

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HIGHLEVEL, INC.,

Petitioner

v.

CLICKFUNNELS,

Patent Owner

Case IPR2025-00234

U.S. Patent No. 10,846,357

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 10,846,357**

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PETITIONER’S EXHIBIT LIST

Exhibit No.	DESCRIPTION
1001	U.S. Patent 10,846,357 (“’357 patent”)
1002	Declaration of Dr. Kevin Almeroth
1003	Curriculum Vitae of Dr. Kevin Almeroth
1004	File History of U.S. Patent No. 10,846,357
1005	U.S. Patent No. 9,147,004 (“Coursol”)
1006	U.S. Patent Application Publication No. 2007/0061412 (“Karidi”)
1007	U.S. Patent Application Publication No. 2014/0282049 (“Lyon”)
1008	U.S. Patent Application Publication No. 2011/0288924 (“Thomas”)
1009	U.S. Patent No. 7,610,219 (“Sayed”)
1010	U.S. Patent No. 6,026,433 (“D’Arlach”)
1011	U.S. Patent No. 8,321,457 (“Tan”)
1012	Screenshot of Kajabi from the Internet Archive, available at https://web.archive.org/web/20100510202538/http://www.kajabi.com:80/
1013	Screenshot of Kajabi from the Internet Archive, available at https://web.archive.org/web/20101018200138/http://get.kajabi.com/sales_pages/138
1014	U.S. Patent Application Publication No. 2019/0028531 (“Nagar”)
1015	U.S. Application 62/536,403
1016	U.S. Application 62/536,403 Appendix A
1017	U.S. Application 62/536,403 Appendix C
1018	U.S. Patent Application Publication No. 2007/0299985 (“Craig”)

Exhibit No.	DESCRIPTION
1019	U.S. Patent No. 6,029,141 (“Bezos”)
1020	Claim Mapping Table
1021	Plaintiff’s Infringement Contention Chart (Ex. B)
1022	Plaintiff’s Infringement Contention Chart (Ex. D)
1023	U.S. Patent No. 5,715,314 (“Payne”)
1024	Chris J. Pilgrim, <i>Website Navigation of Tools – A Decade of Design Trends 2002 to 2011</i> , 13 AUIC Proc. 26, 3 (2012)
1025	Jatinder Manhas, <i>Comparative Study of Website Sitemap Feature as Design Issue in Various Websites</i> , 4 Int’l J. Eng’g & Mfg. 22 (2014)
1026	Ron Kohavi et al., <i>Controlled Experiments on the Web: Survey and Practical Guide</i> , 18 Data Mining & Knowledge Discovery 140 (2009)
1027	<i>Google Optimize Product Overview</i> , Google, extension://efaidnbmnnnibpcajpcglclefindmkaj/https://services.google.com/fh/files/misc/optimize_product_overview.pdf
1028	Rotimi Iziduh & Jon Mesh, <i>This Is Not a Test: Google Optimize Now Free – For Everyone</i> , Google Blog (Mar. 30, 2017), https://blog.google/products/marketingplatform/analytics/this-is-not-a-test-google-optimize-now-free-for-everyone/
1029	U.S. Patent No. 9,141,976 (“Urban”)
1030	U.S. Application 62/536,403 Concepts Appendix
1031	Screenshots of “Google Optimize Tutorial: How to Get Started Quickly,” available at https://youtu.be/IzTLxFOETgc?si=44HBVYF7PUgzADaj

Exhibit No.	DESCRIPTION
1032	U.S. Patent Application Publication No. 2013/0198679 to Nurse et al. (“Nurse”)

I. INTRODUCTION

HighLevel, Inc. (“Petitioner”) requests *inter partes* review of Claims 1-20 of U.S. Patent No. 10,846,357 (“the ’357 patent”) (Ex 1001), currently assigned to ClickFunnels (“PO”).

The ’357 patent discloses a method, system, and computer readable medium for creating a customized website. The independent claims describe providing categories of website types, which have associated templates and a “series of directional webpages.” The prior art teaches a website creation method and system that contain these features.

