kuruvila in view of Headings renders obvious that product listings would include *a marketplace rule*. The '678 Patent defines the claimed marketplace rule as one or more of "a price, sales campaign date, or geographic availability." See '678 Patent (EX1001), Claim 4 ("The system of claim 1, wherein the marketplace rule comprises one or more of: a price, sales campaign date, or geographic availability."). It would have been obvious to include rules such as price, geographic availability, and sales campaign date with Kuruvila's product listings in view of Headings. McNair (EX1003), ¶78.

Headings seeks to solve issues, in part, related to the management of media content in e-commerce. Headings (EX1007), 2:9-16. Headings specifically focuses on digital media assets, such as “movies, music videos, television programs, video games, online books, live events, games, educational content, audio programs, or any other category of media assets.” Headings (EX1007), 2:59-62. Headings explains that content suppliers submit media assets to a platform depository and receive payments in accordance with their business rules. Headings (EX1007), 2:65-3:2. Specifically, Headings explains that media assets may have associated business rules such as “**geographic location**, ... **price**, price range, method of delivery, and **time frame** available for offering the media content to consumers.” Headings (EX1007), 2:2-6. A POSITA would have been motivated to incorporate such business rules into Kuruvila’s widgets, as doing so would allow for greater control over product listings based on availability, ensure products were being distributed to geographic locations (*geographic availability*) where they are allowed, ensure better coordination over the price (*a price*), and provide time frame a product is available (*sales campaign date*). McNair (EX1003), ¶79.

A POSITA would have been motivated to combine Kuruvila and Headings, and doing so would have been the use of a known technique (Headings’ use of business rules to control distribution of media assets in electronic commerce) to improve similar devices (Kuruvila’s system for generating and distributing product listings as widgets for online transactions) in the same way. *See* MPEP § 2143(C). Kuruvila describes a system of generating widgets and corresponding payment gateway integration for the sale of items. Headings details how business rules impact the distribution, marketing, and use of media assets in e-commerce. Headings (EX1006), 4:38-44, 54-58 (“content suppliers can provide business rules for one or more media assets,” such as “business rules governing the distribution, marketing, or other use of a media asset”) In the combination, a POSITA would have generated widgets based on information provided about items, per Kuruvila, and included business rules such as geographic location, price, and time frame available for the products, per Headings, so the system could “control the distribution of and revenue generated from the media asset” or other product made available via a generated widget. Headings (EX1006), 2:28-33. Doing so would allow for greater control over the product listing availability and ensure proper distribution, pricing, and duration of listing for the widgets. McNair (EX1003), ¶80. A POSITA would have had a reasonable expectation of success in implementing business rules, per

Headings, in Kuruvila's system because doing so would merely dictate when to show widgets, rather than impact the underlying functionality of the widgets. McNair (EX1003), ¶80.

Kuruvila renders obvious that product listings would include a purchase button (*a clickable buy button*). Kuruvila explains, in the context of the implementation of widget coding (*product listing*), that “widget code causes one or more ‘purchase’ buttons (e.g. the checkout button 230 of FIG. 2A) to be displayed.” Kuruvila (EX1004), 10:12-14. Further, Kuruvila contemplates embodiments where “merchants may not want to have a ‘purchase’ button for each item or group of items they want to make available to users,” where a widget is generated in a different manner to exclude a purchase button. Kuruvila (EX1004), 9:10-12. Accordingly, POSITA would have understood that Kuruvila generates a purchase button (*clickable buy button*) as part of its widget code (*product listing*) unless otherwise instructed, which is loaded as part of the widget code when displaying a product listing on a webpage. McNair (EX1003), ¶81.

Thus, Kuruvila in view of Chang and Headings renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... execute a widget builder resource* (widget generator 148) *configured to generate a product listing* (widget code) *wherein the product listing includes: (i) information associated with the item* (information provided by a merchant about an item), *(ii) a marketplace rule* (such as geographic location, price, price range, and time frame available), *and (iii) a clickable buy button* (a purchase button). McNair (EX1003), ¶¶71-82.

[1.5] wherein the server is configured to: ... distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule;

Kuruvila in view of Headings renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site or a distributed application* (to a merchant site), *wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶83-86.

Kuruvila explains that after generating widgets, the widget coding is returned to the merchant (*distribute[d]...to a web site or distributed application*), where it is integrated into the merchant site (*configured to be displayed on the web site*):

At event 5, the widget generator passes the widget coding to a page generation module (not shown) of the payment service web site 344, which incorporates the widget code into a web page or other document. This document is then returned to the web browser 338 of the merchant at event 6.... At event 7, the merchant integrates the widget coding into the appropriate web page coding of the merchant site.... For example, in some embodiments the merchant can obtain the widget coding from the payment service 340 and simply cut and paste the widget coding into the appropriate location in an HTML or other document of a catalog page.

Kuruvila (EX1004), 8:42-62. This is reflected in events 5-7 of Figure 3A, below:

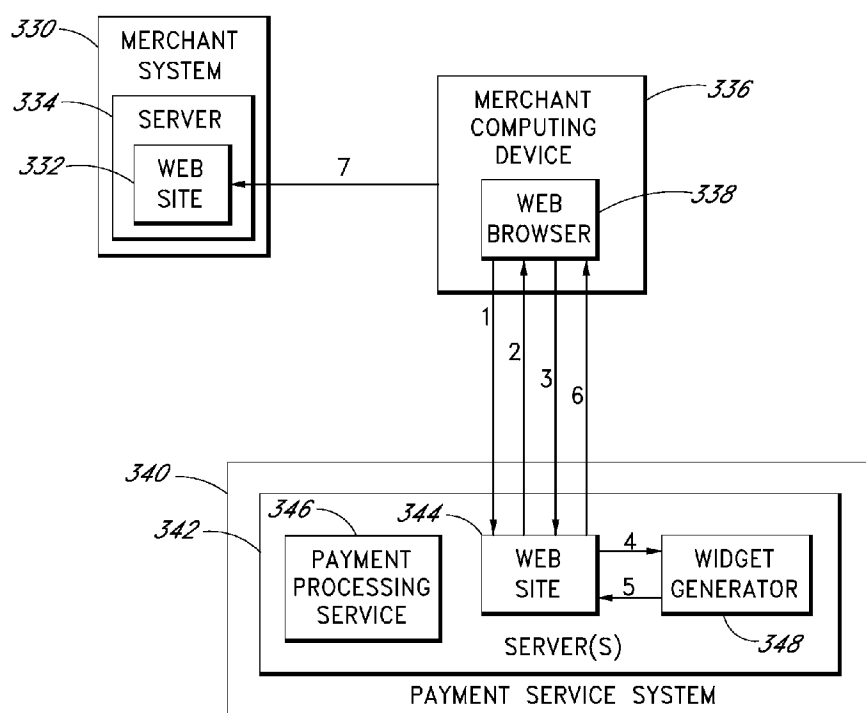


FIG. 3A

Kuruvila (EX1004), Fig. 3A

It would have been obvious, in view of Headings, for Kuruvila's widget coding to be displayed *based on the marketplace rule*. McNair (EX1003), ¶¶84-85. As discussed above in the analysis of limitation [1.4], Headings explains that media assets may have associated business

rules such as “geographic location, ... price, price range, method of delivery, and time frame available for offering the media content to consumers.” Headings (EX1007), 2:2-6; McNair (EX1003), ¶¶78-80. When implementing such business rules, the product listings would be displayed in accordance with the business rules “to control the distribution of and revenue generated from the media asset” or other product made available via a generated widget. Headings (EX1006), 2:28-33. This would ensure that products are not shown when they are not available in a certain geographic location, or if it is outside the time frame for which the product is available. McNair (EX1003), ¶85. In the combination, Kuruvila’s widget coding, which incorporates business rules, would be integrated into a merchant site and displayed only if such business rules are satisfied. McNair (EX1003), ¶85.

Thus, Kuruvila in view of Headings renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site or a distributed application* (to a merchant site), *wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶83-86.

[1.6] wherein the server is configured to: ... receive an indication that the clickable buy button has been selected by a remote computing device; and

Kuruvila renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... receive an indication that the clickable buy button has been selected* (e.g., a customer has clicked on the checkout button) *by a remote computing device* (customer computing device). McNair (EX1003), ¶¶87-92.

Kuruvila’s Figure 3B, below, “illustrates a data flow diagram showing the transfer of information between a merchant system 330, a customer computing device 310 and a payment service system 340[.]” Kuruvila (EX1004), 9:62-66; McNair (EX1003), ¶88.

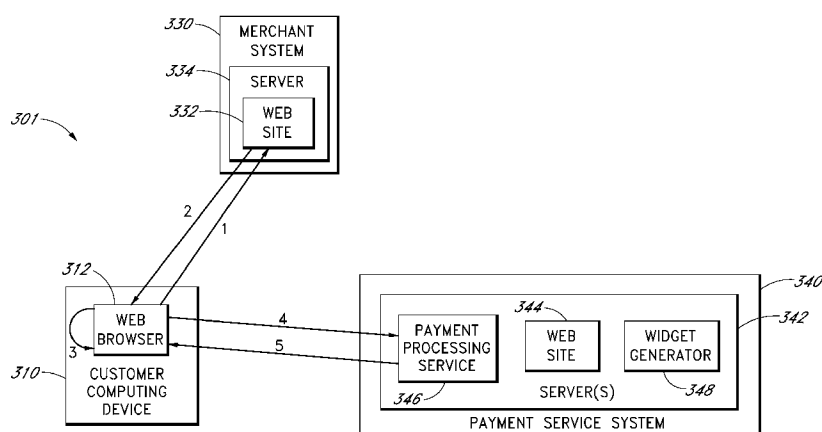


FIG. 3B

Kuruvila (EX1004), Fig. 3B

Kuruvila explains that a customer elects to purchase one or more items from the merchant system through the selection of a purchase button (*the clickable buy button*). When a purchase button or checkout button is selected by a customer, a payment form is then provided to receive payment information and facilitate a transaction:

At events 1 and 2, the customer, using a web browser 312 operating on the computing device 310, causes the browser 312 to request and load a web page of the merchant web site 332. **The widget code causes one or more “purchase” buttons (e.g. the checkout button 230 of FIG. 2A) to be displayed. At event 3, the customer elects to purchase an item or items represented on this web page (e.g., using the checkout button 230 of FIG. 2A).** The customer may also input the quantity of items they would like to purchase and they may be shown the total price for the order (e.g., as shown with respect to FIG. 2A). In some embodiments, such as described with respect to FIG. 2E, the customer may select an item or items to put in a shopping cart before electing to purchase the items (e.g., using the checkout button 270 of FIG. 2E). **The customer will then be presented with a payment form, such as the payment form 240 described above with respect to FIG. 2B, which is configured to receive payment information from the user.** The payment form may be included in the original pages as served by the merchant system (in which case it may be maintained hidden unless/until the customer

initiates the payment/checkout process), or may be retrieved from the payment service 340 by the browser 312. A confirmation button selectable by the user, such as the “submit your order” button 250 of FIG. 2B, is also displayed on the web page.

Kuruvila (EX1004), 10:9-34; McNair (EX1003), ¶89.

Further, Kuruvila’s customer computing device is *a remote computing device* that is separate from server 142 in the payment service system (*the server*). The flow diagram in Figure 3B refers to the merchant system, customer computing device, and payment service system architecture reflected in Figure 1, below. McNair (EX1003), ¶90.

