

Rocket Media LLC v. Fullthrottle Technologies, LLC,
IPR2025-00148, U.S. Patent No. 11,556,947.

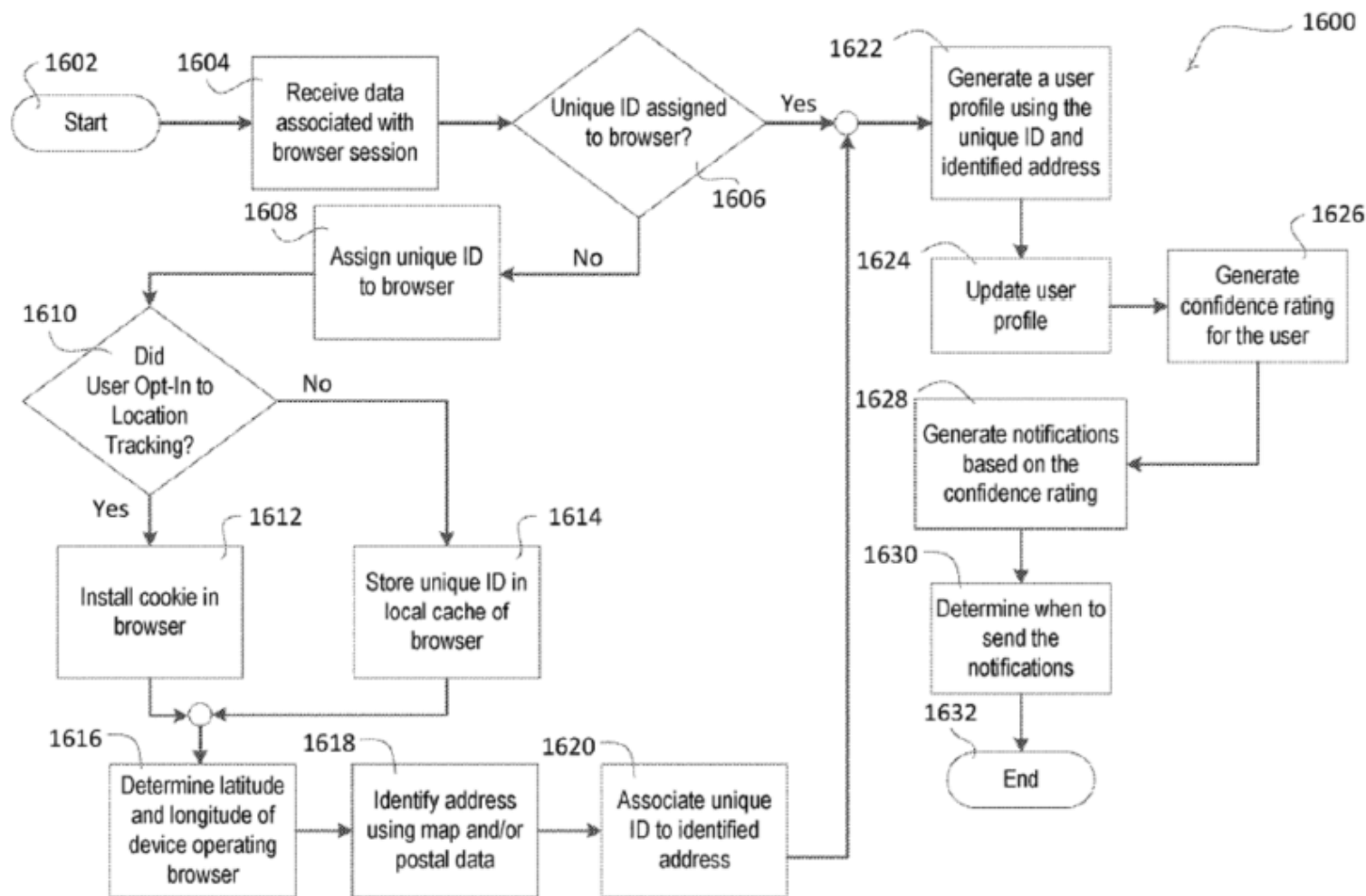
March 11, 2026

The '947 Patent is Not Unpatentable

- '947 Patent Overview
- Cited References do not render obvious:
 - Limitations 1[c] & 1[d]
 - Limitation 1[e]
 - Limitation 1[f]
 - Limitation 1[l]

The '947 Patent

'947 Patent, Fig. 16



The '947 Patent

1. A method comprising:
 - 1[a] receiving first anonymous data associated with a first browser session initialized by a user via a browser on a user computing device, wherein the first anonymous data comprises one or more of a time, a date, one or more uniform resource locators (URLs), a referring URL, a browser type, a language, an internet protocol (IP) address, or location data;
 - 1[b] determining that the user accessed a URL during the first browser session;
 - 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;

'947 Patent claim 1 (Ex-1001).

The '947 Patent

- 1[g] determining a latitude coordinate and a longitude coordinate of the user computing device, during the first browser session, wherein the latitude coordinate and the longitude coordinate are determined based on the first anonymous data upon determining that the user opted-out of location tracking, and wherein the latitude coordinate and the longitude coordinate are determined based on geo-location data retrieved from the user computing device upon determining that the user opted-in to location tracking;
- 1[h] identifying a physical address for the user based on the determined latitude coordinate and the determined longitude coordinate using a map application programming interface (API);
- 1[i] associating the unique identifier to the physical address;
- 1[j] generating a user profile for the user using the unique identifier and physical address, the user profile comprising profile information that comprises one or more URLs the user has accessed, a frequency with which the user accessed the URL(s), demographics associated with the user, the physical address(es) associated with the user, or devices associated with the user;

'947 Patent claim 1 (Ex-1001).

The '947 Patent

- 1[k] updating the profile information based on second anonymous data associated with a second browser session initialized on the user computing device or another user computing device associated with the physical address;
- 1[l]** identifying a second visit to the URL during the second browser session using the unique identifier stored in the local browser cache;
- 1[m] determining, using the updated profile information, a confidence rating for the user, the confidence rating indicating a quantifiable measure of the user's interest in a product;
- 1[n] generating one or more notifications based on one or more of the updated profile information or the confidence rating; and
- 1[o] determining when to send the one or more notifications to the user.