The dependent claims are directed to well-known website marketing techniques. For example, Claims 2 and 17 are directed to adding a media object on a webpage, Claims 3-5 and 18 are directed to a “split testing” technique, Claims 6, 7, 19 and 20 are directed to browsing sessions, Claims 8-10 are directed to a guest providing an email address, Claim 11 causes a guest to make a purchase within the customized website, Claims 13 and 14 are directed to creating triggers to send a communication to a website visitor, and Claim 15 is directed to monitoring the page views.

This Petition presents grounds that the examiner did not consider during prosecution. These grounds are more than reasonably likely to prevail, and this Petition should be granted.

II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8

Real Parties-in-Interest: Petitioner identifies itself as the real party-in-interest.

Related Matters: To the best of Petitioner's knowledge, the '357 patent has only been involved in the following district court litigation: *Etison LLC d/b/a ClickFunnels v. HighLevel, Inc.*, 1:24-cv-00502 (D. Del.), filed April 22, 2024. Ex-1021.

To the best of Petitioner's knowledge, the '357 patent has not been challenged in any other *inter partes* review or post-grant review prior to this proceeding.

Petitioner also filed IPR2025-00235 directed to U.S. Patent No. 11,361,047, which is a continuation of the '357 patent.

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III. FEE AUTHORIZATION

Pursuant to 37 C.F.R. §42.15(a) and §42.103(a), the PTO is authorized to charge any and all fees to Deposit Account No. LA500639.

IV. GROUNDS FOR STANDING

Petitioner certifies that the '357 patent is available for review, and Petitioner is not barred or estopped from requesting review.

V. PRECISE RELIEF REQUESTED

Petitioner respectfully requests cancellation of Claims 1-20 of the '357 patent under AIA 35 U.S.C. § 103 on the following grounds, supported by a declaration from Dr. Kevin C. Almeroth. Ex-1002 ¶¶1-54, 67-295; Ex-1003.

Ground	Summary
1	Claims 1, 2, 6, 7, 11-17, 19, and 20 are obvious over Coursol (Ex-1005) in view of Karidi (Ex-1006)
2	Claims 1, 2, 6, 7, 9-17, 19, and 20 are obvious over Coursol in view of Karidi and Sayed (Ex-1009)
3	Claims 3-5 and 18 are obvious over Coursol in view of Karidi, Sayed, and Lyon (Ex-1007)
4	Claims 7, 8, and 20 are obvious over Coursol in view of Karidi, Sayed, and Thomas (Ex-1008)

VI. THE CHALLENGED PATENT

A. The '357 Patent

The '357 patent describes a method, system, and computer readable medium to create a website. Ex-1002 ¶¶55-60. The process first starts by providing a plurality of “website types,” as shown in Figure 3B below.¹

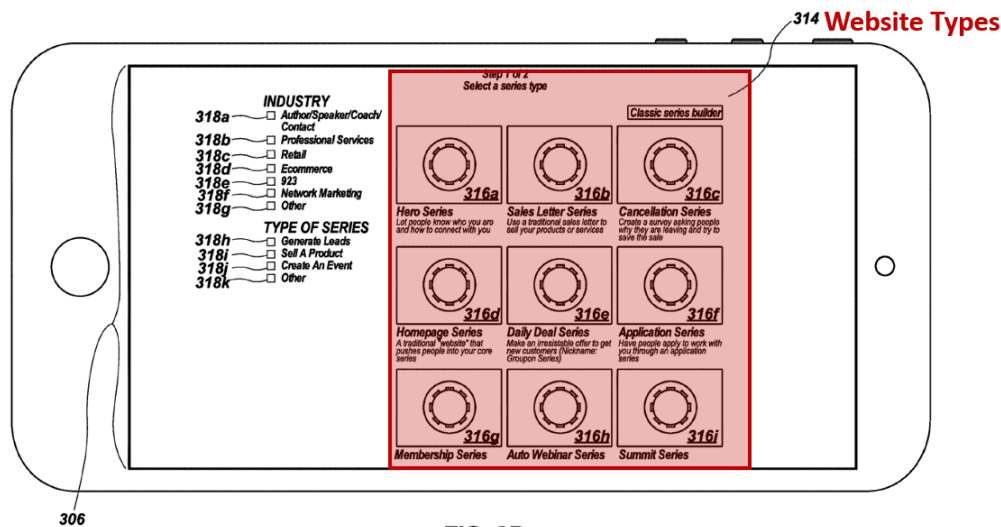


FIG. 3B

Each website type includes a “series of directional webpages,” that refer to “a series (e.g., a sequence) of webpages that are ordered and designed to entice (e.g., elicit, encourage, prompt, evoke, cause, etc.) at least one particular user interaction with the website.” Ex-1001, 7:7-13. Examples of such interactions include “adding an item to a cart” and “completing a purchase.” *Id.*, 7:23-35.

