

EX 1066

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROCKET MEDIA, LLC (D/B/A LAUNCH LABS)
Petitioner

v.

FULLTHROTTLE TECHNOLOGIES, LLC
Patent Owner

Case Nos. 2025-00148

U.S. Patent Nos. 11,556,947

**REBUTTAL DECLARATION OF
MR. DAVID HILLIARD WILLIAMS
IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NOS. 11,556,947 AND 11,823,219**

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EXHIBIT LIST (UPDATE)

Exhibit No.	Document
1001	U.S. Patent No. 11,556,947 (“the ’947 patent”)
1002	File History of the ’947 patent
1003	U.S. Patent No. 11,823,219 (“the ’219 patent”)
1004	File History of the ’219 patent
1005	U.S. Patent No. 12,051,083 (“the ’083 patent”)
1006	File History of the ’083 patent
1007	Declaration of Mr. David Hilliard Williams
1008	U.S. Patent No. 8,898,074 to Doughty et al. (“Doughty”)
1009	European Patent Pub. No. 2,938,045 to Van Boucq (“Van Boucq”)
1010	U.S. Patent No. 10,311,465 to Maginnis (“Maginnis”)
1011	The History of Web Browsers, https://www.mozilla.org/en-US/firefox/browsers/browser-history/ (last visited Sept. 17, 2024).
1012	Web Tracking: Mechanisms, Implications, and Defenses by Bujlow et al. (July 28, 2015) (“Bujlow”)
1013	RFC 2109: HTTP State Management Mechanism (Feb. 1997) (“RFC 2109”)
1014	Apple to ad industry: Tough luck, privacy comes first, by S. Shankland (Sept. 15, 2017)
1015	HIGH BROWSE Apple introduces update to Safari browser which could change the internet FOREVER, by J. Hamill (Sept. 19, 2017).
1016	U.S. Patent No. 6,757,740

Exhibit No.	Document
1017	RFC 2782: A DNS RR for specifying the location of services (DNS SRV) (Feb. 2000).
1018	The world is your JavaScript-enabled Oyster, by B. Taylor et al. (June 29, 2005) (last visited Sept. 10, 2024).
1019	Apple at WWDC 2012: iOS 6, new MacBook Air and Pro models, Mountain Lion, and more, by T. Houston (June 12, 2012) (last visited Sept. 10, 2024).
1020	Python code for reverse Geo-coding using Google API (Jan. 23, 2019), https://stackoverflow.com/questions/54320931/python-code-for-reverse-geo-coding-using-google-api (last visited Sept. 19, 2024).
1021	Can I use Google Maps API to reverse geocode a lat/long value in a Service? (Apr. 3, 2017), https://community.ptc.com/t5/ThingWorx-Developers/Can-I-use-Google-Maps-API-to-reverse-geocode-a-lat-long-value-in/td-p/521908 (last visited Sept. 19, 2024).
1022	API Keys for Map and Geocoding Vendors (2020), https://www.photools.com/imatch-retired/api-keys-explained/ (last visited Sept. 19, 2024).
1023	Geocoding and Routing Improvements Added to Bing Maps (Jan. 3, 2018), https://www.microsoft.com/en-us/maps/news/geocoding-and-routing-improvements-added-to-bing-maps (last visited Sept. 19, 2024).
1024	Announcing Azure Location Based Services public preview (Nov. 28, 2017), https://azure.microsoft.com/en-us/blog/announcing-azure-location-based-services-public-preview/ (last visited Sept. 19, 2024).
1025	HERE SDK for iOS, Developer's Guide, Version 4.0.0.0, 2019
1026	<i>Fullthrottle Technologies, LLC v. Rocket Media, LLC (d/b/a Launch Labs)</i> , No. 1:24-cv-00314 (M.D.N.C.), Dkt. 24 ("FAC")

Exhibit No.	Document
1027	Federal Court Management Statistics – Comparison Within Circuit (Mar. 31, 2022), <i>available at</i> https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2022/03/31-3 .
1028	<i>Fullthrottle Technologies, LLC v. Rocket Media, LLC (d/b/a Launch Labs)</i> , No. 1:24-cv-00314 (M.D.N.C.), Dkt. Report (as of Nov. 7, 2024).
1029	U.S. Patent Pub. No. 2007/0185978 to Montulli (“Montulli”)
1030	<i>Fullthrottle Technologies, LLC v. Rocket Media, LLC (d/b/a Launch Labs)</i> , No. 1:24-cv-00314 (M.D.N.C.), Dkt. 25 (“MTD”)
1031	<i>Fullthrottle Technologies, LLC v. Rocket Media, LLC (d/b/a Launch Labs)</i> , No. 1:24-cv-00314 (M.D.N.C.), Dkt. 28 (“Opposition”)
1032	U.S. Patent No. 8,682,714 to Smith et al. (“Smith”)
1033	<i>History of the Web</i> , available at https://webfoundation.org/about/vision/history-of-the-web (last visited Oct. 14, 2024).
1034	<i>History of Web Browsers</i> , GeeksforGeeks, available at https://www.geeksforgeeks.org/history-of-web-browsers/ (last visited Oct. 14, 2024).
1035	<i>30 Years of Browsers: A Quick History</i> , by C. Steele, available at https://www.pcmag.com/news/30-years-of-browsers-a-quick-history/1/10 (last visited Oct. 14, 2024).
1036	<i>What are Browser Cookies? The History of Cookies in Digital Advertising</i> , by M. Bober, available at https://zeropark.com/blog/what-are-browser-cookies-in-digital-advertising/ (last visited Oct. 14, 2024).
1037	<i>Stephen Lawson, Worker tracking service coming to Nextel phones, IDG News Service</i> (Mar. 4, 2003), https://www.networkworld.com/article/2340456/worker-

Exhibit No.	Document
	tracking-service-coming-to-nextel-phones.html (last visited Oct. 14, 2024).
1038	<i>Gary Krakow, Two new cellular phones built for abuse, NBC News</i> (Apr. 14, 2004), http://www.nbcnews.com/id/4324939/ns/technology_and_science-tech_and_gadgets/t/two-new-cellular-phones-built-abuse/ (last visited Oct. 14, 2024).
1039	<i>Nicole Lee, Verizon launches Chaperone child-monitoring service, CNET</i> (June 12, 2006), https://www.cnet.com/news/verizon-launches-chaperone-child-monitoring-service/ (last visited Oct. 14, 2024).
1040	<i>AT&T launches AT&T Navigator, PhoneArena Team</i> (Apr. 3, 2008), https://www.phonearena.com/news/AT-T-launches-AT-T-Navigator_id2643 (last visited Oct. 14, 2024).
1041	<i>Sprint Launches GPS-Based Child-Locator Service</i> (Apr. 13, 2006), https://www.cio.com/article/257110/mobile-sprint-launches-gps-based-child-locator-service.html (last visited Oct. 24, 2024).
1042	<i>What Are Push Notifications?</i> (Sept. 13, 2021), https://www.howtogeek.com/751954/what-are-push-notifications/#:~:text=There%20are%20several%20different%20types%20of%20%22push (last visited Oct. 24, 2024).
1043	<i>Now websites can send push notifications—not just apps</i> (June 10, 2013), https://www.niemanlab.org/2013/06/now-websites-can-send-push-notifications-not-just-apps/ (last visited Oct. 24, 2024).
1044	<i>Apple Push Notification Service</i> (July 24, 2024), https://theapplewiki.com/wiki/Apple_Push_Notification_Service (last visited Oct. 24, 2024).
1045	Excerpts from <i>This But in Your PC is a Smart Cookie</i> (Feb. 12, 1996), <i>Financial Times</i> (London), by T. Jackson, available at https://www.cyberrights.cyberjournal.org/cr-18feb96-tidbits/ (last visited Sept. 18, 2024).