'947 Patent claim 1 (Ex-1001).

Limitations 1[c] & 1[d] Not Obvious

- 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;

'947 Patent claim 1 (Ex-1001).

Limitations 1[c] & 1[d] Not Obvious

Petition agrees: Limitation 1[c] not taught by Doughty.

Doughty alone or in combination with Van Boucq renders obvious this limitation.

Petition 24 (Paper 2);
Ex. 1007 ¶¶ 146, 156.

Petition alleges obviousness over:

- Doughty Profile ID check
- Doughty + Mr. Williams cookie check
- Doughty + van Boucq cookie check (Petition 24-26)

Doughty Profile ID Check:

No determination “based on a lack of stored location data”

25 of visiting each respective web page. The system may be further configured to perform the steps of: (a) determining that a pre-existing universal profile has not been created to identify that the first and second devices are used by the same user; and (b) creating a universal profile for the user containing data corresponding to the first and second devices. The
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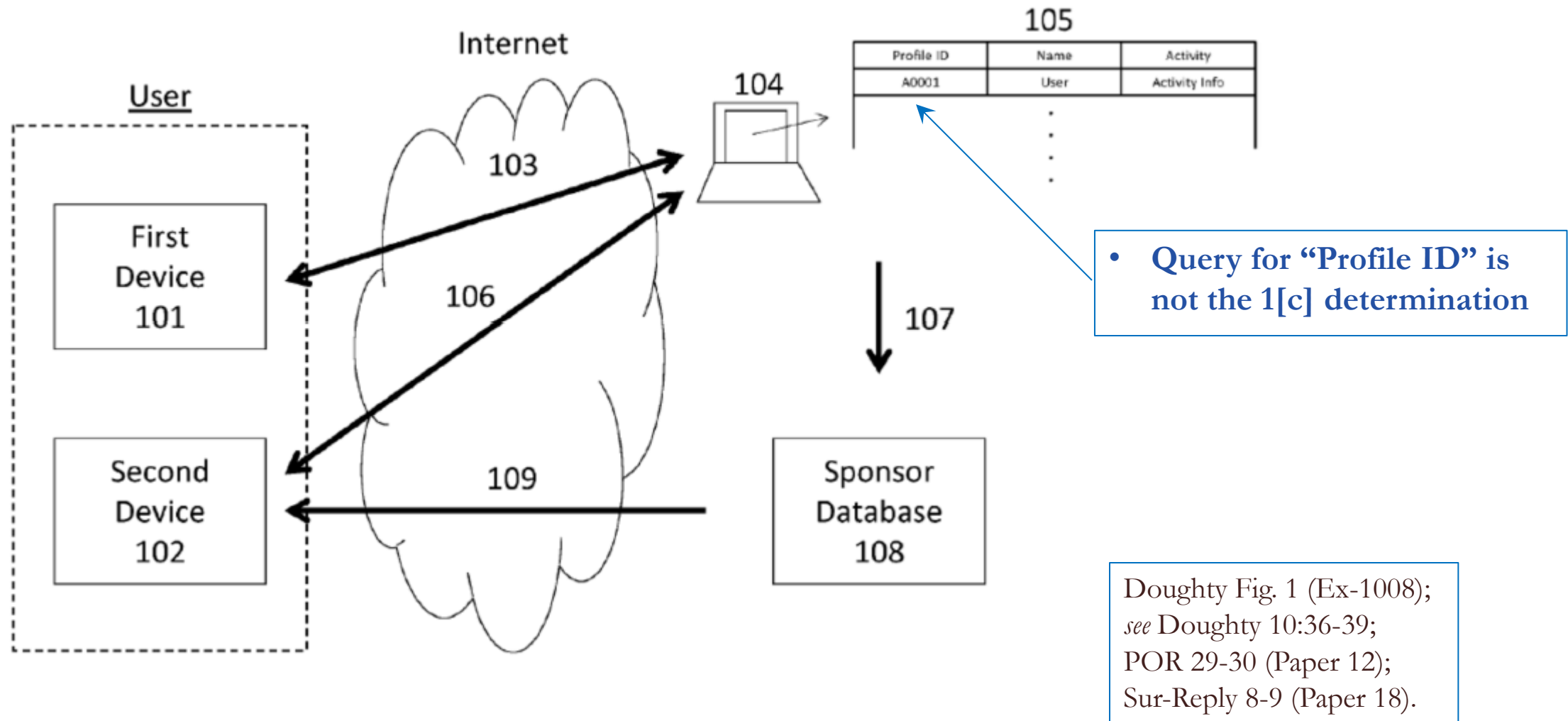
Doughty 6:25-30 (Ex. 1008)
Petition 24 (Paper 2);
POR 25 (Paper 12).

User activity information may be continually, or periodically, updated for the user by first device **101**. Further, user activity information may be transmitted based on a request from server **104**, a periodic transmission by first device **101**, or a triggering event on the part of first device **101**. Upon receiving the user's activity information, server **104** assigns a unique identifier, which could be alphabetical, numerical, alphanumeric, or symbols to first device **101** and stores the assigned unique identifier, user information and activity information into table **105**. In embodiments, table **105** may store addi-
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Doughty 10:41-50 (Ex-1008);
POR 25 (Paper 12).

Limitations 1[c] & 1[d] Not Obvious

1[c] not obvious over Doughty Profile ID check



- Petitioner asserts two “cookie checks”:
 - Doughty + Mr. Williams (Petition 24 (citing Ex-1007 ¶¶ 147-149)).
 - Doughty + van Boucq (Petition 25-26).