¹ All emphases/annotations/color are added unless noted otherwise.

As shown below in Figure 3C, upon selecting a website type, the website creation system provides a plurality of website templates that include varying orientations, color schemes, drop in areas, animations, graphics, etc., specific to the selected website type. Ex-1001, 16:10-18.

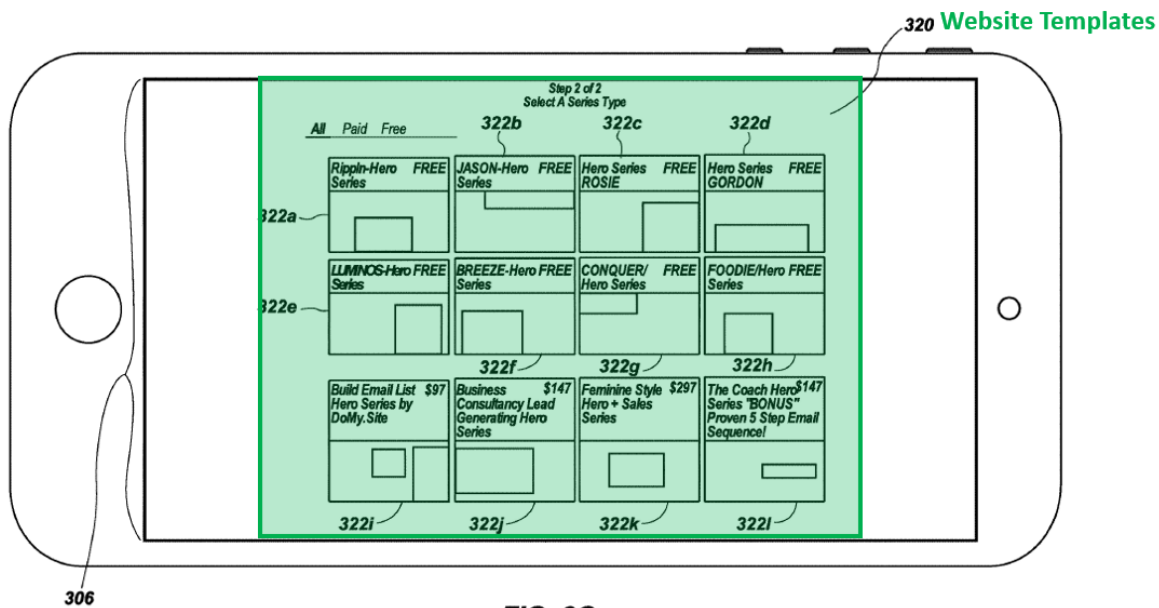


FIG. 3C

After a template is selected, the website creation system generates and launches a generic website specific to the website type and website template. *Id.*, 16:49-54. The website creation system provides a graphical user interface for editing the elements of a webpage within the customized website. *Id.*, 17:26-37. In response to the user editing a webpage, the website creation system edits the launched website according to the user's edits. *Id.*, 17:41-45.

B. Prosecution History

The '357 patent was filed on January 25, 2018. Ex-1001, (22). After the claims were first rejected (Ex-1004, 247-265), the applicant amended the claims and argued that the cited prior art did not teach the recited “website editor graphical interface comprising a plurality of webpage tabs, each webpage tab of the plurality of webpage tabs representing a webpage of the series of directional webpage.” Ex-1004, 359-366. The claims were subsequently allowed on May 20, 2020, after the applicant argued the references did not teach “a series of directional webpages configured to cause a particular user interaction with a website,” because the prior art’s selectable elements in the website creation engine did “not form any part of an eventual generated website available to an end user.” Ex-1004, 462. Ex-1002 ¶¶61-62.

None of the art relied upon in this petition was ever submitted or considered during prosecution of the '357 patent.

C. Priority Date

For purposes of this proceeding only, Petitioner applies the earliest alleged priority date of the '357 patent: January 25, 2018. Accordingly, AIA 35 U.S.C. §102 applies. Ex-1002 ¶55.

