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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHOPIFY INC.
Petitioner

v.

DKR CONSULTING LLC
Patent Owner

IPR2025-00132
U.S. Patent No. 11,157,995

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 11,157,995
CHALLENGING CLAIMS 1–14
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

TABLE OF CONTENTS

	Page
I. MANDATORY NOTICES	1
A. Real Party-in-Interest	1
B. Related Matters.....	1
C. Counsel	3
D. Service Information.....	3
II. CERTIFICATION OF GROUNDS FOR STANDING	4
III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED.....	4
A. Prior Art.....	4
B. Grounds	5
IV. TECHNOLOGY BACKGROUND.....	5
A. Electronic Commerce	5
B. Electronic Commerce in Social Networks	6
C. Widgets for Product Listings.....	7
V. OVERVIEW OF THE '995 PATENT	8
A. Alleged Invention	8
B. Prosecution History	8
C. Overlooking the Prior Art was Material Error	9
VI. CLAIM CONSTRUCTION	11
VII. LEVEL OF ORDINARY SKILL	11
VIII. SPECIFIC GROUNDS FOR UNPATENTABILITY.....	12
A. Ground 1: Claims 1–14 are Obvious over Johnston and Dierks.....	12
1. Claim 1	12
2. Claim 2	45
3. Claim 3	46
4. Claim 4	47
5. Claim 5	48
6. Claim 6	49

7.	Claim 7	51
8.	Claim 8	51
9.	Claim 9	53
10.	Claim 10	55
11.	Claim 11	56
12.	Claim 12	59
13.	Claim 13	61
14.	Claim 14	61
B.	Ground 2: Claims 1–14 are Obvious over Wiser, Dierks, and Chang	61
1.	Claim 1	61
2.	Claim 2	97
3.	Claim 3	98
4.	Claim 4	98
5.	Claim 5	98
6.	Claim 6	98
7.	Claim 7	100
8.	Claim 8	100
9.	Claim 9	101
10.	Claim 10	101
11.	Claim 11	103
12.	Claim 12	105
13.	Claim 13	106
14.	Claim 14	106
IX.	CONCLUSION	106
X.	APPENDIX OF CLAIM LISTING	107

Shopify Inc. (“Petitioner” or “Shopify”) respectfully requests *inter partes* review (“IPR”) of claims 1–14 of U.S. Patent (“USP”) No. 11,157,995 (the “’995 patent”) (EX1001) pursuant to 35 U.S.C. §§311–19 and 37 C.F.R. §42.1 *et seq.*

I. MANDATORY NOTICES

A. Real Party-in-Interest

Under 37 C.F.R. §42.8(b)(1), Petitioner certifies that Shopify Inc. is the real party-in-interest.

B. Related Matters

The ’995 patent is a continuation of application No. 16/512,018, now USP No. 11,455,678 (the “’678 patent”), which is a continuation of 15/591,208, now USP No. 10,395,304, which is a continuation of application No. 13/571,293, now USP No. 9,679,298 and assigned to DKR Consulting LLC (“Patent Owner” or “PO”), which is a continuation-in-part of application No. 12/852,090, now abandoned.

Shopify is concurrently filing petition for IPR against the ’678 patent. Shopify is also concurrently filing a petition for IPR against USP No. 10,846,785 (the “’785 patent”) and USP No. 11,488,237 (the “’237 patent”). The ’785 patent claims priority to the ’678 patent, and the ’237 patent claims priority to the ’995 patent.

As of the filing date of this petition, Shopify knows of the following co-pending litigation involving the ’995 patent, in which PO asserts it is the owner: *DKR Consulting LLC v. Shopify, Inc.*, No. 2:23-cv-6904 (C.D. Cal.); *DKR*

Consulting, LLC v. Shopify, Inc., No. 2024-2279 (Fed. Cir.). The earliest date of service was December 5, 2023. A Motion to Dismiss was granted on August 1, 2024 finding all claims of the '995 patent to be ineligible under 35 U.S.C. §101. EX1025, 14 (“In short, the Asserted Patents do not claim patent-eligible subject matter under Section 101 and the Alice test.”), 10 (“In sum, all the claims in these patents describe inventions that are substantially similar and linked to the same idea. The Court therefore finds that Claim 1 of each of the Asserted Patents is representative of the other claims within those patents.”). On August 26, 2024, PO noticed its appeal of the district court’s dismissal order and final judgment. EX1026. The Court of Appeals for the Federal Circuit issued a Notice of Docketing on August 30, 2024. EX1030. On October 29, 2024, PO filed its opening brief. EX1031.

The '678 patent is currently under reexamination, Control No. 90/019,476. The request for *ex parte* reexamination was filed by Unified Patents, LLC on April 9, 2024. EX1028. On May 16, 2024, the Patent Office ordered reexamination, finding a substantial new question of patentability as to claims 1–6 and 8–20 of the '678 patent. A non-final Office Action was issued on September 18, 2024. EX1029. PO petitioned for an extension of time to respond to the Office Action. The petition was dismissed, and PO failed to file a response by the November 18, 2024 due date. EX1033.

C. Counsel

Under 37 C.F.R. §§42.8(b)(3)–(4), Shopify identifies the following lead and backup counsel, to whom all correspondence should be directed.

Lead Counsel:	Daniel Williams (Reg. No. 45,221)
Backup Counsel:	Gregory Lantier (<i>pro hac vice</i> to be filed)
	Trishan Efram (Reg. No. 74,075)
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Shopify consents to service by e-mail on lead and backup counsel.

II. CERTIFICATION OF GROUNDS FOR STANDING

Shopify certifies under 37 C.F.R. §42.104(a) that the patent for which review is sought is available for *inter partes* review (IPR) and under 37 C.F.R. §§42.101(a)–(c) that Shopify is not barred or estopped from requesting an IPR challenging the patent claims on the grounds identified in this Petition.

III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

Shopify requests review of claims 1–14 of the '995 patent and cancellation of these claims as unpatentable over the prior art.

A. Prior Art

The earliest claimed priority date of the '995 patent is August 6, 2010. EX1001 at 2. Shopify relies on the documents in the Table of Exhibits, including:

- USP Application Publication No. 2010/0114739 to Johnston (EX1005), filed on September 2, 2009 and published on May 6, 2010, as §§102(a), 102(e) prior art;¹
- USP No. 6,868,403 to Wiser et al. (“Wiser”) (EX1003), issued on March 15, 2005, as §102(b) prior art;

¹ Johnston is entitled to the September 3, 2008 filing date of provisional application No. 61/093,917 to which it claims priority, as Dr. Mowry explains in his declaration. EX1002, ¶¶44–48.

- USP Application Publication No. 2008/0183593 to Dierks (EX1004), published on July 31, 2008, as §102(b) prior art; and
- USP Application Publication No. 2008/0255962 to Chang et al. (“Chang”) (EX1008), published on October 16, 2008, as §102(b) prior art.

B. Grounds

Under 37 C.F.R. §§42.22(a)(1) and 42.104(b)(1)–(2), Shopify requests cancellation of claims 1–14 of the ’995 patent on the following grounds:

Ground	Basis	Claims	References
1	§103	1–14	Johnston and Dierks
2	§103	1–14	Wiser, Dierks, and Chang

This Petition, supported by the declaration of Dr. Mowry (EX1002), demonstrates that there is a reasonable likelihood Shopify will prevail with respect to cancellation of at least one of the challenged claims. *See* 35 U.S.C. §314(a).

IV. TECHNOLOGY BACKGROUND

A. Electronic Commerce

Electronic commerce—the trading of goods and services over the Internet—was well-known more than a decade before the ’995 patent’s priority date. For example, Wiser, claiming priority to a 1998 provisional application, explained that “[t]he rapid development of the **Internet** and the World Wide Web has primarily

focused on these technologies as vehicles for **online commerce** for the distribution of their products.” EX1003, 1:15–17; *see also* EX1006, ¶4 (“Merchants, service providers, and/or private individuals, may offer items for sale on a web page appearing on a website accessible by a browser via the internet.”); EX1011, 1:15–16 (“Consumers routinely shop for and **purchase products and services from merchant web sites.**”); EX1012, 1:15–17 (“**Internet electronic commerce** allows businesses to conduct sales transactions over the Internet between customers (buyers) and vendors **supplying goods and services.**”); EX1013, ¶4 (“**Electronic commerce** sites allowing users to post and sell their own items... have also become popular.”).² Indeed, the ’995 patent itself acknowledges that “[e]lectronic commerce on the Internet has become commonplace.” EX1001, 1:25–26. EX1002, ¶30.

B. Electronic Commerce in Social Networks

Performing electronic commerce in social networks was also well-known before the ’995 patent’s priority date. For example, USP Application Publication No. 2008/0228595 to Hill, filed in 2007, disclosed a “system for supporting electronic commerce in social networks.” EX1013, Title, ¶8 (“ability to add commerce capability (e.g., buy and sell goods and services) and syndicate product information to numerous social network third-party websites.”); *see also* EX1010

² Emphasis and annotations added throughout unless stated otherwise.

(Johnston-Provisional), Specification at 7 (“The seller can be selling their content... on social networking sites such as Facebook, MySpace, Bebo...”). Similarly, Chang, filed in 2007, disclosed a distributed commerce system for distributing an “item page” that includes an item for sale to “social networking servers reflecting a plurality of social networking sites” such as “FACEBOOK™, MYSPACE™, LINKED-IN™.” EX1008, Abstract, ¶41. EX1002, ¶31.

C. Widgets for Product Listings

Given the proliferation of electronic commerce over the Internet, including social networks, it became common to use “widgets” or widget code to allow sellers to more easily and freely advertise (*i.e.*, “list”) their products for sale. A “widget” is simply a portable piece of code that can be installed and executed within an environment using the same or a different programming language. EX1008, ¶31. For example, Chang disclosed widget servers that generate widget code for item/web pages related to items for sale that could be distributed to social networking sites. *Id.*, ¶¶37, 41, Figure 1. Notably, systems were known to gather pertinent information from sellers and generate such widget code. For instance, Dierks in 2008 disclosed a user interface that “presents a user with an easy, step-by-step process for entering relevant information and obtaining ... code” that could be “cut-and-pasted into the user’s web page.” EX1004, ¶¶71, 74. Likewise, Johnston disclosed a server that provides user interfaces that allow sellers to generate “Embed code” and publish

their product listings to the sellers' social networking sites and "any HTML web site." EX1005, Figures 3A–3G, ¶¶225–231. The widget code in the prior art comports with the '995 patent's description. EX1001, 1:62–65 ("A web widget is portable software that can be installed and executed within a hypertext-markup-language web page by an end user that does not require additional compilation."). EX1002, ¶32.

V. OVERVIEW OF THE '995 PATENT

A. Alleged Invention

The claims of the '995 patent describe a system with a server configured to generate and embed a product listing into a web site and into a social media network, and control a transaction processing service to process a payment for a purchase of a product associated with the product listing. EX1001, claims 1, 6, 11. As the grounds below demonstrate, such a server was well-known in the art before the '995 patent's priority date. EX1002, ¶¶33–34.

B. Prosecution History

The '995 patent issued from application No. 17/104,224, filed November 25, 2020, as a continuation to application No. 16/512,018, filed July 15, 2019, now the '678 patent. Both applications claim priority to application No. 12/852,090, filed August 6, 2010. After failing to overcome the Examiner's initial rejections, the applicant heavily amended the claims and requested continued examination.

EX1009, 207–217, 445–463. The Examiner issued a second non-final Office Action, which was followed by further claim amendments by both the applicant and the Examiner, resulting in a Notice of Allowance on September 17, 2021. *Id.*, 551–562, 571–583. The Examiner merely stated that the closest prior art on record “teaches product configuration and content distribution system and method” but “does not disclose or render obvious the claims.” *Id.*, 580. As the grounds below demonstrate, the prior art discloses or renders obvious the claims.

C. Overlooking the Prior Art was Material Error

Wiser was not before the Examiner during prosecution. Johnston, Chang, and USP No. 9,721,290, which is related³ to Dierks, were of record in the ’995 patent’s prosecution, but the Examiner did not mention, describe, address, or apply Johnston, Chang, and the ’290 patent—alone or in combination—substantively.

“[I]f the record of the Office’s previous consideration of the art is not well-developed or *silent*, then a petitioner may show the Office erred by overlooking something persuasive....” *Advanced Bionics, LLC v. MED-EL Elektromedizinische Gerate GmbH*, IPR2019-01469, Paper 6 at 10 (P.T.A.B. Feb. 13, 2020); *see also Amazon.com, Inc., v. M2M Solutions LLC*, IPR2019-01205, Paper 14 at 16 (P.T.A.B.

³ The ’290 patent is the last in a chain of continuation and divisional applications stemming from Dierks.

Jan. 27, 2020) (“The Board frequently holds that a reference that ‘was neither applied against the claims nor discussed by the Examiner’ does not weigh in favor of exercising the Board’s discretion under § 325(d) to deny a petition.”).

As discussed in the grounds below, the combination of Johnston and Dierks or of Wiser, Dierks, and Chang discloses or renders obvious the claims that the Examiner indicated were not taught by the closest prior art (EX1009 at 580), demonstrating that the challenged claims are unpatentable. By overlooking the specific teachings of Johnston, Chang, and Dierks-related ’290 patent in allowing the challenged claims, the Examiner committed a material error even if PO may argue that the Examiner considered Johnston, Chang, and Dierks. *See* 35 U.S.C. §325(d); *Advanced Bionics*, Paper 6 at 10.

The Board has previously instituted review under these exact circumstances, and Shopify respectfully requests that it do so again here. *See, e.g., Mylan Pharms. Inc. v. Merck Sharp & Dohme Corp.*, No. IPR2020-00040, Paper 21 at 17–18 (P.T.A.B. May 12, 2020) (instituting review even though “WO ’498 was presented to the Examiner” because the “Examiner never discussed WO ’498 or made a rejection based on it” and “gave no reasons for allowance” even though the “disclosure meets the claimed invention” and “[t]he likeliest explanation ... is that the Examiner simply overlooked [its] teachings”); *Roku, Inc. v. Universal Elecs., Inc.*, No. IPR2019-01615, Paper 12 at 12–13 (P.T.A.B. Apr. 17, 2020) (“Examiner

erred by overlooking the specific teachings of Chardon” because it taught the precise limitations that the Examiner had concluded were “not disclosed, taught, or suggested in the references applied” in allowing the claims); *see also Advanced Bionics*, Paper 6 at n.9 (“An example of a material error may include misapprehending or overlooking specific teachings of the relevant prior art where those teachings impact patentability of the challenged claims.”).

VI. CLAIM CONSTRUCTION

The challenged claims of the ’995 patent are construed “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. §282(b).” 37 C.F.R. §42.100(b) (Nov. 13, 2018). Each claim term should be given its plain and customary meaning as understood by one of ordinary skill in the art, in accordance with *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). If PO, seeking to avoid the prior art, offers a specific construction or interpretation, Shopify reserves the right to respond.

VII. LEVEL OF ORDINARY SKILL

A person of ordinary skill in the art (“POSITA”) at the time of the ’995 patent’s earliest claimed priority date (August 6, 2010) would have had at least the equivalent of a bachelor’s degree in computer science, computer engineering, or a related subject and two or more years of experience in the field of distributed systems, transaction processing, and web-based user interfaces. Less work

experience may be compensated by a higher level of education, such as a master's degree, and vice versa. EX1002, ¶29.

VIII. SPECIFIC GROUNDS FOR UNPATENTABILITY

Under 37 C.F.R. §42.104(b)(4)–(5), the following sections (as confirmed in Dr. Mowry's declaration, EX1002, ¶¶58–275) detail the grounds of unpatentability, the limitations of challenged claims 1–14 of the '995 patent, and how these claims were obvious in view of the prior art.

A. Ground 1: Claims 1–14 are Obvious over Johnston and Dierks

1. Claim 1

a) 1[preamble]: “A system for generating an electronic commerce store, comprising:”

Regardless of whether the preamble is limiting, Johnston discloses it. EX1002, ¶59.

First, for example, Johnston discloses “an environment of a platform providing **systems and methods for monetizing content, products and services, and for handling buyer-side and sell-side.**” EX1005, ¶114, Figure 1A. Johnston's system includes a platform server 110 that communicates, over networks 104 and 104', with devices that display a plurality of **Storefronts 102a–102c** that allows buyers to electronically purchase content, products, and services from sellers. *Id.*,

¶114, Figure 1A. Thus, each **Storefront** is “an electronic commerce store.”⁴
EX1002, ¶60.

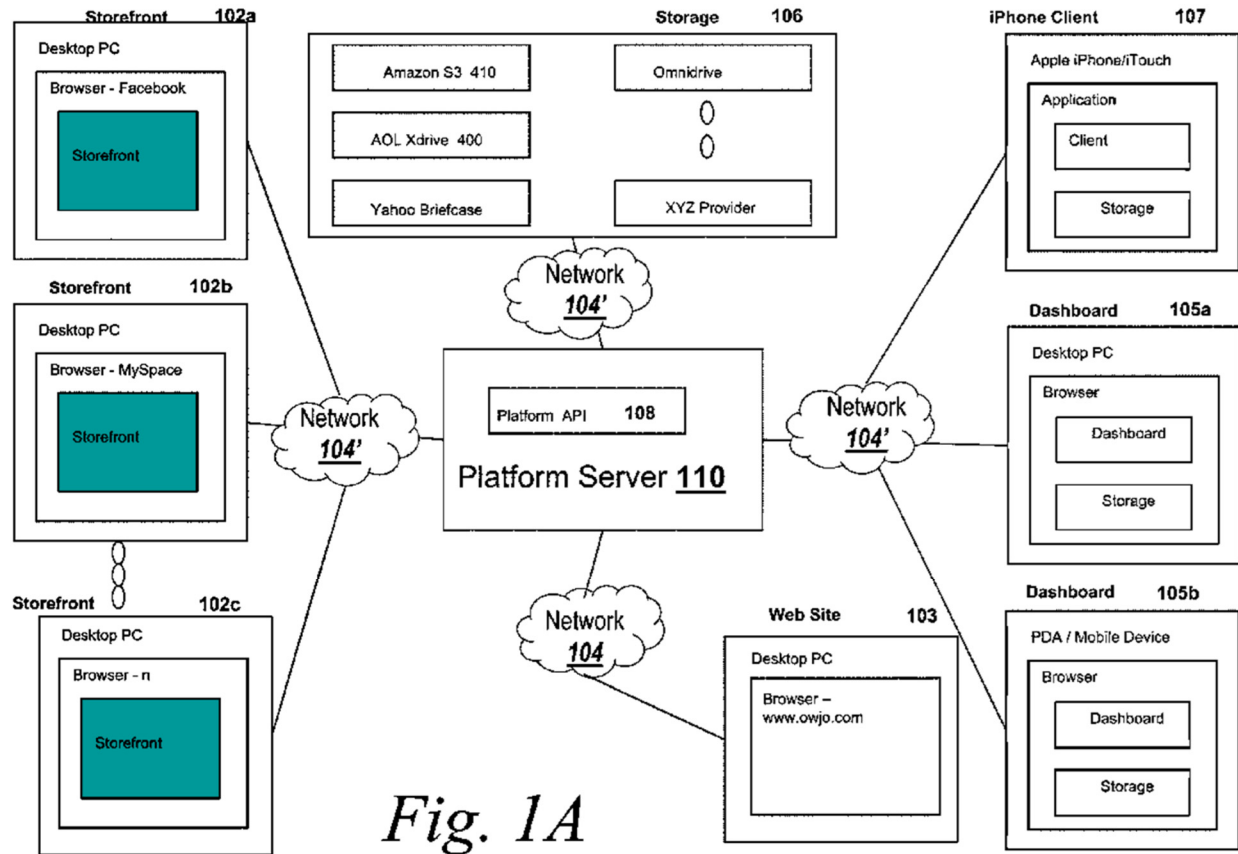


Fig. 1A

EX1005, FIG. 1A

Second, Johnston discloses that its system generates the **Storefronts**. Johnston explains that “the seller or artist establishes, via the OWJO web site 103, a Storefront and makes available content for purchase.” *Id.*, ¶211.⁵ The web site 103

⁴ Terms that appear in the challenged claims are italicized throughout.

⁵ Johnston does not spell out or define “OWJO,” which appears to be a brand name.

“is the web presentation layer to the platform Server 110” and provides access to “the functionality and services of the platform 110 via any type and form of user interface.” *Id.*, ¶¶138, 225 (“In FIG. 3A, the seller is depicted creating an OWJO Storefront via a user interface of the OWJO platform.”), Figure 3A. For example, in Figure 3B, the user interface allows the seller to enter information about music to be listed on the seller’s Storefront. *Id.*, ¶226. The seller can do the same for videos, images, podcasts, and vodcasts. *Id.*, ¶¶227–230, Figures 3C–3F. EX1002, ¶61.

The screenshot displays the OWJO website interface. At the top, there is a navigation bar with links for 'Home', 'About us', and 'Site map'. Below this, a user is logged in as 'CPA' with a 'Log out...' link. The main header features the OWJO logo and the tagline 'Freedom for your content'. A row of buttons includes 'Upload', 'Sales', 'Purchases', 'Top Up', 'Summary', 'Publish', 'Settings', and 'Admin'. The left sidebar shows the user's profile 'User: TheFirstName' with a 'My Stuff' section containing 'Music', 'Podcast', and 'VideoPodcast' tabs. Below these are three items: 'Running after Cars', 'Comfortably Numb', and 'Dude it's good!'. The 'Featured' section shows four items: 'Running after Cars', 'Comfortably Numb', 'Dude it's good!', and 'The Podcast Title'. The main content area is titled 'Upload Content' and has tabs for 'music', 'videos', 'images', 'podcasts', and 'vodcasts'. The 'Music file Settings' section includes fields for 'Name of track', 'Artist', 'Tags', and 'Genre'. It also has a 'Preview track' section with instructions to upload a sample. Below this are 'Browse...' buttons for 'Music file' and 'Thumbnail'. At the bottom, there is a 'Set your price' section with a currency dropdown set to 'EUR' and a price input field. An 'upload' button is located at the bottom right.

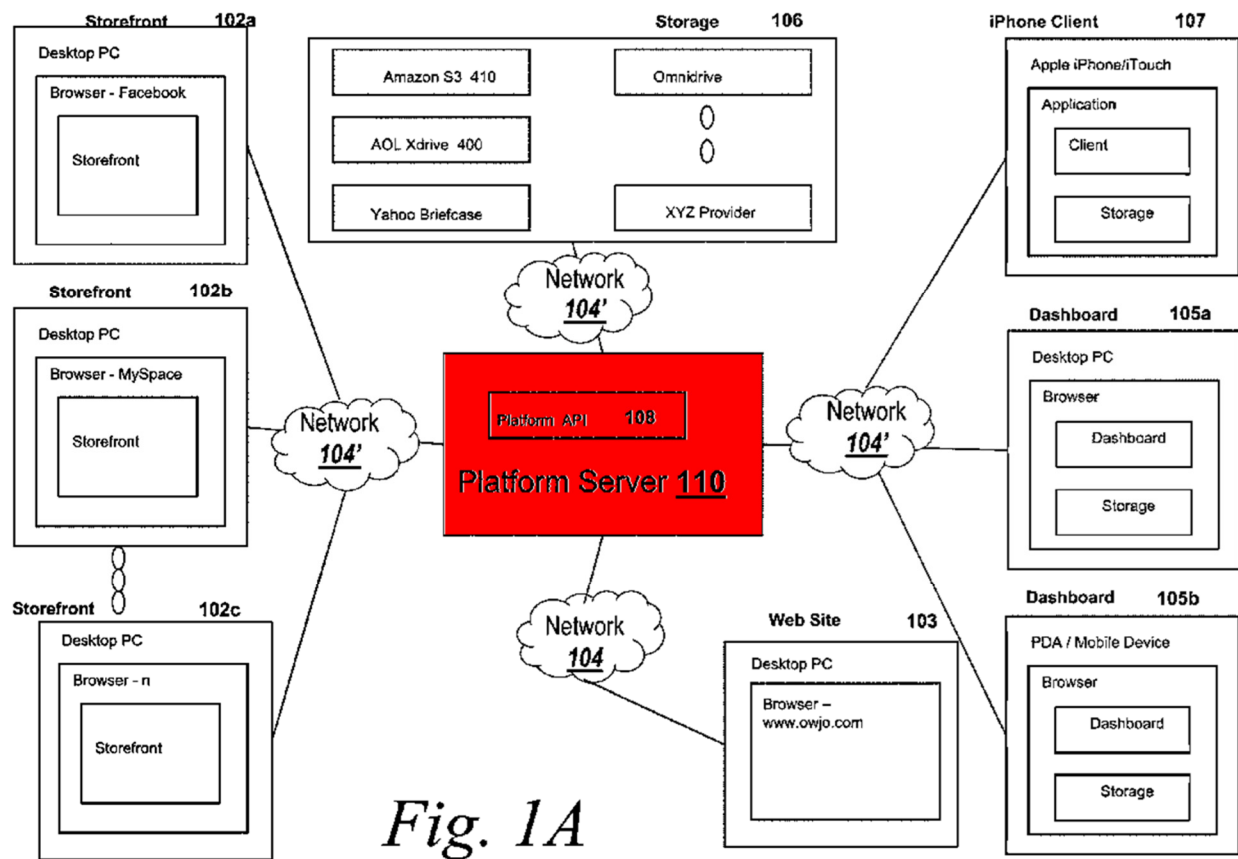
EX1005, FIG. 3B

Thus, Johnston provides a system for generating a **Storefront** (“*A system for generating an electronic commerce store*”). Therefore, Johnston discloses the preamble of claim 1. EX1002, ¶62.

b) 1[a]: “an application server, the application server controlling a transaction processing service;”

Johnston discloses element 1[a]. EX1002, ¶63.

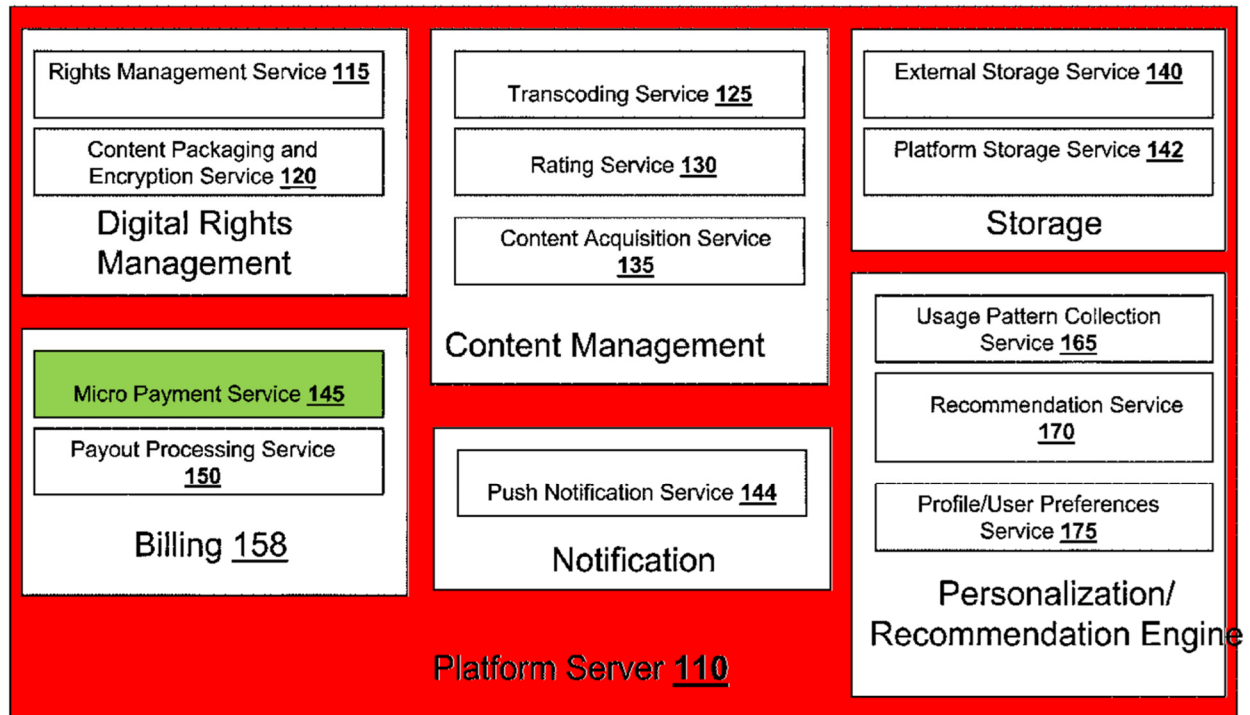
First, Johnston’s system includes **platform server 110** that “may comprise a single server, a server farm or a cluster of one or more **application servers** or nodes.” EX1005, ¶115. **Platform server 110** corresponds to “an application server.” EX1002, ¶64.