Exhibit No.	Document
1046	U.S. Patent Pub. No. 2007/0006077 to Grubbs (“Grubbs”)
1047	<i>What is Targeted Advertising, and How Does It Work?</i> , RGB House Editorial Team (May 13, 2024), available at https://blog.rtbhouse.com/what-is-targeted-advertising-and-how-does-it-work/ (last visited Nov. 4, 2024).
1048	<i>What are cookies? What are the differences between them (session vs. persistent)?</i> (July 17, 2018), available at https://www.cisco.com/c/en/us/support/docs/security/web-security-appliance/117925-technote-csc-00.html (last visited Nov. 6, 2024).
1049	<i>Are cookies crumbling our privacy? We asked an expert to find out</i> (Mar. 29, 2015), available at https://www.digitaltrends.com/computing/history-of-cookies-and-effect-on-privacy/ (last visited Nov. 6, 2024).
1050	<i>The evolution of pixel tracking in digital marketing</i> (Feb. 2, 2023) available at https://www.adlucent.com/resources/blog/the-history-and-evolution-of-pixel-tracking-in-digital-marketing/ (last visited Nov. 6, 2024).
1051	Tanya Kant, <i>A History of the Data-Tracked User</i> (Oct. 8, 2021), available at https://thereader.mitpress.mit.edu/a-history-of-the-data-tracked-user/#_edn2 (last visited Nov. 6, 2024).
1052	Catalin Cimpanu, <i>Apple blocks third-party cookies in Safari</i> (Mar. 24, 2020), available at https://www.zdnet.com/article/apple-blocks-third-party-cookies-in-safari/ (last visited Nov. 6, 2024).
1053	Aimee Picchi, <i>Google reneges on plan to remove third-party cookies in Chrome</i> (July 22, 2024), available at https://www.cbsnews.com/news/google-third-party-cookies-chrome/ (last visited Nov. 6, 2024).

Exhibit No.	Document
1054	<i>History of APIs – Google Maps API</i> (Jan. 30, 2011), available at https://apievangelist.com/2011/01/30/history-of-apis-google-maps-api/ (last visited Nov. 6, 2024).
1055	<i>Nautical Flags: Origins, Meanings, and Resources</i> , available at https://asa.com/news/2023/06/14/nautical-flags-origins-uses-meanings/#:~:text=Nautical%20Flag%20Origins%20and%20History&text=The%20use%20of%20flags%20for,actions%20to%20other%20fleet%20members (last visited Nov. 6, 2024).
1056	Codrut Neagu, <i>What is the MAC address, and how is it used?</i> (Feb. 20, 2019), available at https://www.digitalcitizen.life/simple-questions-what-mac-address-how-change-it-windows/ (last visited Nov. 6, 2024).
1057	Kinza Yasar, <i>What is a MAC address and how do I find it?</i> https://www.techtarget.com/searchnetworking/definition/MAC-address (last visited Nov. 6, 2024).
1058	CloudFlare, <i>What is an autonomous system? What are ASNs?</i> , available at https://www.cloudflare.com/learning/network-layer/what-is-an-autonomous-system/ (last visited Nov. 6, 2024).
1059	Glossary, <i>Universally unique identifier (UUID)</i> , available at https://amplitude.com/glossary/terms/universally-unique-identifier-uuid (last visited Nov. 6, 2024).
1060	Kinza Yasar, <i>device ID (device identification)</i> , available at https://www.techtarget.com/searchcio/definition/device-ID-device-identification (last visited Nov. 6, 2024).
1061	ReasonLabs, <i>What is Hash Value?</i> , available at https://cyberpedia.reasonlabs.com/EN/hash%20value.html (last visited Nov. 6, 2024).

Exhibit No.	Document
1062	Robert Sheldon, <i>session ID</i> , available at https://www.techtarget.com/searchsoftwarequality/definition/session-ID (last visited Nov. 6, 2024).
1063	<i>What is an Instance</i> , Lenovo US, available at https://www.lenovo.com/us/en/glossary/what-is-instance/?orgRef=https%253A%252F%252Fwww.google.com%252F&srsId=AfmBOooi6PnP-Pci7VF4p71hXGcKiOXpz6vFjcXD89yz7A1rms_FWIAw (last visited Nov. 6, 2024).
1064	Katie Terrell Hanna, <i>applet</i> , available at https://www.techtarget.com/whatis/definition/applet (last visited Nov. 6, 2024).
1065	<i>Clear Channel Outdoor Launches Its First Indoor Digital Billboard Network</i> (Feb. 8, 2007), available at https://investor.clearchannel.com/news/detail/465/clear-channel-outdoor-launches-its-first-indoor-digital-billboard-network (last visited Nov. 6, 2024).
1066	Rebuttal Declaration of Mr. David Hilliard Williams
1067	Transcript of the Deposition of Dr. Oded Gottesman (November 14, 2025)

I, David Hilliard Williams, declare as follows:

I. Introduction

1. I have been retained on behalf of Rocket Media, LLC (d/b/a Launch Labs) (“Launch Labs”) for the above-captioned patents for *inter partes* review (IPR). I am being compensated for my time in connection with these IPRs at my standard hourly consulting rate. My compensation is in no way dependent upon my testimony or the outcome of either of the IPRs.

2. I submitted a declaration in support of the Petition in this IPR on November 12, 2024 (“Opening Declaration”). I understand this is Exhibit No. 1007 to the Petition. I stand by the opinions I rendered in that declaration.

3. I understand that the Patent Trial and Appeal Board (“Board”) instituted review of U.S. Patent Nos. 11,556,947 (“the ’947 patent”) in this IPR. I understand that Fullthrottle submitted its response on September 9, 2025, including a declaration by Dr. Oded Gottesman. I have been asked to respond to some of the statements made by Dr. Gottesman in his declaration.

II. Qualifications

4. I set forth my qualifications in my Opening Declaration. Ex. 1007, ¶¶ 10-36. I incorporate that by reference herein.

III. Legal Understanding

5. I set forth my legal understandings in my Opening Declaration. Ex. 1007, ¶¶ 37-45. I incorporate that by reference herein.

A. Level of Ordinary Skill in the Art

6. I set forth my opinion as to the level of education and experience a person of ordinary skill in the relevant art (“POSA”) would have had for the ’947 patent in my Opening Declaration. Ex. 1007, ¶ 47.

IV. Background of the Technology

7. I described the state of the art at or leading up to the priority date of the ’947 patent in my Opening Declaration. Ex. 1007, ¶¶ 48-103. I incorporate that analysis herein.