VII. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art (“POSITA”) at the time of the alleged invention of the ’357 patent would have possessed a Bachelor of Science (or equivalent) in computer science, and two years of work experience in the fields of computer systems and website design and creation. A greater amount of education could compensate for less work experience, and vice versa. Ex-1002 ¶¶45-49.

VIII. CLAIM CONSTRUCTION

Petitioner is unaware of any “prior claim construction determination” related to the ’357 patent. *See* 37 C.F.R. §42.100(b). Given the close correlation and substantial identity between the prior art references and the Challenged Claims, Petitioner believes that no express constructions of the claims are necessary to assess whether the prior art reads on the Challenged Claims. Consolidated Trial Practice Guide (“CTPG”) 44-45; Ex-1002 ¶¶63-66.

The ’357 patent specification however discloses specific examples that it describes as within the scope of the several claim terms.² These claim terms would thus have been understood as at least broad enough to encompass such disclosed

² Petitioner respectfully reserves all rights to raise additional claim construction arguments and other arguments in any parallel or future litigation concerning the ’357 patent. For example, comparing the claims to the accused products in the litigation may raise controversies that require construction of certain claim terms. Petitioner will notify the Board of any such claim construction determinations. CTPG, 46-48.

embodiments. *Oatey Co. v. IPS Corp.*, 514 F.3d 1271, 1276 (Fed. Cir. 2008) (“We normally do not interpret claim terms in a way that excludes embodiments disclosed in the specification.”).

For example, the independent claims recite “a series of directional webpages configured to cause an end user interaction with a website.” Ex-1002 ¶65. Although not expressly defined, the ’357 patent provides some examples of such “directional webpages”:

[T]he series of directional webpages may be designed and intended to cause a guest of the created website to remain on the website, opt into an email list, provide contact information (e.g., an email address, a telephone number, a social media identifier, etc.), share a portion of the website on social media, complete a purchase, complete multiple purchases, add an item to a cart, visit another website, interact with a chat messenger, view a video on the website, view an image on the website, etc.

Ex-1001, 3:9-17; 4:38-48 (similar). Accordingly, “a series of directional webpages configured to cause an end user interaction with a website” would have been understood as including within its scope a webpage “designed and intended to cause a guest of the created website” to perform any of the above interactions, such as adding an item to cart and completing the purchase of the item. Ex-1002 ¶66.

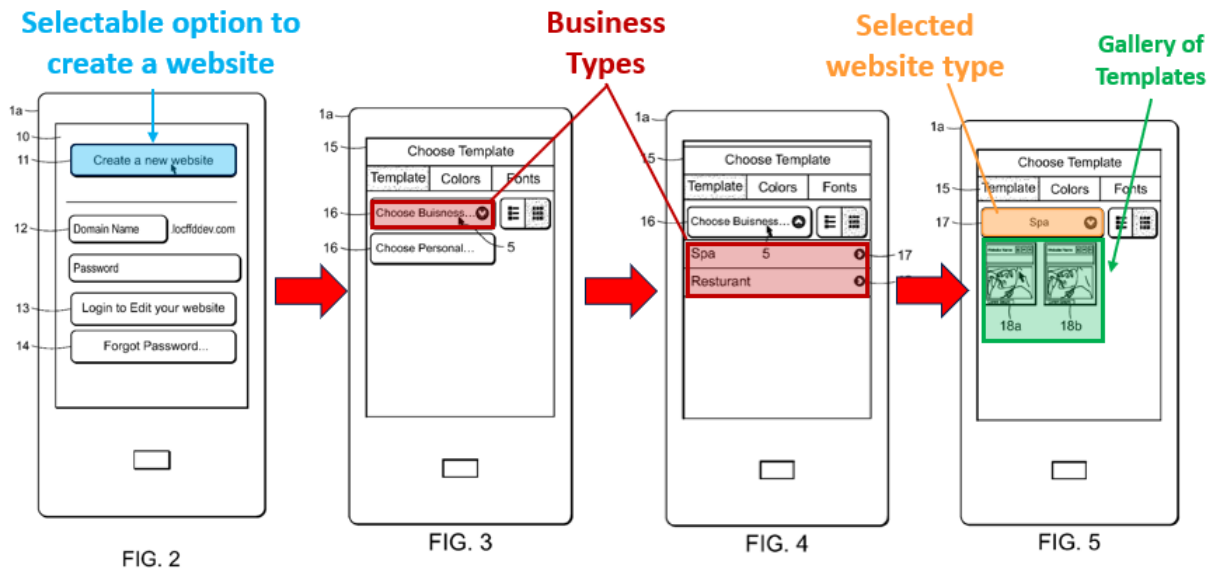
IX. BRIEF DESCRIPTION OF THE APPLIED PRIOR ART