Limitations 1[c] & 1[d] Not Obvious

- Cited “Cookie checks” are like the Unique ID / Tracker embodiment

browser session) stored on the computing device. The computing device may determine that there is no unique identifier associated with the user computing device when there is no location data stored for the user computing device. For 55 example, 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 60 identifier for associated with the user based on presence of a tracker (e.g., cookie) installed in the browser application on the user computing device. The tracker may include the unique identifier associated with the user. The tracker may

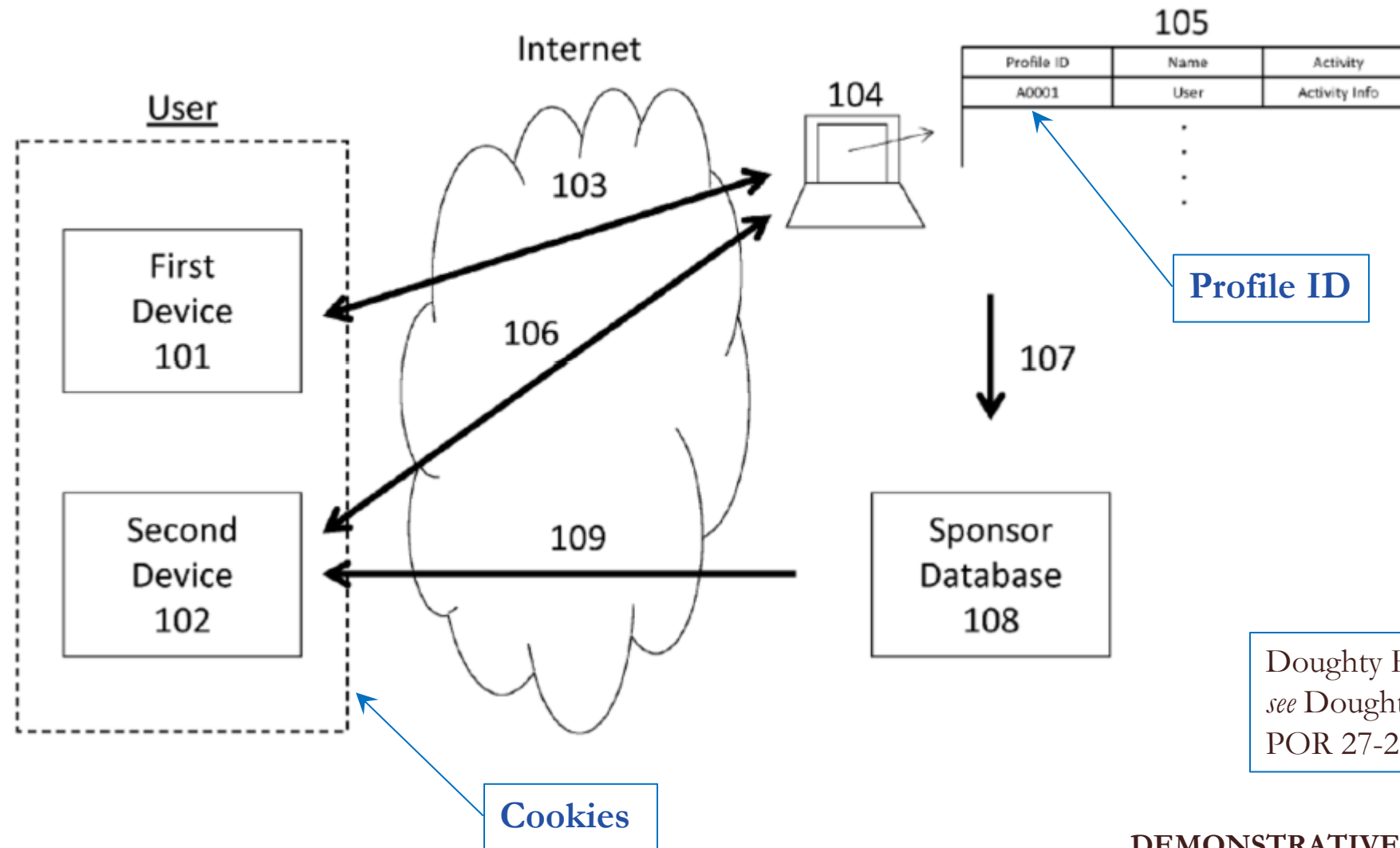
determining that the user has not been assigned a unique identifier based on a lack of stored location data for the user computing device;
assigning the unique identifier to the user;

'947 Patent claim 1 (Ex-1001).

'947 Patent 43:52-64 (Ex-1001);
POR 8-9, 27 (Paper 12).

Limitations 1[c] & 1[d] Not Obvious

- No motivation to look at the user device



Limitations 1[c] & 1[d] Not Obvious

[0063] In a second approach according to the operational diagram 200, when the ad window 210 is called up on the website consulted by the Internet user, the HTTP communication protocol 220 is verified by the Web browser to determine whether the Internet user has already previously geolocated him/herself and already has a cookie (connection cookie), which makes it possible to determine whether the geolocation of said Internet user has already been stored in a browsing device, for example a desktop or laptop computer, a digital tablet, a cell phone or an augmented reality system. If the Internet user has not previously geolocated and therefore the user's geolocation is not yet known to the Web browser, the Web browser will send a pop-up (message) 270 asking the user if he/she wishes to be geolocated. If said Internet user refuses to be geolocated or ignores the pop-up, the communication system will still locate the Internet user according to the IP address 290 of that user's connection to a computer network, resulting in the creation of a cookie whose lifespan varies according to the browsing device. For example, the lifespan of a cookie can be shorter for a mobile browsing device than for a stationary browsing device.

- van Boucq checks for presence of “connection cookie”
- Absence of “connection cookie” is not the 1[c] determination

van Boucq ¶ [0063] (Ex-1009);
POR 31-32 (Paper 12).

Limitations 1[c] & 1[d] Not Obvious

- Mr. Williams admits cited “cookie checks” would yield incorrect results for the 1[c] determination
- No motivation to make inaccurate combination

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,

Ex-1066 ¶ 42;
Sur-Reply 7 (Paper 18).

Limitation 1[e] Not Obvious

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;

'947 Patent claim 1 (Ex-1001).

For 1[e], the Petition relies on:

- Modifying Doughty (abandoned) (Petition 29-30; POR 34-37)
- Doughty + van Boucq cookie check (Petition 30-31)

Limitation 1[e] Not Obvious

- Doughty does not disclose 1[e].