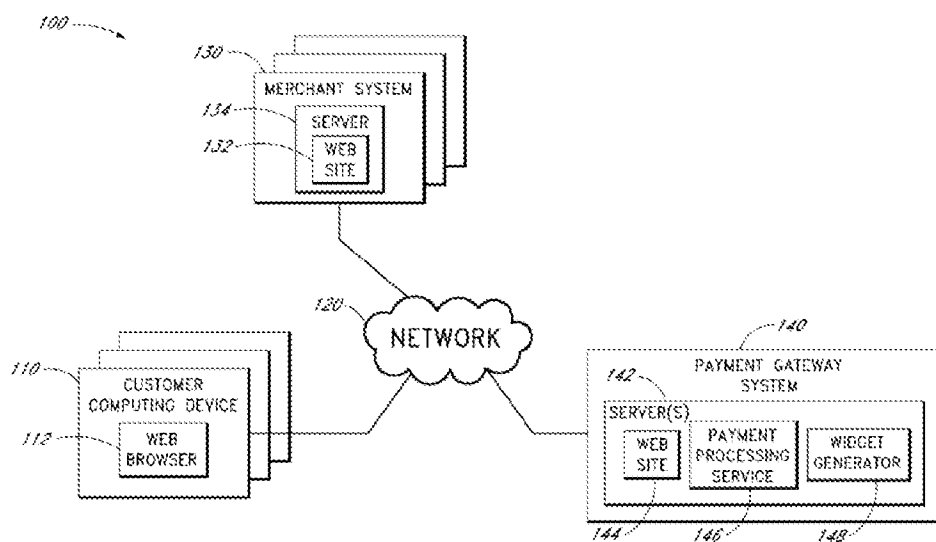


FIG. 1

Kuruvila (EX1004), Fig. 1

As reflected in Figure 3B and in Figure 1, a customer computing device is a separate device from the merchant system and payment service system (i.e., *a remote computing device*). Kuruvila explains that “[t]he payment service system 140, a customer computer device 110, a merchant system 130, and a customer computing device 110 are interconnected by a network 120,” such as the Internet or a communications network. Kuruvila (EX1004), 2:40-44; McNair (EX1003), ¶91.

Thus, Kuruvila renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... receive an indication that the clickable buy button has been selected* (e.g., a

customer has clicked on the checkout button) *by a remote computing device* (customer computing device). McNair (EX1003), ¶¶87-92.

[1.7] wherein the server is configured to: ... provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.

Kuruvila renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... provide a checkout screen to the remote computing device* (provide a payment form in response to the selection of a checkout button), *wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing* (payment service 140 processes payments), *the purchase initiated from the checkout screen using the remote computing device* (initiated in response to a customer clicking a confirmation button from the customer computing device). McNair (EX1003), ¶¶93-96.

As discussed above in the analysis of limitation [1.6], when a customer elects to purchase an item through the use of a checkout button, a payment form is then presented to the customer. Kuruvila (EX1004), 10:9-34; McNair (EX1003), ¶89. This payment form is *a checkout screen* because it allows a user to submit information for the purchase of an item, and submit their order:

At events 1 and 2, the customer, using a web browser 312 operating on the computing device 310, causes the browser 312 to request and load a web page of the merchant web site 332. The widget code causes one or more “purchase” buttons (e.g. the checkout button 230 of FIG. 2A) to be displayed. At event 3, the customer elects to purchase an item or items represented on this web page (e.g., using the checkout button 230 of FIG. 2A). The customer may also input the quantity of items they would like to purchase and they may be shown the total price for the order (e.g., as shown with respect to FIG. 2A). In some embodiments, such as described with respect to FIG. 2E, the customer may select an item or items to put in a shopping cart before electing to purchase the items (e.g., using the checkout button 270 of FIG. 2E). The customer will then be presented with a payment form, such as the payment form 240 described above with respect to FIG. 2B, which is configured to receive payment information from the user. The payment form may

be included in the original pages as served by the merchant system (in which case it may be maintained hidden unless/until the customer initiates the payment/checkout process), or may be retrieved from the payment service 340 by the browser 312. **A confirmation button selectable by the user, such as the “submit your order” button 250 of FIG. 2B, is also displayed on the web page. At event 4, the customer clicks the confirmation button and a request is received by a server of the payment service 340 in response.** The request includes the payment information as entered into the payment form.

Kuruvila (EX1004), 10:9-38. As is reflected in Figure 3B of Kuruvila, below, the selection of the order submission button (event 4) initializes the payment processing service, which processes the information and corresponding transaction. McNair (EX1003), ¶¶94.

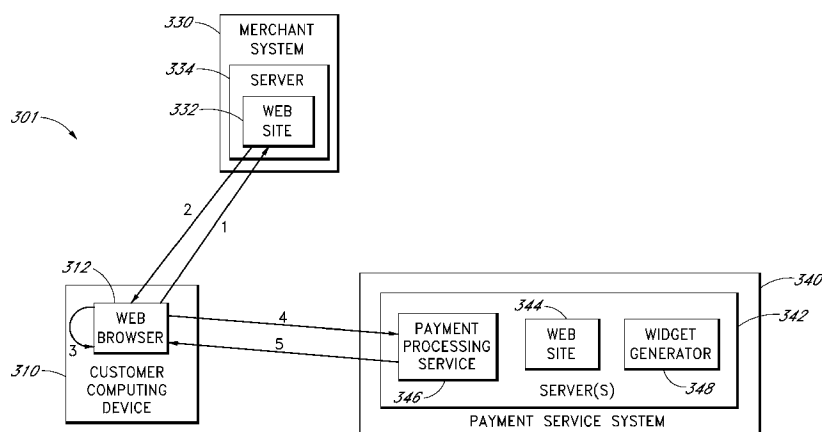


FIG. 3B

Kuruvila (EX1004), Fig. 3B

Specifically, Kuruvila explains that when the confirmation button is clicked by the customer, a request is received by the payment processing service. Kuruvila (EX1004), 10:35-37. The payment processing service then processes the transaction:

The request includes the payment information as entered into the payment form. A payment processing service 346, which may run on a server of the payment service system 340, then processes the information on behalf of the merchant, causing payment to be electronically collected from the user upon successful authentication

of the payment information. The payment processing service 346 may collect payment from the user and transfer funds to the merchant by, for example, interacting with credit card processors, banks, and/or other financial institutions using well known methods. In some embodiments, the payment processing service 346 comprises a software module available through an application programming interface which is callable (e.g., via JavaScript) by the customer browser 312 in response to the customer clicking on the confirmation button. As described above, a status message (e.g., “Your payment is being processed . . .”) may be presented to the customer **while the payment processing service 346 is processing the payment on behalf of the merchant**, and a confirmation message (e.g., “Thank you for your order . . .”) may be presented to the user upon successful completion of the purchase. Upon successful completion of a purchase, the payment service 340 may notify the merchant and/or the customer about the successful completion of the purchase (e.g., via e-mail, voice mail, a data feed, or some other form of communication).

Kuruville (EX1004), 10:37-62; McNair (EX1003), ¶95.

Thus, Kuruville renders obvious that *the server* (server 142 in the payment service system) *is configured to: ... provide a checkout screen to the remote computing device* (provide a payment form in response to the selection of a checkout button), *wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing* (payment service 140 processes payments), *the purchase initiated from the checkout screen using the remote computing device* (initiated in response to a customer clicking a confirmation button from the customer computing device). McNair (EX1003), ¶¶93-96.

(b) Claim 2

[2.0] The system of claim 1, wherein the metadata includes a title or textual description.

The combination of Kuruville and Chang renders obvious *the metadata includes a title or textual description* (e.g., the item data store includes item IDs, graphical images, titles, and textual descriptions). McNair (EX1003), ¶¶97-99.

As discussed in the analysis of limitation [1.2], the combination of Kuruville and Chang renders obvious the inclusion of *metadata* as part of the item details. This *metadata* would have

included the name of each item (i.e., *the metadata includes a title*) as well as “the description of the item” (i.e., a *textual description*). Kuruvila (EX1004), 8:27-30; Chang (EX1005), 9:7-11; McNair (EX1003), ¶¶98, ¶¶60-63.

Thus, the combination of Kuruvila and Chang renders obvious *the metadata includes a title or textual description* (e.g., the item data store includes item IDs, graphical images, titles, and textual descriptions). McNair (EX1003), ¶¶97-99.

(c) Claim 3

[3.0] The system of claim 1, wherein the remote computing device is a smartphone.

Kuruvila alone or in view of POSITA knowledge renders obvious *the remote computing device* (customer computing device) *is a smartphone* (e.g., an iPhone or other cell phone with capable of interacting with an online marketplace). McNair (EX1003), ¶¶100-107.

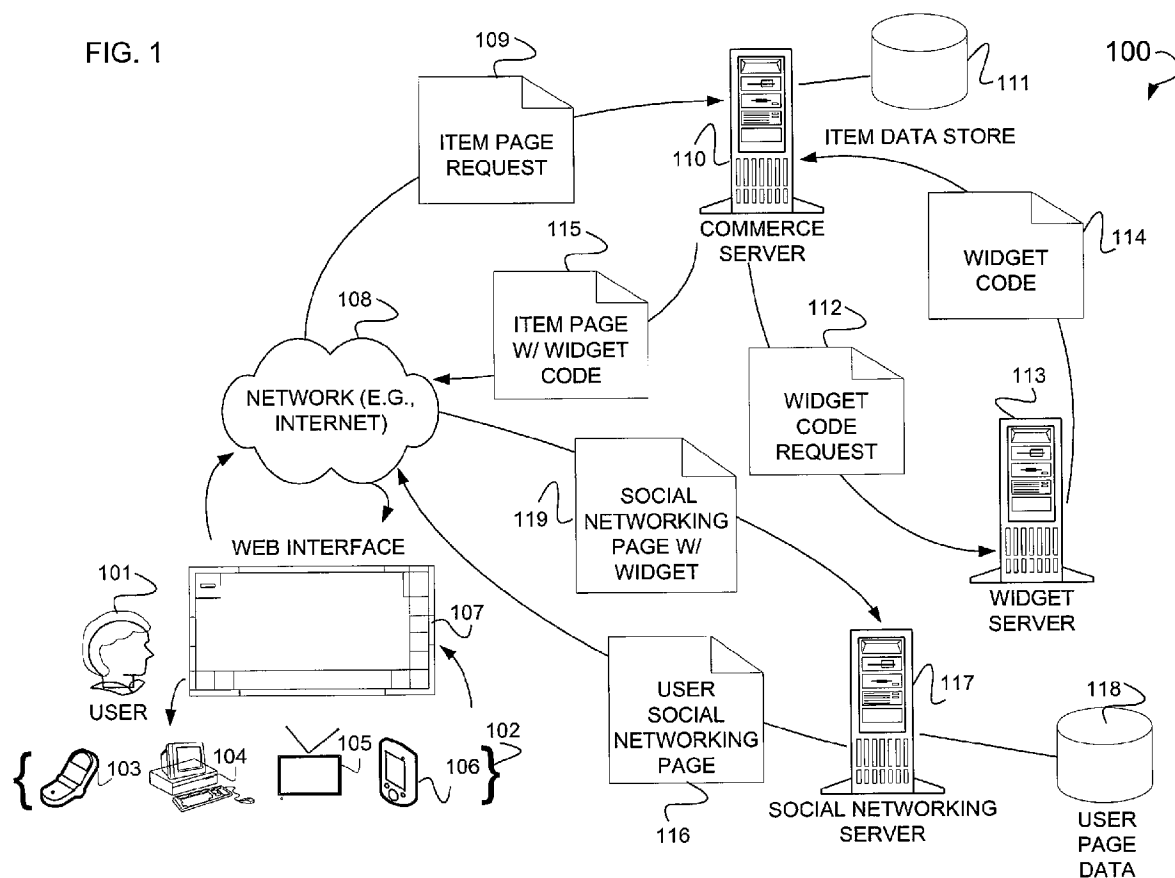
As discussed above in the analysis of claim 1, the combination of Kuruvila and Chang renders obvious the system of claim 1. And as discussed in the analysis of limitation [1.6], Kuruvila contemplates a customer computing device (*remote computing device*) that a customer uses to access a merchant web site using a web browser. McNair (EX1003), ¶¶90-91. Kuruvila explains that the customer computing device “could generally be any computing device.” Kuruvila (EX1004), 3:51-53; McNair (EX1003), ¶101.