A. Coursol (Ex-1005)

Coursol (U.S. Patent No. 9,147,004) was filed September 7, 2012 and issued September 29, 2015. Coursol qualifies as prior art under AIA 35 U.S.C. §102(a)(2).³ Ex-1002 ¶¶122-125.

Coursol provides a design studio application on a mobile device's "graphical user interface." Ex-1005, 2:46-50. The design studio application provides "website creation control 11" to "create a new website," which displays a user interface that allows the user to select a template category. *Id.*, 11:19-22. The user is presented "template categories" based on a business type, so that "different categories of business type" are presented for selection, as in Figure 4. *Id.*, 11:22-27.

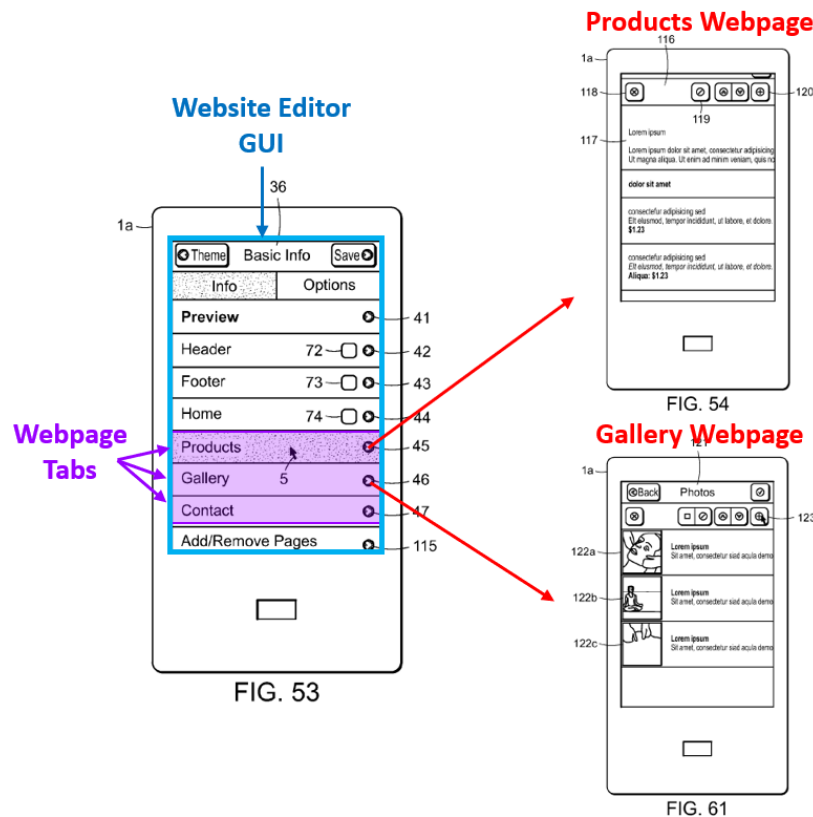
³ Petitioner is unaware of any facts supporting an exception under AIA §102(b) for any of the cited prior art references.



In response to the user's selection of a website type (e.g., "spa", orange), a gallery of different template designs are displayed (green). Ex-1005, 11:20-30; *see also id.*, 7:50-55 ("different template designs"). The design studio application requests the selected template from a server, which generates and launches operational preview 22 of the selected template (*id.*, 11:31-35) "containing the default set of web pages and default set of graphical and functional components and other default selections and sample content." *Id.*, 8:3-6.