EX1005, FIG. 1A

Second, **platform server 110** includes a billing module 158, which includes **micro payment service 145**. EX1005, ¶184, Figure 1C. **Micro payment service**

145 is “a transaction processing service.” **Micro payment service 145** allows “sellers and buyers to pay for products at low values or for small amounts of monies without incurring credit card or other third-party transaction fees.” *Id.*, ¶185. EX1002, ¶65.



EX1005, FIG. 1C

Third, Johnston discloses that third-party transaction fees can be avoided “by processing a transaction via the OWJO platform and **controlling** the transaction independent of a third-party payment processor.” *Id.*, ¶185. Thus, **platform server 110** is “controlling” **micro payment service 145**. EX1002, ¶66.

Therefore, Johnston discloses element 1[a]. *Id.*, ¶67.

c) 1[b]: “a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product;”

Johnston discloses element 1[b]. EX1002, ¶68.

First, Johnston’s system includes **storage 106**—“a set of one or more storage services or locations to store and retrieve content by the **platform 110**.” EX1005, ¶118. **Storage 106** is “communicatively coupled to” **platform server 110** (“the application server”) via network 104’. *Id.*, Figure 1A; *cf.* EX1001, Figure 1A (illustrating storage resource 124 coupled to application server 106 via a network including file-management server 114). EX1002, ¶69.

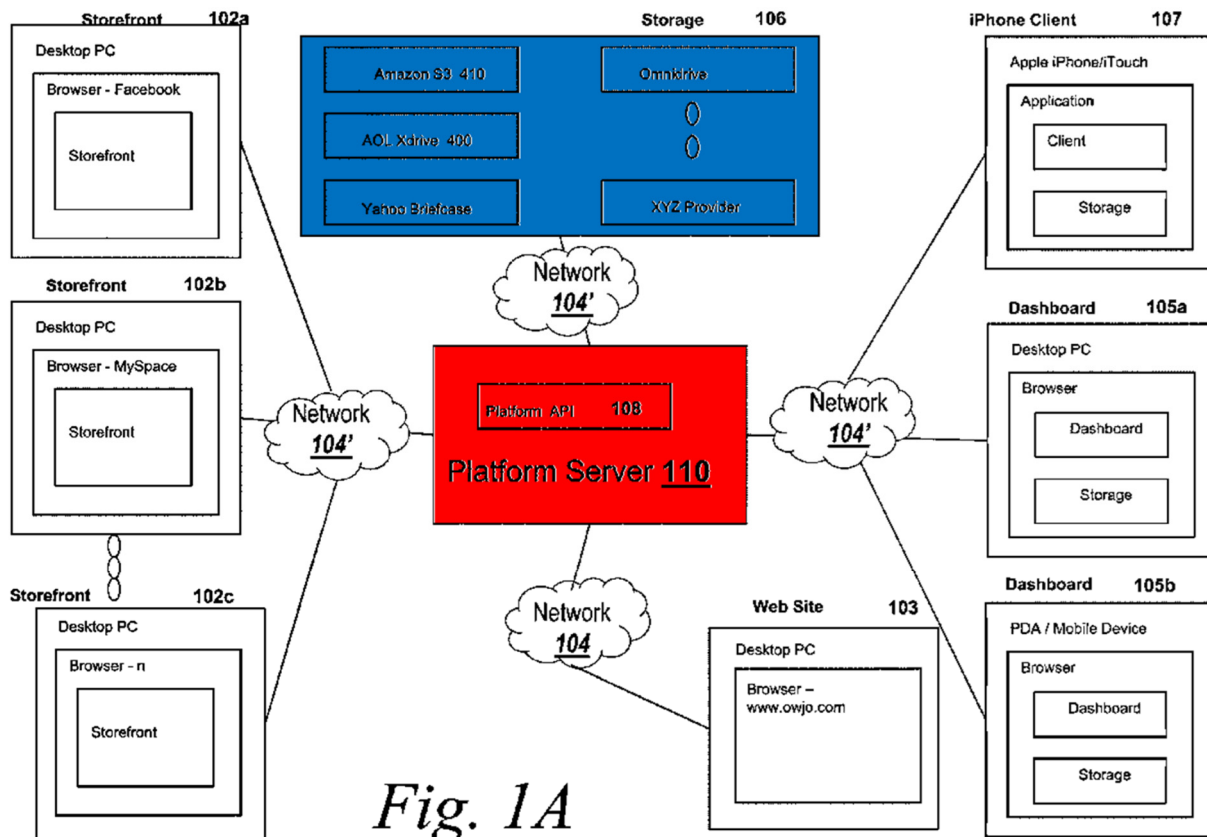


Fig. 1A

EX1005, FIG. 1A

Second, **storage 106** is “a storage resource.” According to the ’995 patent, “cloud-based storage resource [is] provided by the Amazon Web Services group at Amazon.com, Inc.” EX1001, 5:6–8. Similarly, Johnston explains that “storage 106 includes any type and form of storage drives, mediums and units” and that, in some embodiments, **storage 106** uses storage services like “Amazon S3, AOL Xdrive, Microsoft SkyDrive, Google Documents, Yahoo Briefcase and Omnidrive.” EX1005, ¶118. EX1002, ¶70.

Third, Johnston’s **storage 106** stores content for sellers. EX1005, ¶118 (“the Storage... is used... to store and retrieve content for buyers and sellers.”), ¶41, ¶114 (“Content may include any type or form of digital content or content recordable on media, such as music, digital books, application tools or software, and video clips.”). Johnston further discloses that “a digital right, including information associated with the digital right, can be encoded along with content **metadata** into... an MP3 file.” *Id.*, ¶309. Thus, Johnston discloses storing a music file along with its “*metadata*” in **storage 106**. EX1002, ¶71.

Fourth, Johnston discloses that a seller can provide “a thumbnail **image** that can be displayed in the OWJO Storefront” and that the “thumbnail can... be uploaded from the machine that is executing the web browser they are using or loaded from a Uniform Resource Identifier anywhere on the internet.” EX1005, ¶¶226–230, Figures 3B–3F. Because **storage 106** can be an online storage service

(as discussed in the second point above), Dr. Mowry explains that a POSITA would have understood that the seller could have stored the thumbnail image in **storage 106** before loading it for display in the Storefront. *Id.*, ¶118. EX1002, ¶72.

Moreover, Johnston makes clear that “[p]roducts may be physical products or be in some intangible form.” EX1005, ¶5. Thus, digital content such as a music file stored on **storage 106** for sale is “*a product*.” This is consistent with how the ’995 patent describes “product”: “each uploaded content file represents an item for promotion and distribution” and “[e]ach ‘item’ is made available as a ‘product’ for marketing purposes.” EX1001, 11:25–27. EX1002, ¶73.

To the extent PO argues that “*a product*” is a physical item, Johnston discloses that “physical items include products such as CDs and vinyl records” and that, in some embodiments, these products may be associated with digital content. EX1005, ¶291. As Dr. Mowry explains, a POSITA would have understood that **storage 106** may store digital content associated with a physical item—for example, an MP3 version or portion of a song that is on a CD or vinyl record. Thus, in such embodiments, **storage 106** stores an image and metadata related to a physical item. EX1002, ¶74.

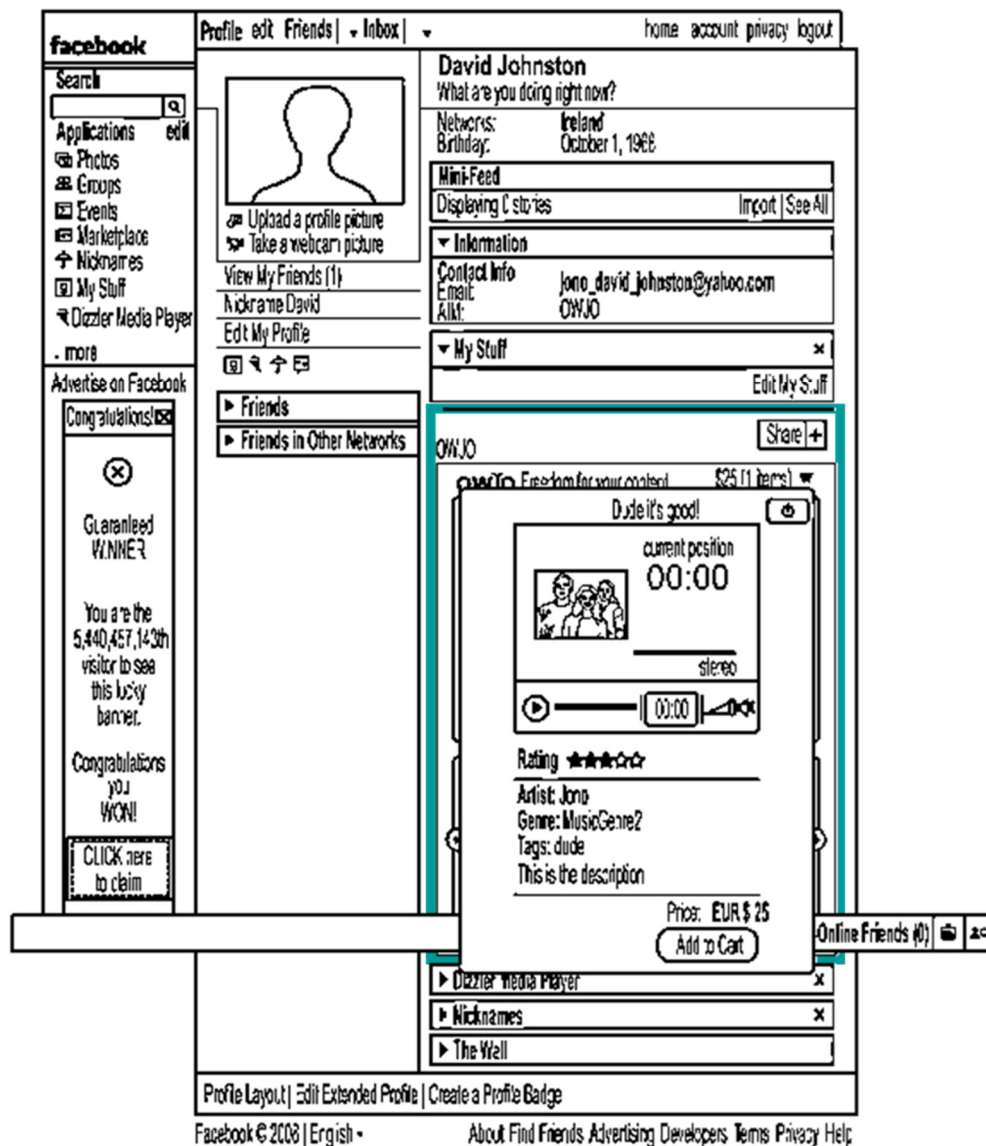
Accordingly, Johnston’s **storage 106** is a “*storage resource storing an image and metadata related to a product*.” EX1002, ¶75.

Therefore, Johnston discloses element 1[b]. *Id.*, ¶76.

d) 1[c]: “a widget builder resource executing on the application server,”

Johnston discloses element 1[c]. EX1002, ¶77.

First, Johnston discloses that “[t]he **Storefront** is a **widget** or component, such as a Macromedia Flash component, that can be embedded on any website or on the artist’s own social networking profile.” EX1005, ¶21. EX1002, ¶78.



EX1005, FIG. 4B

Second, referring to Figures 3A–3G, Johnston discloses a seller “creating an OWJO Storefront via a user interface of the OWJO platform.” EX1005, ¶225. For example, in Figure 3B, the user interface allows the seller to enter information associated with music to be listed in a product listing on the seller’s Storefront and upload files. *Id.*, ¶226, Figure 3B. EX1002, ¶79.

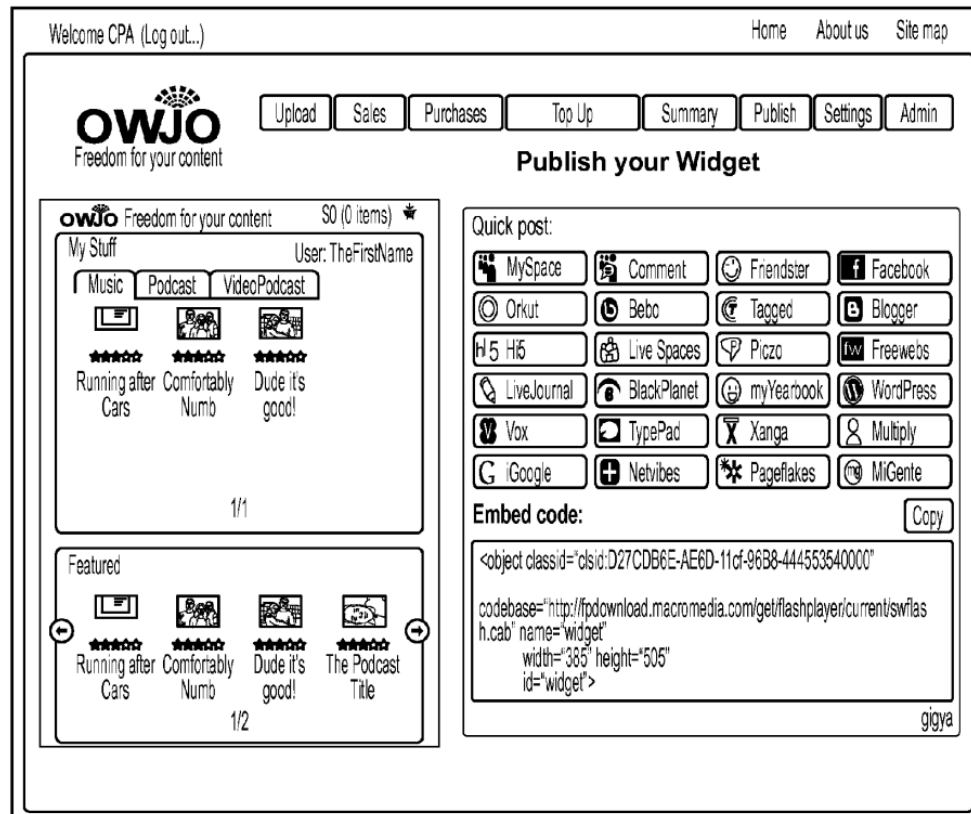
The screenshot shows a web browser window with the URL "Welcome CPA (Log out...)" and navigation links "Home", "About us", and "Site map". The main header features the "owJO" logo with the tagline "Freedom for your content" and a series of buttons: "Upload", "Sales", "Purchases", "Top Up", "Summary", "Publish", "Settings", and "Admin".

The interface is divided into two main sections. On the left, under the heading "owJO Freedom for your content SO (0 items)", there is a "My Stuff" section with tabs for "Music", "Podcast", and "VideoPodcast". Below these tabs, three music items are listed: "Running after Cars", "Comfortably Numb", and "Dude it's good!". A "Featured" section below shows four items: "Running after Cars", "Comfortably Numb", "Dude it's good!", and "The Podcast Title".

The right section is titled "Upload Content" and has tabs for "music", "videos", "images", "podcasts", and "vodcasts". The "music" tab is selected, showing the "Music file Settings" form. This form includes instructions: "Use this form to upload a Music track to OWJO. This music track will be available on your OWJO Widget." It contains input fields for "Name of track:", "Artist:", "Tags:", and "Genre:" (with a dropdown menu set to "Pop"). There is a "Preview track:" section with instructions: "Please upload a sample of the music track. This will be available to everyone using the OWJO Widget. The file must be in one of the following formats (MP3...) and must not exceed 10MB in size." Below this is a "Browse..." button. The "Music file:" section has instructions: "Please upload music file. This will be only be made available when it is purchased. The file must be in one of the following formats (MP3...) and must not exceed 10MB in size." It also has a "Browse..." button. The "Thumbnail:" section has instructions: "Please provide a thumbnail file that we will display on the OWJO Widget." and a "Browse..." button. At the bottom, there is a "Set your price" section with a dropdown menu set to "EUR" and a text input field with "0". An "upload" button is located at the bottom right of the form.

EX1005, FIG. 3B

In Figure 3G, another user interface allows the seller to publish the seller's **Storefront** widget to the seller's social networking sites and generates an "Embed code" that allows the seller to embed the **Storefront** widget in "any HTML web site." *Id.*, ¶231. EX1002, ¶80.



EX1005, FIG. 3G

Thus, Johnston's Figures 3A–3G user interface constitutes "*a widget builder resource.*" EX1002, ¶81.

Third, the Figures 3A–3G user interface is executed on the platform server 110 ("*the application server*"). Johnston explains that "the seller or artist establishes, via the OWJO web site 103, a Storefront and makes available content

for purchase.” EX1005, ¶211. Web site 103 “is the web presentation layer to the platform Server 110” and provides access to “the functionality and services of the platform 110 via any type and form of user interface.” *Id.*, ¶138. The functionality and services of platform server 110 include providing the Figures 3A–3G user interface. EX1002, ¶82.

Therefore, Johnston discloses element 1[c]. *Id.*, ¶83.

*e) 1[d]: “the widget builder resource configured to:
receive the image and metadata from the storage resource;
and”*

Johnston discloses element 1[d]. As discussed above for element 1[b], **storage 106** (“*the storage resource*”) stores a thumbnail image (“*the image*”) and content metadata (“*metadata*”) related to a music file for sale. Like the thumbnail image, Johnston discloses that the “actual music track... can either be uploaded from the machine that is executing the web browser they are using or loaded from a Uniform Resource Identifier anywhere on the internet.” EX1005, ¶226, Figure 3B. Thus, also like the thumbnail image, a POSITA would have understood that a seller could have stored the actual music track to be sold in **storage 106**. *Id.*, ¶118. As also discussed above for element 1[b], a music track for sale is stored along with its “*metadata*” in **storage 106**. Thus, when the seller loads a thumbnail image and a music file via the Figure 3B user interface, “*the widget builder resource is*

configured to receive the image and metadata from the storage resource.” EX1002,
¶84.

The screenshot displays the OWJO website interface. At the top, there is a navigation bar with links for 'Home', 'About us', and 'Site map'. Below this, a user is logged in as 'CPA' with a 'Log out...' link. The main header features the OWJO logo and the tagline 'Freedom for your content'. A secondary navigation bar includes buttons for 'Upload', 'Sales', 'Purchases', 'Top Up', 'Summary', 'Publish', 'Settings', and 'Admin'. The left sidebar shows the user's profile 'User: TheFirstName' with a 'My Stuff' section containing 'Music', 'Podcast', and 'VideoPodcast' tabs. Under 'Music', three items are listed: 'Running after Cars', 'Comfortably Numb', and 'Dude it's good!'. The 'Featured' section below shows four items: 'Running after Cars', 'Comfortably Numb', 'Dude it's good!', and 'The Podcast Title'. The main content area is titled 'Upload Content' and has tabs for 'music', 'videos', 'images', 'podcasts', and 'vodcasts'. The 'music' tab is selected, leading to the 'Music file Settings' form. This form includes instructions for uploading a music track, fields for 'Name of track', 'Artist', 'Tags', and 'Genre' (set to 'Pop'). It also has a 'Preview track' section with a 'Browse...' button. Below this is a 'Music file' section with instructions and another 'Browse...' button. A 'Thumbnail' section follows with instructions and a 'Browse...' button. At the bottom, there is a 'Set your price' section with a currency dropdown set to 'EUR' and a price input field showing '0'. An 'upload' button is located at the bottom right of the form.

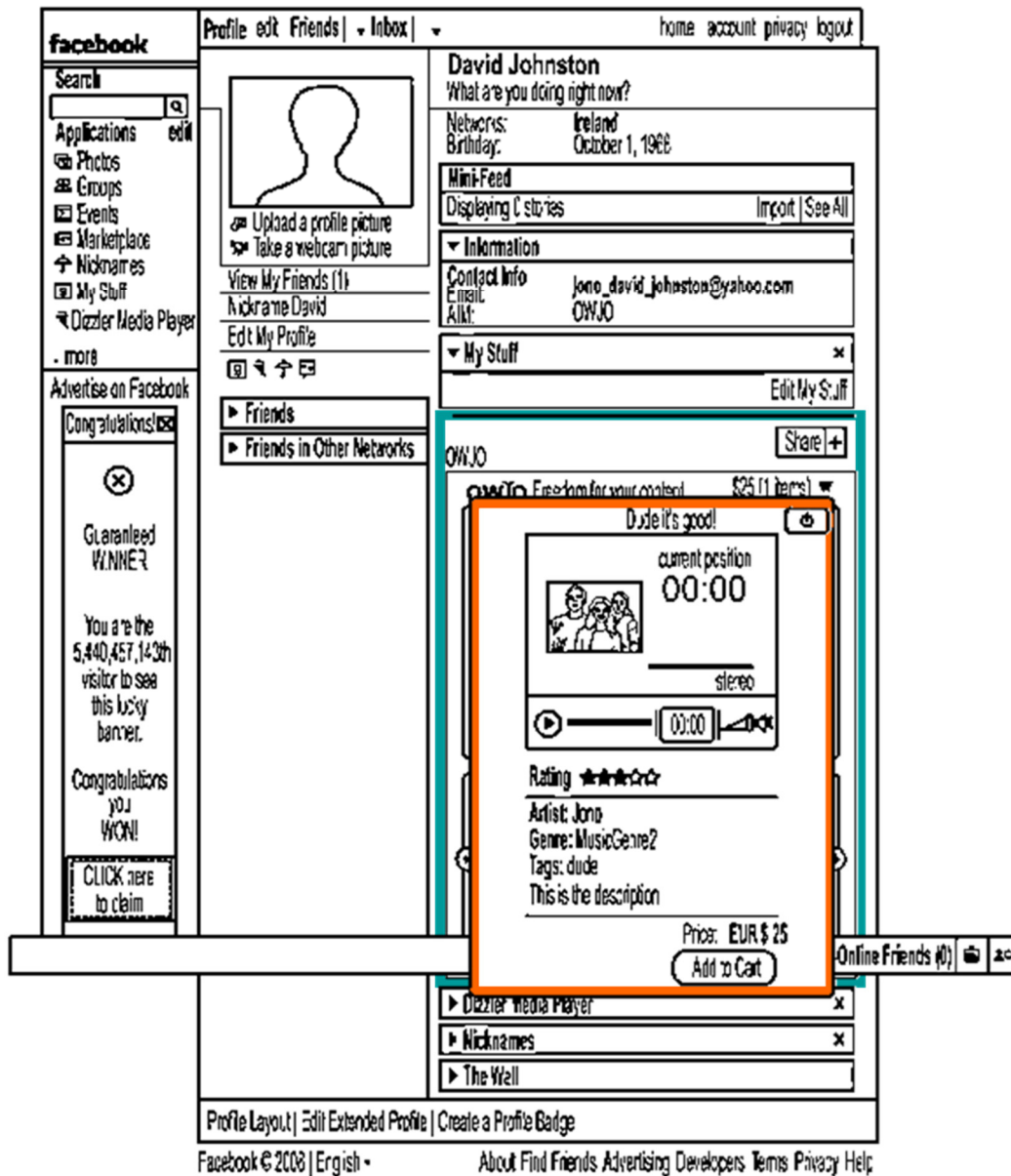
EX1005, FIG. 3B

Therefore, Johnston discloses element 1[d]. EX1002, ¶85.

**f) 1[e]: “[the widget builder resource configured to:]
generate a product listing, wherein the product listing**

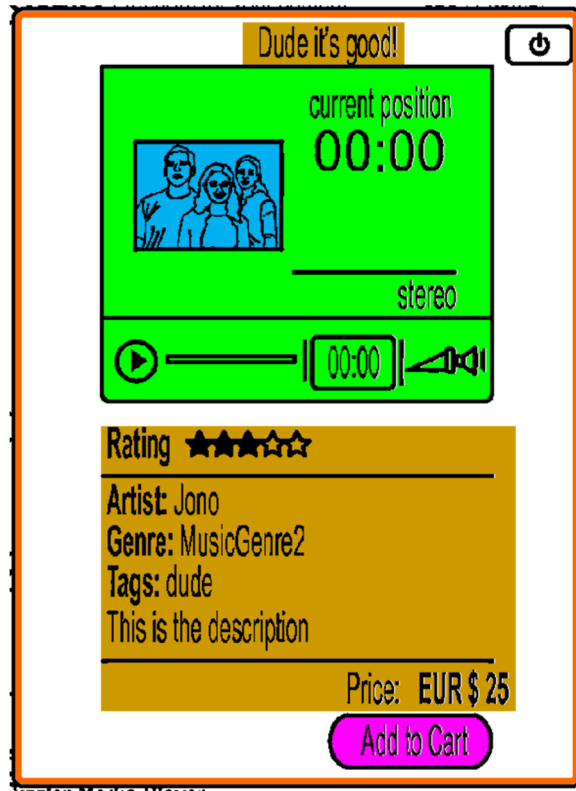
*includes the image, the metadata, and a clickable link,
wherein the clickable link is a buy button and includes a
preview of the product”*

Johnston discloses element 1[e]. As explained above for element 1[c], Johnston’s Figures 3A–3G user interface (“*the widget builder resource*”) allows a seller to generate a **Storefront**. Johnston describes that a “**storefront widget** may comprise an arrangement of elements for a user interface for the display, selling and buying of any content, products and/or services.” EX1005, ¶42, claim 1 (“a portable widget for the store front identifying the one or more items for sale”). In other words, the **Storefront** includes a **product listing**, as shown in Johnston’s Figure 4B, for example. Thus, the widget builder resource generates a product listing when generating the Storefront. EX1002, ¶¶86–87.



EX1005, FIG. 4B

The **product listing** includes a **thumbnail image** (“the image”), **information**, a **preview** related to a music track, and an “**Add to Cart**” button. EX1002, ¶88.



EX1005, FIG. 4B (excerpted)

Johnston discloses that, “[i]n FIG. 4B, the buyer has selected a music track to **preview**.” EX1005, ¶¶253, 260 (“**previews** may include any type or form of trailer, teaser, portion of the content, commentary, endorsements, and/or reviews related to the content”), 291 (“preview both physical items (i.e., products) and digital items (e.g., digital content)”), Figure 9A. Thus, the **preview** is “*a preview of the product*.” EX1002, ¶89.

Johnston also discloses that “the buyer can decide to **purchase** content by **clicking** on the ‘**Add to Cart**’ button on FIG. 4B,” in which case, the item displayed in the product listing is added to the user’s shopping cart. EX1005, ¶261. A POSITA

would have understood that the “**Add to Cart**” button is “*a buy button*” and “*a clickable link*.” See, e.g., EX1022, 5:26–28 (“The web page of the reseller includes a hyperlink, which is indicated by a graphic display, such a button, highlighted text, or the like.”). EX1002, ¶90.