While Kuruvila does not explicitly describe the computing device as a smartphone, it would have been obvious to use a smartphone as a computing device when interacting with a merchant website, per Kuruvila. Smartphones were well established by 2010, and it was well-known that smartphones had web browsers. *See, e.g.*, EX1012, 1:31-32 (BlackBerry patent describing mobile communication devices such as smartphones and explaining that “[i]t is known in the art to provide Internet browser functionality in such mobile communication devices”). Indeed, well-known phones such as the iPhone launched in 2007, with web browser functionality. *See generally* EX1007 (press release announcing iPhone and corresponding functionality). Kuruvila was filed in 2008, more than a year after smartphones such as the iPhone launched with web browser functionality. Thus, a POSITA implementing Kuruvila’s teachings would have recognized that a smartphone would have operated as a customer computing device (*remote computing device*) capable of accessing a web site and interacting in the ways contemplated in Kuruvila. McNair (EX1003), ¶102.

Thus, Kuruvila alone or in view of POSITA knowledge renders obvious *the remote computing device is a smartphone*. McNair (EX1003), ¶103.

To the extent it is argued that Kuruvila alone or in view of POSITA knowledge does not render obvious *the remote computing device is a smartphone*, Kuruvila in view of Chang renders it obvious. McNair (EX1003), ¶104.

Chang contemplates the use of widgets in online commerce. Chang describes an example system used for distributed commerce, shown in Figure 1 below:



Chang (EX1005), Fig. 1

Like Kuruvila, Chang contemplates a user 101 “utilizing a web interface 107” such as a web browser via a device 102. Chang explicitly states that “[t]he devices 102 may **include a cell phone 103**, a computer system 104, a monitor or television 105 and/or a Personal Digital Assistant (PDA) 106.” Chang (EX1005), 3:57-59. Thus, a POSITA would have understood that the customer devices in Kuruvila, which access a network via a web browser just like in Chang, would have

been *a smartphone* as is explicitly described in Chang, because such devices were capable of interacting with web-based marketplace systems via web browsers as contemplated in Kuruvila. McNair (EX1003), ¶¶105-106.

Thus, Kuruvila in view of Chang renders obvious *the remote computing device* (customer computing device) *is a smartphone* (e.g., an iPhone or other cell phone with capable of interacting with an online marketplace). McNair (EX1003), ¶¶100-107.

(d) Claim 4

[4.0] The system of claim 1, wherein the marketplace rule comprises one or more of: a price, sales campaign date, or geographic availability.

Kuruvila in view of Chang and Headings renders obvious that *the marketplace rule comprises one or more of: a price, sales campaign date, or geographic availability* (e.g., geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶108-110.

As discussed in the analysis of limitation [1.4], above, Kuruvila in view of Chang and Headings renders obvious *a marketplace rule*. McNair (EX1003), ¶¶78-80. And as discussed above, a POSITA would have been motivated to incorporate Heading's business rules into Kuruvila's widgets, as doing so would allow for greater control over product listings based on availability, ensure products were being distributed to geographic locations (*geographic availability*) where they are allowed, ensure better coordination over the price (*a price*), and provide time frame a product is available (*sales campaign date*). McNair (EX1003), ¶109.

Thus, Kuruvila in view of Chang and Headings renders obvious that *the marketplace rule comprises one or more of: a price, sales campaign date, or geographic availability* (e.g., geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶108-110.

(e) Claim 5

[5.0] The system of claim 1, wherein the product listing includes a share link.

Kuruvila in view of Chang renders obvious *the product listing* (widget coding) *includes a share link* (share button). McNair (EX1003), ¶¶111-114.

Kuruvila contemplates that widget coding (*the product listing*) "may alternatively be sent using another communication method, such as e-mail." Kuruvila (EX1004), 8:47-49. However, Kuruvila does not explicitly describe how widget coding would be sent using different communication methods. It would have been obvious, in view of Chang, to implement Kuruvila's

widgets such that the widgets (*product listing*) includes a share link to facilitate this alternative method of sending widget coding. McNair (EX1003), ¶112.

Chang contemplates the inclusion of a share button within widget code. Chang (EX1005), 5:66-6:4 (“Some example embodiments may include the item page with widget code 201 including a share button. This share button, when executed using an input device, may generate a prompt asking the user 201 where they would like to embed the widget code (e.g., what web page associated with what web site and servers associated with the web site).”). In the combination of Kuruvila and Chang, these share buttons would be implemented within Kuruvila’s widget coding to allow for alternative methods of sending widgets. McNair (EX1003), ¶113.

Thus, Kuruvila in view of Chang renders obvious *the product listing* (widget coding) includes a share link (share button). McNair (EX1003), ¶¶111-114.

(f) Claim 6

[6.0] The system of claim 5, wherein when the server receives an indication that the share link has been selected activated by the remote computing device, the server distributes the product listing to a social media network.

Kuruvila in view of Chang renders obvious *when the server receives an indication that the share link has been selected activated by the remote computing device* (user interacts with the share button), *the server distributes the product listing to a social media network* (e.g., transmits the widget code to Facebook, MySpace, and LinkedIn). McNair (EX1003), ¶¶115-118.