V. The ’947 Patent

8. I summarized the ’947 patent and its file history in my Opening Declaration. Ex. 1007, ¶¶ 104-110. I incorporate that analysis herein.

VI. Claim Construction

9. In my Opening Declaration, I addressed four constructions proposed by Patent Owner in its opposition to a motion to dismiss in the corresponding litigation. As I explain more fully below, Patent Owner appears to have abandoned these

constructions. I address Patent Owner's apparent new constructions in my analysis below.

VII. Doughty Does Not Disclose Incompatible Embodiments

10. I note that it appears that a couple of Dr. Gottesman's attacks on my analysis rely on the mistaken notion that Doughty discloses distinct, separate, incompatible embodiments, including the "Profile-ID Embodiment" and the "MKP Embodiment." It is my opinion that this is wrong for multiple reasons. As an initial matter, I note that Doughty actually states that the different embodiments can be combined with each other: "[I]t is to be understood that the present invention contemplates that, to the extent possible, one or more features of any embodiment can be combined with one or more features of any other embodiment." Ex. 1008 at 26:51-54; *see also* Ex. 1008 at 24:47-49 ("[E]ach method described above and combinations thereof may be embodied in computer executable code.").

11. In my opinion, there is no conflict between the two supposedly distinct embodiments. In fact, it is my opinion that a POSITA reviewing Doughty would recognize that the "MKP Embodiment" merely serves as a specific example of the broader "Profile-ID Embodiment." For example, both describe assigning a user a unique identifier and generating a corresponding user profile tied to that identifier. Likewise, each embodiment describes the system's effort to build a unified profile

for the user that integrates data from the user's various devices. Ex. 1008 at 15:14-17, 16:38-42.

12. The following chart shows the exact disclosures in the two allegedly separate embodiments.

Functionality	Profile-ID Embodiment	MKP Embodiment
Unique identifier for the user	“Upon receiving the user's activity information, server 104 <i>assigns a unique identifier, which could be alphabetical, numerical, alphanumerical, or symbols</i> to first device 101 and stores the assigned unique identifier, user information and activity information into table 105.” Ex. 1008 at 10:45-50.	“An advertising network may <i>uniquely identify a user by creating a hashed (e.g., anonymized) email address upon noticing the user the first time.</i> The advertising network matches the user to his email address and then hashes the email address.” Ex. 1008 at 17:27-31.
Universal profile	“If Step 803 determines that the users are not the same, then the process will stop at Step 804. If Step 803 determines that the users are the same, then the process will go to Step 805. Step 805 then <i>creates and saves the user in a universal profile that includes both first device 101 and second device 102.</i> ” Ex. 1008 at 15:12-17.	“This enables an advertising network to collapse a profile for a user and <i>create a universal profile.</i> PC-online and offline data suppliers link users to cookies online via anonymous Personally Identifiable Information 45 (PII), known as match keys or ‘join points.’” Ex. 1008, 16:41-45.

13. In my opinion, a POSITA would have understood that generating a hashed email address is simply one way of implementing the assignment of a unique identifier. The “Profile-ID Embodiment” explains that such an identifier may take

a numerical form, and it is my opinion that a POSITA would appreciate that a hash functions by converting various inputs into a unique numerical value. And, as I previously opined, Doughty further teaches that this unique identifier—such as the hashed email address—can then be stored within a cookie or pixel tag. Ex. 1008, 16:59-17:31.

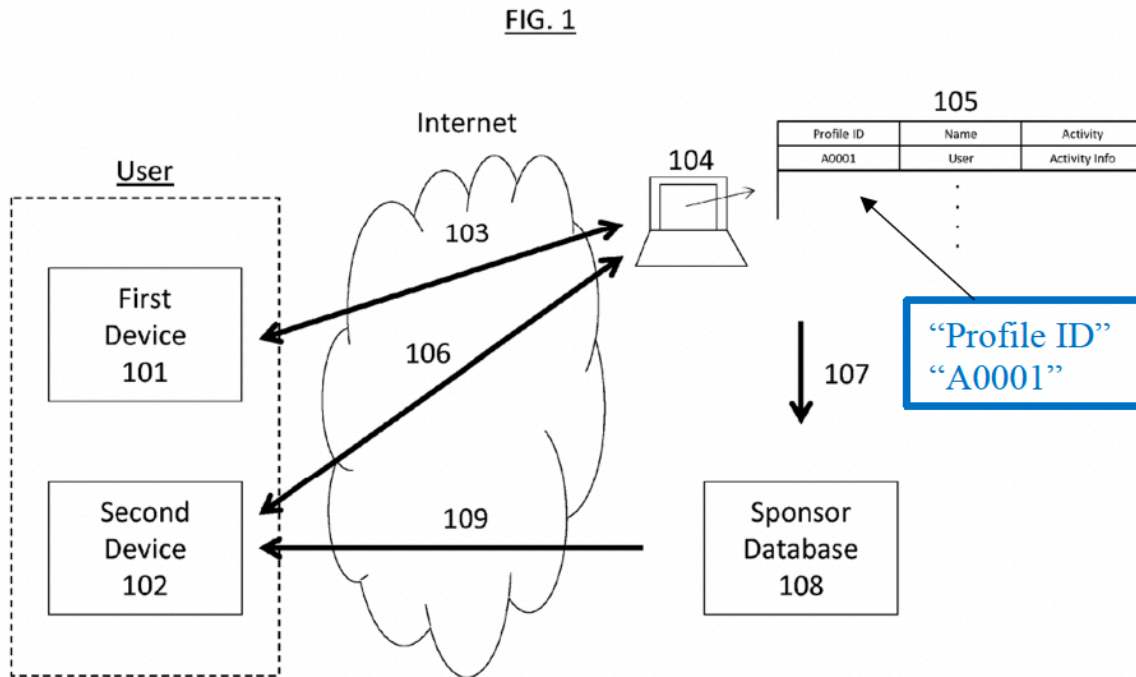
14. Likewise, it is my opinion that a POSITA would have recognized that the MatchKey Provider/Publisher and the Data Suppliers represent a particular implementation of server 104 and sponsor database, specifically in an advertising context. I note that Patent Owner actually admitted that the Profile-ID embodiment includes a backend server responsible for storing the universal profile. Patent Owner's Response at 15. I also note that Doughty even states that the system may "seek to gain access to match keys and make additional links" in connection with Figures 1 and 2—figures that the Patent Owner concedes fall within the "Profile-ID Embodiment." Patent Owner's Response at 12-13; Ex. 1008, 12:9-29.

15. And to the extent the Patent Owner contends that the "MKP Embodiment" necessitates a user logging into a publisher or application, I note that Doughty likewise discloses a user log-in in relation to Figures 1 and 2, which the Patent Owner again admits are part of the "Profile-ID Embodiment." Patent Owner's Response at 12-13; Ex. 1008, 12:9-29.

16. In short, it is my opinion that a POSITA would have readily recognized that the “Profile-ID Embodiment” and the “MKP Embodiment” are not, in fact, distinct embodiments at all. And, in my opinion, a POSITA would have recognized that the “MKP Embodiment” merely serves as a specific example of the broader “Profile-ID Embodiment.”