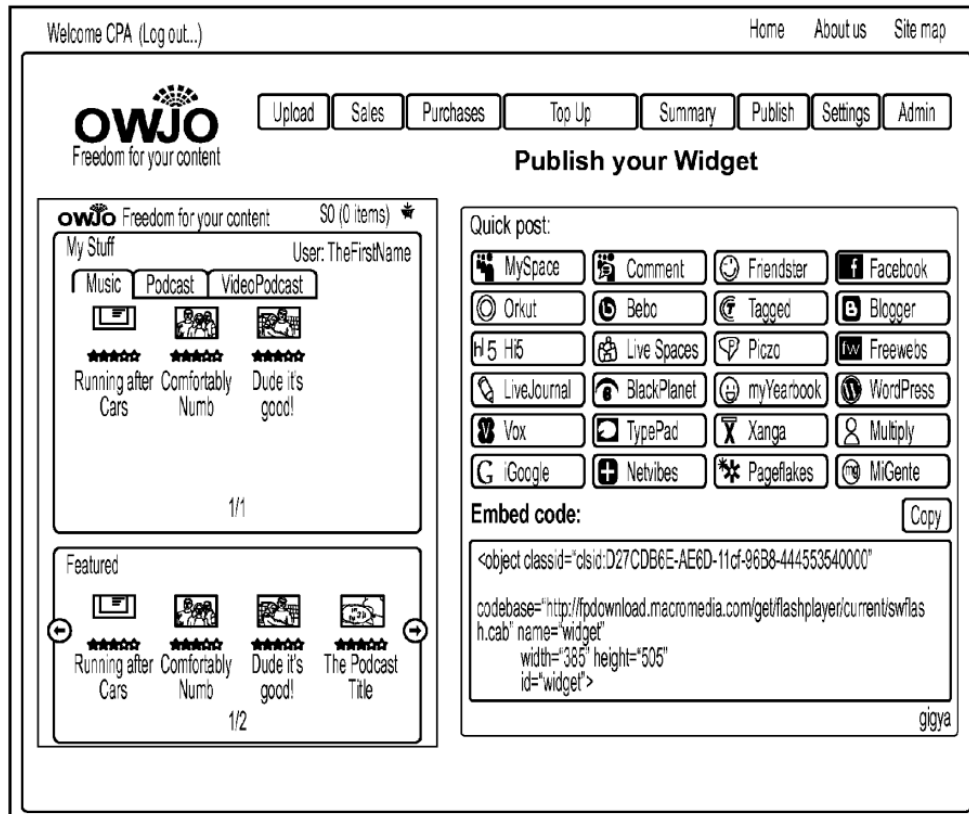
Furthermore, as Dr. Mowry explains, although Johnston describes an embodiment where a seller may enter or specify the “Name of track,” “Artist,” “Tags,” and “Genre” for a music track in the Figure 3B interface, Johnston also discloses storing content metadata (“*the metadata*”) along with a music file to be sold. EX1005, ¶309. Accordingly, a POSITA would have understood that one or more of the pieces of **information** could also be part of the content metadata such that “*the product listing includes... the metadata*.” See, e.g., EX1003, 6:61–63 (“Media descriptive data 204... include descriptive text, such as title...”). EX1002, ¶91.

Therefore, Johnston discloses element 1[e]. EX1002, ¶92.

g) 1[f]: “wherein the application server is configured to embed the product listing into a web site and into a social media network, and”

Johnston discloses element 1[f]. As discussed for element 1[c], Johnston’s user interface for **platform server 110** allows a seller to publish (“*embed*”) the seller’s **Storefront** widget including a **product listing** into the seller’s social

networking sites and “any HTML web site.” EX1005, ¶231, Figure 3G (“Embed code”). EX1002, ¶93.



EX1005, FIG. 3G

In Figure 1A, Johnston discloses **Storefronts 102a–102c** running in web browsers of desktop computers, respectively within a “Facebook profile,” a “MySpace profile,” and “any website or social networking profile of a contributing artist.” *Id.*, ¶116 (“Amazon, Ebay, Google Product Search, Bizrate, Dealnews, Lulu, Twitter, LinkedIn and web-blogs are further examples of websites that can support a Storefront.”). EX1002, ¶94.

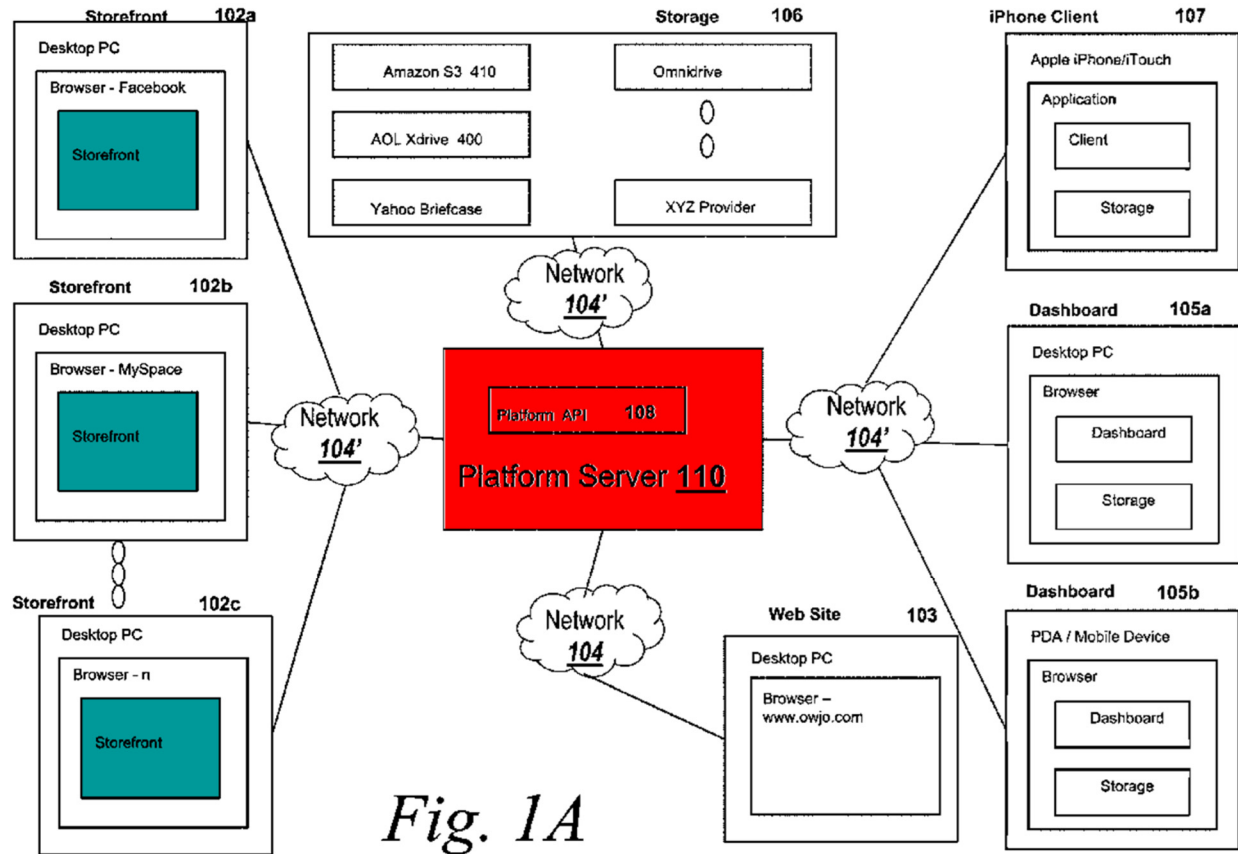
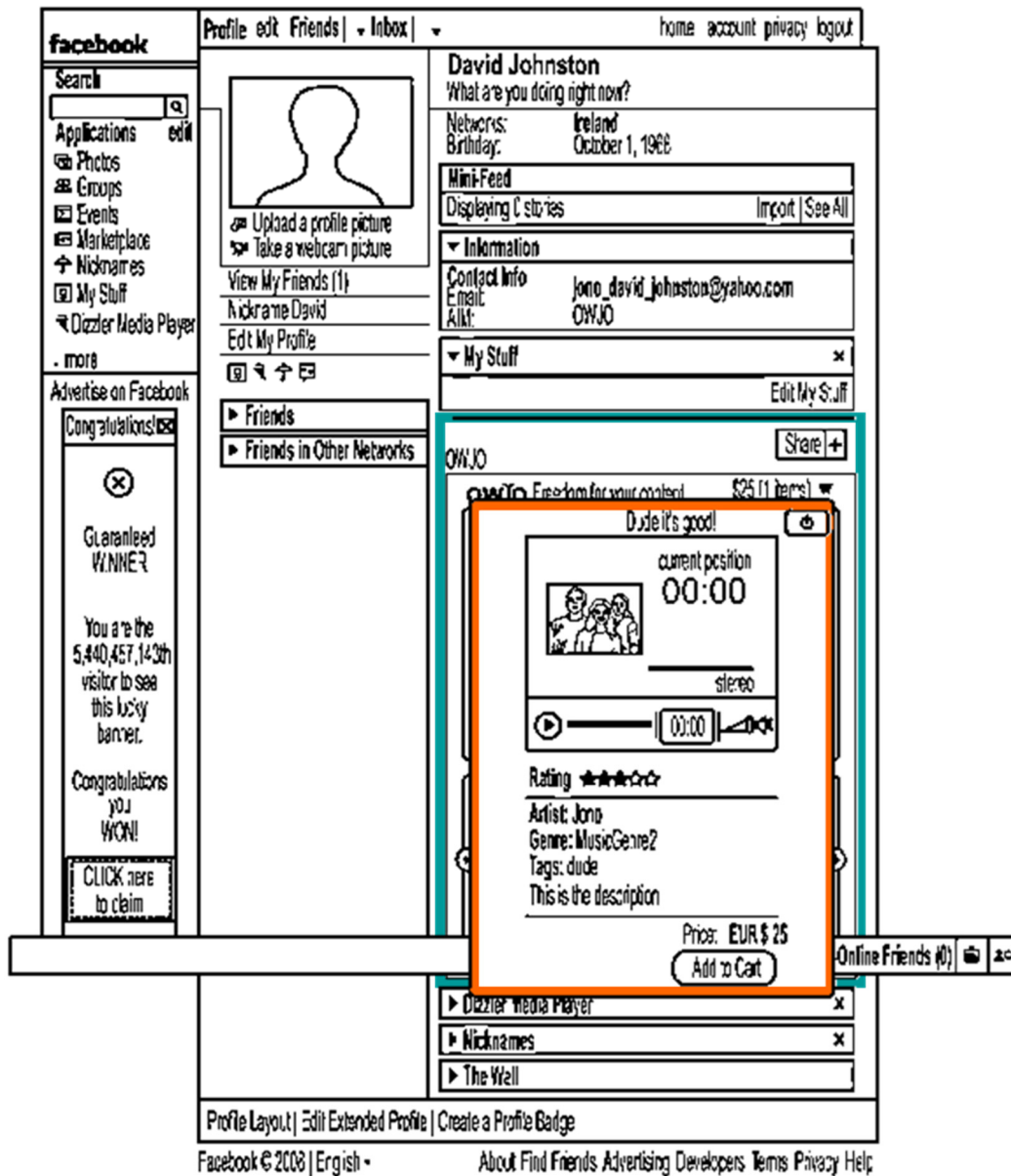


Fig. 1A

EX1005, FIG. 1A

Johnston illustrates a more detailed **Storefront** widget including a **product listing** running within a seller's Facebook profile webpage in Figures 4A–4C (Figure 4B below). *Id.*, ¶¶252–254. The Facebook profile webpage is “a web site” in “a social media network.” EX1002, ¶95.



EX1005, FIG. 4B

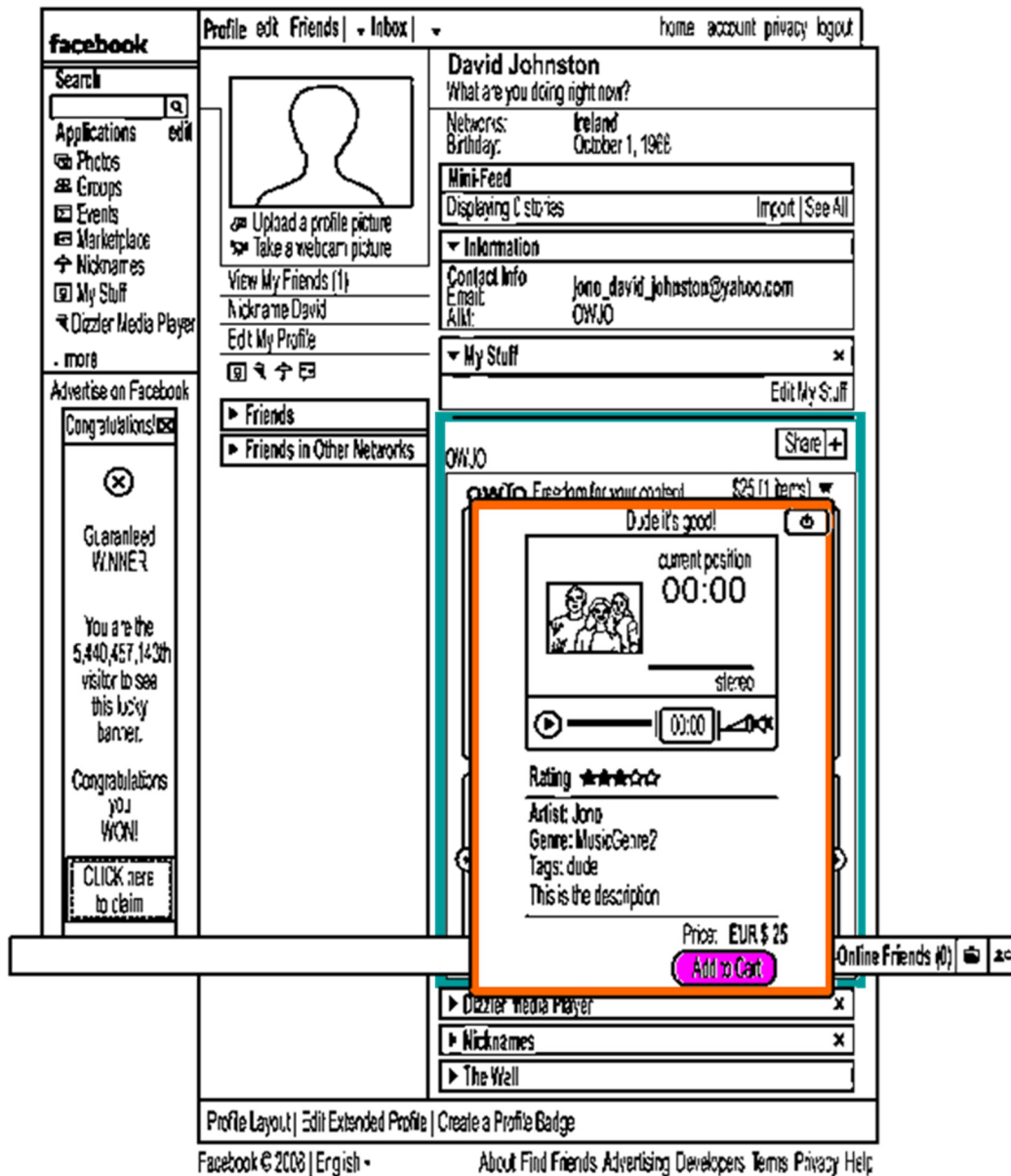
Therefore, Johnston discloses element 1[f]. EX1002, ¶96.

h) 1[g]: “wherein when the application server receives an indication that the clickable link has been activated by a client device in Internet communication with the web site, the application server provides a checkout screen to the client device,”

Johnston in combination with Dierks renders obvious element 1[g]. EX1002, ¶97.

(1) Johnston

First, for example, Johnston discloses that “the buyer can decide to purchase content by clicking on the ‘Add to Cart’ button on FIG. 4B,” in which case the item displayed in the **product listing** in the **Storefront** is added to the user’s shopping cart. EX1005, ¶261. As discussed for element 1[e], the “Add to Cart” button corresponds to “*the clickable link.*” Because the **Storefront** and **product listing** are displayed to the buyer on a website in a social media network, distinct from but in communication over network 104’ with platform server 110, a POSITA would have understood that the buyer would click on the “Add to Cart” button on “*a client device in Internet communication with the web site.*” See *id.*, ¶114, Figure 1A. EX1002, ¶98.

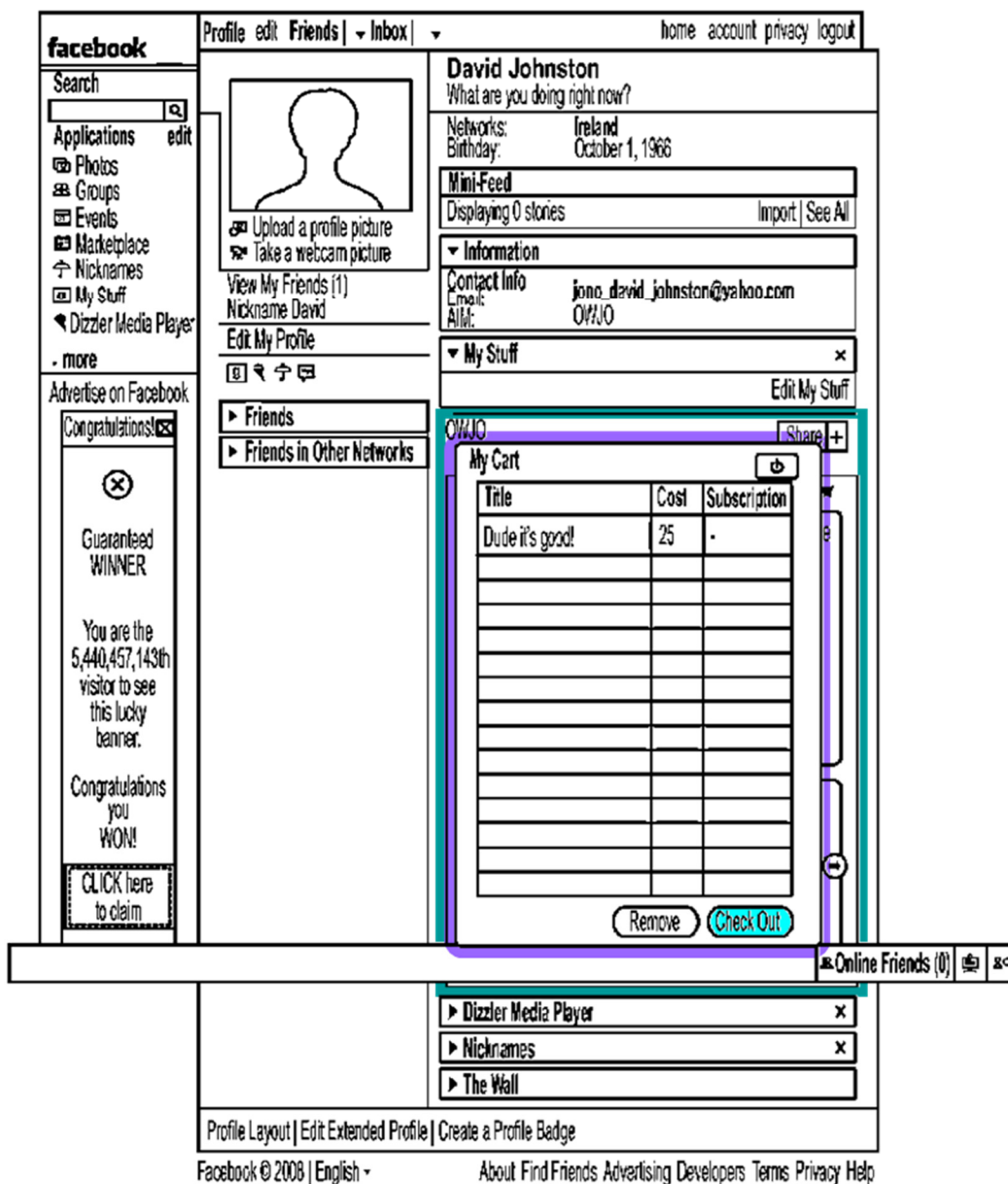


EX1005, FIG. 4B

A POSITA would have also understood that Johnston's platform server 110 ("the application server") would receive an indication that the buyer clicked on the "Add to Cart" button to allow platform server 110 to keep track of item(s) added to

the user's shopping cart and subsequently complete the checkout process. EX1002, ¶99.

Second, Johnston discloses an exemplary “shopping cart” interface in the **Storefront** in Figure 4C that includes a “Check Out” button and allows a buyer to initiate a checkout process to “purchase items.” EX1005, ¶254. Johnston illustrates the shopping cart with an item to be purchased and its cost. *Cf.* EX1001, 17:55–56 (“The checkout screen of this web widget 1300 includes the total cost of the content file...”). Johnston’s shopping cart interface corresponds to “a checkout screen.” EX1002, ¶100.



EX1005, FIG. 4C

In some embodiments, Johnston’s system may prompt the buyer to sign in as “a returning customer” or “create a new OWJO account,” as shown in Figure 4D. *Id.*, ¶¶255–256. A POSITA would have understood that the interfaces in Figure

4D—also with a “Checkout” button—are part of the checkout process and would not be displayed if the buyer had already signed in. EX1002, ¶101.

Home About Us Site Map

Purchase Content

My Basket

Name	Description	Subscription Length	Price
Name	Description	Price	
Dude it's good!	This is the description	25.00	remove...
Total:		25.00	

You are not logged in. To continue with your purchase please enter your login and password. Please select "I am a new customer" tab if you don't have an OWJO account yet.

☐ I am a returning customer ☐ I am a new customer

User Name:

Password:

Checkout

Home About Us Site Map

Purchase Content

My Basket

Name	Description	Subscription Length	Price
Name	Description	Price	
Dude it's good!	This is the description	25.00	remove...
Total:		25.00	

You are not logged in. To continue with your purchase please enter your login and password. Please select "I am a new customer" tab if you don't have an OWJO account yet.

☐ I am a returning customer ☐ I am a new customer

User Name:

New Password:

Confirm Password:

Security Code:

Enter Code:

Checkout

EX1005, FIG. 4D

Third, because the **Storefront** is displayed on a website in a desktop browser or a distributed application, distinct from platform server 110, a POSITA would have understood that Johnston’s **shopping cart** is provided to “the client device.” EX1002, ¶102.

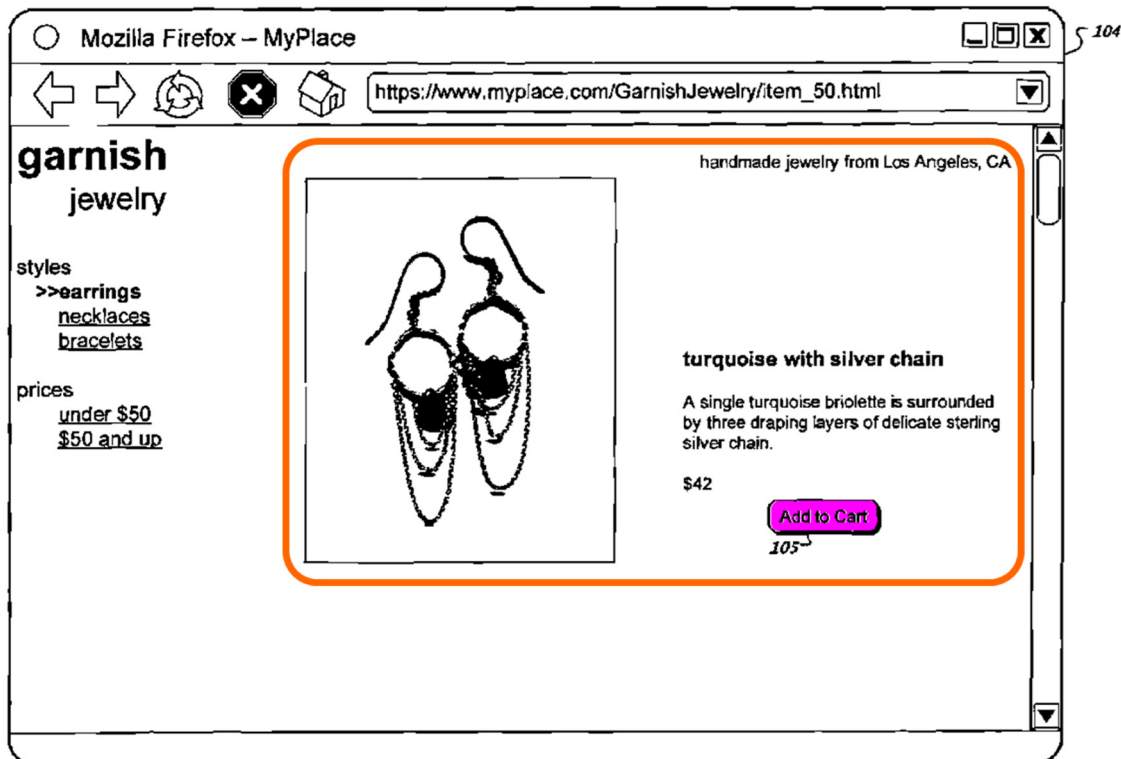
Fourth, a POSITA would have understood that, because the **shopping cart** is displayed in the **Storefront**, which is distributed by platform server 110 (“the

application server”) (see element 1[e]), the platform server 110 also provides the **shopping cart**. EX1002, ¶103.

Fifth, Johnston discloses that a “buyer can view the contents of the buyer’s shopping cart at any time by clicking the shopping cart icon.” EX1005, ¶261. Dr. Mowry explains that a POSITA would have been motivated by Dierks’s teachings to configure Johnston’s platform server 110 to display the **shopping cart** when the buyer clicks on the “**Add to Cart**” button. EX1002, ¶104.

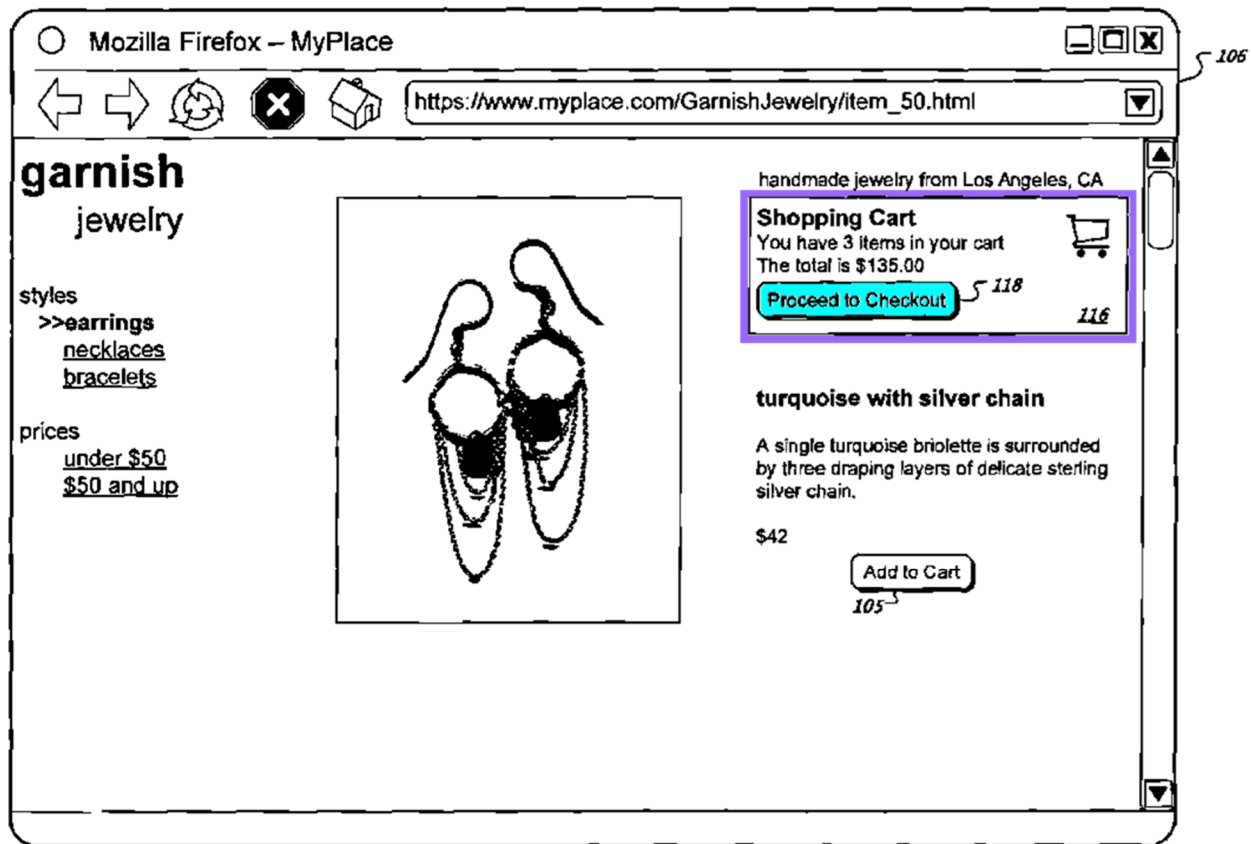
(2) *Dierks*

Like Johnston, Dierks discloses a **product listing** with an “**Add to Cart**” button 105. EX1004, Figure 1B, ¶¶36, 71, 74. EX1002, ¶105.