As discussed above in the analysis of claim 5, Kuruvila contemplates that widget coding (*the product listing*) “may alternatively be sent using another communication method, such as e-mail.” Kuruvila (EX1004), 8:47-49; McNair (EX1003), ¶112. While Kuruvila does not explicitly contemplate distributing widget coding *to a social media network*, it would have been obvious to do so in view of Chang. McNair (EX1003), ¶116. Chang explains that a share button allows the distribution of widget code to a web site:

Some example embodiments may include the item page with widget code 201 including a share button. This share button, when executed using an input device, may generate a prompt asking the user 201 where they would like to embed the widget code (e.g., what web page associated with what web site and servers associated with the web site). Where a web site is selected, the user 201 may be

prompted with a login associated with this web site. In some example embodiments, HTTP, HTTPS or FTP over TCP/IP may be used to facilitate the login process. Where login is successful, widget code may be directly inserted into the user 201's web page associated with the web site. This insertion process may not involve user 101.

Chang (EX1005), 5:66-6:11. Chang further contemplates the transmission of widget code to social media networking sites, such as Facebook, MySpace, and LinkedIn. Chang (EX1005), 5:12-19 (“[W]idget code is distributed to social networking servers. Shown is **the user 101 who, utilizing the web interface 107, may be able to select** a plurality of social networking servers reflecting a plurality of social networking sites. These social networking sites may have trade names including FACEBOOK™, MYSPACE™, LINKED-IN™, or some other suitable social networking site.” (emphasis added)); McNair (EX1003), ¶116.

It would have been obvious to a POSITA that *the share link has been selected activated by the remote computing device* because customer interaction with Kuruvila’s system, in view of Chang, is done via a customer device such as a smartphone, as discussed above in the analysis of claim 3. McNair (EX1003), ¶117. Thus, a customer would select or otherwise activate a share link through interactions with a customer device. McNair (EX1003), ¶117.

Thus, Kuruvila in view of Chang renders obvious *when the server receives an indication that the share link has been selected activated by the remote computing device* (user interacts with the share button), *the server distributes the product listing to a social media network* (e.g., transmits the widget code to Facebook, MySpace, and LinkedIn). McNair (EX1003), ¶¶115-118.

(g) Claim 8

[8.0] The system of claim 1, wherein the server comprises one or more cloud-based servers.

Kuruvila in view of POSITA knowledge renders obvious *the server comprises one or more cloud-based servers* (the system is implemented using multiple servers, or alternatively, servers are implemented using cloud-based alternatives such as Amazon Web Services). McNair (EX1003), ¶¶119-123.

While Kuruvila contemplates a system “that includes one or more physical servers,” Kuruvila further explains that the servers “can include servers that are co-located and/or geographically distributed.” Kuruvila (EX1004), 3:3-5. In the art, “[t]he term ‘cloud of servers’ is

to be understood as referring to a group of one or more servers, any one of which may be used to provide network and computing services to clients.” EX1013, 6:63-66. Accordingly, because Kuruvila discloses the use of multiple servers (i.e., a group of servers) working together to achieve the functionality of the payment service system, Kuruvila renders obvious *the server comprises one or more cloud-based servers*. McNair (EX1003), ¶120.

Additionally, a POSITA would have understood that there are multiple ways of implementing servers for a web service such as a commerce service that are available in alternative manners, such as through the use of cloud-based servers. McNair (EX1003), ¶121. For instance, Amazon began offering cloud web services, Amazon Web Services, as early as 2006, allowing “resizable compute capacity” and custom configuration of cloud instances “from your operating system up to your applications.” *See* EX1008 (Internet Archive capture of Amazon Web Services information page); *see also* EX1009 (Amazon press release announcing launch of Amazon Web Services); McNair (EX1003), ¶121.

Indeed, Kuruvila itself was filed by and assigned to Amazon, the same company that offers Amazon Web Services. *See* Kuruvila (EX1004), cover at (75). A POSITA would have understood that, notwithstanding Kuruvila’s references to physical servers, cloud-based alternatives such as those provided by Amazon Web Services would have been obvious to try. Cloud-based alternatives such as Amazon Web Services were well-known predictable alternatives to physical servers that provide advantages such as scalability, and a POSTIA would have had a reasonable expectation of success in implementing Kuruvila’s servers as cloud-based servers, as the functionality of Kuruvila is not dependent on the location of the server. *See* Kuruvila (EX1004), 3:3-5 (noting that servers can be “geographically distributed”); McNair (EX1003), ¶122. A POSITA also would have been motivated to implement Kuruvila’s servers as cloud-based servers using an architecture such as Amazon Web Services, and doing so would have been no more than the simple substitution of one known element (physical servers that are geographically distributed) for another (cloud-based servers implemented through Amazon Web Services) to obtain predictable results (remote servers that support the implementation of Kuruvila’s teachings, in view of Chang and Headings). *See* MPEP § 2143(B); McNair (EX1003), ¶122.

Thus, Kuruvila in view of POSITA knowledge renders obvious *the server comprises one or more cloud-based servers* (the system is implemented using multiple servers, or alternatively,

servers are implemented using cloud-based alternatives such as Amazon Web Services). McNair (EX1003), ¶¶119-1243

(h) Claim 9

Claim 9 is substantially similar to claim 1, as shown in the table below, except for differences between limitations [9.0] and [1.0], and between [9.5] and [1.5]. Thus, limitations [9.1]-[9.4] and [9.6]-[9.7] are rendered obvious for the same reasons as discussed in claim 1, above. McNair (EX1003), ¶124.