159. Doughty explains, for example, that the system will determine and store the user's geographic location with the user's profile. Ex. 1008, 6:19-25, 15:49-16:27. I have not seen explicit disclosure in Doughty that explains how to determine if the user opted-out of location tracking. It is my opinion, however, that a POSA

Ex-1007 ¶ 159;
POR 34 (Paper 12);
Sur-Reply 9-10 (Paper 18).

Limitation 1[e] Not Obvious

- Doughty does not:
 - Track location without cookies
 - Check for a tracker to determine location consent
 - Determine location tracking consent at all

retrieved the image, and previously set cookie values. Pixel 20
tags are typically used by a third-party to monitor the activity
of a site. A pixel tag can be detected by viewing the source
code of a webpage and looking for any that load from a
different server than the rest of the site. Turning off the brows-
er's cookies will prevent pixel tags from tracking the user's 25
activity. The pixel tag will still account for an anonymous
visit, but the user's unique information will not be recorded.

Doughty 17:20-27 (Ex-1008);
POR 35-36 (Paper 12).

van Boucq does not fill the gap:

- VB's cookie not a location tracker
- VB's cookie check does not determine location consent
- Petitioner relies on same cookie check for 1[c] and 1[e]

POR 37-41 (Paper 12)
Sur-Reply 9-15 (Paper 18).

Petitioner Acknowledges VB does not Disclose Location Tracking:

Patent Owner next argues that the connection cookies are not a “location tracker” because they only store “a static location.” POR, 38 Nothing in the claims explicitly requires the location tracker to dynamically update itself. Instead, this is again a brand-new claim construction that is contrary to the Patent Owner’s previous positions.

Reply 19 (Paper 15);
Sur-Reply 11 (Paper 18);
see also POR 22-23, 37-38 (Paper 12).

Limitation 1[e] Not Obvious

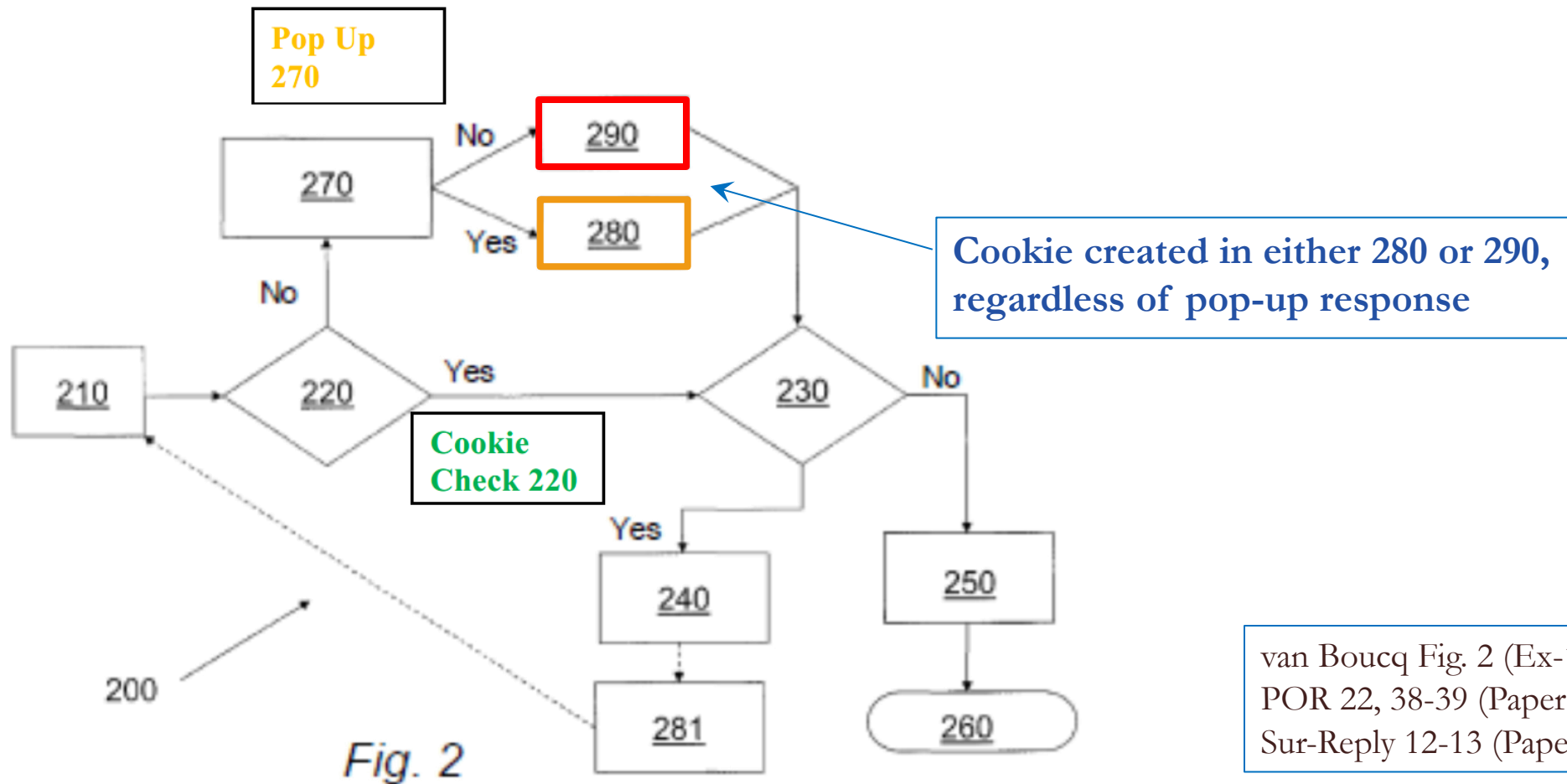
- van Boucq's cookie is static, not a "location tracker"

40 [0060] In a first approach according to the operational diagram 200, when the ad window 210 is called up on the website consulted by the Internet user, the HTTP (hypertext transfer protocol) communication protocol 220 is verified by the Web browser to determine whether the Internet user has already previously geolocated him/herself and already has a cookie (connection cookie), which makes it possible to determine whether the geolocation of said Internet user has already been stored in a browsing device, for example a desktop or laptop computer, a digital tablet, a cell phone or an augmented reality system. If the Internet user has already been geolocated and if the user's geolocation has already been stored in the communication system, said communication system will directly search the database containing the ads 230 to check whether a local ad 240 can be displayed based on the Internet user's precise geolocation. If the Internet user's geolocation corresponds to a local ad 240, then this local ad 240 will be displayed.

van Boucq ¶ [0060] (Ex-1009);
POR 22-23, 37-38 (Paper 12);
Sur-Reply 11-12 (Paper 18).