EX1004, FIG. 1B

Dierks explains that, when a user selects the “**Add to Cart**” button 105, “a **shopping cart** object shown as a graphical element such as an iframe 116” is displayed in the web page as shown in Figure 1C. *Id.*, ¶43. Like in Johnston, the **shopping cart** includes a “**Proceed to Checkout**” button 118 and allows a purchaser to initiate a checkout process and make a payment. *Id.*, ¶44. EX1002, ¶106.



EX1004, FIG. 1C

A POSITA would have been motivated to configure Johnston’s platform server 110 to display the **shopping cart** when the buyer clicks on the “**Add to Cart**” button, as taught by Dierks. Dr. Mowry explains that doing so would save the buyer

from having to click on the shopping cart icon to check out, thereby streamlining the checkout process for the buyer, requiring fewer clicks and fewer buttons since the shopping cart icon could be removed. Such a configuration would also provide the buyer with instant confirmation that the product has been added to the shopping cart. EX1002, ¶107.

(3) *Motivation to Combine Johnston and Dierks*

A POSITA would have been motivated, according to and informed by Dierks's teachings, to configure Johnston's platform server 110 to display the shopping cart when the "Add to Cart" button is clicked. EX1002, ¶108.

First, Johnston and Dierks are from the same field of endeavor. *See, e.g., Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 721 F.2d 1563, 1574–75 (Fed. Cir. 1983); M.P.E.P. §2141. Both references are directed to electronic commerce. Johnston discloses "systems and methods for providing a platform for the delivery, management and payment of content between sellers and buyers," in particular "systems and methods of self-service by a seller to establish a store front at one or more hosted services." EX1005, ¶2. Dierks discloses a "computer-implemented method [for] generating on a user terminal a merchant web site associated with a merchant with code for a merchant web page." EX1004, Abstract. Thus, both references are directed to electronic commerce. Accordingly, a POSITA would have

understood that Dierks's teachings were directly applicable to Johnston's system. EX1002, ¶109.

Second, implementing Johnston's platform server 110 to display the shopping cart when the "Add to Cart" button is clicked, as taught by Dierks, would have yielded expected, predictable results. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007); M.P.E.P. §2143(I)(A). Johnston discloses a product listing with an "Add to Cart" button in a Storefront, and a shopping cart that is displayed when a shopping cart icon in the Storefront is clicked. EX1005, Figure 4B, ¶261; Section VIII.A.1.h)(1). Dierks discloses, in a web page, a product listing with an "Add to Cart" button 105, which, when clicked, displays a shopping cart 116. EX1004, Figures 1B, ¶¶36, 71, 74; Section VIII.A.1.h)(2). A POSITA would have combined the elements taught by Johnston and Dierks using known and routine computer-programming principles to configure Johnston's platform server 110 to display the shopping cart when the "Add to Cart" button is clicked. This result would have been readily predictable and recognized by a POSITA. EX1002, ¶110.

Third, configuring Johnston's platform server 110 to display the shopping cart when the "Add to Cart" button is clicked, as taught by Dierks, would have been readily implemented by configuring code at Johnston's platform server 110 to display the shopping cart in the Storefront when it receives an indication that the "Add to Cart" has been clicked. A POSITA would have used basic computer-

programming principles to configure Johnston’s platform server 110 to display the shopping cart when the “Add to Cart” button is clicked. This implementation would have been well within the knowledge and skillset of a POSITA. EX1002, ¶111.

(4) Reasonable Expectation of Success in Combining Johnston and Dierks

A POSITA would have had a reasonable expectation of success. The combination of Johnston and Dierks represents a straightforward configuration of Johnston’s platform server 110 to display the shopping cart when the “Add to Cart” button is clicked, which a POSITA would have been familiar with and been able to implement. The reasons a POSITA would have expected success parallel those that provide motivation for this combination—including because both Johnston and Dierks are directed to electronic commerce and both disclose similar product listings. EX1005, Figure 4B, ¶261; EX1004, Figures 1B, ¶¶36, 71, 74; Section VIII.A.1.h)(3). EX1002, ¶112.

Accordingly, Johnston in view of Dierks renders obvious element 1[g] and a POSITA would have been motivated to combine the teachings of these references and would have had a reasonable expectation of success. *Id.*, ¶113. For these same reasons, a POSITA would have been motivated to combine the teachings of these references for all subsequently discussed claims and limitations in this ground. *Id.*

i) *1[h]: “wherein the transaction processing service processes a payment transaction for a purchase of the product initiated from the checkout screen using the client device.”*

Johnston discloses element 1[h]. EX1002, ¶114.

First, as discussed for element 1[g], a buyer adds an item (e.g., music track titled “Dude it’s good!”; “*the product*”) displayed in the **product listing** to a shopping cart by clicking the “**Add to Cart**” button. EX1005, ¶261, Figure 4B. EX1002, ¶115.

Second, as discussed for element 1[g], Johnston’s **shopping cart** (“*the checkout screen*” with the “Dude it’s good!” music track) is provided on “*the client device*” and allows a buyer to “purchase items.” EX1005, ¶254. When the buyer clicks on the “**Check Out**” button (and signs in if needed), Johnston’s system prompts the buyer to select a payment method. *Id.*, ¶¶254–257. Thus, the “*purchase of the product [is] initiated from the checkout screen using the client device.*” EX1002, ¶116.

Third, Johnston discloses an exemplary interface of the Storefront, in Figure 4E, that provides the buyer with payment options to buy credits, which may then be used to purchase an item. EX1005, ¶257. As discussed for element 1[a], Johnston’s micro payment service 145 (“*the transaction processing service*”) allows “buyers to pay for products at low values or for small amounts of monies without incurring credit card or other third-party transaction fees.” *Id.*, ¶185. Johnston explains that

“this is possible... through the use of OWJO Credits.” *Id.*, ¶186. Thus, using credits, Johnston’s micro payment service 145 “*processes a payment*” for an item in the buyer’s shopping cart. EX1002, ¶117.

The screenshot displays a checkout interface. At the top, a box says "Welcome, rachel_bye". Below it, a "Checkout" section shows "Amount to be billed: 25.00" and "OWJO Account Balance: 0.00". The main area is titled "PayPal Top Up by Paypal" and lists four credit options: "€5 OWJO Credits", "€10 OWJO Credits", "€20 OWJO Credits", and "€30 OWJO Credits", each with a "Buy Now" button. Below this is a "Top Up by Mobile" section with a mobile phone icon. It shows options for Ireland and the UK, each with "Top up by 2.00" and "Top up by 4.00" amounts, corresponding text codes (e.g., "Text OWJO01 to 50102"), and service charges. At the bottom, there is a "Redeem Code:" field and a "Redeem" button.

EX1005, FIG. 4E

Therefore, Johnston discloses element 1[h]. EX1002, ¶118.

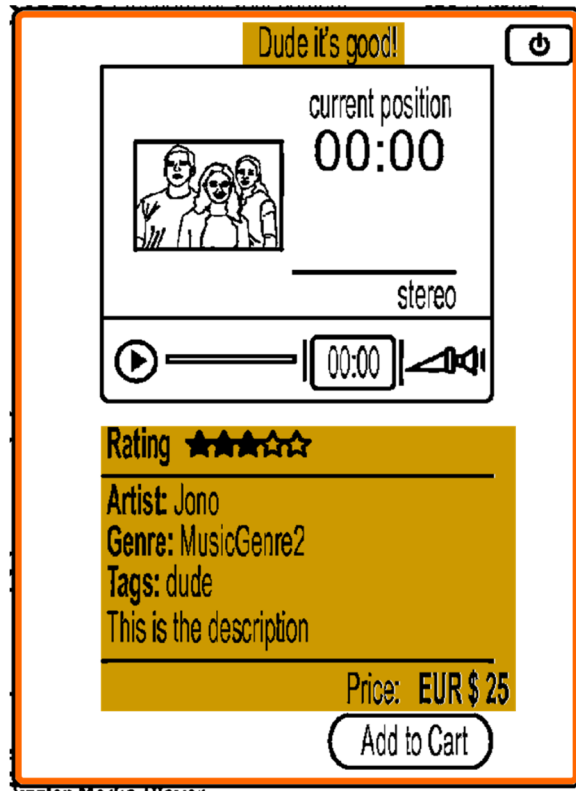
For the above reasons, Johnston in view of Dierks renders obvious claim 1.

Id., ¶119.

2. Claim 2⁶

Johnston renders obvious the additional limitation of claim 2. As discussed for element 1[b], Johnston discloses storing content metadata (“*the metadata*”) with a music file in storage 106. EX1005, ¶309. As discussed for element 1[e], a POSITA would have understood that one or more of the pieces of **information** displayed in the **product listing**—“Dude it’s good!” (“*a title*”), “This is the description” (“*a description*”), “EUR \$ 25” (“*a price*”)—could be included in the content metadata. EX1002, ¶120.

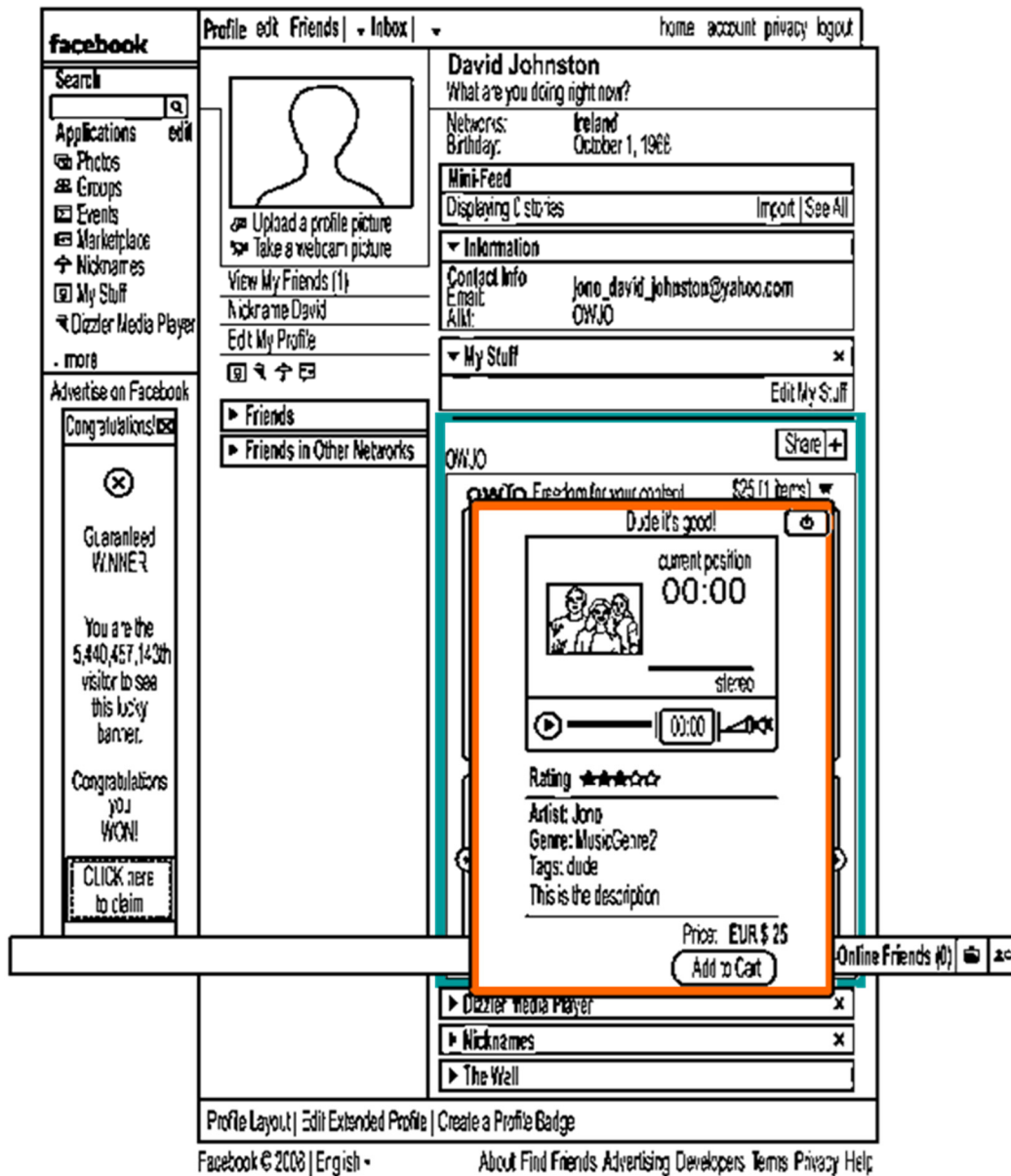
⁶ See Appendix of Claim Listing.



EX1005, FIG. 4B (excerpted)

3. Claim 3

Johnston discloses the additional limitation of claim 3. As discussed for element 1[f], Johnston discloses embedding a **Storefront** widget including a **product listing** into a seller's Facebook profile webpage (*"the website"*). EX1005, ¶¶231, 252–254, Figures 3G, 4A–4C. A Facebook webpage is *"a social media web site."* EX1002, ¶122.



EX1005, FIG. 4B

4. Claim 4

Johnston renders obvious the additional limitation of claim 4. Johnston discloses that **micro payment service 145** (“the transaction processing service”) “provides a means for sellers and buyers to pay for products at low values or for

small amounts of monies without incurring credit card or other third-party transaction fees.” EX1005, ¶185. Johnston further explains that “this is possible... through the use of OWJO Credits” and that “OWJO credits in a buyer’s account may be replenished automatically (e.g., via **credit card** to maintain a minimum threshold in the account), or as directed by the buyer.” *Id.*, ¶¶186, 258. Thus, Johnston’s **micro payment service 145** “*accepts a credit card.*” EX1002, ¶124.

5. Claim 5

Johnston discloses the additional limitation of claim 5 for at least the same reasons discussed for element 1[e]. Moreover, referring to Figure 8B, Johnston discloses that “[a] seller can decide to promote the seller’s OWJO **Storefront** to some or all of their contacts on Facebook or MySpace by clicking on the ‘**share**’ link.” EX1005, ¶286. As Johnston illustrates in Figure 8B, when a seller **shares** the seller’s Storefront to the seller’s contacts on Facebook or MySpace, the **platform server 110 distributes** the **Storefront** including the product listing to the social media network (e.g., “Facebook” or “MySpace”) of the seller’s contacts (on the right of Figure 8B). EX1002, ¶126.

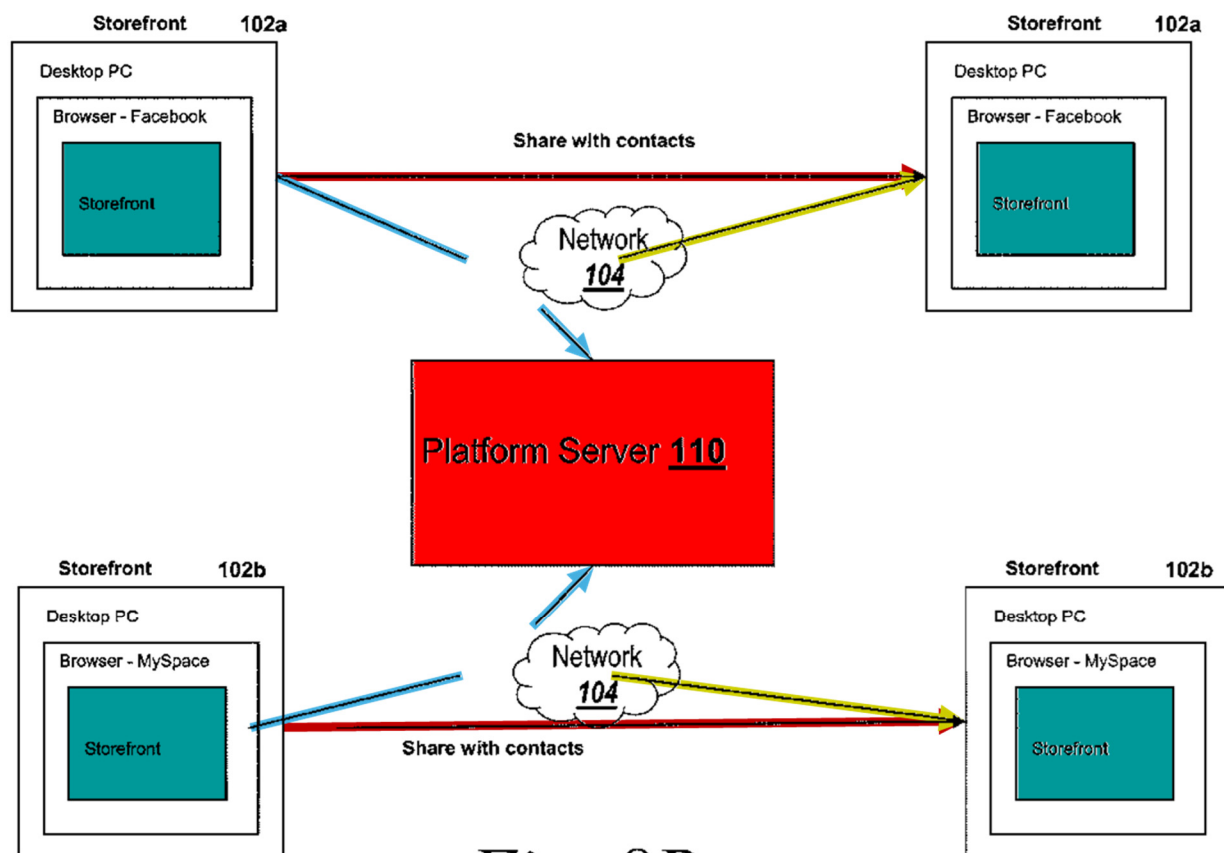


Fig. 8B

EX1005, FIG. 8B

6. Claim 6

a) 6[preamble]⁷

Regardless of whether the preamble is limiting, Johnston discloses it for at least the same reasons discussed for element 1[preamble]. EX1002, ¶128.

⁷ See Appendix of Claim Listing.

b) 6[a]

Johnston discloses element 6[a] for at least the same reasons discussed for element 1[a]. EX1002, ¶129.

c) 6[b]

Johnston discloses element 6[b] for at least the same reasons discussed for element 1[b]. EX1002, ¶130.

d) 6[c]

Johnston discloses element 6[c] for at least the same reasons discussed for element 1[c]. EX1002, ¶131.

e) 6[d]

Johnston discloses element 6[d] for at least the same reasons discussed for element 1[d]. EX1002, ¶132.

f) 6[e]

Johnston discloses element 6[e] for at least the same reasons discussed for element 1[e]. EX1002, ¶133.

g) 6[f]

Johnston discloses element 6[f] for at least the same reasons discussed for element 1[f]. Element 6[f] further requires that the web site is “*not operated by the application server.*” Johnston discloses that the web site is “*not operated by the server.*” As discussed for element 1[f], Johnston discloses embedding a **Storefront** widget including a **product listing** into a seller’s Facebook profile webpage (“*the*

website”). EX1005, ¶¶231, 252–254, Figures 3G, 4A–4C. A Facebook webpage is “a web site not operated by the application server.” EX1002, ¶134.

h) 6[g]

Johnston in view of Dierks renders obvious element 6[g] for at least the same reasons discussed for element 1[g]. EX1002, ¶136.

i) 6[h]

Johnston discloses element 6[h] for at least the same reasons discussed for element 1[h]. EX1002, ¶137.

Therefore, Johnston in view of Dierks renders claim 6 obvious. *Id.*, ¶138.

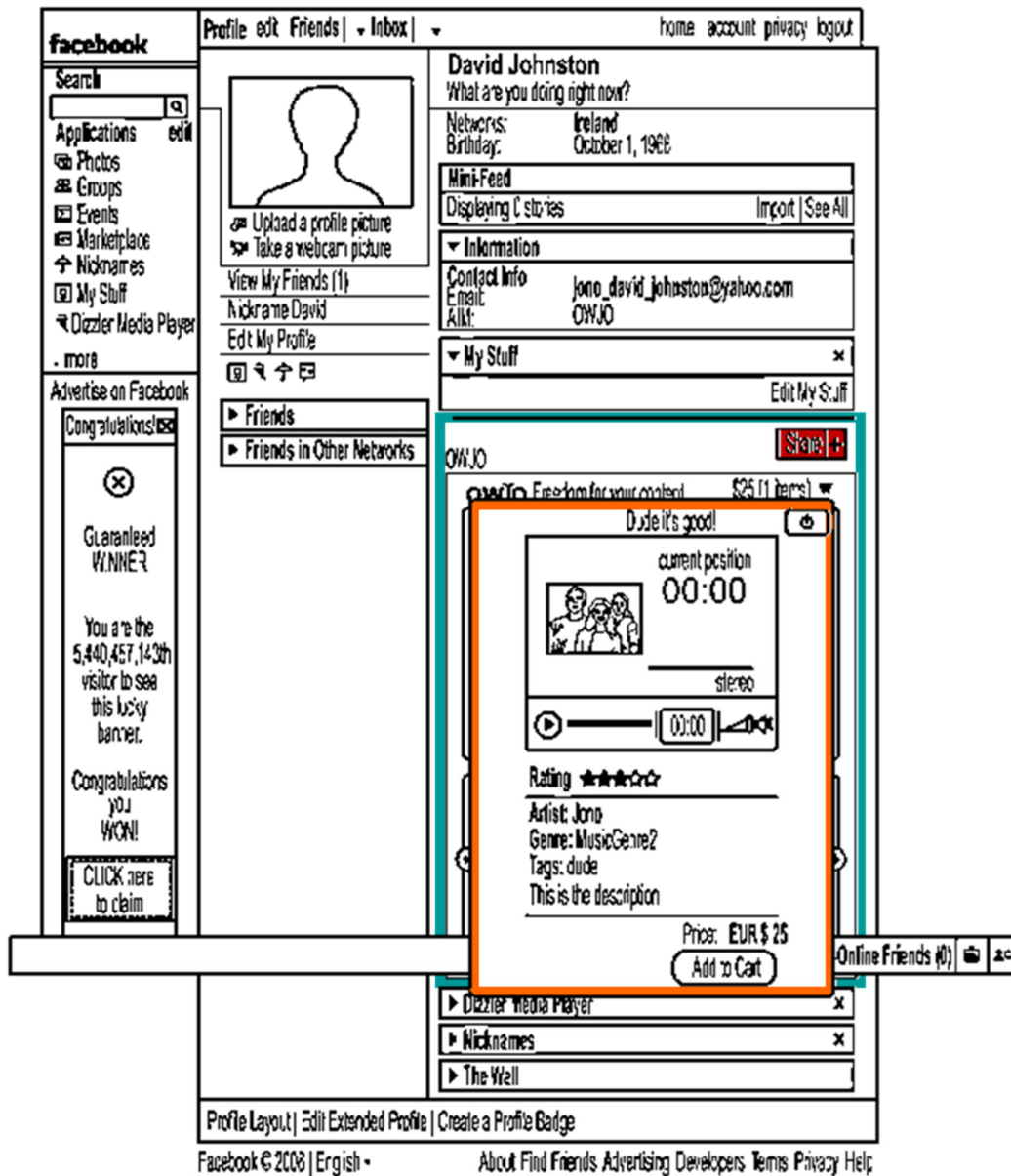
7. Claim 7

Johnston discloses the additional limitation of claim 7. For example, in describing the features of platform server 110 (“the application server”), Johnston discloses that “[t]he OWJO Platform may collect statistics on sales activity across some or all the OWJO sellers, the type of content and where that content has been sold.” EX1005, ¶¶161, 176. Thus, platform server 110 “is capable of compiling analytics related to the product listing.” EX1002, ¶139.

8. Claim 8

Johnston renders obvious the additional limitation of claim 8. In Johnston’s Figures 4A–4C, the **Storefront** includes a “**Share**” link. Johnston explains that “[a] seller can decide to promote the seller’s OWJO **Storefront** to some or all of their

contacts on Facebook or MySpace by clicking on the ‘**share**’ link.” EX1005, ¶286. As Dr. Mowry explains, a POSITA would have found it obvious to include a similar **share** link in every **product listing**. It was known before the ’995 patent’s priority date to include a share link in a product listing as disclosed, for example, by Chang. EX1008, ¶43. A POSITA would have been motivated to do so to allow the seller to promote specific product listings from the seller’s Storefront rather than the entire Storefront. Implementing Johnston’s Storefront such that every product listing includes a share link would have been well within the knowledge and skillset of a POSITA and would have been effected using basic computer-programming principles. EX1002, ¶141.



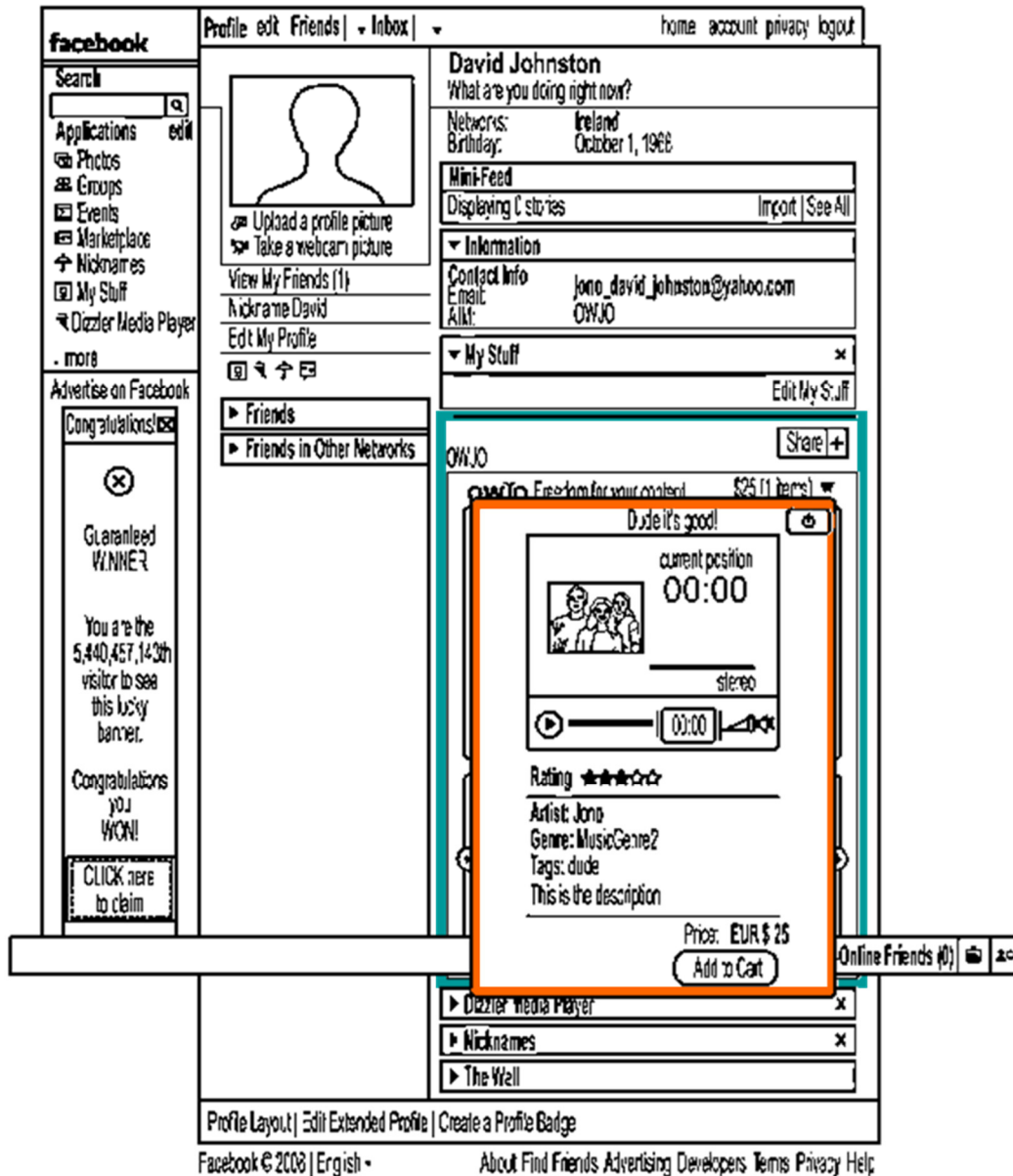
EX1005, FIG. 4B

9. Claim 9

Johnston discloses the additional limitation of claim 9. As discussed for element 1[f], Johnston discloses embedding a **Storefront** widget including a **product listing** into a seller's Facebook profile webpage (*"the website"*). EX1005,

¶¶231, 252–254, Figures 3G, 4A–4C. Facebook is a well-known social media network. Thus, a Facebook profile webpage is “a social media network site.”