Claim 1	Claim 9
<i>[1.0] A system for distributing multimedia content over a network, comprising:</i>	<i>[9.0] A system for generating distributing multimedia content over a network, comprising:</i>
<i>[1.1] a server configured to control a transaction processing service; and</i>	<i>[9.1] a server configured to control a transaction processing service; and</i>
<i>[1.2] a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,</i>	<i>[9.2] a storage resource communicatively coupled to the server, and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,</i>
<i>[1.3] wherein the server is configured to: receive the item from the storage resource;</i>	<i>[9.3] wherein the server is configured to: receive the item from the storage resource;</i>
<i>[1.4] execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;</i>	<i>[9.4] execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;</i>
<i>[1.5] distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule;</i>	<i>[9.5] distribute the product listing to a web site operated by the server or to a distributed application not operated by the server based on the marketplace rule;</i>
<i>[1.6] receive an indication that the clickable buy button has been selected by a remote computing device; and</i>	<i>[9.6] receive an indication that the clickable buy button has been selected by a remote computing device; and</i>

<i>[1.7] provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.</i>	<i>[9.7] provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.</i>
--	--

[9.0] A system for generating distributing multimedia content over a network, comprising:

To the extent the preamble is limiting, it is rendered obvious for the same reasons as discussed in the analysis of element [1.0], above. Requester notes that claim 9 recites a “system for **generating distributing**.” As discussed in the analysis of claim 1, Kuruvila in view of Chang and Headings renders obvious a system for the **distribution** of widgets, as well as the **generation** of the widgets. Thus, to the extent the preamble is limiting, Kuruvila in view of Chang and Headings render obvious both the generating and distributing elements. McNair (EX1003), ¶125.

[9.5] wherein the server is configured to: ... distribute the product listing to a web site operated by the server or to a distributed application not operated by the server based on the marketplace rule;

The combination of Kuruvila, Chang, and Headings renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site operated by the server or to a distributed application not operated by the server* (to a social network) *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶126-131.

First, as discussed above in the analysis of limitation [1.5], the combination of Kuruvila and Chang renders obvious *distribut[ing] the product listing to a web site*. McNair (EX1003), ¶127, ¶84.

Second, Kuruvila in view of Chang renders obvious *distribut[ing] the product listing... to a distributed application not operated by the server* (e.g., a social media network). Kuruvila contemplates that widget coding (*the product listing*) “may alternatively be sent using another communication method, such as e-mail.” Kuruvila (EX1004), 8:47-49. While Kuruvila does not

explicitly contemplate distributing widget coding *to a distributed application not operated by the server*, it would have been obvious to do so in view of Chang. McNair (EX1003), ¶128.

Chang describes a commerce server connecting with a social networking server and transmitting widget code to the social networking server. Chang (EX1005), 5:12-19. A social network is *a distributed application not operated by the server* because social networks contemplated by Chang, such as Facebook, Myspace, and LinkedIn are existing social networks, which operate on multiple servers (i.e., *distributed application*) operated externally from Chang's servers (i.e., *not operated by the server*). McNair (EX1003), ¶129. In the combination of Kuruvila and Chang, widget coding would instead alternatively be sent to a social media network, per Chang, rather than a web page or via email. This could both be done through the use of a share button, as discussed above in the analysis of claims 5 and 6, as well as for the initial distribution option here, as an alternative to sending to a web page or via email. McNair (EX1003), ¶129. Indeed, Chang describes that "widget code may be implemented on a commerce server or a social media server that is distinct from the originating server," where distribution of a widget to a social media network is an alternative to a commerce server such as a storefront. Chang (EX1005), 3:25-30, McNair (EX1003), ¶129. Doing so would merely be combining prior art elements (initially sending widget coding, per Kuruvila, with a destination of a social media network, per Chang) according to known methods to yield predictable results (a distribution option for widgets to social media networks directly). McNair (EX1003), ¶129.

Third, as discussed above in the analysis of limitation [1.5], the combination of Kuruvila, Chang, and Headings renders obvious that such distribution would be *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶130, ¶85.

Thus, the combination of Kuruvila, Chang, and Headings renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site operated by the server or to a distributed application not operated by the server* (to a social network) *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶126-131.

(i) Claims 10-14

Claims 10-14 are substantially similar to claims 2-6, except that claims 10-14 depend from claim 9, while claims 2-6 depend from claim 1. As demonstrated immediately above, claim 9 is rendered obvious by the combination of Kuruvila, Chang, and Headings. Thus, claims 10-14 are rendered obvious for the same reasons as claims 2-6. McNair (EX1003), ¶132.

(j) Claim 15

Claim 15 is substantially similar to claim 1, as shown in the table below, except for differences between limitations [15.0] and [1.0], between [15.5] and [1.5], and between [15.7] and [1.7]. Thus, limitations [15.1]-[15.4] and [15.6] are rendered obvious for the same reasons as discussed in claim 1, above. Further, limitation [15.0] contains the same “generating distributing” language as limitation [9.0], discussed above, and thus is rendered obvious for the same reason as discussed in claim 9, above. McNair (EX1003), ¶133.

Claim 1	Claim 15
<i>[1.0] A system for distributing multimedia content over a network, comprising:</i>	<i>[15.0] A system for generating distributing multimedia content over a network, comprising:</i>
<i>[1.1] a server configured to control a transaction processing service; and</i>	<i>[15.1] a server configured to control a transaction processing service; and</i>
<i>[1.2] a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,</i>	<i>[15.2] a storage resource communicatively coupled to the server, and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,</i>
<i>[1.3] wherein the server is configured to: receive the item from the storage resource;</i>	<i>[15.3] wherein the server is configured to: receive the item from the storage resource;</i>
<i>[1.4] execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;</i>	<i>[15.4] execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;</i>
<i>[1.5] distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed</i>	<i>[15.5] distribute the product listing to a web site or to a social media network based on the marketplace rule;</i>

<i>on the web site or the distributed application based on the marketplace rule;</i>	
<i>[1.6] receive an indication that the clickable buy button has been selected by a remote computing device; and</i>	<i>[15.6] receive an indication that the clickable buy button has been selected by a remote computing device; and</i>
<i>[1.7] provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.</i>	<i>[15.7] provide a checkout screen to the remote computing device for purchasing a product associated with the product listing, wherein transaction processing service is configured to process a payment for a purchase of the product initiated from the checkout screen using the remote computing device.</i>

[15.5] wherein the server is configured to: ... distribute the product listing to a web site or to a social media network based on the marketplace rule;

The combination of Kuruvila and Chang renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site or to a social media network* (to a merchant site or social network) *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶134-138.