17. I notice that Patent Owner also made other incorrect claims about Doughty. For instance, Patent Owner contends that the Profile IDs in table 105 “are assigned based on user activity information, which may be a ‘behavioral pattern, viewing habits, usage information, duration on each application, geographic location information, proximity to other locations.’” Patent Owner’s Response at 29 (citing Ex. 1008 at 10:36-39). It is my opinion that this is grossly misleading. As shown in Figure 1 excerpted below, the Profile ID is defined as a “unique identifier, which could be alphabetical, numerical, alphanumerical, or symbols,” and in Figure 1 that identifier is “A0001.” Ex. 1008, 10:46-48. In fact, Patent Owner actually acknowledged that the Profile ID for the Profile-ID embodiment is A0001, which contradicts their other statement about how it is created. Patent Owner’s Response at 13.

Doughty Fig. 1 (Ex-1008) (Annotated)



VIII. Ground 1: Doughty Over Van Boucq Renders Obvious the Challenged Claims

18. I addressed in my Opening Declaration how it is my opinion that Doughty over Van Boucq renders obvious all of the Challenged Claims. I stand by those opinions. I understand that Patent Owner and its expert (Dr. Gottesman) have addressed some of the things I said in my declaration. I have considered their positions and I respond to Patent Owner and Dr. Gottesman herein.

19. As an initial matter, I note that they only address certain limitations. I therefore only respond as to those limitations.

A. Patent Owner's Apparent Claim Interpretation

20. As an initial matter, I first lay out the new apparent claim interpretation implied by Patent Owner in its Response, as it is endorsed by Dr. Gottesman. I use color below to help distinguish the different terms.

1[c]: determining that the user has not been assigned *a unique identifier* based on *a lack of stored location data* for the user computing device;

1[d]: assigning *the unique identifier* to the user;

1[e]: determining whether the user opted-in to or out of *location tracking*, based on whether *a location tracker* is installed on the user computing device;

1[f]: sending, upon determining that the user opted-out of *location tracking*, *the unique identifier* to the user computing device for storage in a local browser cache;

1[i]: identifying a second visit to the URL during the second browser session using *the unique identifier* stored in the local browser cache;

21. In my opening declaration, I explained that the *location tracker* (or connection cookie) from Van Boucq can be stored in the local browser cache. I also explained that it would have been obvious to a POSITA that the connection cookie would have included *location data* and the *unique identifier* of the user (which is from Doughty). Opening Declaration at ¶¶ 146-167. Further, I also explained that it would have been obvious to a POSITA to store this information in a common, synchronized data structure for a more efficient system. There are many reasons for this, but one was so that the system could uniquely identify the user later, and another that the use of unique identifiers as database lookup keys, profile organization mechanisms, and tracking system user/device identification has been well known for

decades in computer systems, including in the internet context. *Id.* at ¶ 166-167. Conversely, a POSITA would know that not using unique identifiers and/or not using a common data structure would make data management much more complex (e.g. having to add special links across multiple databases to link different data elements) and in turn dramatically increase the potential for errors.

22. It now appears to me that Patent Owner has changed several aspects of its position in its response. For example, Patent Owner now contends that the Challenged Claims concern a system in which the *stored location data* is not kept with either the *location tracker* or the *unique identifier*. Patent Owner first asserts that the '947 patent discloses two distinct embodiments: (1) “the unclaimed Unique Identifier/Tracker Embodiment” and (2) “the claimed Unique Identifier/Lack of Stored Location Data Embodiment.” Patent Owner’s Response at 27.

23. According to Patent Owner, moreover, in the claimed embodiment, that “the computing device may access a *database or other storage location* that maintains a mapping of unique identifier to a browser session, a user computing device, and/or *location data*.” Patent Owner’s Response at 8.

24. In describing the allegedly claimed embodiment, Patent Owner further insists that “the computing device may determine whether there is a unique identifier’ that is ‘associated with the user based on presence of a *location tracker* (e.g., *cookie*) installed in the browser application on the user computing device.”

Patent Owner's Response at 8-9. Patent Owner also argues that all cookies are stored in the cookie store. Patent Owner's Response at 43-48. Patent Owner further maintains that cookies, including those described in Van Boucq and in the patent, are stored in the cookie store, and insists that the cookie store is not part of the local browser cache—where the patent states the *unique identifier* is stored. Patent Owner's Response at 43-48.

25. To summarize the Patent Owner's view of different storage locations for each of these data elements, I put together the table below showing Patent Owner's assertions that each is stored in a different location:

Data	Storage Location
<i>stored location data</i>	Database or other storage location (Patent Owner's Response at 8)
<i>location tracker</i>	Cookie store (Patent Owner's Response at 8-9, 43-48)
<i>unique identifier</i>	Local browser cache (Patent Owner's Response at 43-48)

26. As I detail more below, these interpretations cause confusion and are inconsistent with the claimed system.

B. 1[c]: “determining that the user has not been assigned a unique identifier based on a lack of stored location data for the user computing device” and

1[d]: “assigning the unique identifier to the user”

27. In my opinion, Patent Owner’s arguments regarding limitations 1[c] and 1[d] rest on an entirely new claim construction that directly conflicts with its earlier positions, including those taken in the district court litigation. I understand that the claims are supposed to be interpreted consistently for both non-infringement and invalidity purposes. In my opinion, however, Doughty in view of Van Boucq renders the claims obvious under either possible interpretation.

1. Patent Owner’s Position at the District Court Contradict its New Positions

28. As I noted above, Patent Owner asserted in its Response that the ’947 patent describes two separate embodiments: (1) “the unclaimed Unique Identifier/Tracker Embodiment” and (2) “the claimed Unique Identifier/Lack of Stored Location Data Embodiment.” Patent Owner’s Response at 27. Under Patent Owner’s new view, the first embodiment involves checking for a location tracker such as a cookie, while the second requires a backend query to a database or other storage location for stored location data. Whereas in the district court Patent Owner alleged infringement by checking for a cookie, Patent Owner now maintains that the claims are limited solely to the backend query to a database or other storage location for stored location data. *Id.*

29. In my opinion, this “current” interpretation directly contradicts the position Patent Owner advanced before filing its Response. In the related district court litigation, Patent Owner asserted that “[i]f the third-party cookie is not present (e.g., in the local browser cache), an assigned unique identifier is sent to the user’s ‘local browser cache.’” Ex. 1031, 23-24. Patent Owner further argued that “determining that the user has not been assigned a unique identifier” (limitation 1[c]) is satisfied when the system checks whether a cookie is absent and, if so, assigns a unique identifier. *Id.* However, that this is exactly the approach Patent Owner now claims has been disclaimed. I understand that the claims are supposed to be interpreted consistently for non-infringement and invalidity purposes.