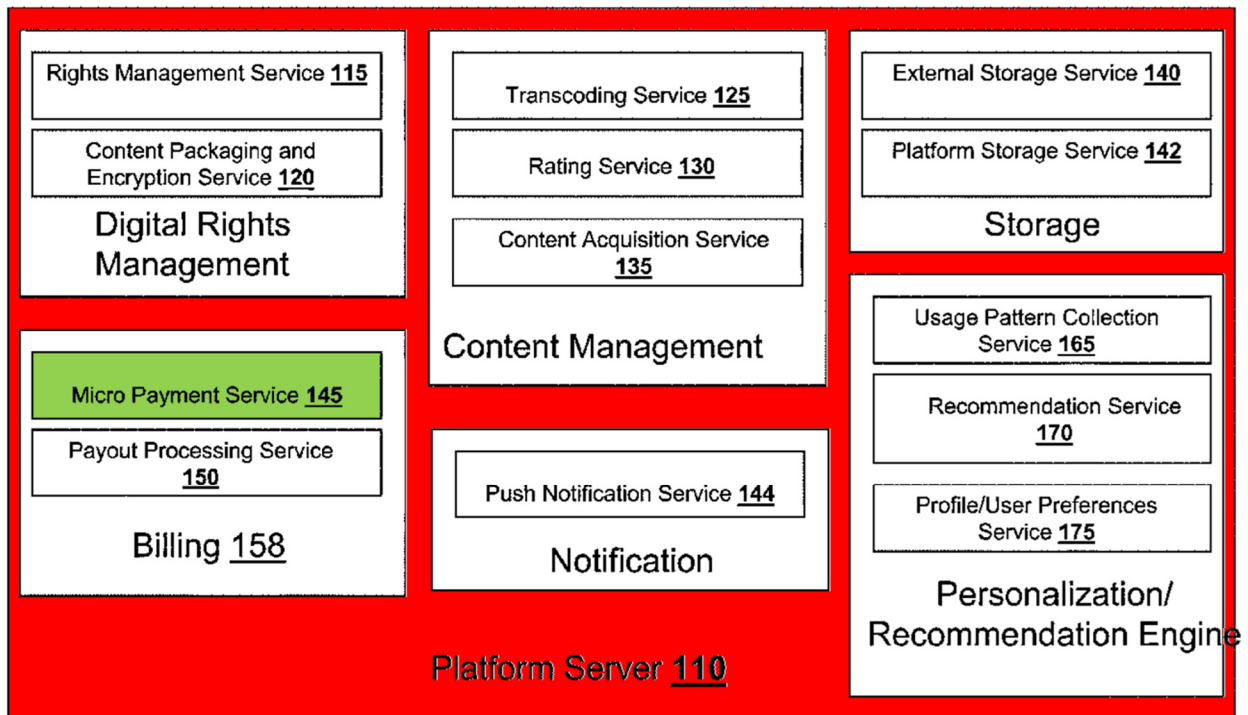
EX1002, ¶143.



EX1005, FIG. 4B

10. Claim 10

Johnston discloses the additional limitation of claim 10. As discussed for element 1[a], Johnston's **platform server 110** (*"the application server"*) controls **micro payment service 145** (*"the transaction processing service"*). In Figure 1C, Johnston illustrates **micro payment service 145** as part of the billing module 158, which is part of **platform server 110**. **Micro payment service 145** "provides a means for sellers and buyers to pay for products at low values or for small amounts of monies without incurring credit card or other third-party transaction fees." EX1005, ¶185; *see also id.*, ¶186. **Micro payment service 145** is managed internally by OWJO and is thus "*a proprietary service.*" Cf. EX1001, 18:13–16 (*"the transaction processing service 112 is implemented with a wholly internal, proprietary service that is not generally accessible over the Internet or other public computer communications networks"*). EX1002, ¶145.



EX1005, FIG. 1C

11. Claim 11

a) 11[preamble]

Regardless of whether the preamble is limiting, Johnston discloses it for at least the same reasons discussed for element 1[preamble]. EX1002, ¶147.

b) 11[a]

Johnston discloses element 11[a] for at least the same reasons discussed for element 1[a]. EX1002, ¶148.

c) 11[b]

Johnston discloses element 11[b] for at least the same reasons discussed for element 1[b]. EX1002, ¶149.

d) 11[c]

Johnston discloses element 11[c] for at least the same reasons discussed for element 1[c]. EX1002, ¶150.

e) 11[d]

Johnston discloses element 11[d] for at least the same reasons discussed for element 1[d]. EX1002, ¶151.

f) 11[e]

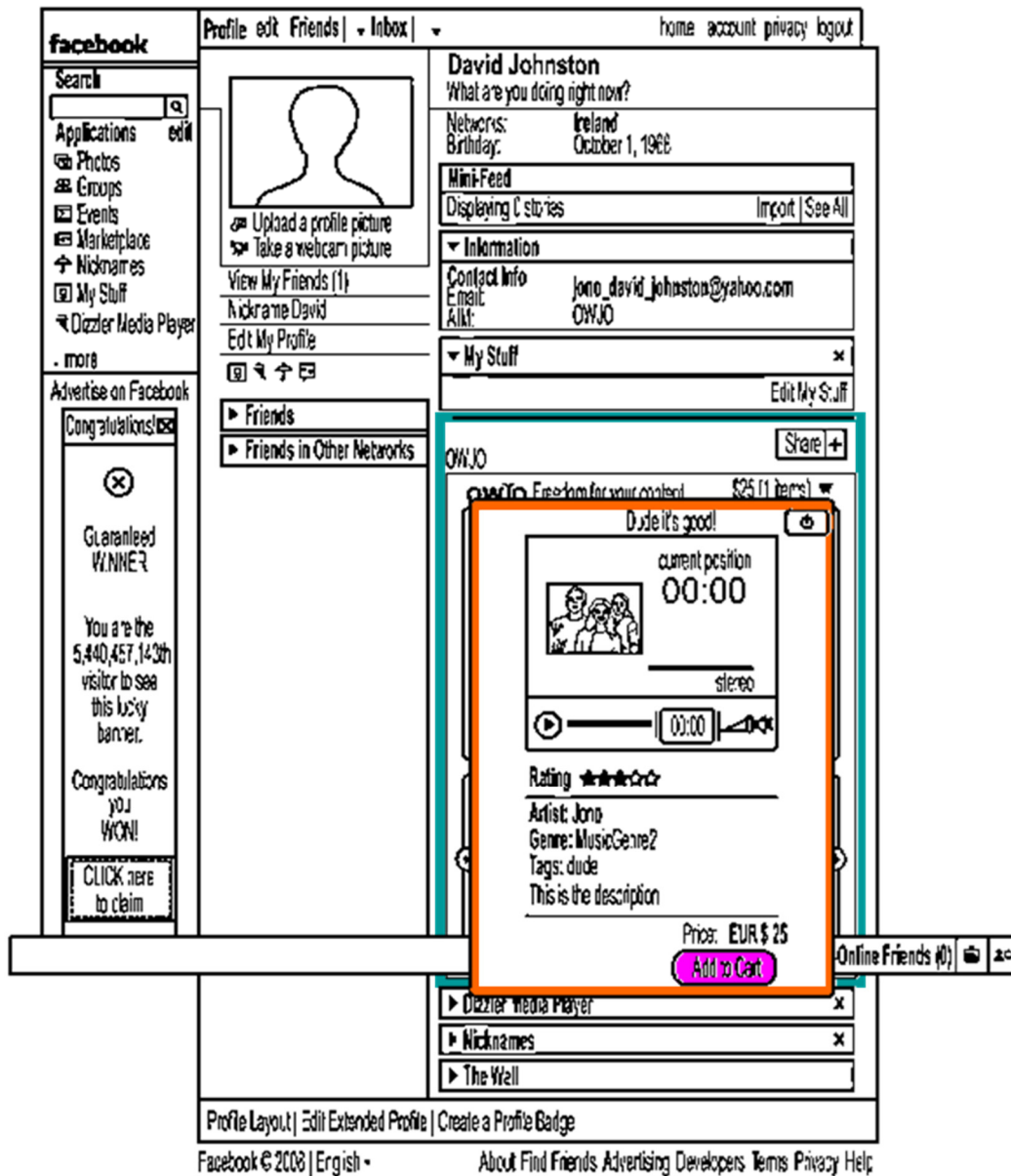
Johnston discloses element 11[e] for at least the same reasons discussed for element 1[e]. EX1002, ¶152.

g) 11[f]

Johnston discloses element 11[f] for at least the same reasons discussed for element 1[f]. EX1002, ¶153.

h) 11[g]

Johnston in view of Dierks renders obvious element 11[g] for at least the same reasons discussed for element 1[g]. Element 11[g] recites “*a client device in Internet communication with the social media network*” rather than “*with the website.*” As discussed for element 1[f], the **Storefront** along with the **product listing** is embedded in a seller’s Facebook profile webpage, which corresponds to “*the website*” in “*the social media network.*” Thus, when the client device is in communication with the website, it is also in communication with the social media network. EX1002, ¶154.



EX1005, FIG. 4B

Therefore, Johnston renders obvious element 11[g]. *Id.*, ¶155.

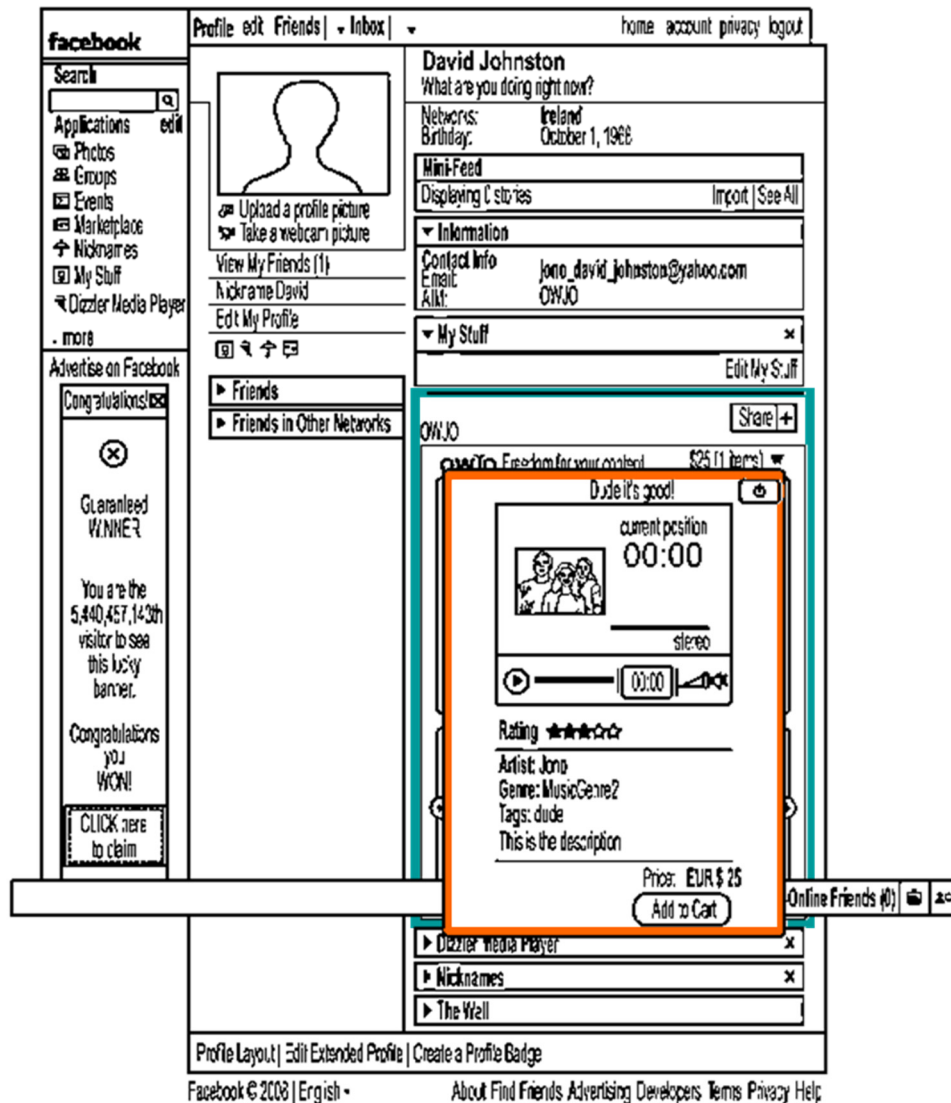
i) 11[h]

Johnston discloses element 11[h] for at least the same reasons discussed for element 1[h]. EX1002, ¶156.

Therefore, Johnston renders obvious claim 11. *Id.*, ¶157.

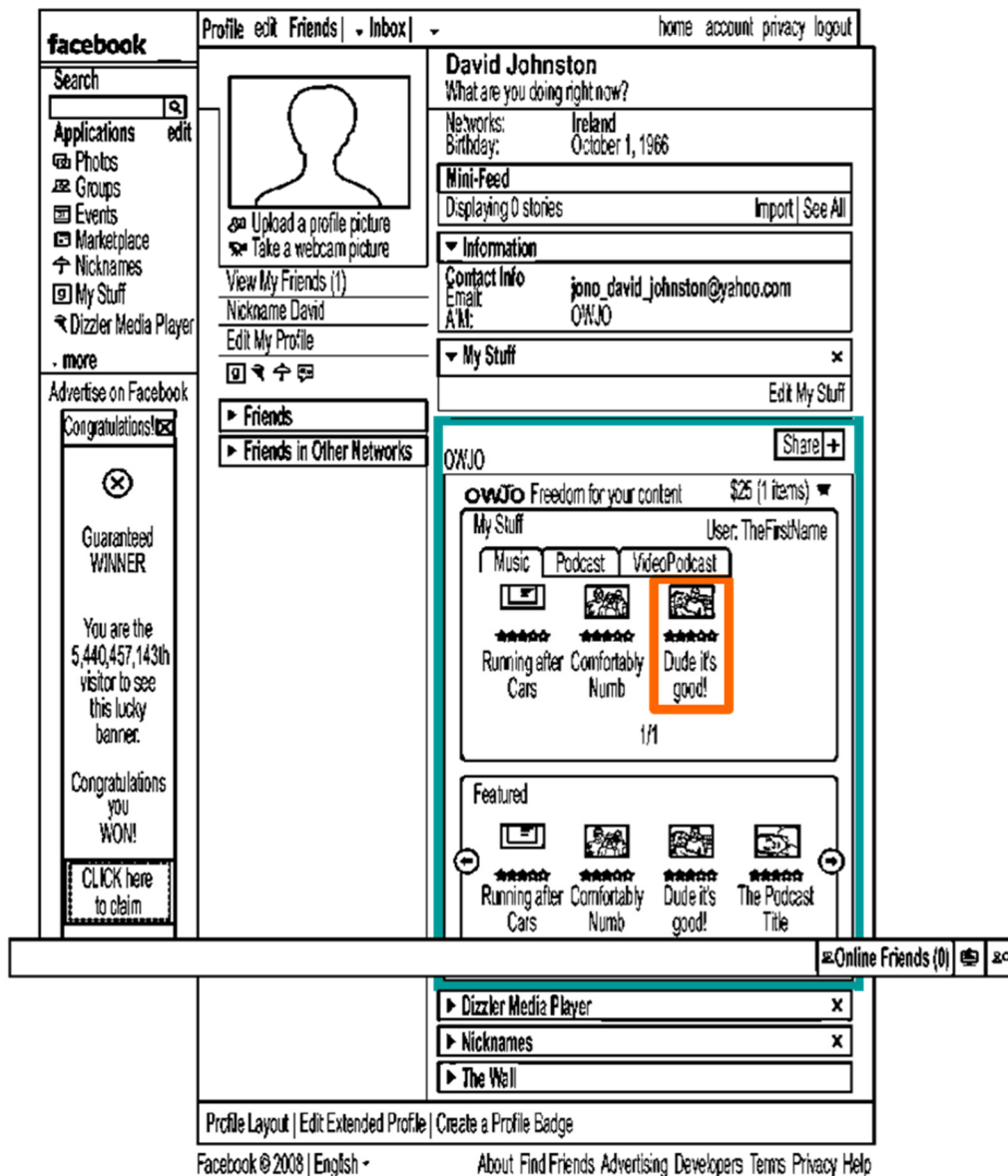
12. Claim 12

Johnston discloses the additional limitation of claim 12. In Figure 4B, Johnston illustrates an exemplary **product listing** for a music track named “Dude it’s good!” in the seller’s **Storefront** in the seller’s Facebook profile webpage. EX1002, ¶158.



EX1005, FIG. 4B

This **product listing** is for one of three music tracks that Johnston illustrates in Figure 4A. A POSITA would have understood that clicking on each of the other two music tracks—“Running after Cars” and “Comfortably Numb”—would display a product listing like the one in Figure 4B. That is, Facebook (“*the social media network*”) is “*capable of displaying multiple product listings.*” EX1002, ¶159.



EX1005, FIG. 4A

Alternatively, Johnston’s Figures 4A and 4B correspond to the Facebook profile webpage of one user—“David Johnston.” A POSITA would have understood that Facebook hosts the profile webpages of multiple users who could embed Storefronts with product listings into their profiles. Under this scenario, Facebook is also “*capable of displaying multiple product listings.*” EX1002, ¶160.

13. Claim 13

Johnston discloses the additional limitation of claim 13 for at least the same reasons discussed for claim 2. EX1002, ¶162.

14. Claim 14

Johnston discloses the additional limitation of claim 14 for at least the same reasons discussed for claim 10. EX1002, ¶164.

B. Ground 2: Claims 1–14 are Obvious over Wiser, Dierks, and Chang

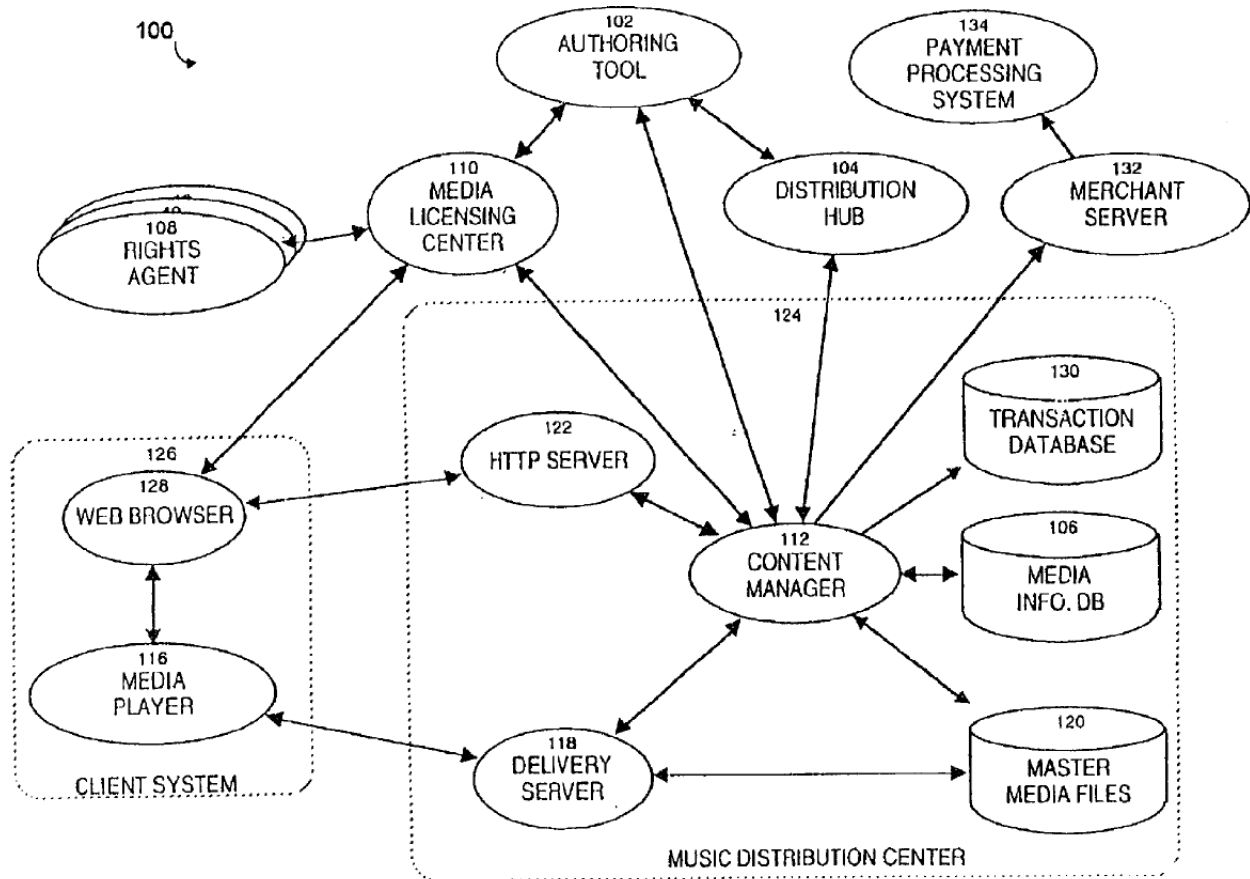
1. Claim 1

a) 1[preamble]: “A system for generating an electronic commerce store, comprising:”⁸

Regardless of whether the preamble is limiting, Wiser discloses it. For example, Wiser discloses “[a] computer implemented online music distribution **system** [that] provides for the secure delivery of audio data and related media, including text and images, over a public communications network.” EX1003,

⁸ See Appendix of Claim Listing.

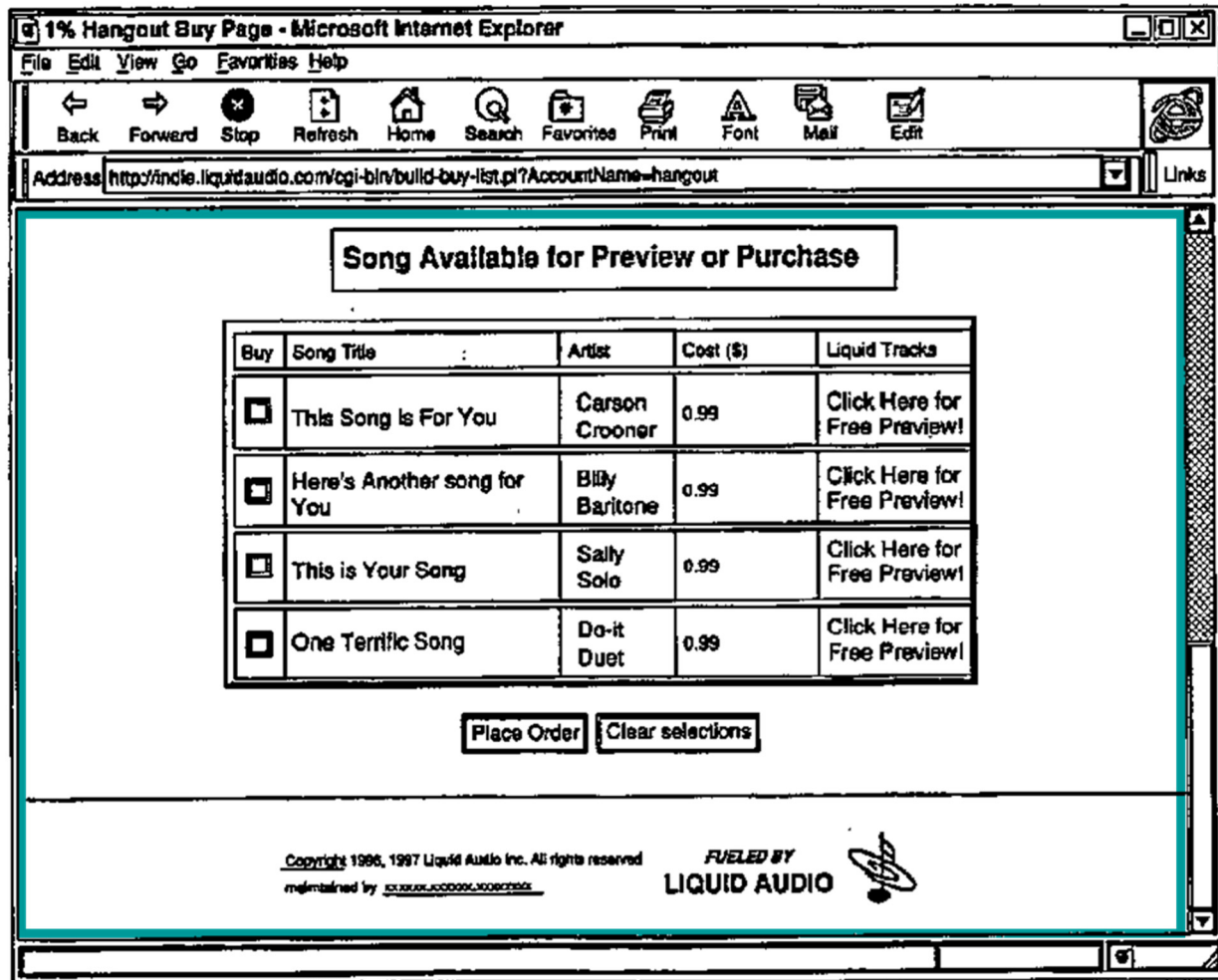
Abstract, 5:46–48. Wiser relates to “**a complete system for the online distribution of digital media**, such as digital audio, would provide online support for both the purchase and delivery phases.” *Id.*, 1:34–37. Wiser illustrates, in Figure 1, an embodiment of its online music distribution system—system 100. EX1002, ¶166.



EX1003, FIG. 1

Wiser’s “online music distribution system also provides for previewing of audio data prior to purchase.” *Id.*, Abstract. Wiser shows an exemplary **web page** provided by its system in Figure 8 that allows a purchaser to preview and/or purchase a media data file. *Id.*, 14:39–42, 16:30–33. The **web page** is “an electronic

commerce store” and a POSITA would have understood that the **web page** is generated by the online music distribution system. *See also* Section VIII.B.1.f) *infra*. EX1002, ¶167.



EX1003, FIG. 8

Therefore, Wiser discloses the preamble of claim 1. EX1002, ¶168.

b) 1[a]: “an application server, the application server controlling a transaction processing service;”

Wiser discloses element 1[a]. EX1002, ¶169.

First, Wiser discloses, in system 100, a music distribution center 124 that “includes a content manager 112, and at least one delivery server 118, an HTTP (HyperText Transfer Protocol) server 122.” EX1003, 5:51–54. The combination of **content manager 112, delivery server 118, and HTTP server 122** collectively corresponds to a server. It was well-known before the ’995 patent’s priority date that a server could be a cluster of servers and computing devices running computer programs for client systems. *See, e.g.*, EX1005, ¶115 (“The Server 110... may comprise a single server, a server farm or a cluster of one or more application servers or nodes.”); EX1006, ¶62 (“The merchant server or the third-party server may comprise a... combination or network of computing devices such as a servers...”). EX1002, ¶170.