First, as discussed above in the analysis of limitation [1.5], the combination of Kuruvila and Chang renders obvious *distribut[ing] the product listing to a web site*. McNair (EX1003), ¶135, ¶84.

Second, as discussed above in the analysis of limitation [9.5], Kuruvila in view of Chang renders obvious *distribut[ing] the product listing...to a social media network*. McNair (EX1003), ¶136, ¶¶128-129.

Third, as discussed above in the analysis of limitation [1.5], the combination of Kuruvila, Chang, and Headings renders obvious that such distribution would be *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶137, ¶85.

Thus, the combination of Kuruvila, Chang, and Headings renders obvious that *the server* (server 142 in payment service system 140) *is configured to: ... distribute the product listing* (widget code generated by widget generator 148) *to a web site or to a social media network* (to a

merchant site or social network) *based on the marketplace rule* (e.g., products are shown based on geographic location, price, price range, and time frame available). McNair (EX1003), ¶¶134-138

[15.7] wherein the server is configured to: ... provide a checkout screen to the remote computing device for purchasing a product associated with the product listing, wherein transaction processing service is configured to process a payment for a purchase of the product initiated from the checkout screen using the remote computing device.

Limitation [15.7] is rendered obvious for the same reasons as described as limitation [1.7], above. While the language differs slightly, both limitations [15.7] and [1.7] recite “provid[ing] a checkout screen to the remote computing device” for the purposes of “purchasing a product associated with the product listing.” ’678 Patent (EX1001), Claims 1, 15. The checkout screen provided by Kuruvila, as discussed in the analysis of limitation [1.7], is provided “for purchasing a product associated with the product listing” because it provides a payment form for the item, and allows transaction processing to purchase the item. Kuruvila (EX1004), 10:9-62; McNair (EX1003), ¶139, ¶¶94-95. Thus, limitation [15.7] is rendered obvious for the same reasons as limitation [1.7], notwithstanding slight languages in the claim language ordering. McNair (EX1003), ¶139.

(k) Claims 16-20

Claims 16-20 are substantially similar to claims 2-6, except that claims 16-20 depend from claim 15, while claims 2-6 depend from claim 1. As demonstrated immediately above, claim 15 is rendered obvious by the combination of Kuruvila, Chang, and Headings. Thus, claims 16-20 are rendered obvious for the same reasons as claims 2-6. McNair (EX1003), ¶140.

III. SECONDARY CONSIDERATIONS

This Request demonstrates that the Challenged Claims of the '678 Patent are unpatentable as obvious in view of the prior art references. The Applicant did not identify any evidence of secondary considerations during prosecution. Further, the clear teachings in the prior art outweigh any supposed "secondary considerations." *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 36 (1966).

IV. DISCLOSURE OF CONCURRENT LITIGATION AND REEXAMINATION PROCEEDINGS

Based on information available to Requester, the '678 Patent is the subject of 1 District Court litigation, as listed in the below table. Requester is unaware of any prior reexaminations or other post-grant proceedings in which the '678 Patent is or has been involved.

- *DKR Consulting, LLC v. Shopify, Inc.*, Case No. 2:23-cv-06904 (C.D. Cal., Aug. 22, 2023)

V. LIST OF EXHIBITS

Exhibit 1001	U.S. Patent No. 11,455,678
Exhibit 1002	Prosecution History of U.S. Patent No. 11,455,678
Exhibit 1003	Declaration of Bruce McNair
Exhibit 1004	U.S. Patent No. 9,747,621 to <i>Kuruvila</i> (“ <i>Kuruvila</i> ”)
Exhibit 1005	U.S. Patent No. 8,260,687 to <i>Chang</i> et al. (“ <i>Chang</i> ”)
Exhibit 1006	U.S. Patent No. 8,468,099 to <i>Headings</i> et al. (“ <i>Headings</i> ”)
Exhibit 1007	https://www.apple.com/newsroom/2007/01/09Apple-Reinvents-the-Phone-with-iPhone/
Exhibit 1008	https://web.archive.org/web/20061207151541/http://www.amazon.com/b?ie=UTF8&node=201590011
Exhibit 1009	https://press.aboutamazon.com/2006/3/amazon-web-services-launches
Exhibit 1010	<i>DKR Consulting, LLC v. Shopify, Inc.</i> , Case No. 2:23-cv-06904, Dkt. 1 (C.D. Cal., Aug. 22, 2023)
Exhibit 1011	CV of Bruce McNair
Exhibit 1012	U.S. Patent No. 8,195,763 to <i>Knowles</i> et al. (“ <i>Knowles</i> ”)
Exhibit 1013	U.S. Patent No. 7,865,469 to <i>Hopmann</i> et al. (“ <i>Hopmann</i> ”)

VI. CONCLUSION

Reexamination and cancellation of claims 1-6 and 8-20 of the '678 Patent is respectfully requested. The Commissioner is hereby authorized to charge Deposit Account 50-6990 under Docket No. DKR678 the *Ex Parte* Reexamination fee of \$12,600 under 37 C.F.R. § 1.20(c)(2). Requester believes no other fee is due with this submission, however the Commissioner is hereby authorized to charge any fee deficiency or credit any over-payment to Deposit Account 50-6990.

Please direct all correspondence in this matter to the undersigned.

Dated: 4/9/24

Respectfully submitted,

By: /Matthew Beck/

Matthew Beck, Reg. No. 79,791

Roshan Mansinghani, Reg. No. 62,428

4445 Willard Avenue, Suite 600

Chevy Chase, MD 20815

matt@unifiedpatents.com

T: 240-223-7995

roshan@unifiedpatents.com

T: 214-953-6737

Counsel for Requester

Unified Patents, LLC