Limitation 1[e] Not Obvious

- Presence/absence of van Boucq's cookie cannot determine "whether the user opted-in to or out of location tracking"



van Boucq Fig. 2 (Ex-1009) (annotated);
POR 22, 38-39 (Paper 12);
Sur-Reply 12-13 (Paper 18).

Limitation 1[e] Not Obvious

Cookie created regardless of pop-up response

Box 290

digital tablet, a cell phone or an augmented reality system. If the Internet user has not previously geolocated and therefore the user's geolocation is not yet known to the Web browser, 30 the Web browser will send a pop-up (message) 270 asking the user if he/she wishes to be geolocated. If said Internet user refuses to be geolocated or ignores the pop-up, the communication system will still locate the Internet user 35 according to the IP address 290 of that user's connection to a computer network, resulting in the creation of a cookie whose lifespan varies according to the browsing device. For example,

Box 280

30 [0068] If said Internet user agrees to be geolocated, the user is geolocated via the Web browser and its geolocation service ("location service") 280, which enables at least one SSID to be identified and/or the IP address to be identified and/or information about 3G masts, femtocells or picocells to be 35 collected and/or said Internet user's GPS and/or GPRS coordinates to be defined. Acceptance on the pop-up 270 results in the creation of a cookie whose lifespan varies according to the browsing device. For example, the lifespan of

van Boucq ¶¶ [0063], [0068] (Ex-1009);
POR 22-23, 37-38 (Paper 12);
Sur-Reply 12-13 (Paper 18).

Limitation 1[e] Not Obvious

- Petitioner uses same cookie check for 1[c] and 1[e]

Petition Regarding 1[c]	Petition Regarding 1[e]
“Van Boucq explains that the determination of whether or not the user has a profile and unique ID may be done by checking if the Internet user already has a geolocation cookie on the computing device.”	“[I] it would have been obvious to a POSITA that checking for [van Boucq’s] cookie would have been an efficient means of determining whether the user opted-out of location tracking”

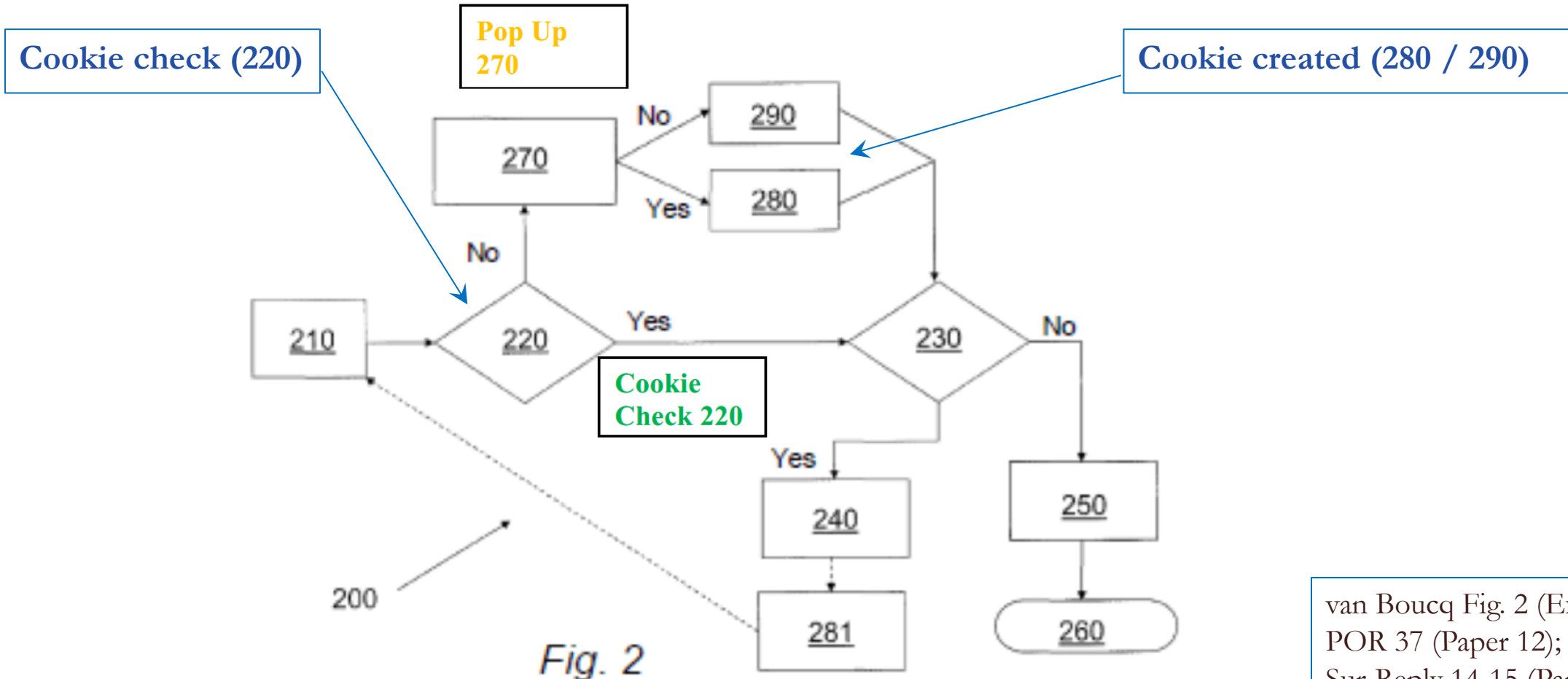
Petition 25-26.

Petition 31.

POR 37 (Paper 12);
Sur-Reply 14-15 (Paper 18).