2. Patent Owner’s New Positions Are Internally Inconsistent

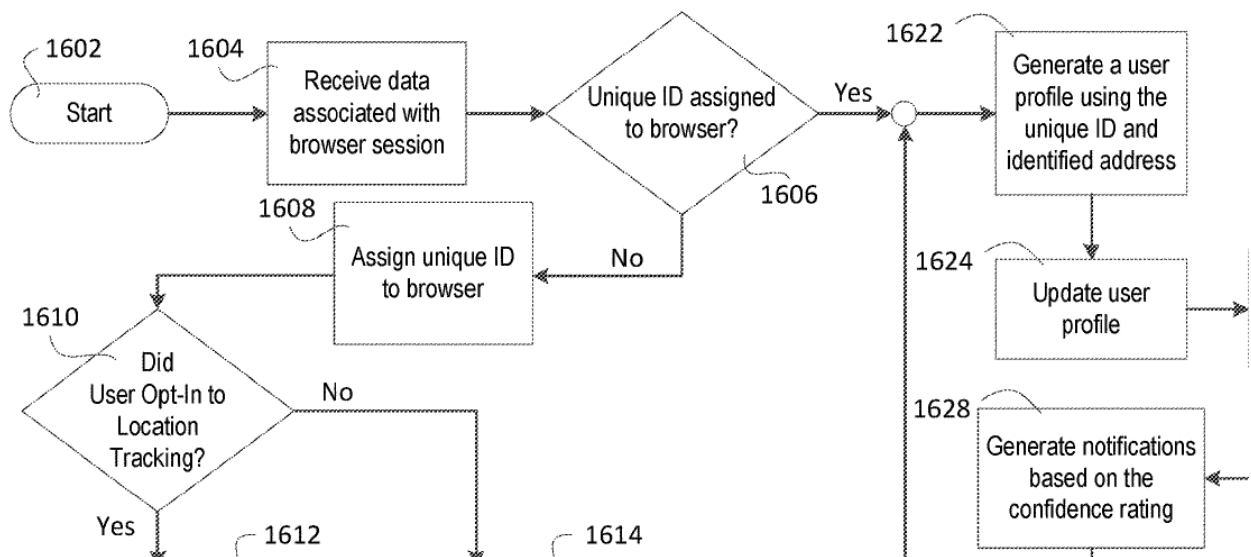
30. In my opinion, Patent Owner’s characterization of “the claimed Unique Identifier/Lack of Stored Location Data Embodiment” both contradicts the specification and is described inconsistently within its Response.

31. **Contradictions with the Specification.** In Patent Owner’s overview of the patent, it describes the supposedly claimed embodiment with reference to Figure 16. Patent Owner’s Response at 9-10. Specifically, Patent Owner states:

At 1608, if the computing device determines that no unique identifier has been assigned based on a lack of stored location data, the computing device generates a unique identifier for that user (Ex-1001, 44:5-8; Ex-2012, ¶76). When the computing device determines (*1606*) that a unique ID was previously assigned to the browser, the user is no longer anonymous and the

system updates the user profile (1622-1632) (Ex-1001, 44:1-4; Ex-2012, ¶76).
Patent Owner's Response at 9.

32. In my opinion, this contradicts the actual language of the patent describing Figure 16, which I reproduced below.



Ex. 1001, Fig. 16 (excerpted).

33. Figure 16 above shows that the determination step happens at step 1606: “Unique ID assigned to browser?” If “No,” the patent discloses assigning a unique ID at 1608. The determination does not occur at step 1608, as Patent Owner suggests—it is instead done in the previous step (1606). The patent specifies that the determination at step 1606 involves checking “whether there is a unique identifier that is associated with the user ... stored on the computing device.” Ex. 1001, 43:49-52. In other words, Figure 16 shows verifying the presence of a unique identifier on the user’s device *before* confirming the absence of stored location data

in a database. Accordingly, Patent Owner misrepresents Figure 16 by claiming it illustrates “the claimed Unique Identifier/Lack of Stored Location Data Embodiment.”

34. **Inconsistent Descriptions.** Patent Owner acknowledges that once a unique identifier is associated with the user, “the computing device stores the generated unique identifier in the user’s local browser cache.” Patent Owner’s Response at 10. Patent Owner further explains: “Because the assigned unique identifier is stored in the local browser cache, *the computing device can recognize return visits by the user when there is no ‘tracker (e.g., cookie)’* and when using the same browsing application.” *Id.* In other words, Patent Owner concedes that the claimed system does not determine whether a user has been assigned a unique identifier by checking for the absence of stored location data. Instead, it determines this by checking for the unique identifier stored on the device.

3. Doughty and Van Boucq Render the Challenged Claims Obvious Under Either Construction

35. In my initial Declaration, I set forth the reasons that Doughty and Van Boucq render these limitations obvious by checking for a cookie with the location information and the unique identifier. Opening Declaration at ¶¶ 146-157. This is more than enough to render obvious the Challenged Claims under Patent Owner’s apparent constructions before its Response.

36. Even accepting Patent Owner's new and inconsistent construction of this term (that the claims require a backend query to a database or other storage location for stored location data instead of looking for a cookie with the unique ID), it is still my opinion that the combination of Doughty over Van Boucq still renders this limitation obvious. Initially, Patent Owner treats the claimed and unclaimed embodiments as mutually exclusive, which conflicts with the patent's own language, as described above. The '947 patent discloses that "the computing device may access a database or other storage location that maintains a mapping of unique identifier to a browser session, a user computing device, and/or location data. Additionally or alternatively, the computing device may determine whether there is a unique identifier associated with the user based on presence of a location tracker (e.g., cookie) installed in the browser application on the user computing device." Ex. 1001, 9:52-59.

37. In other words, the patent contemplates checking for a unique identifier both by checking a database *and* by checking for a cookie. This also contradicts Patent Owner's own description of the embodiment ("the claimed Unique Identifier/Lack of Stored Location Data Embodiment"), which describes the device checking for the unique identifier stored on the computer. Patent Owner's Response at 9-10. Accordingly, it is my opinion that Patent Owner's new construction does

not exclude checking for a cookie, which Patent Owner concedes is disclosed by the combination of Doughty and Van Boucq. Patent Owner's Response at 27, 31.

38. Further, in my opinion, a POSITA would have found it obvious that, in addition to or instead of checking for a connection cookie on the device, the system would query the table to determine whether the user had already been assigned a unique ID. For instance, Doughty teaches storing, among other things, location information in table **105** on server **104**. Ex. 1008, 10:34-39, 45-52. It is my opinion that POSITA would have been motivated to perform such a query because the POSITA would have known that cookies are sometimes cleared or deleted after a period of time or by action of another system or user. Indeed, Dr. Gottesman admits as much. Ex. 2012 at ¶¶ 66, 69. Given that Doughty discloses creating a universal profile, it is further my opinion that a POSITA would have been further motivated to query table **105** to check whether the user already possesses a unique ID and thus avoid generating a redundant profile, even if the cookie or cache had been cleared in the interim.

4. Patent Owner's Arguments Regarding The Cookie Check Are Wrong

39. As I explained in my initial Declaration, the system of the Doughty and Van Boucq combination will determine if there is a geolocation cookie storing the location data on the user's computer. Opening Declaration at ¶¶ 152-153. If the

cookie is absent, the system determines that the user has not yet been assigned a unique identifier by relying on the absence of stored location data. *See id.* I see that Patent Owner made three arguments about the cookie check.