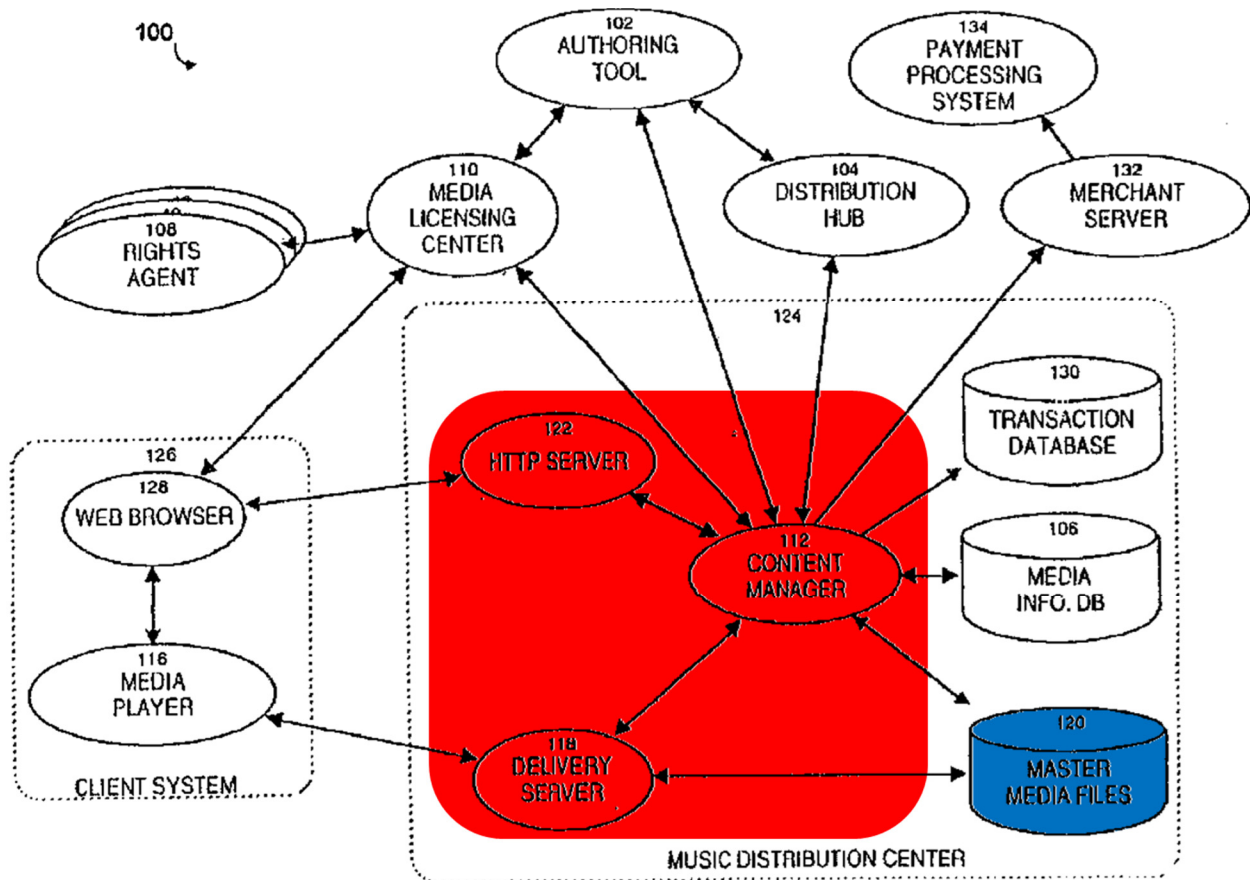
service 112 for the provision of credit card, debit card or bank account information and completion of the purchase transaction”). **Content manager 112** is like the ’995 patent’s application server 106 that “acts as a centralized compute processing and transaction management resource.” EX1001, 3:47–49. EX1002, ¶171.

Accordingly, the combination of **content manager 112, delivery server 118, and HTTP server 122** is “*an application server configured to control a transaction processing service,*” as recited by element 1[a]. *Id.*, ¶172.

c) 1[b]: “a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product;”

Wiser discloses element 1[b]. EX1002, ¶173.

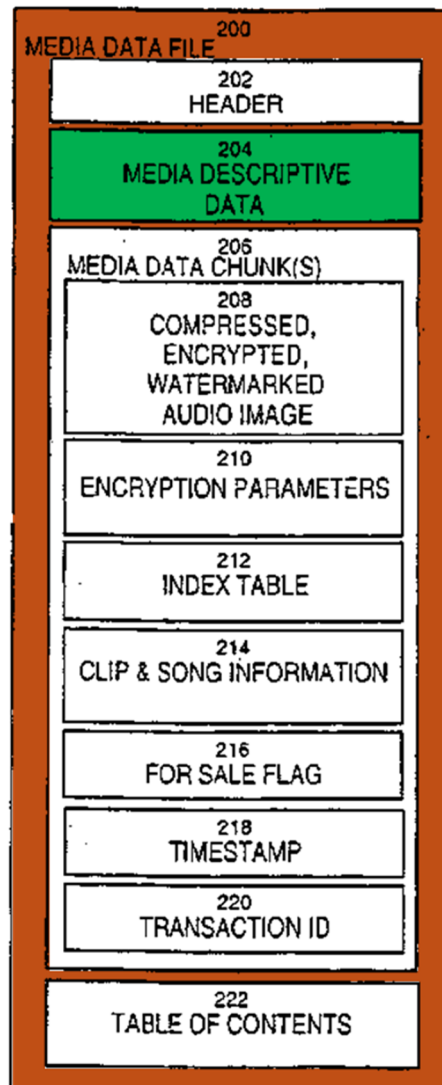
First, Wiser’s system 100 comprises **master media file system 120** in communication with **content manager 112 and delivery server 118** (“*the application server*”). EX1003, Figure 1, 14:56–57, 19:31–32. EX1002, ¶174.



EX1003, FIG. 1

Second, **master media file system 120** stores at least one media data file 200. *Id.*, 6:52–53 (“The media data files 200 are stored in the master media file system 120.”), 10:51–56. Thus, **master media file system 120** is a “*storage resource*.” Moreover, the media data file 200 is “*a product*.” *Cf.* EX1001, 11:25–27 (“each uploaded content file represents an item for promotion and distribution”; “[e]ach ‘item’ is made available as a ‘product’ for marketing purposes”), 6:37–38 (“the items include individual songs, song releases, or entire song catalogues”). EX1002, ¶175.

Third, **media data file 200** includes **media descriptive data 204**. EX1003, Figure 2. Wiser explains that **media descriptive data 204** include “descriptive text, such as title, artist, lyrics, and liner notes” (“*metadata*”) and “promotional art **image** data, and cover art **image** data” (“*an image*”). *Id.*, 6:61–64. Thus, **master media file system 120** stores “*an image and metadata related to a product.*” EX1002, ¶176.



EX1003, FIG. 2

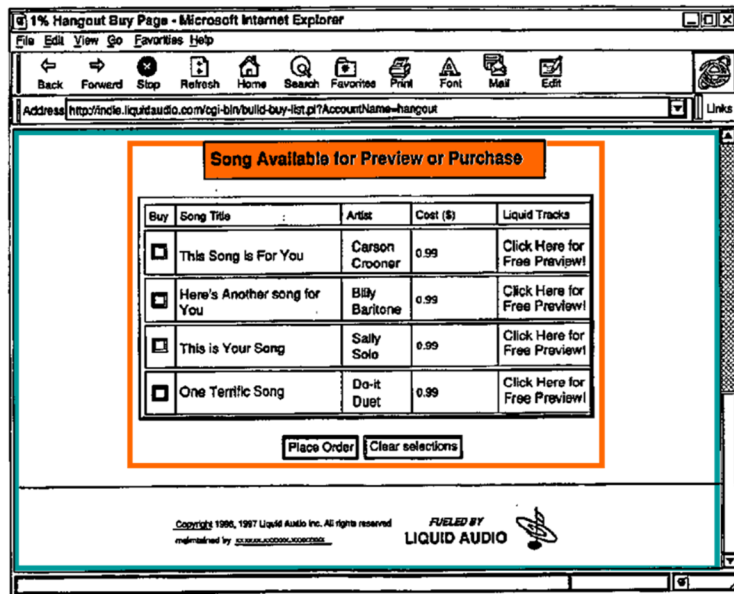
Therefore, Wiser discloses element 1[b]. EX1002, ¶177.

d) 1[c]: “a widget builder resource executing on the application server,”

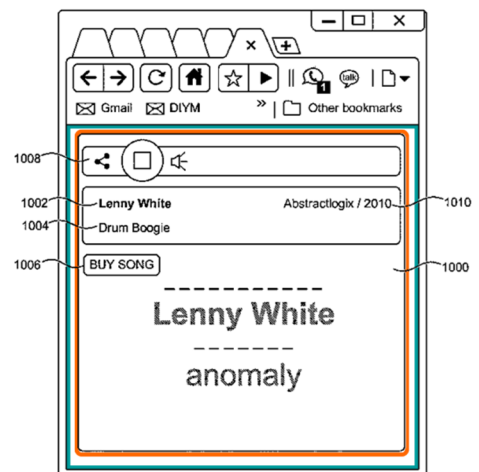
Wiser in combination with Dierks renders obvious element 1[c]. EX1002, ¶178.

(1) Wiser

Wiser discloses an exemplary “**preview listing**” in a **web page** in Figure 8, reproduced below alongside the ’995 patent’s Figure 10. EX1003, 16:30–33. Like the ’995 patent’s product listing, Wiser’s **preview listing** is displayed on or embedded into the **web page** displayed in a web browser—for example, web browser 128 of client system 126. *Id.* (“the user will be viewing in the Web browser 128... listing of music and media available for purchase, and may be similar in form to the preview listing of FIG. 8”). EX1002, ¶179.



EX1003, FIG. 8

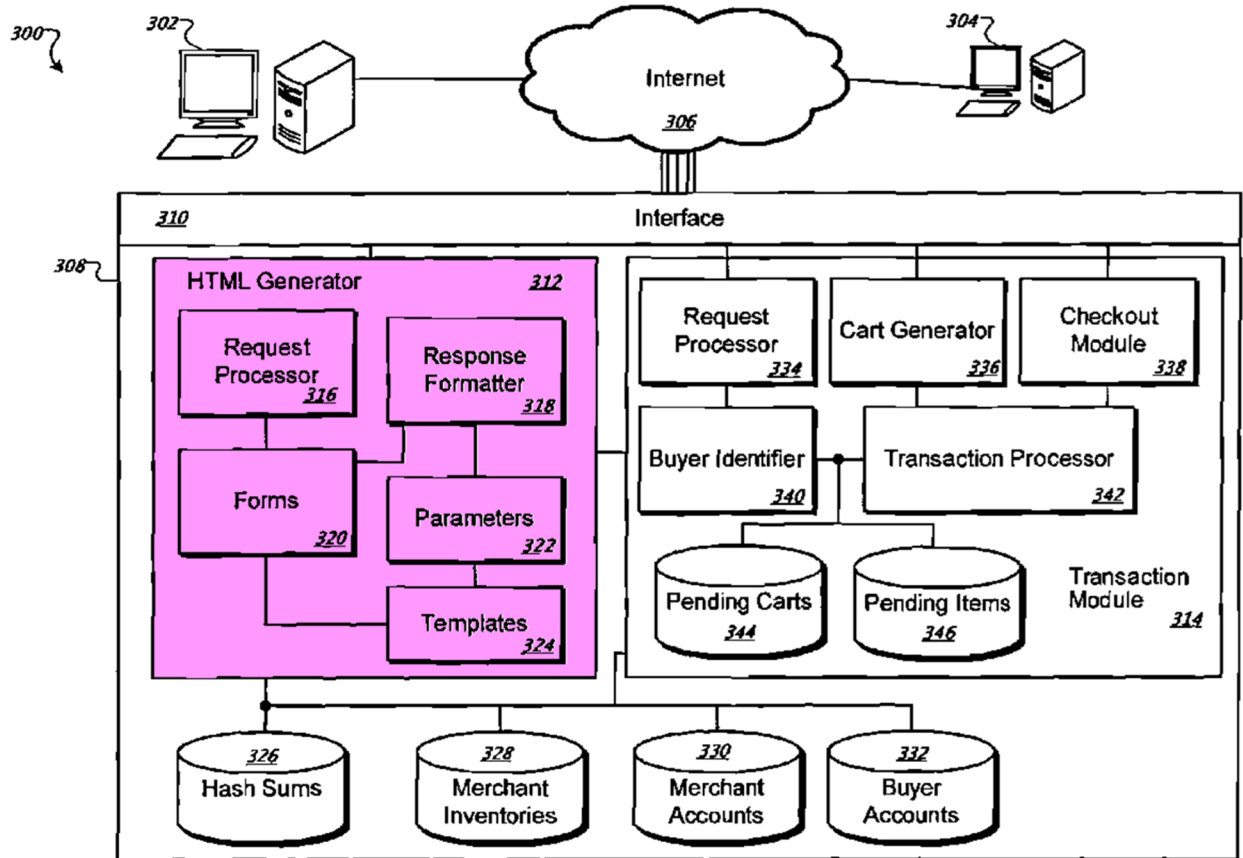


EX1001, FIG. 10

Wiser is silent as to how its **preview listing** is generated. However, a POSITA would have found it obvious to implement Wiser's **content manager 112, delivery server 118, and/or HTTP server 122** (*"the application server"*) to include and execute a widget builder resource or the like to generate Wiser's **preview listing**. Wiser makes clear that the "rapid development of the Internet and the World Wide Web" has enabled online commerce. EX1003, 1:15–33. Wiser is particularly concerned with both the online purchase and delivery phases of distributing music created by a multitude of artists. *Id.*, 1:34–37 ("a complete system for the online distribution of digital media, such as digital audio, would provide online support for both the purchase and delivery phases"), 10:51–56. As Dr. Mowry explains, a POSITA would have known that it would be inefficient and impractical to write unique code to generate a preview listing for every media data file 200 or for a group of media data files by every artist. Instead, in view of Wiser's objectives, a POSITA would have found it obvious to use a template or a tool (*"a widget builder resource"*) that can use information associated with every media data file 200 or group of media data files by an artist to readily generate a preview listing that has a predetermined format and structure. Doing so was well-known prior to the '995 patent's priority date, for example, as taught by Dierks and as discussed next. EX1002, ¶180.

(2) *Dierks*

Dierks discloses an e-commerce system 300 that includes an **HTML generator 312** that “is configured to receive parameters regarding items to be sold by vendors and to **generate code, such as HTML or XHTML, for the vendors to include in their web pages, to generate controls for making ordering and selection of the items easier for visitors to the sites.**” EX1004, ¶¶60, 62, Figure 3; *cf.* EX1001, 8:40–50 (“The buy buttons 310 are generated by content owners using the widget builder resource component 300 and linked to web widgets. The buy buttons 310 can be customized and distributed to online resources on the Internet, on mobile communication networks or on other computer networks for use in promoting the various groupings of multimedia content available from a content owner. Once a buy button 310 is clicked or selected by a consumer, it will activate its linked web widget and take the consumer to a checkout screen in the web widget.”). EX1002, ¶181.



EX1004, FIG. 3

Dierks's **HTML generator 312** includes a forms module 320 that serves a form that allows a requester to “provide information about an item the requester hopes to offer for sale, such as a description and price for the item.” *Id.*, ¶63. The supplied information is stored in the parameters module 322. *Id.*, ¶64. Dierks explains that **HTML generator 312** “may access generic HTML code from templates module 324” and “[b]y combining the template information with the supplied parameters in a conventional manner, the **HTML generator 312** may

produce mark-up code for the user that the user can employ to provide payment processing services on their web site.” *Id.* EX1002, ¶182.

Dierks goes on to disclose an exemplary interface, illustrated in Figure 4, that “presents a user with an easy, step-by-step process for entering relevant information and obtaining the code.” EX1004, ¶71. Radio buttons 402 and 404 allow the user to choose the type of “purchasing button.” *Id.*, ¶¶71, 73. Information about the item to be sold (*e.g.*, name, description, price, etc.) provided by the user “may be coded along with the button, so as to be displayed on the vendor’s web page with the button.” *Id.*, ¶¶73, 76–77. For example, the generated code is displayed in area 418 and may be “cut-and-pasted into the user’s web page.” *Id.*, ¶74. EX1002, ¶183.

Mozilla Firefox - MyCheckout 400

https://www.mycheckout.com/Merchant/8675309/CreateItemCode/

1. Choose a button type.

☒ Basic Button 402 ☐ Button with Options 404

Select this button type to offer different item options, such as sizes or colors.

2. Choose a button style.

My web page has a White 406 background.

3. Describe your item.

Item Name: turquoise earrings 408 Price: 50.00 410 USD

Item Description: A single turquoise briolette is surrounded by three draping layers of delicate sterling silver chain. 412

414 Create Button Code

Insert this code for shopping cart:

```
<script type="text/javascript" src="https://www.mycheckout.com/shoppingcart.js?sellerId=8675309"></script><span id="mycheckout_status_bar"></span>
```

416

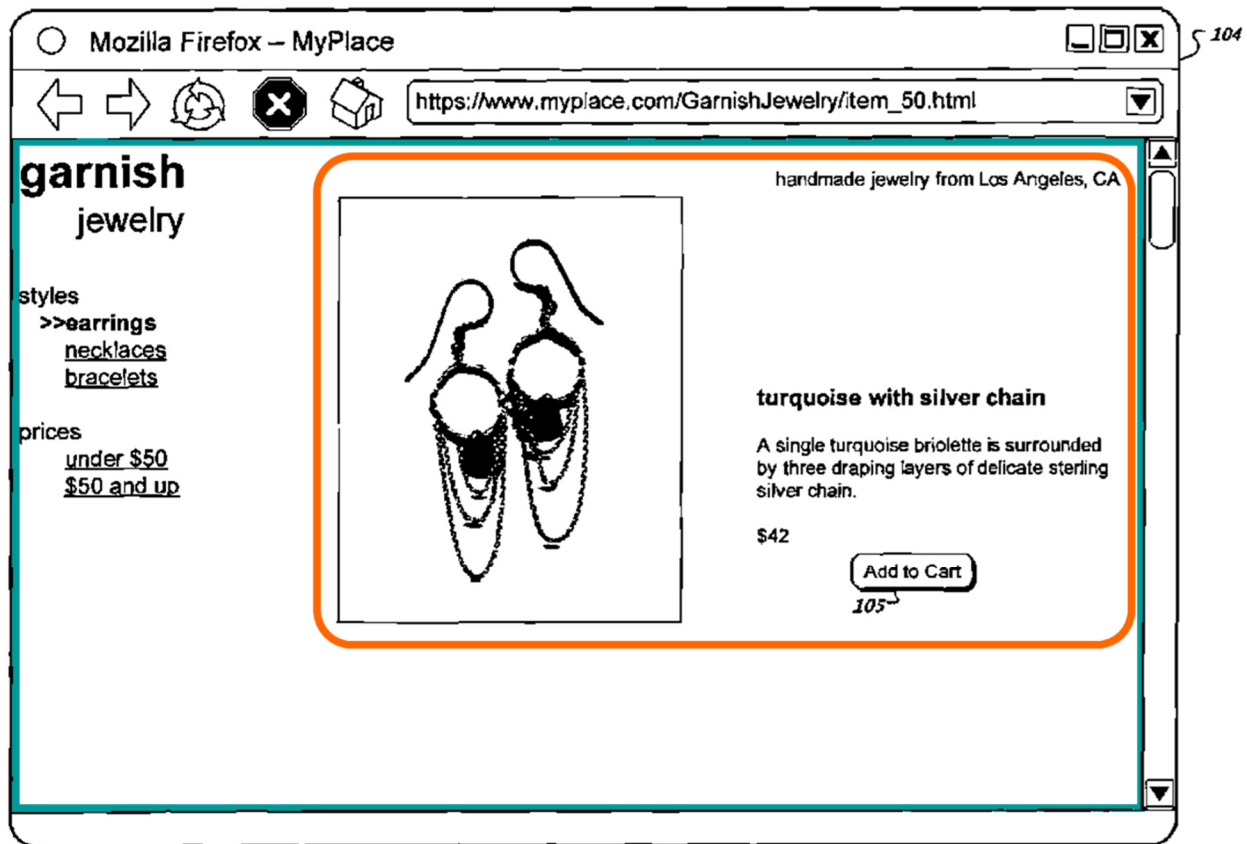
Insert this code for add to cart button:

```
<form action=https://www.mycheckout.com/Merchant/8675309/add onsubmit="return false;" method="post"><input type="hidden" name="item" value="PD94bVWgdmVyc2lvbj0iMS4wliBlbmNvZGluZz0iVVRGLTgiPz4NCjxJdGVtIHhtbG5zPSJodHRwOi8vY2hlY2tvdXQuZ29vZ2xlLmNvbS9zY2h1bWEvMil+DQogIDxldWFudGI0eT4xPC9xdWFudGI0eT4NCiAgPHVuaXQ
```

418

EX1004, FIG. 4

Dierks's Figure 1B, for example, illustrates a web browser displaying a **web page** with a **product listing**. EX1002, ¶184.



EX1004, FIG. 1B

Dierks's **HTML generator 312** is a “*widget builder resource*.” EX1002, ¶185.

(3) *Motivation to Combine Wiser and Dierks*

A POSITA would have been motivated, according to and informed by Dierks's teachings, to implement Wiser's application server (*i.e.*, content manager 112, delivery server 118, and/or HTTP server 122) to include and execute an HTML generator as taught by Dierks to generate Wiser's preview listing. EX1002, ¶186.

First, Wiser and Dierks are from the same field of endeavor. *See, e.g., Medtronic*, 721 F.2d at 1574–75; M.P.E.P. §2141. Both references are directed to

electronic commerce. Wiser discloses a “computer implemented online music distribution system provides for the secure delivery of audio data and related media, including text and images, over a public communications network.” EX1003, Abstract. Dierks discloses a “computer-implemented method [for] generating on a user terminal a merchant web site associated with a merchant with code for a merchant web page.” EX1004, Abstract. Thus, both references are directed to electronic commerce. Accordingly, a POSITA would have understood that Dierks’s teachings were directly applicable to Wiser’s system. EX1002, ¶187.

Second, implementing Wiser’s application server to include and execute an HTML generator as taught by Dierks to generate Wiser’s preview listing would have yielded expected, predictable results. *KSR*, 550 U.S., 416; M.P.E.P. §2143(I)(A). Wiser discloses a preview listing on a web site that includes information associated with an item for sale, price of the item, and a “Place Order” or “Buy It” button. EX1003, Figure 8, 16:30–36; Section VIII.B.1.d)(1). Dierks discloses an HTML generator that—based on information provided by a user about an item for sale, including its price and description—generates code for a product listing, including a “purchasing button,” that the user can cut-and-paste (*i.e.*, embed) in the user’s web site. EX1004, Figures 1B, 3, and 4, and ¶¶62–64, 71, 73, 74; Section VIII.B.1.d)(2). A POSITA would have combined the elements taught by Wiser and Dierks, using known and routine computer-programming principles, to implement Wiser’s

application server to include and execute an HTML generator as taught by Dierks to generate Wiser's product listing. This result would have been readily predictable and recognized by a POSITA. EX1002, ¶188.

Third, a POSITA would have been motivated to combine the teachings of Wiser and Dierks because Dierks teaches the implementation details for generating a product listing that Wiser omits. Combining the two teachings would have entailed the simple substitution of one known element (an application server that displays a preview listing in Wiser) for another (a system with an HTML generator that generates code for a product listing as taught by Dierks) to obtain predictable results. *KSR*, 550 U.S., 416; M.P.E.P. §2143(I)(B). This substitution would have been readily achievable by a POSITA via known and routine computer-programming principles to implement Wiser's application server and would have provided the predictable result of including and executing an HTML generator to generate the code needed to display a product listing on a web site. EX1002, ¶189.

Fourth, a POSITA would have been motivated to combine the teachings of Wiser and Dierks because including and executing an HTML generator in an application server to generate a product listing would have been obvious to try. *KSR*, 550 U.S., 421; M.P.E.P. §2143(I)(E). There were only two possible known and predictable choices for generating a product listing in an application server—(1) write unique code to display a listing for every piece or group of music for sale and

(2) have a tool such as Dierks’s HTML generator that gathers unique information associated with a piece or group of music for sale but uses mostly the same code to generate a product listing. A POSITA would have pursued these two potential solutions with a reasonable expectation of success because the analysis would have simply involved trying each one of these two solutions. *See, e.g., CRFD Research, Inc. v. Matal*, 876 F.3d 1330, 1347 (Fed. Cir. 2017) (“[A] person of ordinary skill would have two predictable choices... providing [the] person of ordinary skill with a simple design choice” of choosing one solution or the other). Thus, it would have been obvious to a POSITA to have selected the inclusion and execution of an HTML generator as taught by Dierks in Wiser’s system. EX1002, ¶190.

Fifth, including and executing Dierks’s HTML generator in Wiser’s application server would have been readily implemented by simply augmenting Wiser’s application server to include and execute an HTML generator that generates code to list music for sale on a web site. A POSITA would have used basic computer-programming principles to implement Wiser’s application server to include and execute Dierks’s HTML generator. This implementation would have been well within the knowledge and skillset of a POSITA. EX1002, ¶191.

**(4) *Reasonable Expectation of Success in Combining
Wiser and Dierks***

A POSITA would also have had a reasonable expectation of success. The combination of Wiser and Dierks represents a straightforward implementation of an HTML generator in Wiser’s application server to generate code for a product listing, which a POSITA would have been familiar with and been able to implement. The reasons a POSITA would have expected success parallel those that provide motivation for this combination—including because both Wiser and Dierks are directed to electronic commerce and both disclose similar product listings. EX1003, Abstract, Figure 8; EX1004, Abstract, Figure 1B; Section VIII.B.1.d)(3). EX1002, ¶192.

Accordingly, Wiser in view of Dierks renders obvious element 1[c] and a POSITA would have been motivated to combine the teachings of these references and would have had a reasonable expectation of success. *Id.*, ¶193. For these same reasons, a POSITA would have been motivated to combine the teachings of these references for all subsequently discussed claims and limitations in this ground. *Id.*

**e) 1[d]: “the widget builder resource configured to:
receive the image and metadata from the storage resource;
and”**

Wiser in combination with Dierks renders obvious element 1[d]. EX1002, ¶194.

As discussed for element 1[c], Wiser in combination with Dierks renders obvious “a widget builder resource executing on the application server.” Dierks’s HTML generator 312 (“the widget builder resource”) is configured to generate mark-up code, as shown in area 418, for vendors to include in web pages based on information received about items to be sold. EX1004, ¶¶38, 62, 71, 73, 74, 76, 77, Figure 4. EX1002, ¶195.

Mozilla Firefox - MyCheckout

https://www.mycheckout.com/Merchant/8675309/CreateItemCode/

1. Choose a button type.

☒ Basic Button 402 ☐ Button with Options 404

Select this button type to offer different item options, such as sizes or colors.

2. Choose a button style.

My web page has a 406 background.