Limitation 1[e] Not Obvious

- van Boucq only has one cookie check



van Boucq Fig. 2 (Ex-1009) (annotated);
POR 37 (Paper 12);
Sur-Reply 14-15 (Paper 18).

Limitation 1[e] Not Obvious

Cookie check at 220:

[0063] In a second approach according to the operational diagram 200, when the ad window 210 is called up on the website consulted by the Internet user, the HTTP communication protocol 220 is verified by the Web browser to determine whether the Internet user has already previously geolocated him/herself and already has a cookie (connection cookie), which makes it possible to determine whether the geolocation of said Internet user has already been stored in a browsing device, for example a desktop or laptop computer, a digital tablet, a cell phone or an augmented reality system. If

van Boucq ¶ [0063] (Ex-1009).

POR 37 (Paper 12);
Sur-Reply 14-15 (Paper 18).

Cookie creation at 280/290:

user if he/she wishes to be geolocated. If said Internet user refuses to be geolocated or ignores the pop-up, the communication system will still locate the Internet user according to the IP address 290 of that user's connection to a computer network, resulting in the creation of a cookie whose lifespan varies according to the browsing device. For example, the lifespan of a cookie can be shorter for a mobile browsing device than for a stationary browsing device.

van Boucq ¶ [0063] (Ex-1009).

30 [0068] If said Internet user agrees to be geolocated, the user is geolocated via the Web browser and its geolocation service ("location service") 280, which enables at least one SSID to be identified and/or the IP address to be identified and/or information about 3G masts, femtocells or picocells to be collected and/or said Internet user's GPS and/or GPRS coordinates to be defined. Acceptance on the pop-up results in the creation of a cookie whose lifespan varies according to the browsing device. For example, the lifespan of

van Boucq ¶ [0068] (Ex-1009).

• Petitioner’s conflicting motivations to modify Doughty

Asserted Motivation:	Insufficient because:
“Users may turn off browser cookies” (Petition 28, 31)	• Would not lead to cookie system, like van Boucq (POR 40; Sur-Reply 15)
“Location tracking is important” (Petition 29)	• Does not lead to 1[e] determination (POR 41; Sur-Reply 15)
3rd-party cookies as “alternative” to 1st-party cookies (Reply 21–22)	• Raised for first time in Reply • Unsupported by any reference • Would not lead to cookie reference like van Boucq (Sur-Reply 15)

Limitation 1[f] Not Obvious

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;

'947 Patent claim 1 (Ex-1001).

For 1[f], the Petition relies on:

- van Boucq's cookie
- Doughty's pixel tags
(Petition 31-33)

POR 41;
Sur-Reply 17.

Cookie store ≠ cache:

- Intrinsic record, including Fig. 16 (Ex. 1001)
- RFC 6265 vs. RFC 9111 (Ex. 2014; Ex. 2016)
- Testimony of Dr. Gottesman (Ex. 2012 ¶¶ 55-72, 149-156)
- Testimony of Mr. Williams (Ex. 2018 at 26:10-20)

POR 42-48;
Sur-Reply 18.

Limitation 1[f] Not Obvious

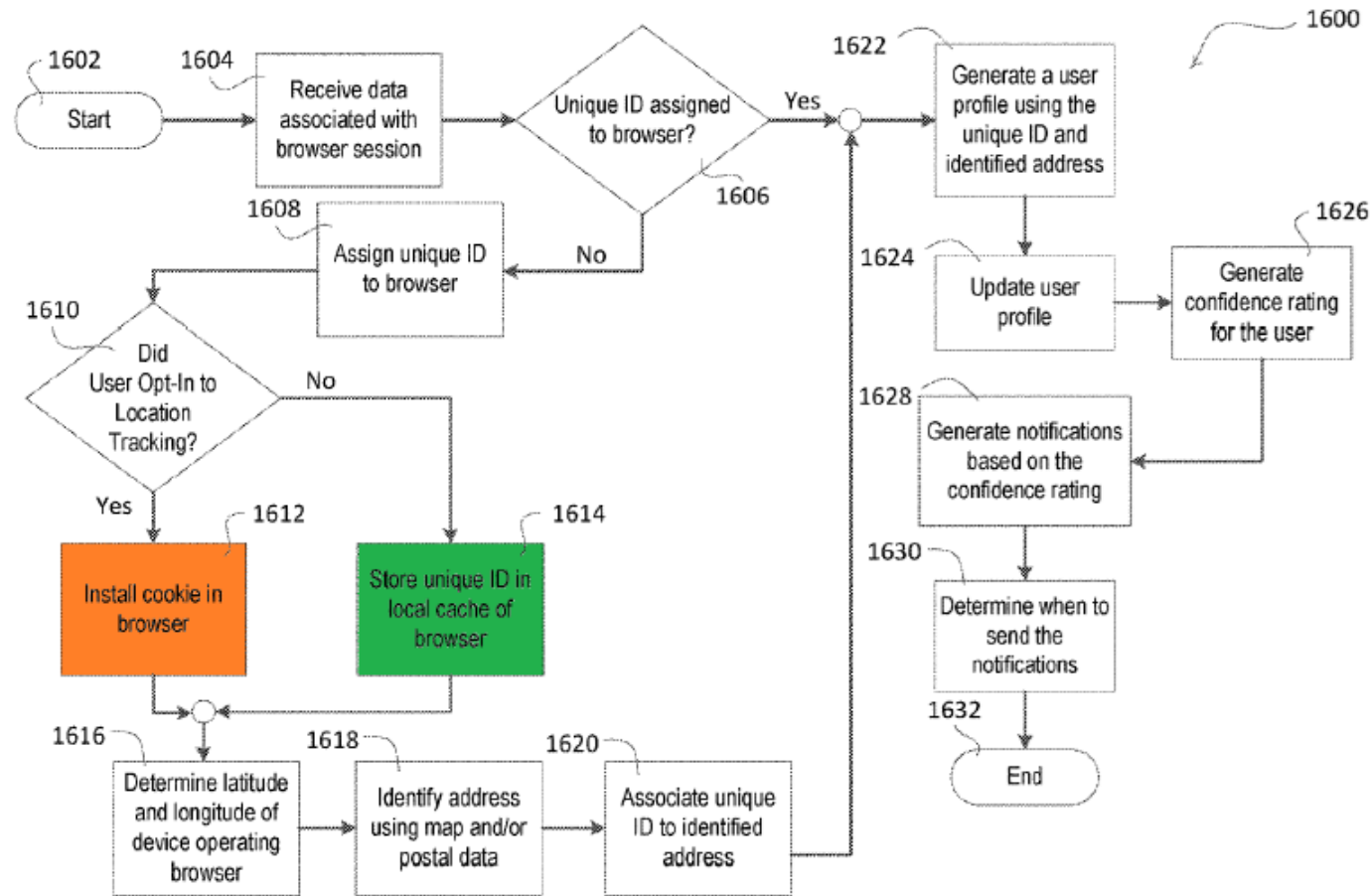


FIG. 16

'947 Patent Fig. 16 (Ex-1001);
POR 47.