40. ***First***, Patent Owner argues that determining that a unique identifier has been assigned by detecting the cookie “is not determining that a unique identifier was not assigned” because “[a] positive determination is not a negative determination.” Patent Owner’s Response at 31. I am not sure I fully follow this—indeed, it is an illogical statement. In my opinion, common sense (and logic) dictates that if the system is designed to determine that a user has been assigned a unique identifier by locating a cookie with location data, it in the same process can also determine that the user has not been assigned a unique identifier when no location data is present. This logic is also consistent with typical “If/Else” programming structures. Figure 16—which Patent Owner acknowledges is relevant to this limitation (Patent Owner’s Response at 9-10)—confirms this, showing that such a determination (step **1606**) results in either a “Yes” (positive) or “No” (negative):

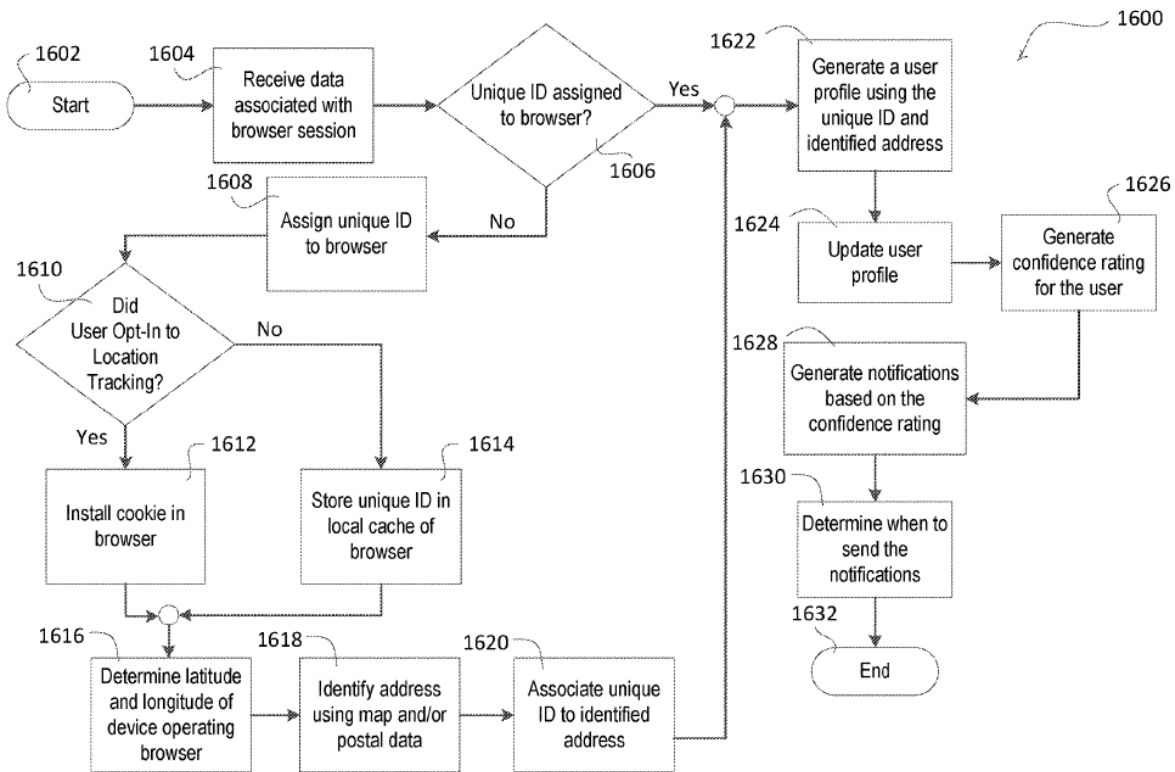


FIG. 16

Ex. 1001, Fig. 16 (excerpted).

41. This also conflicts with Patent Owner’s own description of this embodiment, discussed above, in which the device checks for the unique identifier stored in a “cookie” on the computer. Patent Owner’s Response at 10.

42. **Second**, I note that Patent Owner contends that the determination could be incorrect if cookies are cleared, but it is my opinion that the claims do not require the determination to be flawless. Patent Owner’s Response at 32. I understand that the prior art need only enable the subject matter that covers the claims. Furthermore,

in my opinion, a POSITA would have understood that this limitation is satisfied whenever cookies remain intact, which would be the typical scenario.

43. ***Third***, Patent Owner asserts that Van Boucq discloses creating a connection cookie irrespective of whether the user opts in or out of location tracking. Patent Owner's Response at 33. In my opinion, this is irrelevant because the claim requires making this determination of whether a unique ID has been assigned ***based on the absence of stored location data***, not on whether the user opts in or out of location tracking: "determining that the user has not been assigned a unique identifier ***based on a lack of stored location data*** for the user computing device." Ex. 1001, cl. 1, 47:54-56.

5. Patent Owner's Arguments Regarding Motivation to Combine Are Wrong

44. I saw that Patent Owner asserts there is no motivation to combine because the connection cookie "has neither Doughty's unique identifier from table 105 nor Doughty's hashed email address." Patent Owner's Response at 33. In my opinion, this argument is both irrelevant and incorrect. It is irrelevant because the claims do not require the unique identifier to be stored with the location tracker. Ex. 1001, cl. 1 ("determining whether the user opted-in to or out of location tracking, based on whether a ***location tracker is installed*** on the user computing device; ... sending, upon determining that the user opted-out of location tracking, ***the unique***

identifier to the user computing device for storage *in a local browser cache*”).

Moreover, as discussed above, Patent Owner’s own position assumes that the location tracker is stored separately from the unique identifier.

45. In my opinion, this argument is incorrect because I explained why it would have been obvious to include the unique ID from Doughty as part of the cookie or another tracking device. Opening Declaration at ¶¶ 165-167. My opinion is confirmed by Dr. Gottesman, who acknowledges that cookies stored on a user’s system are typically associated with a “back-end database.” EX2012, ¶56. Accordingly, a POSITA would have known that the cookie would generally store the unique identifier or primary key to allow the browser to access the user in that database. In other words, it is my opinion that a POSITA would have understood—or it would have been obvious—that Doughty’s unique identifier is stored in the connection cookie.

46. And, I already explained above that there is no distinction between the unique ID in the allegedly different embodiments of Doughty.

C. 1[e]: “determining whether the user opted-in to or out of location tracking, based on whether a location tracker is installed on the user computing device”

47. I note at the outset that it appears Patent Owner’s arguments are again based on new positions that contradict its previous positions. And, again, it is my opinion that the claims are invalid either way.

1. The Doughty-Van Boucq System Discloses Different Checks for 1[c] and 1[e]

48. Patent Owner initially asserts that the Doughty–Van Boucq combination uses the same cookie check to both verify whether the user has a unique ID for 1[c] and determine whether the user opted into location tracking for 1[e]. Patent Owner’s Response at 37. In my opinion, this argument contradicts Patent Owner’s position in the district court and is also incorrect.

49. **This position is contrary to Patent Owner’s arguments at the district court.** In its complaint, I note that Patent Owner stated that “determining that the user has not been assigned a unique identifier” (limitation 1[c]) “is properly construed to mean a ‘unique identifier’ that was not previously assigned when it was previously determined that the user had opted out of location tracking.” Ex. 1031, 24. In other words, it is my opinion that a POSITA would have understood that Patent Owner argued in the district court that limitation 1[c]—determining that the user has not been assigned a unique identifier—relies on the determination of whether the user opted out of location tracking (limitation 1[e]).