3. Describe your item.

Item Name: 408 Price: 410 USD

Item Description: 412

414

Insert this code for shopping cart:

```
<script type="text/javascript" src="https://www.mycheckout.com/shoppingcart.js?sellerId=8675309"></script><span id="mycheckout_status_bar"></span>
```

Insert this code for add to cart button:

```
<form action=https://www.mycheckout.com/Merchant/8675309/add onsubmit="return false;" method="post"><input type="hidden" name="item" value="PD94bVWgdmVyc2lvbj0iMS4wliBlbmNvZGluc2Z0IWRVVG5zPSJodHRwOi8vY2h1Y2tdXQuZ29vZ2xiLmNvbS9zY2hibWEvMil+DQogIDxkdWFudGl0eT4xPC9xdWFudGl0eT4NCiAgPHVuaXQ
```

EX1004, FIG. 4

The generated code in area 418 includes a hash code—the string of characters equated to “value.” *Id.*, ¶39 (“This hash code may have been generated when the

underlying mark-up code for the ‘add to cart’ button 105 was generated, and may represent a hash function applied to that mark-up code.”). As Dr. Mowry explains, a POSITA would have understood that the hash code corresponds to information corresponding to the item to be sold that may be displayed on a vendor’s web page and that also allows the system to ascertain that the correct item is being bought at the correct price when processing a transaction. *Id.*, ¶¶39, 73, 77. A POSITA would have understood that the hash sums database 326 would typically contain not only the hash code values, but also the information (or a pointer to the information) that was used to generate the hash code. *Id.*, Figure 3. Thus, when the hash sums database 326 is queried based on a hash code value, a matching record would provide the payment processing system with relevant information regarding the item for sale. EX1002, ¶196.

As discussed for element 1[b], Wiser discloses that **master media file system 120** (“*the storage resource*”) is in communication with **content manager 112 and delivery server 118** (“*the application server*”) and stores **media data file 200**, which includes **media descriptive data 204**. **Media descriptive data 204** include “descriptive text, such as title, artist, lyrics, and liner notes” (“*metadata*”) and “promotional art image data, and cover art image data” (“*the image*”). EX1003, 6:61–64. In an aspect of its invention, Wiser discloses that “cover art” is available for preview. *Id.*, 3:63–65 (“In addition, descriptive information, such as **cover art**,

lyrics, credits and the like, is also available for previewing.”). Wiser’s preview listing in Figure 8 provides links to preview audio but Figure 8 itself is part of the overall preview process (*e.g.*, by providing the name of the song, artist, and price). *Id.*, 14:39–42 (“Previewing begins with the user viewing a Web page in the Web browser 128 that has a link to a preview of a desired media data file 200. FIG. 8 illustrates an exemplary Web page for selecting a preview.”). Thus, for Wiser’s system as configured by Dierks’s teachings (the “Wiser-Dierks system”) to generate a preview listing like in Wiser’s Figure 8 that further displays a cover art for preview, a POSITA would have found it obvious to configure the HTML generator to receive and use not only Wiser’s “descriptive text, such as title, artist, lyrics, and liner notes” (“*metadata*”), as taught by Dierks, but also Wiser’s “promotional art image data, and cover art image data” (“*the image*”) from **media descriptive data 204** stored in **master media file system 120** (“*the storage resource*”). The hash code in the code generated by the HTML generator would thus point to both “*the metadata*” and “*the image*” to include in the product listing. Such a configuration would simplify the process of creating a product listing for the seller and require less input from the seller. Accordingly, a POSITA would have configured the widget builder resource to “*receive the image and metadata from the storage resource.*” EX1002, ¶197.

Therefore, Wiser in combination with Dierks renders obvious element 1[d]. *Id.*, ¶198.

f) 1[e]: “[the widget builder resource configured to:] generate a product listing, wherein the product listing includes the image, the metadata, and a clickable link, wherein the clickable link is a buy button and includes a preview of the product, and”

Wiser in combination with Dierks renders obvious element 1[e]. EX1002, ¶199.

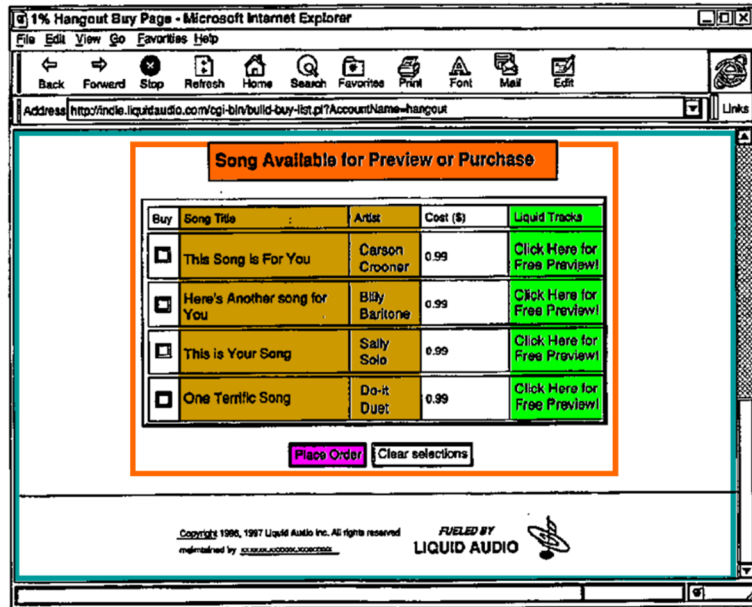
First, as discussed for element 1[c], a POSITA would have been motivated to combine and would have had a reasonable expectation of success in combining the teachings of Wiser and Dierks to implement Wiser’s application server to include and execute an HTML generator (“*the widget builder resource*”) as taught by Dierks to generate Wiser’s preview listing. EX1002, ¶200.

Second, Wiser’s **preview listing** is a “*a product listing.*” Wiser discloses that “the user will be viewing in the Web browser 128 some form of menu, catalogue, index or other **listing of music and media available for purchase**, and may be similar in form to the **preview listing** of FIG. 8.” EX1003, 16:30–33; *cf.* EX1001, 11:25–27 (“each uploaded content file represents an item for promotion and distribution”; “[e]ach ‘item’ is made available as a ‘product’ for marketing purposes”), 6:37–38 (“the items include individual songs, song releases, or entire song catalogues”). EX1002, ¶201.

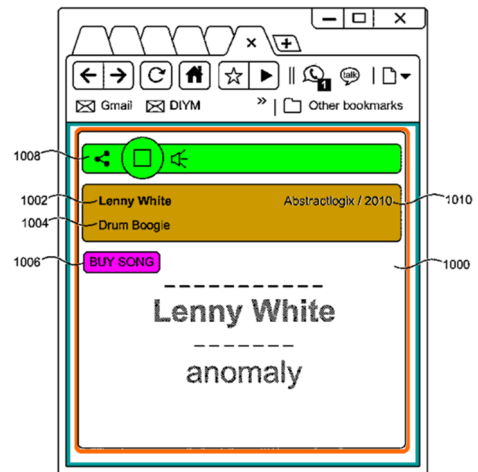
Third, similar to the ’995 patent’s product listing in Figure 10 (reproduced below alongside Wiser’s Figure 8), Wiser’s **preview listing** includes the “**Song**

Title” and “**Artist**,” a “*preview of the product*,” and a “**Place Order**” button.

EX1003, Figure 8. EX1002, ¶202.



EX1003, FIG. 8



EX1001, FIG. 10

As explained for element 1[b], a media data file 200 stored in master media file system 120 includes media descriptive data 204, which in turn include “descriptive text, such as **title**, **artist**, lyrics, and liner notes” (“*the metadata*”). EX1003, 6:62–63. Thus, the “**Song Title**” and “**Artist**” in Wiser’s **preview listing** correspond to “*the metadata*.” EX1002, ¶203.

Wiser makes clear that “FIG. 8 illustrates an exemplary Web page for selecting a **preview**.” EX1003, 14:41–42. Wiser explains that “[p]reviewing begins with the user viewing a Web page in the Web browser 128 that has a link to a **preview of a desired media data file 200**.” *Id.*, 14:39–41. Accordingly, Wiser’s **preview listing** includes “*a preview of the product*.” EX1002, ¶204.

Further, Wiser’s “**Place Order**” button is “*a buy button.*” Wiser discloses that “[f]rom the user’s Web browser 128 a purchase request for a specific song is sent 902 to the HTTP server 122, for example by the user clicking on a “**Buy It**” **button.**” EX1003, 16:33–36. A POSITA would have understood that the “**Place Order**” button is also “*a clickable link.*” EX1022, 5:26–28 (“The web page of the reseller includes a hyperlink, which is indicated by a graphic display, such a button, highlighted text, or the like.”). EX1002, ¶205.

Fourth, as discussed for element 1[d], Wiser discloses making cover art (“*the image*”) available for preview (EX1003, 14:39–42), and a POSITA would have configured the widget builder resource in the Wiser-Dierks system to receive the image from the storage resource. Wiser is silent regarding where and when the cover art would be displayed. However, displaying the cover art or a thumbnail of the cover art in Wiser’s **preview listing** in Figure 8, just like Dierks displays an image of the product for sale in its Figure 1B, would have been an obvious option to a POSITA. A POSITA would have been motivated to do so because displaying the image of the product for sale would make the product readily recognizable to the buyer. Further, it was well-known to display the cover image for a music track. EX1005, Figure 4B; Section VIII.A.1.f). Implementing the widget builder resource in the Wiser-Dierks system to display the cover art or a thumbnail of the cover art in Wiser’s **preview listing** would have been well within the knowledge and skillset of

a POSITA, and would have been effected using basic computer-programming principles. Sections VIII.B.1.d)(3) and VIII.B.1.d)(4). EX1002, ¶206.

Therefore, Wiser in combination with Dierks renders obvious element 1[e]. EX1002, ¶207.

g) 1[f]: “wherein the application server is configured to embed the product listing into a web site and into a social media network, and”

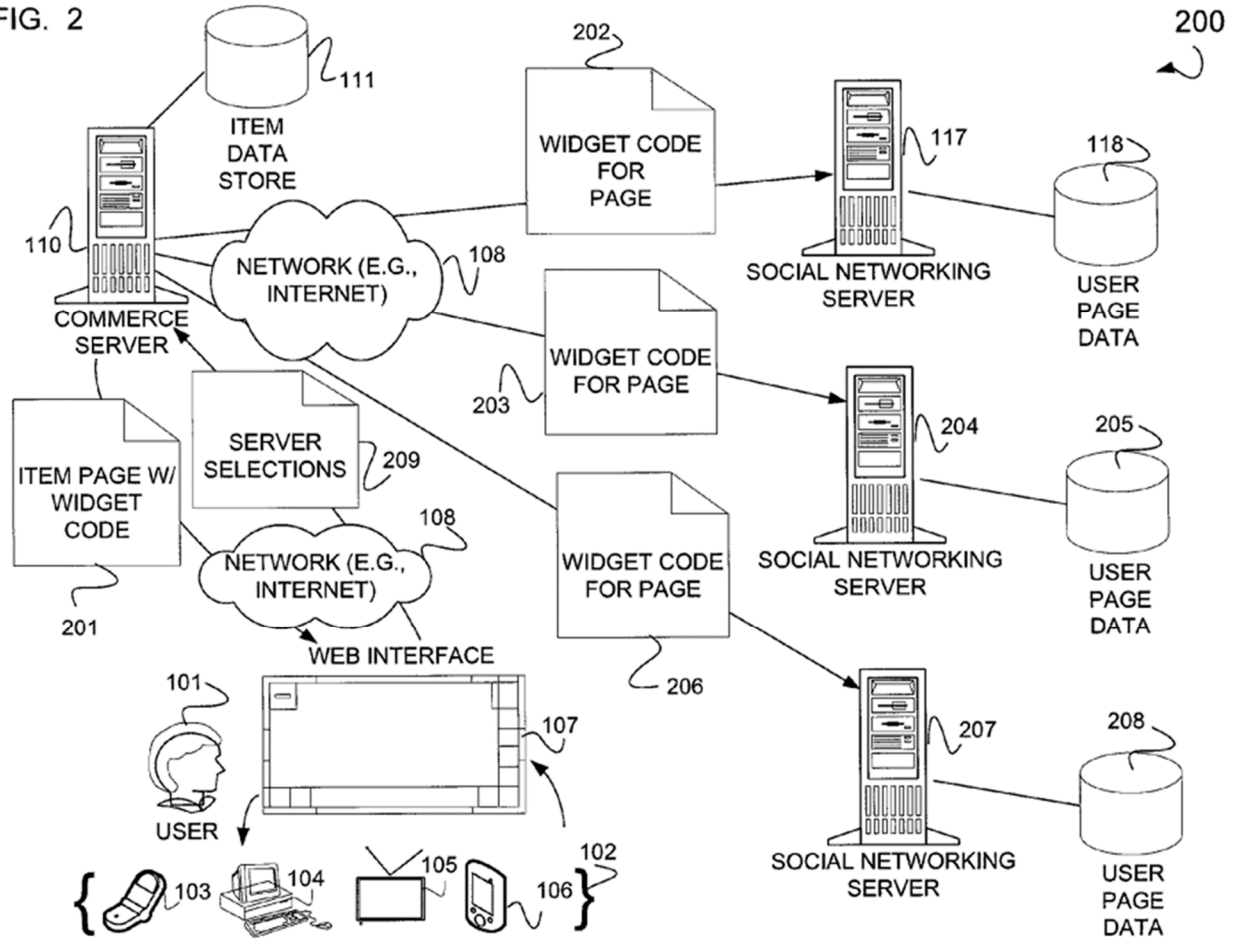
Wiser in combination with Dierks and Chang renders obvious element 1[f]. EX1002, ¶208.

As discussed above, a POSITA would have been motivated to combine and would have had a reasonable expectation of success in combining the teachings of Wiser and Dierks to implement Wiser’s application server to include and execute an HTML generator as taught by Dierks to generate Wiser’s preview listing. Dierks makes clear that the code generated by the HTML generator can be “cut-and-pasted into the user’s web page.” EX1004, ¶74. In other words, “*the application server is configured to embed the product listing into a web site.*” EX1002, ¶209.

Wiser and Dierks are silent as to whether the web page hosting their respective product listing belongs to a social media network or whether their product listing gets embedded into a social media network. However, prior to the ’995 patent’s priority date, a POSITA would have found it obvious to embed a product listing generated by the Wiser-Dierks system into a social media network. For example,

Chang discloses systems and methods that “facilitate distributed commerce and/or viral marketing through the use of widgets embedded in web pages [that] may be associated with social networking web sites or web sites transacting commerce.” EX1008, ¶30. Chang’s “widgets may be used to sell good[s] or services” (“*product listing*”). Chang explains that, upon a user 101’s request, a commerce server 110 (“*application server*”) “may distribute the widget code included within the item page with widget code 201 to a plurality of social networking servers.” *Id.* ¶41. The social networking servers correspond to “a plurality of social networking sites” with “trade names including FACEBOOK™, MYSPACE™, LINKED-IN™, or some other suitable social networking site.” *Id.* Embedding the Wiser-Dierks system’s product listing into a social media network as taught by Chang would have allowed sellers to expand their market. EX1002, ¶210.

FIG. 2



EX1008, Figure 2

(1) Motivation to Combine Wiser, Dierks, and Chang

A POSITA would have motivated, according to and informed by Chang’s teachings, to configure the Wiser-Dierks system to embed the Wiser-Dierks system’s product listing into a social media network. EX1002, ¶211.

First, Wiser, Dierks, and Chang are from the same field of endeavor. *See, e.g., Medtronic*, 721 F.2d at 1574–75; M.P.E.P. §2141. These references are directed to electronic commerce. Wiser discloses a “computer implemented online music distribution system provides for the secure delivery of audio data and related

media, including text and images, over a public communications network.” EX1003, Abstract. Dierks discloses a “computer-implemented method [for] generating on a user terminal a merchant web site associated with a merchant with code for a merchant web page.” EX1004, Abstract. Chang discloses “the use of widgets to implement a distributed commerce and viral marketing regime.” EX1008, ¶2. Thus, all three references are directed to electronic commerce. Accordingly, a POSITA would have understood that Chang’s teachings were directly applicable to the Wiser-Dierks system. EX1002, ¶212.

Second, implementing the Wiser-Dierks system to embed a product listing into a social media network as taught by Chang would have yielded expected, predictable results. *KSR*, 550 U.S., 416; M.P.E.P. §2143(I)(A). The Wiser-Dierks system generates a product listing. Section VIII.B.1.f). Chang discloses embedding a widget code for a product listing into a social media network. EX1008, Abstract, ¶41, Figure 2. A POSITA would have combined the elements of the Wiser-Dierks system and the elements taught by Chang using known and routine computer-programming principles to implement the Wiser-Dierks system to embed its product listing into a social media network. This result would have been readily predictable and recognized by a POSITA. EX1002, ¶213.

Third, configuring the Wiser-Dierks system to distribute a product listing to a social media network as taught by Chang would have been readily implemented

by simply augmenting the code, which distributes the Wiser-Dierks system's product listing to a web site, to also distribute to a site or application of a social media network. A POSITA would have performed this implementation using basic computer-programming principles. This implementation would have been well within the knowledge and skillset of a POSITA. EX1002, ¶214.

(2) Reasonable Expectation of Success in Combining Wiser, Dierks, and Chang

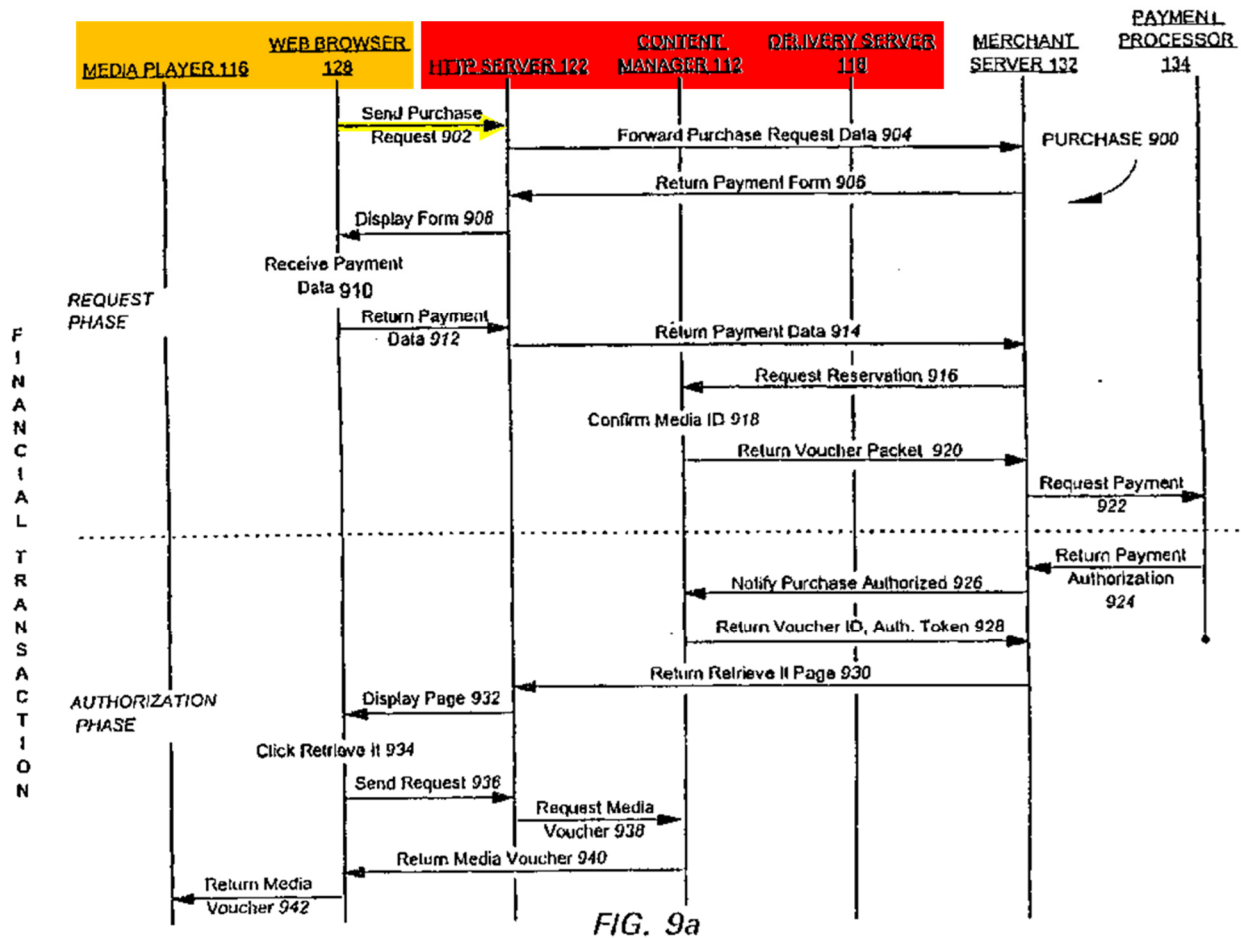
A POSITA would also have had a reasonable expectation of success. The combination of the Wiser-Dierks system and Chang represents a straightforward implementation of distributing a product listing to additional sites or applications of a social media network. The reasons a POSITA would have expected success parallel those that provide motivation for this combination—including because Wiser, Dierks, and Chang are directed to electronic commerce and all relate to product listings. EX1003, Abstract, Figure 8; EX1004, Abstract, Figure 1B; EX1008, Abstract, ¶2; Section VIII.B.1.g)(1). EX1002, ¶215.

Accordingly, Wiser in view of Dierks and Chang renders obvious element 1[f] and a POSITA would have been motivated to combine the teachings of these references and would have had a reasonable expectation of success. *Id.*, ¶216. For these same reasons, a POSITA would have been motivated to combine the teachings

of these references for all subsequently discussed claims and limitations in this ground. *Id.*

h) 1[g]: “wherein when the application server receives an indication that the clickable link has been activated by a client device in Internet communication with the web site, the application server provides a checkout screen to the client device,”

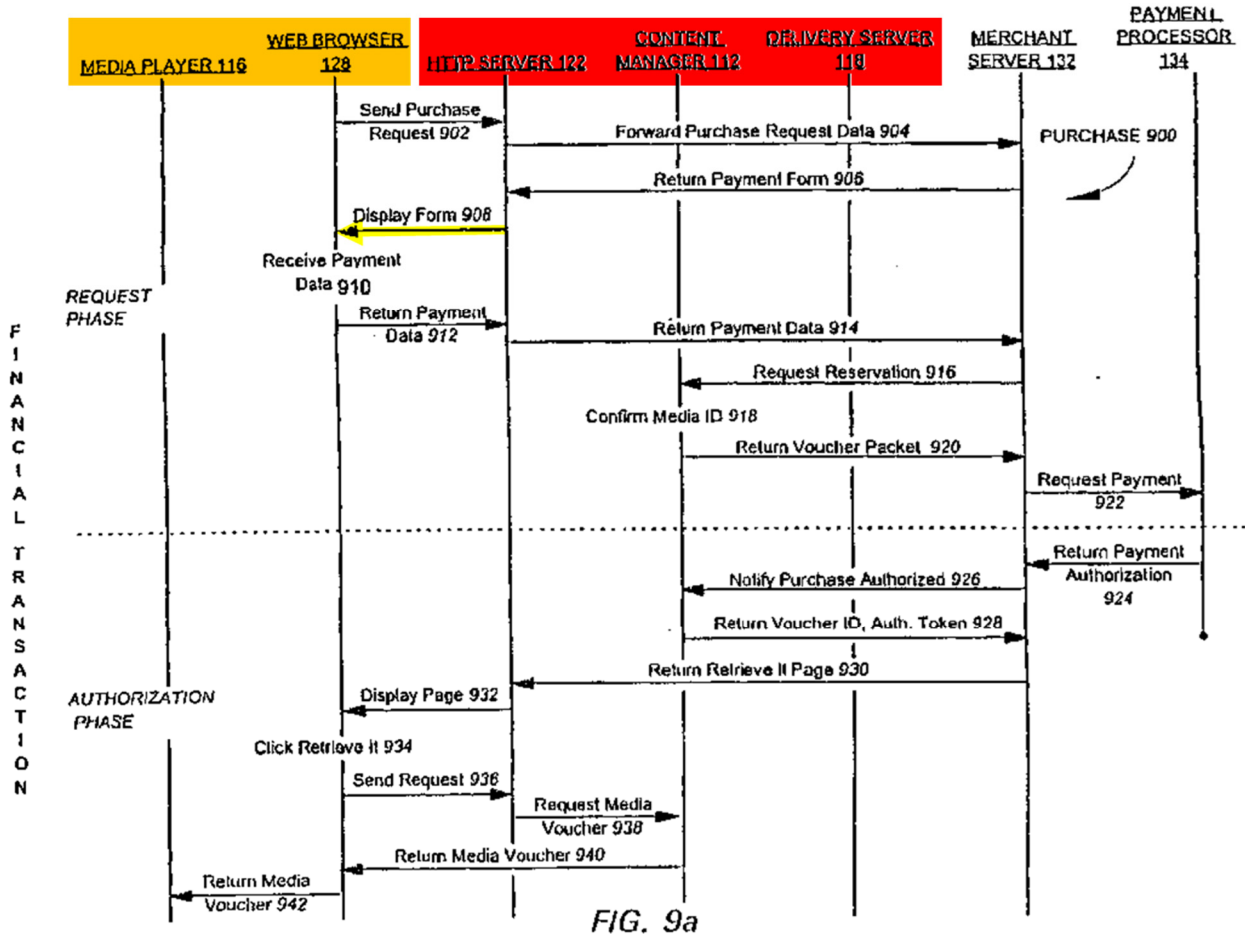
Wiser discloses or, in combination with Dierks, renders obvious element 1[g]. For example, Wiser discloses that, “[f]rom the user’s Web browser 128 a purchase request for a specific song is sent 902 to the **HTTP server 122**, for example by the user clicking on a ‘Buy It’ button.” EX1003, 16:33–36. Web browser 128 belongs to **client system 126** (“a client device”). *Id.*, 5:61–62 (“Client systems 126 include a media player 116 and a Web browser 128.”), 6:1–5, Figure 1 (illustrating client system 126 including web browser 128 and media player 116). Wiser’s Figure 9a shows that **HTTP server 122** (“the application server”) receives the purchase request (resulting from the user clicking on a “Buy It” button) from **web browser 128 of client system 126** at step 902 (arrow highlighted in yellow below) (“an indication that the clickable link has been activated by a client device in Internet communication with the web site”). EX1002, ¶217.



EX1003, FIG. 9a

Wiser further discloses that, after **HTTP server 122** forwards the purchase request to the merchant server 132 at step 904, it receives a payment request form from the merchant server 132 at step 906. EX1003, 16:43–50. Subsequently, **HTTP server 122** provides the payment request form for display at **web browser 128 of client system 126** (“the client device”) at step 908 (arrow highlighted in yellow below). *Id.*, 16:50–51. Wiser further explains that “[t]he user completes 910 the form, which preferably requests the user’s name, credit card number, and expiration

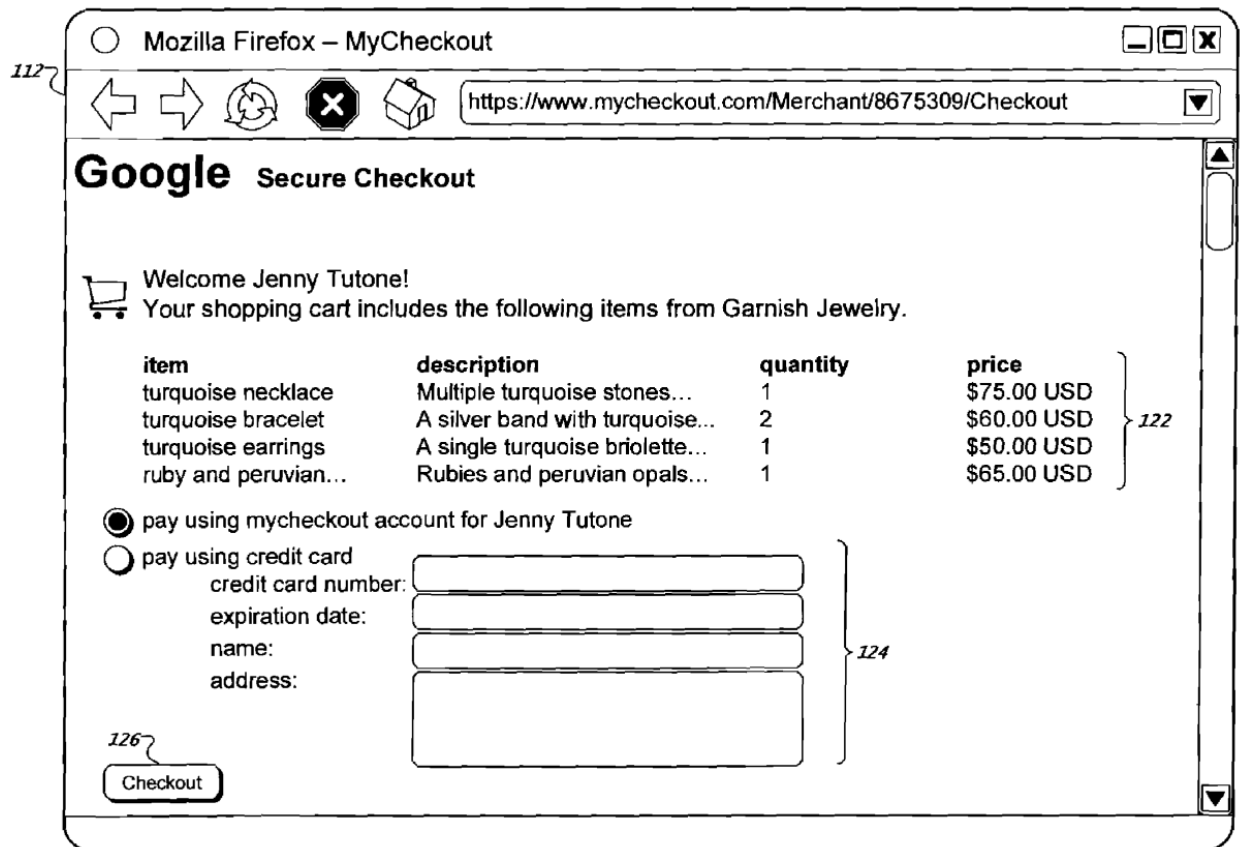
date.” *Id.*, 16:52–54. Thus, Wiser’s payment request form corresponds to “a checkout screen.” EX1002, ¶218.