Limitation 1[f] Not Obvious

- Doughty's pixel tags rely on cookies, and do not store a unique ID in cache

Used in combination with cookies and match keys, a pixel tag is usually a transparent graphic image, usually no larger than one pixel by one pixel, placed on a webpage or in an email. It is used to monitor the behavior of the user visiting the webpage or sending the e-mail. When the HTML code for the pixel tag points to a site to retrieve the image, it can simultaneously pass along information, such as the IP address of the computer that retrieved the image, the type of browser that retrieved the image, and previously set cookie values. Pixel tags are typically used by a third-party to monitor the activity of a site. A pixel tag can be detected by viewing the source code of a webpage and looking for any that load from a different server than the rest of the site. Turning off the browser's cookies will prevent pixel tags from tracking the user's activity. The pixel tag will still account for an anonymous visit, but the user's unique information will not be recorded.

Doughty 17:12-27 (Ex. 1008).

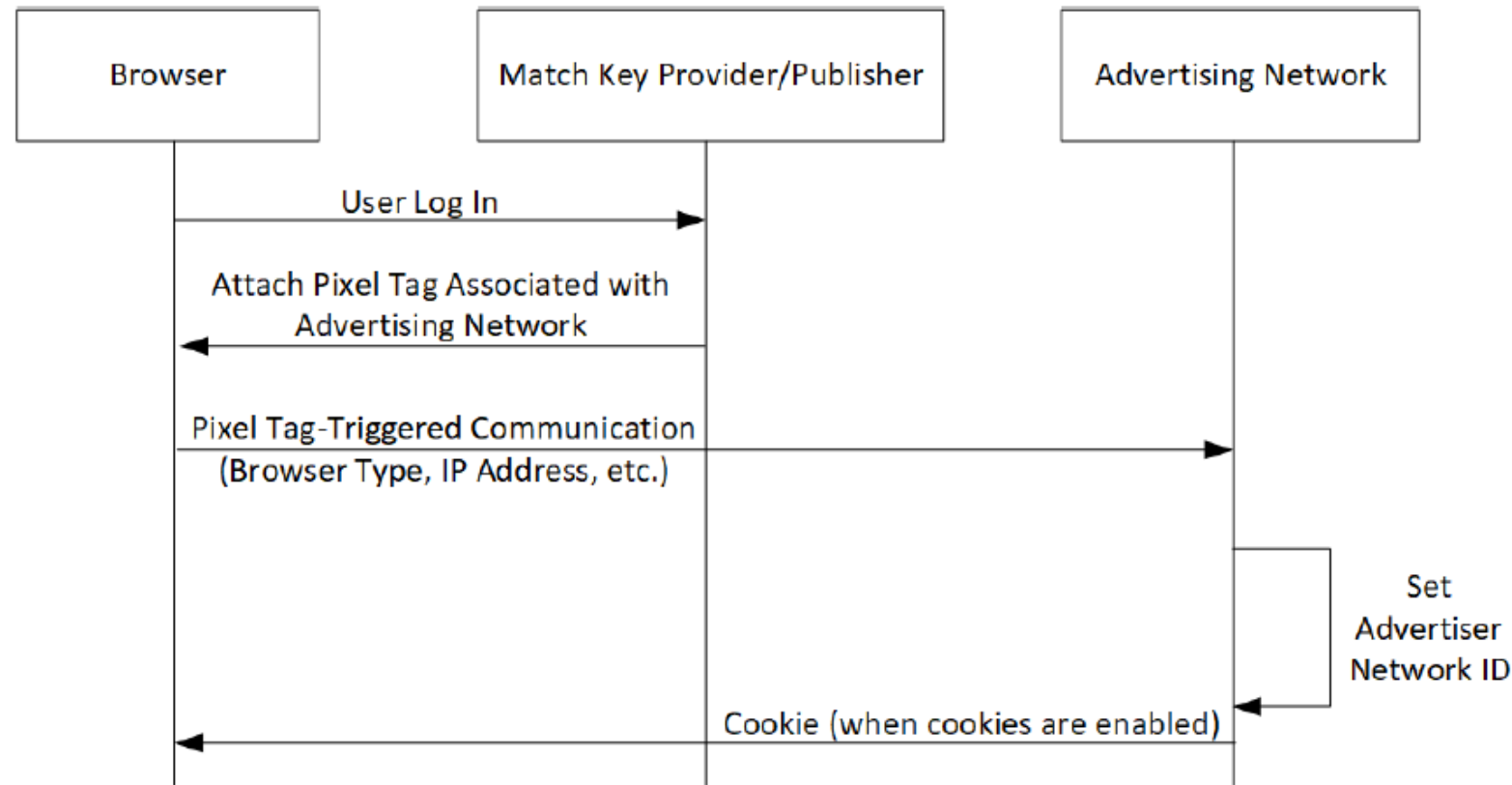
An advertising network ID is set when a user logs into a publisher or application (a "matchkey provider" (MKP)). The user is recognized when the application sends the advertising network the hardware ID. The advertising network may see an ID in the header, or a publisher attaches a pixel associated with the advertising network that enables a cookie to be served. The matchkey is provided by the MKP passing either

Doughty 16:59-65 (Ex. 1008).

POR 49-52;
Sur-Reply 20-21.