50. I also note that Patent Owner argues that the system relies on the pop-up to determine whether the user opted into or out of location tracking, rather than the presence of a location tracker. I noticed, however, that Patent Owner’s infringement contentions depend on the very same pop-ups disclosed in Van Boucq:

Annotated Excerpt from Launch Labs' Marketing Materials (Ex. M)

Launch Labs' Innovative Approach to Geolocation

At Launch Labs, we've reimagined geolocation tracking for our proprietary technology, Ignite. Unlike traditional methods, Ignite leverages user-consented GPS data (those location request popups) to deliver unparalleled accuracy and reliability.

Our geolocation methodology involves a four-step process that ensures the highest quality data:

1. **High-Accuracy GPS Measurement:** We start by capturing user-consented GPS data with precision, ensuring reliable location tracking.
2. **Data Verification and Enhancement:** We validate the accuracy of each GPS measurement and enhance it with additional contextual information.
3. **Location Mapping:** Using proprietary algorithms, continuously refined for enhanced accuracy, we map your visitors' locations. The more interactions they have on your site, the more precise their location becomes, unlocking opportunities for laser-focused targeting and personalized experiences.
4. **Resident Identification:** We match the address data with public records and marketing databases to identify current residents and their interests.
5. The visitor only shares consented, non-PII geolocation data with us.

Ex. 1026, 37.

51. I understand that the claims are supposed to be construed consistently for infringement and invalidity.

52. **Patent Owner's argument is wrong.** It is further my opinion that the system from the combination of Doughty and Van Boucq discloses distinct checks for limitations 1[c] and 1[e]. As explained I explained in my Opening Declaration, the system may present the user with a pop-up to request geolocation consent, e.g. disclosing the 1[c] check. If the user opts in, Van Boucq teaches creating a connection cookie. Opening Declaration at ¶¶ 162-164. The user may also opt out or ignore the pop-up. In those scenarios (opting out or ignoring the pop-up), the system subsequently determines whether the user refused geolocation by checking whether the web browser already contains a connection cookie. *Id.* In my opinion, a POSITA would have understood that this constitutes a separate check from the cookie check described in limitation 1[c]. This separate check occurs after the initial

pop-up prompt asking the user whether to allow location tracking. Moreover, it is my opinion that a POSITA would not have recognized anything in the claims that requires this step to be performed more than once.

53. Additionally or alternatively, Van Boucq discloses that when a cookie is created for a user who opts out of location tracking, the cookie may have a limited lifespan, particularly on mobile browsing devices. Ex. 1009, ¶63. It is my opinion that a POSITA would have understood (or it would have been obvious), that, once this lifespan ends, the cookie will be removed or deprecated, and on subsequent checks, the system determines that the user opted out of location tracking based on whether the connection cookie (location tracker) remains on the computing device. In other words, when geolocation is determined using the IP address, the cookie's creation is temporary, and it is my opinion that a POSITA would have understood that subsequent checks after the cookie's removal satisfy this limitation. Again, it is my opinion that nothing in the claims requires this step to be perfectly accurate from the perspective of a POSTIA. In my opinion, a POSITA would thus understand that this limitation is satisfied whenever the cookie is cleared, whether due to expiration of the temporary cookie or manual deletion by the user.

2. The Doughty-Van Boucq System Is Not Limited To Static Location

54. I see that Patent Owner next contends that the connection cookies do not qualify as a “location tracker” because they store only “a static location.” Patent Owner’s Response at 38. I first note that there is nothing in the claims that explicitly requires that the location tracker update dynamically. Instead, this seems to be yet another new claim construction that contradicts Patent Owner’s prior positions.

55. **District Court Position.** I understand that, at the district court, Patent Owner argued that “[t]he ‘location tracker’ is properly construed as the third-party tracking cookie described in the patent specification (‘tracker (e.g., cookie).’” Ex. 1031, 23-24. As Dr. Gottesman explained, cookies are strings of data. Cookies are “small pieces of data (each limited to 4 KB) placed in a browser storage by the web server.” EX2012, ¶55; Patent Owner’s Response at 4 (acknowledging that cookies are “small ‘strings of data’” or “text files comprising data bits”). I saw that, during his deposition, Dr. Gottesman confirmed that cookies do not execute code. Ex. 1067, 29:3-7 (“Q. So cookies can't execute code on their own; right? A. I'm not sure what you are saying. Cookies are files. They don't execute anything. Just a piece of data.”). I agree with this.

56. It is therefore my opinion that the cookies that Patent Owner relied upon as a location tracker in the district court (i.e., strings of data) cannot satisfy this newly introduced requirement that the location tracker dynamically update the location.

57. **The Doughty-Van Boucq System Renders Obvious The New Construction.** Even if the term “location tracker” requires more than a static location, it is my opinion that a POSITA would have found it obvious that Van Boucq discloses dynamically updating the user’s location in the connection cookie. For example, Van Boucq teaches that when a cookie is created for a user who opts out of location tracking, the cookie may have a limited lifespan, particularly for mobile browsing devices, allowing the location to be updated. Ex. 1009, ¶63.

58. **When the user opts in.** Because Van Boucq does not specify a limited lifespan for cookies when the user opts into location tracking, it is my opinion that a POSITA would have understood that the browser’s location tracking app would update the cookie on subsequent uses. This means the location tracker of Van Boucq dynamically updates itself.

59. **When the user opts out.** Additionally, given that Van Boucq discloses a lifespan for the connection cookie when the user opts out, it is my opinion a POSITA would have recognized that the cookie would be updated or re-created after expiration, thereby making the location stored in the connection cookie dynamic.

3. The Doughty-Van Boucq Checks for the Location Tracker in the Claimed Determination

60. I saw that Patent Owner contends that determining whether the user opted to allow location tracking in the Doughty-Van Boucq combination relies on the pop-up rather than the presence of a location tracker, because the connection cookie is installed regardless. This is an incorrect interpretation. As I explained above, there is a separate check for limitations 1[c] and 1[e] to determine whether a connection cookie has already been created. This second check establishes whether a user opted into or out of location tracking. This separate check is based on whether a location tracker is installed on the device, for the reasons I discussed above in Section VIII.C.1. Furthermore, this limitation would have been obvious because Van Boucq discloses that the cookie is only temporary when the user opts out of location tracking, as I explained above in the same section.

4. Patent Owner's Motivation to Combine Arguments Are Wrong

61. As I explained in my initial Declaration, combining Doughty and Van Boucq would have been obvious for several reasons, including that Doughty discloses the importance of determining the user's location, while Van Boucq teaches specific techniques for determining and tracking the user's location. Opening Declaration at ¶¶ 130-133, 162-164. In my opinion, Patent Owner misrepresents my argument by selectively quoting a portion of the Petition that

addresses only Doughty, not the combination of Doughty and Van Boucq. Patent Owner's Response at 40 (citing Petition, 28-29). While Doughty and POSITAs at the time recognized concerns with third-party cookies, POSITAs also knew that first-party cookies were a common alternative. I also note that, according to Patent Owner, "Van Boucq's 'connection cookie' is a first-party cookie." Patent Owner's Preliminary Response at 28. Thus, it is my opinion a POSITA would have found it obvious to employ the first-party cookies from Van Boucq with the system disclosed in Doughty, as explained in my Declaration.