EX1003, FIG. 9a

Dierks illustrates an exemplary checkout screen in a web browser in Figure 1E. As can be seen, Dierks’s checkout screen includes fields for a user to enter the user’s name, credit card number, and expiration date, just like in Wiser’s payment request form. A POSITA would have found it obvious to implement Wiser’s disclosed payment request form to be displayed in a similar fashion to Dierks’s

checkout screen. The POSITA would have been motivated to combine the teachings of Wiser and Dierks for the reasons discussed in Section VIII.B.1.d)(3) and would have had a reasonable expectation of success in combining the teachings of Wiser and Dierks as explained in Section VIII.B.1.d)(4). EX1002, ¶219.



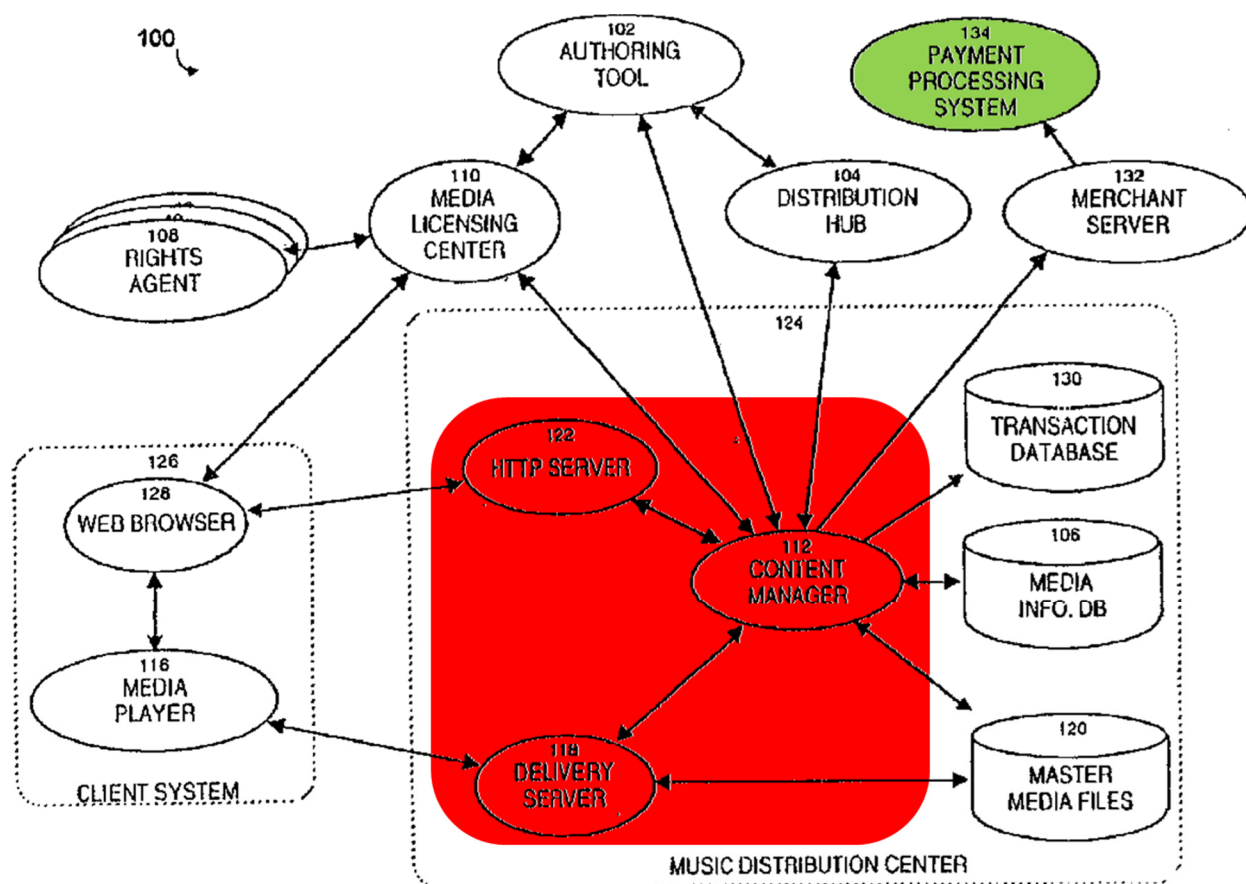
EX1004, FIG. 1E

Therefore, Wiser discloses or, in combination with Dierks, renders obvious element 1[g]. EX1002, ¶220.

i) 1[h]: “wherein the transaction processing service processes a payment transaction for a purchase of the product initiated from the checkout screen using the client device.”

Wiser discloses element 1[h]. EX1002, ¶221.

First, Wiser discloses that data entered by the user in the payment request form are “transmitted back 912 to the **HTTP server 122** which passes 914 it to the merchant server 132.” EX1003, 16:52–61. Thereafter, “the merchant server 132 connects to a payment processor gateway 134 to request payment 922 by verifying the availability of funds and receiving 924 payment authorization.” *Id.*, 18:3–6, 11:12–15 (“The payment processing systems 134 are conventional payment authorization systems, such as credit card authorization systems or debit card payment authorization systems.”). Thus, the **payment processing system 134** (“*the transaction processing service*”) “*processes a payment for a purchase of the product.*” EX1002, ¶222.



EX1003, FIG. 1

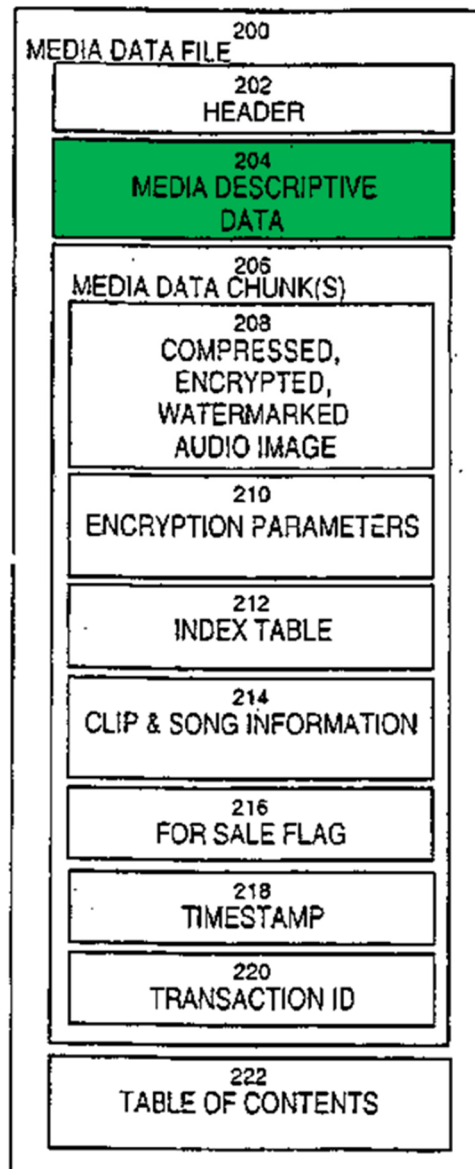
Second, the “purchase [is] initiated from the checkout screen using the client device” when the user submits the data requested (e.g., user’s name, credit card number, and expiration date) in the payment request form displayed on **web browser 128 of client system 126**, as discussed for element 1[g]. EX1002, ¶223.

Therefore, Wiser discloses element 1[h]. *Id.*, ¶224.

For the above reasons, Wiser in view of Dierks and Chang renders obvious claim 1. *Id.*, ¶225.

2. Claim 2

Wiser discloses the additional limitation of claim 2. For example, Wiser discloses that **media descriptive data 204** “include **descriptive text**, such as **title**, **artist**, **lyrics**, and **liner notes**” (*“the metadata”*). EX1003, 6:62–63; Section VIII.B.1.c). EX1002, ¶226.



EX1003, FIG. 2

3. Claim 3

Wiser in combination with Dierks and Chang renders obvious the additional limitation of claim 3 for at least the same reasons discussed for element 1[f]. EX1002, ¶228.

4. Claim 4

Wiser discloses the additional limitation of claim 4. For example, Wiser discloses that “**payment processing systems 134** are conventional payment authorization systems, such as **credit card** authorization systems or debit card payment authorization systems.” EX1003, 11:12–15. Thus, Wiser’s **payment processing systems 134** “*accepts a credit card.*” EX1002, ¶230.

5. Claim 5

The combination of Wiser, Dierks, and Chang renders obvious the additional limitation of claim 5 for at least the same reasons discussed for element 1[f]. EX1002, ¶232.

6. Claim 6

a) 6[preamble]

Regardless of whether the preamble is limiting, Wiser discloses it for at least the same reasons discussed for element 1[preamble]. EX1002, ¶234.

b) 6[a]

Wiser discloses element 6[a] for at least the same reasons discussed for element 1[a]. EX1002, ¶235.

c) 6[b]

Wiser discloses element 6[b] for at least the same reasons discussed for element 1[b]. EX1002, ¶236.

d) 6[c]

Wiser in combination with Dierks renders obvious element 6[c] for at least the same reasons discussed for element 1[c]. EX1002, ¶237.

e) 6[d]

Wiser in combination with Dierks renders obvious element 6[d] for at least the same reasons discussed for element 1[d]. EX1002, ¶238.

f) 6[e]

Wiser in combination with Dierks renders obvious element 6[e] for at least the same reasons discussed for element 1[e]. EX1002, ¶239.

g) 6[f]

Wiser in combination with Dierks and Chang renders obvious element 6[f] for at least the same reasons discussed for element 1[f]. Chang's widget may be embedded in web pages "associated with social networking web sites" that include "FACEBOOK™, MYSPACE™, LINKED-IN™, or some other suitable social networking site." EX1008, ¶¶30, 41. Any of these social networking web sites is "a web site not operated by the application server." EX1002, ¶240.

h) 6[g]

Wiser discloses or, in combination with Dierks, renders obvious element 6[g] for at least the same reasons discussed for element 1[g]. EX1002, ¶242.

i) 6[h]

Wiser discloses element 6[h] for at least the same reasons discussed for element 1[h]. EX1002, ¶243.

Therefore, Wiser in view of Dierks and Chang renders claim 6 obvious. *Id.*, ¶244.

7. Claim 7

Wiser discloses the additional limitation of claim 7. For example, Wiser discloses that content manager 112 (“*the application server*”) includes an administration module 1006, which defines “the number of songs available for purchase” and “manages and tracks performance statistics, such as overall volume, throughput, and the like.” EX1003, 20:49–51, 22:32–39, Figure 10. Thus, Wiser’s content manager 112 “*is capable of compiling analytics related to the product listing.*” EX1002, ¶245.

8. Claim 8

Wiser in view of Dierks and Chang renders obvious the additional limitation of claim 8. EX1002, ¶247.

As discussed for element 1[f], a POSITA would have been motivated to combine and would have had a reasonable expectation of success in combining the

teachings of Wiser, Dierks, and Chang to embed the Wiser-Dierks system's product listing into a social media network. Wiser and Dierks do not explicitly disclose that the product listing "*includes a share link.*" However, a POSITA would have been motivated by Chang's teachings to further configure the Wiser-Dierks system such that the product listing "*includes a share link.*" EX1002, ¶248.

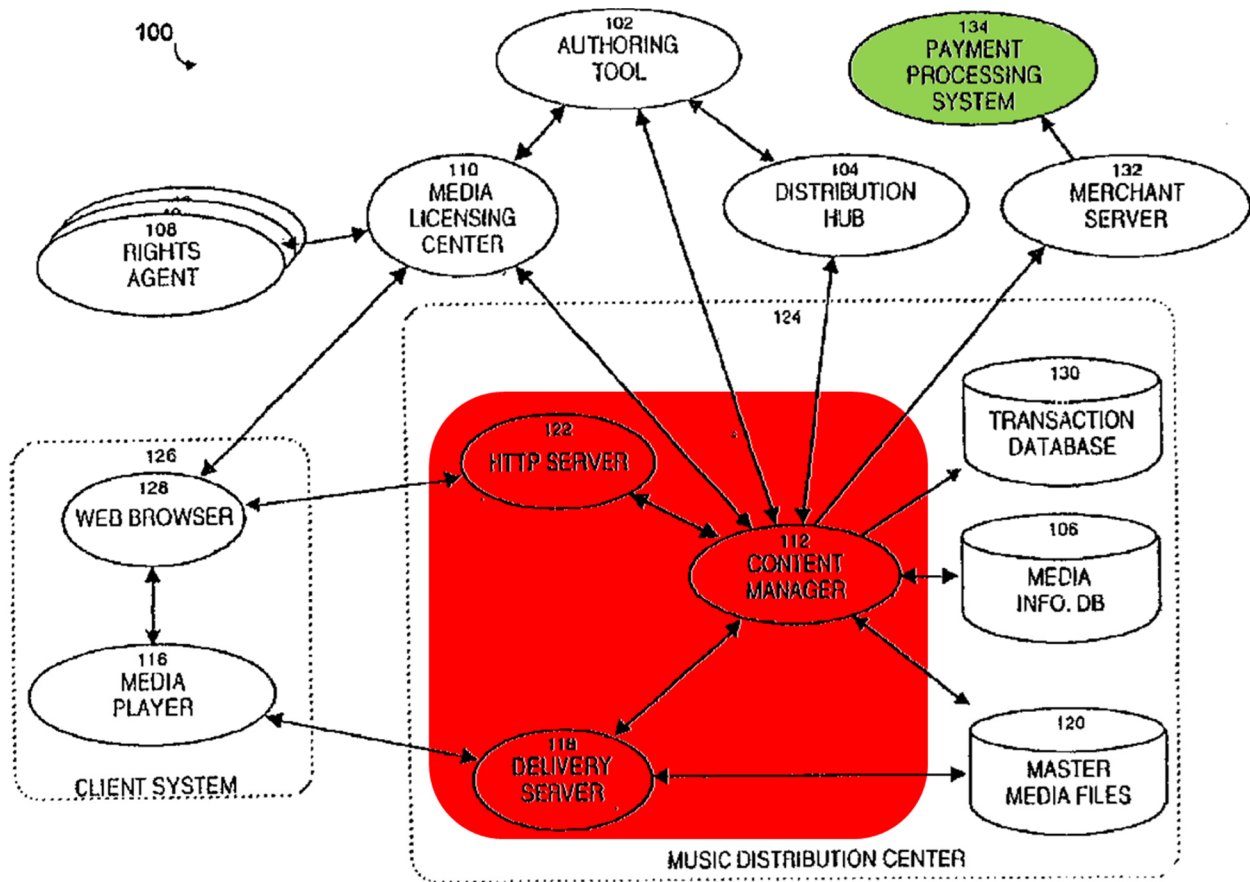
Chang discloses including a share button in the widget code. EX1008, ¶43. Chang explains that "[t]his share button, when executed using an input device, may generate a prompt asking the user 201 where they would like to embed the widget code (e.g., what web page associated with what web site and servers associated with the web site)." *Id.* Including a share button as taught by Chang in the Wiser-Dierks system's product listing would, for example, have allowed sellers to readily share their product listings, thereby expanding their market. *Id.* The POSITA would have been motivated to combine the teachings of Wiser, Dierks, and Chang for the reasons discussed in Section VIII.B.1.g)(1) and would have had a reasonable expectation of success in combining the teachings of Wiser, Dierks, and Chang as explained in Section VIII.B.1.g)(2). EX1002, ¶249.

9. Claim 9

Wiser in view of Dierks also renders obvious the additional limitation of claim 9 for at least the same reasons discussed for element 1[f]. EX1002, ¶251.

10. Claim 10

Wiser discloses the additional limitation of claim 10. As discussed above, Wiser's **content manager 112** (*"the application server"*) is configured to control **payment processing system 134** (*"a transaction processing service"*). Wiser discloses that "**payment processing systems 134** are conventional payment authorization systems, such as credit card authorization systems or debit card payment authorization systems." EX1003, 11:12–15. Because conventional credit card authorization systems or debit card payment authorization systems are typically managed internally by banking institutions that issue credit or debit cards, a POSITA would have understood **payment processing systems 134** to be "*a proprietary service.*" Cf. EX1001, 18:13–16 (*"the transaction processing service 112 is implemented with a wholly internal, proprietary service that is not generally accessible over the Internet or other public computer communications networks"*). EX1002, ¶253.



EX1003, FIG. 1

11. Claim 11

a) 11[preamble]

Regardless of whether the preamble is limiting, Wiser discloses it for at least the same reasons discussed for element 1[preamble]. EX1002, ¶255.

b) 11[a]

Wiser discloses element 11[a] for at least the same reasons discussed for element 1[a]. EX1002, ¶256.

c) 11[b]

Wiser discloses element 11[b] for at least the same reasons discussed for element 1[b]. EX1002, ¶257.

d) 11[c]

Wiser in combination with Dierks renders obvious element 11[c] for at least the same reasons discussed for element 1[c]. EX1002, ¶258.

e) 11[d]

Wiser in combination with Dierks renders obvious element 11[d] for at least the same reasons discussed for element 1[d]. EX1002, ¶259.

f) 11[e]

Wiser in combination with Dierks renders obvious element 11[e] for at least the same reasons discussed for element 1[e]. EX1002, ¶260.

g) 11[f]

Wiser in combination with Dierks and Chang renders obvious element 11[f] for at least the same reasons discussed for element 1[f]. EX1002, ¶261.

h) 11[g]

Wiser discloses or, in combination with Dierks, renders obvious element 11[g] for at least the same reasons discussed for element 1[g]. Element 11[g] recites “*a client device in Internet communication with the social media network*” rather than “*with the website.*” Chang discloses embedding product listing in web sites that “may be associated with social networking web sites.” Thus, in the combination of

Wiser, Dierks, and Chang, when the client device is in communication with the website, it is also in communication with the social media network. EX1002, ¶262.

i) 11[h]

Wiser discloses element 11[h] for at least the same reasons discussed for element 1[h]. EX1002, ¶264.

Therefore, Wiser in view of Dierks and Chang renders obvious claim 11. *Id.*, ¶265.

12. Claim 12

The combination of Wiser, Dierks, and Chang renders obvious the additional limitation of claim 12. EX1002, ¶266.

As discussed for the element 1[f], the Wiser-Dierks-Chang system is configured to embed a product listing in a social media network such as “FACEBOOK™, MYSPACE™, LINKED-IN™, or some other suitable social networking site.” EX1008, ¶41. EX1002, ¶267.

Wiser teaches multiple products. For instance, Wiser discloses that its invention is directed to “online distribution of digital media” and defines digital media as being “computer software, video, and audio.” EX1003, 1:8–11, 1:27–32 (“Even digital media, such as computer software, video, and audio is purchased in this manner...”). EX1002, ¶268.

According to Dr. Mowry, in the Wiser-Dierks-Chang system, a POSITA would have found it obvious to provide, in a social media network, multiple product listings that include at least audio and video. Accordingly, in the Wiser-Dierks-Chang system, “*the social media network is capable of displaying multiple product listings.*” EX1002, ¶269.

13. Claim 13

Wiser discloses the additional limitation of claim 13 for at least the same reasons discussed for claim 2. Claim 2 recites “*the metadata*” instead of “*the product listing.*” As discussed for element 1[e], the product listing includes the metadata, which “include **descriptive text**, such as **title**, artist, lyrics, and liner notes.” EX1003, 6:62–63. EX1002, ¶271.

14. Claim 14

Wiser discloses the additional limitation of claim 14 for at least the same reasons discussed for claim 10. EX1002, ¶273.

IX. CONCLUSION

Shopify requests institution of an *inter partes* review of the ’995 patent and cancellation of claims 1–14.

Respectfully Submitted,

Dated: November 22, 2024

/Daniel V. Williams/
Daniel Williams, Lead Counsel
Registration No. 45,221

X. APPENDIX OF CLAIM LISTING⁹

Independent Claim 1

1[preamble]: A system for generating an electronic commerce store, comprising:

1[a]: an application server, the application server controlling a transaction processing service;

1[b]: a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product;

1[c]: a widget builder resource executing on the application server,

1[d]: the widget builder resource configured to: receive the image and metadata from the storage resource; and

1[e]: generate a product listing, wherein the product listing includes the image, the metadata, and a clickable link, wherein the clickable link is a buy button and includes a preview of the product, and

1[f]: wherein the application server is configured to embed the product listing into a web site and into a social media network, and

⁹ 37 C.F.R. §42.24(a)(1) (“The word count... does not include... appendix of exhibits or claim listing.”)

1[g]: wherein when the application server receives an indication that the clickable link has been activated by a client device in Internet communication with the web site, the application server provides a checkout screen to the client device,

1[h]: wherein the transaction processing service processes a payment transaction for a purchase of the product initiated from the checkout screen using the client device.

Dependent Claim 2

The system of claim 1, wherein the metadata includes at least one of a title, a description, or a price.

Dependent Claim 3

The system of claim 1, wherein the web site is a social media web site.

Dependent Claim 4

The system of claim 1, wherein the transaction processing service accepts a credit card.

Dependent Claim 5

The system of claim 1, further comprising, distributing the product listing to a social media network.

Independent Claim 6

6[preamble]: A system for generating an electronic commerce store, comprising:

6[a]: an application server, the application server controlling a transaction processing service;

6[b]: a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product;

6[c]: a widget builder resource executing on the application server,

6[d]: the widget builder resource is programmed to: (i) receive the image and metadata from the storage resource;

6[e]: (ii) generate a product listing, wherein the product listing includes the image, the metadata, and a clickable link, and wherein the clickable link is a buy button and includes a preview of the product, and

6[f]: wherein the application server is configured to embed the product listing into a web site not operated by the application server and into a social media network, and

6[g]: wherein when the application server receives an indication that the clickable link has been activated by a client device in Internet communication with the web site, the application server provides a checkout screen to the client device,

6[h]: wherein the transaction processing service processes a payment transaction for a purchase of the product initiated from the checkout screen using the client device.

Dependent Claim 7

The system of claim 6, wherein the application server is capable of compiling analytics related to the product listing.

Dependent Claim 8

The system of claim 6, wherein the product listing further includes a share link.

Dependent Claim 9

The system of claim 6, wherein the web site is a social media network site.

Dependent Claim 10

The system of claim 6, wherein the transaction processing service is a proprietary service controlled by the application server.

Independent Claim 11

11[preamble]: A system for generating an electronic commerce store, comprising:

11[a]: an application server, the application server controlling a transaction processing service;

11[b]: a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product;

11[c]: a widget builder resource executing on the application server,

11[d]: the widget builder resource configured to: receive the image and metadata from the storage resource;

11[e]: generate a product listing that includes the image, the metadata, and a clickable link, wherein the clickable link is a buy button and includes a preview of the product, and

11[f]: wherein the application server is configured to embed the product listing into a social media network and into a web site, and

11[g]: wherein when the application server receives an indication that the clickable link has been activated by a client device in Internet communication with the social media network, the application server provides a checkout screen to the client device,

11[h]: wherein the transaction processing service is configured to process a payment transaction for a purchase of the product initiated from the checkout screen using the client device.

Dependent Claim 12

The system of claim 11, wherein the social media network is capable of displaying multiple product listings.

Dependent Claim 13

The system of claim 11, wherein the product listing includes at least one of a title, a description, or a price.

Dependent Claim 14

The system of claim 11, wherein the transaction processing service is a proprietary service operated by the application server.

TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,157,995
1002	Declaration of Todd Mowry
1003	U.S. Patent No. 6,868,403 (“Wiser”)
1004	U.S. Patent Application Publication No. 2008/0183593 (“Dierks”)
1005	U.S. Patent Application Publication No. 2010/0114739 (“Johnston”)
1006	U.S. Patent Application Publication No. 2010/0250382 (“Babaria”)
1007	<i>Reserved</i>
1008	U.S. Patent Application Publication No. 2008/0255962 (“Chang”)
1009	’995 Patent File History
1010	U.S. Provisional Application No. 61/093,917 (“Johnston-Provisional”)
1011	U.S. Patent No. 9,324,098 (“Agrawal”)
1012	U.S. Patent No. 7,565,308 (“Bollay”)
1013	U.S. Patent Application Publication No. 2008/0228595 (“Hill”)
1014	<i>Reserved</i>
1015	<i>Reserved</i>
1016	<i>Reserved</i>
1017	<i>Reserved</i>

Petition for *Inter Partes* Review
of U.S. Patent No. 11,157,995

Exhibit	Description
1018	<i>Reserved</i>
1019	<i>Reserved</i>
1020	<i>Reserved</i>
1021	<i>Reserved</i>
1022	U.S. Patent No. 9,203,971 (“Narain”)
1023	<i>Reserved</i>
1024	<i>Reserved</i>
1025	Order Granting Defendant’s Motion to Dismiss (dated August 1, 2024)
1026	Plaintiff DKR Consulting, LLC’s Notice of Appeal to the United States Court of Appeals for the Federal Circuit (dated August 26, 2024)
1027	<i>Reserved</i>
1028	Request for <i>Ex Parte</i> Reexamination of ’678 Patent, Control No. 90/019,476
1029	Non-Final Office Action in <i>Ex Parte</i> Reexamination of ’678 Patent
1030	United States Court of Appeals for the Federal Circuit, Notice of Docketing (dated August 30, 2024)
1031	Plaintiff-Appellant DKR Consulting, LLC’s Opening Brief (dated October 29, 2024)
1032	<i>Reserved</i>
1033	Decision on Petition in <i>Ex Parte</i> Reexamination of ’678 Patent

CERTIFICATE UNDER 37 CFR § 42.24(d)

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petition for *Inter Partes Review* totals 13,928, which is less than the 14,000 words allowed under 37 CFR § 42.24(a)(1)(i).

Respectfully submitted,

Dated: November 22, 2024

/Daniel V. Williams/
Daniel V. Williams
Reg. No. 45,221

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2024, I caused a true and correct copy
of the foregoing materials:

- Petition for *Inter Partes* Review of U.S. Patent No. 11,157,995 under 35 U.S.C. § 312 and 37 C.F.R. § 42.104
- Exhibit List
- Exhibits for Petition for *Inter Partes* Review of U.S. Patent No. 11,157,995 (Exhibits 1001–1006, 1008–1013, 1022, 1025–1026, 1028–1031, 1033)
- Power of Attorney
- Fee Authorization
- Word Count Certification Under 37 CFR § 42.24(d)

to be served via Federal Express on the following correspondent of record as listed
on USPTO Patent Center:

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