Limitation 1[f] Not Obvious

- Doughty's pixel tags rely on cookies, and do not store a unique ID in cache



Ex. 2012 ¶ 100;
POR 17.

Limitation 1[f] Not Obvious

- Petitioner attempts to gap-fill with hindsight expert testimony:
 - Modifying Doughty's pixel tags to store ID in cache (*See* Ex. 1066 ¶ 66)
 - Modifying van Boucq to use cache (*See* Ex. 1066 ¶ 67)

Sur-Reply 19-23.

Petitioner mixes-and-matches identifiers and embodiments

- 1[c] “a unique identifier”
- 1[d] “the unique identifier”
- 1[f] “the unique identifier”

25 An advertising network aggregates data from webpages and applications that are inside or outside its own network. This creates multiple vantage points on the users the advertising network encounters. If a log-in is available, the advertising network will seek to gain access to match keys and make additional links between PC-online (or other non-mobile medium) and mobile. The data the advertising network amasses will be made available to advertisers under the advertising network’s brand.

Doughty 12:21-29 (Ex. 1008).

Profile ID Embodiment	MKP Embodiment
Profile ID assigned based on “activity information”	Identifier assigned based on “hashed email address”
No login required	Login required
Involves server and sponsor database	Involves “match key provider” and “ad network”

Sur-Reply 21-23;
see also POR 12-18, 51-53.

Limitation 1[I] Not Obvious

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

'947 Patent claim 1 (Ex-1001).

Limitation 1[I] Not Obvious

- Petition relies on Doughty alone (Petition 39)
- Antecedents not shown for:
 - “local browser cache”
 - Consistent “unique identifier”(POR 53-54)

Limitation 1[I] Not Obvious

Limitation 1[I]:

identifying a second visit to the URL during the second browser session using the unique identifier stored in the local browser cache;

'947 Patent claim 1 (Ex-1001).

Sole passage the Petition cites for limitation 1[I]:

of web page visits. The information relating to the plurality of
20 web page visits includes one or more of: (a) a URL of each
respective web page; (b) a time of visiting each respective
web page; (c) a duration of visiting each respective web page;
(d) an order in which each web page is visited; and (e) a
geographic location of the first and second device at the time
25 of visiting each respective web page. The system may be

Doughty 6:19-25 (Ex-1008);
Petition 39-40 (Paper 2);
POR 54 (Paper 12).

Backup Slides

No explicit constructions necessary

Having considered the record, we determine that no express claim construction is necessary for any claim terms.

DI 11 (Paper 7).

Patent Owner agrees that no express constructions are necessary to resolve this IPR and applies plain and ordinary meaning, as identified by Petitioner.

POR 23 (Paper 18).

All terms of the '947 patent should be given their plain and ordinary meaning as understood by a POSITA for purposes of this proceeding.

Petition 14-15 (Paper 2).

Claim Construction

(1) “location tracker”	“the third-party tracking cookie described in the patent specification (‘tracker (e.g., cookie)’)” (EX1031, 15-16)
(2) “upon determining that the user opted-out of location tracking”	“upon determining that the user opted-out of location tracking by the lack of a (‘tracker (e.g., cookie)’)” (EX1031, 16)
(3) “unique identifier”	“unique to the user and whose correlation to the user is known by the assignor” (EX1031, 16)
(4) “determining that the user has not been assigned a unique identifier”	“a ‘unique identifier’ that was not previously assigned when it was previously determined that the user had opted out of location tracking” (EX1031, 16)

1[e]

Launch Labs raises claim construction issues. First, the asserted claims other than claims 1 and 2 of the '219 patent state:

“determining whether the user opted-in to our out of location tracking, based on whether a location tracker is installed on the computing device.” The “location tracker” is properly construed as the third-party tracking cookie described in the patent specification (“tracker (e.g., cookie)”). If 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.”

Opp’n to Mot. To Dismiss 15-16 (Ex. 1031 at 23-24);
Reply 8-9 (Paper 16);
Sur-Reply 3 (Paper 18)

1[c]

“[D]etermining that the user has not been assigned a unique identifier” 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.

Opp’n to Mot. To Dismiss 16 (Ex. 1031 at 24);
Reply 17 (Paper 16);
Sur-Reply 16 (Paper 18)

District Court: Limitation 1[e]

1[e]

The Launch Labs back-end platform “determin[es] whether the user opted-in to or out of location tracking, based on whether a location tracker is installed on the user computing device,” as claimed in the ’947 Patent. For example, Launch Labs’ marketing materials claim that the Launch Labs back-end platform “leverages user-consented GPS data (those location request popups) to deliver unparalleled accuracy and reliability.” This statement and similar statements indicate that Launch Labs’ back-end platform determines whether a user consented to opting into or out of location tracking as claimed to obtain consented to location data.

....

Launch Labs further claims that the Launch Labs back-end platform prompts users to share their location using location trackers using “popups.” Thus, the Launch Labs back-end processes information associated with location trackers to determine whether the user opted into or out of location tracking.

Complaint ¶ 82 (Ex. 1026, 37);
Reply 17 (Paper 16);
Sur-Reply 16 (Paper 18)

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

Fullthrottle Exhibit 2022, Slide 45

The “location tracker” is properly construed as the third-party tracking cookie described in the patent specification (“tracker (e.g., cookie)”).

Opp’n to Mot. To Dismiss 15 (Ex. 1031 at 23);
Reply 19-20 (Paper 16);
Sur-Reply 11-12 (Paper 18)

District Court: Limitation 1[f]

The annotated excerpt from Launch Labs' JavaScript code reproduced below also evidences that the Launch Labs back-end platform sends unique identifiers that are stored in a local browser cache. Launch Labs' back-end platform sends the unique identifiers (*e.g.*, the “guid”) when website visitors opt-out of location tracking.

Annotated Excerpts from atmain2.js (Ex. L)

```
getGuid: function() {  
    fetch("https://kmdu238m3i.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)  
    })  
},
```

Complaint ¶ 82 (Ex. 2016 at 39);
Reply 22-23 (Paper 16);
Sur-Reply 11-12 (Paper 18)

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

Fullthrottle Exhibit 2022, Slide 47