D. 1[f]: "sending, upon determining that the user opted-out of location tracking, the unique identifier to the user computing device for storage in a local browser cache"

62. It appears to me that Patent Owner's arguments again rely on positions that are inconsistent with its previous statements and apparent infringement positions. Again, it is my opinion that the claims are invalid under either of Patent Owner's constructions.

63. ***First***, Patent Owner's main argument is that the connection cookies disclosed in Van Boucq are exclusively stored in the "cookie store," which is allegedly distinct from the "local browser cache." Patent Owner's Response at 42-48.

64. ***District Court Position***. I note at the outset that this contradicts Patent Owner's allegations in the complaint related to infringement. There, Patent Owner

argued that the unique identifiers are stored in the local browser cache by setting a cookie:

Annotated Excerpts from atmain2.js (Ex. L)

```
getGuid: function() {  
  fetch("https://kmduz38m3i.execute-api.us-east-1.amazonaws.com/prod/uuid").then(function(e) {  
    var t = e.headers.get("ETag");  
    t ? at.setCookie("atguid", t, 999) : at.setCookie("atguid", at.guid(), 999),  
    at.registerSessionAndSetupEngagements(!0)  
  })  
},
```

Ex. 1026, 39.

65. The above excerpt from the Complaint shows that Patent Owner is relying upon a “setCookie” command to show sending the unique identifier to the user computing device for storage in a local browser cache. The later Patent Owner Response, however, has a different interpretation, e.g. that this command stores the cookie in the cookie store that supposedly uses specialized “cookie storage,” and never in a cache. Patent Owner’s Response at 42-48. In other words, Patent Owner’s interpretation of the claim at the district court directly supports that the connection cookies disclosed in Van Boucq are stored in the local browser cache. Petition, 31-33. In my opinion, this would make sense to a POSITA because Van Boucq discloses that the cookies are stored in connection with the browser’s storage and may be only stored temporarily (as is typical for a cache, which normally includes temporary storage). I understand that Patent Owner cannot rely on different claim interpretations for infringement and invalidity.

66. *New Construction.* Even under Patent Owner’s brand new (and conflicting with its District Court) construction, it is my opinion that it would have been obvious to a POSITA to store the user’s unique identifier in the browser cache, either instead of or in addition to a separate and distinct cookie store. For example, Doughty discloses using “pixel tags” to store information in the browser cache, including “previously set cookie values.” Doughty explains that pixel tags can transmit information to the website, and it is my opinion that a POSITA would have understood that this information (including the “previously set cookie values”) would be associated with a user. Ex. 1008 at 17:11-19. In my opinion, a POSITA would have therefore been motivated to store the user’s unique identifier within the pixel tag. It is further my opinion that it would have been obvious to a POSITA that the pixel tag requires the unique identifier in order to inform the website which user the transmitted information corresponds to.

67. Additionally or alternatively, it is my opinion that a POSITA would have found it obvious that the connection cookie in Van Boucq could be stored in the browser cache, either in addition to or instead of the cookie store. In my opinion, a POSITA would have been motivated to change or otherwise have an alternative to the cookie’s “cookie store” storage location because a POSITA would have known users can clear cookies separately from clearing the browser cache in many browsers. Patent Owner’s Response at 45. Accordingly, it is my opinion that a

POSITA would have been motivated to store the cookie in multiple locations to increase the likelihood that its information is not deleted. Moreover, as Patent Owner's expert acknowledged, there are methods to cause the browser to store a cookie outside of the cookie store. Ex. 1067, 80:7-9 ("Q. Are you aware of any way to force the browser to store the cookie outside of the cookie store? A. Yes. There are ways to do that.").

68. Alternatively, it is my opinion that a POSITA would have been motivated to store the connection cookie in the browser cache if, for instance, the user disabled all cookies on the device (in implementations that use a cookie store), preventing the browser from storing information in the cookie store.¹ In my opinion, a POSITA would have appreciated the advantages of storing connection cookies in the browser cache, as tracking a user's visits to provide continuity to the user across multiple website visits is a key function of cookies, and would have been motivated to use alternative storage locations, such as if the cookie store were disabled or otherwise deleted.

69. **Second**, Patent Owner next contends that Doughty and Van Boucq do not disclose sending the unique identifier when it is determined that the user opted out of location tracking, for the same reasons cited for limitation 1[e]. Patent

¹ Browsers do not exclusively have to use a dedicated "cookie store" data structure, nor does any standard (including RFC 6265) require them to do so.

Owner's Response at 48-49. This argument fails for the same reasons discussed above in Section VIII.C.

70. ***Third***, Patent Owner's third contention relies upon the allegedly distinct embodiments in Doughty, such as the allegation that Doughty does not disclose a single, consistent unique identifier. This argument fails for the reasons discussed above in Section VII because Doughty discloses consistent, combinable embodiments. Patent Owner's Response at 49-51.

E. 1[l]: "identifying a second visit to the URL during the second browser session using the unique identifier stored in the local browser cache"

71. I have considered Patent Owner and Dr. Gottesman's position for limitation 1[l] and it relies upon its arguments for the other limitations in claim 1 that I already addressed. For example, I already explained for 1[f] that Doughty and Van Boucq renders obvious sending a unique identifier to the user computing device for storage in a local browser cache. The same analysis applies here.

72. As another example, I already explained that there are not separate, distinct embodiments in Doughty as contended by Patent Owner and Dr. Gottesman. That same analysis applies here.

73. I also note that Dr. Gottesman complains that I did not provide support for my opinion that it would have been obvious "that the unique identifier of the user stored in the local browser cache would have been the mechanism for how two

separate browsing sessions would be attributed to the same user.” Ex. 2012, ¶ 170. I disagree. My obvious analysis was based upon the same disclosures in Doughty that I discussed previously in that section. Ex. 1007, ¶¶ 184-187. For example, I explained that Doughty discloses tracking web sites visited by the user, including the order of the visits. Then Doughty discloses updating the user’s profile based upon those subsequent visits. It is my opinion that, either a POSITA would have understood this means using the unique identifier in the browser cache or it would have at least been obvious to do so given that disclosure in Doughty because a POSITA would have known unique identifiers are commonly used to combine information for a single user or profile.

F. Remaining Claims

74. Patent Owner and Dr. Gottesman rely entirely upon their analysis from Claim 1 in arguing that other claims are valid. I therefore incorporate my response from Claim 1 herein because the same analysis applies.

IX. Ground 2: Doughty Over Van Boucq and Maginnis Renders Obvious the Challenged Claims

75. I addressed in my Opening Declaration how it is my opinion that Doughty over Van Boucq and Maginnis renders obvious all of the Challenged Claims. I stand by those opinions. Patent Owner and Dr. Gottesman rely entirely

upon their analysis from Ground 1 in arguing that Ground 2 also fails. I therefore incorporate my response from Ground 1 herein because the same analysis applies.

X. Conclusion

76. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed this 9th day of December 2025, in Edwards, Colorado.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Hilliard Williams", written in a cursive style.

David Hilliard Williams