A website editing control homepage is presented so that the user can make selections, edit content, and configure the website. Ex-1005, 8:1-9. As shown in Figure 53 below, the website editing control page include "controls" to the Products, Gallery, and Contact pages. *Id.*, 8:65-9:9; *see also id.*, 12:1-9 (similar). By selecting control 45, the user can edit the "Products" page as shown in Figure 54. *Id.*, 14:37-

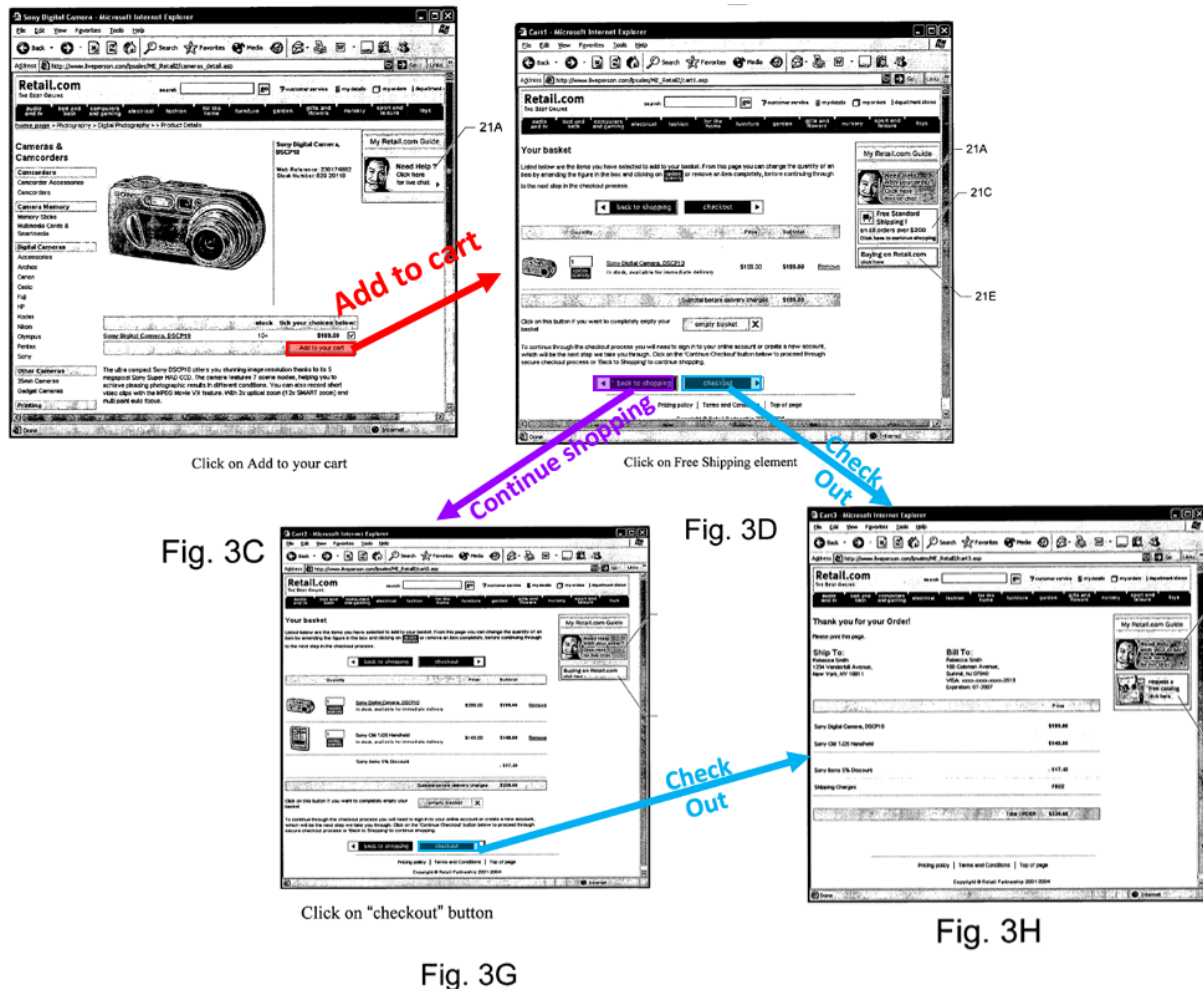
43. Similarly, by selecting gallery editing control 46, the website editor displays the gallery editing control page as shown in Figure 61. *Id.*, 14:55-67. The user's selections and edits are “correspondingly updated” on the generated website. *Id.*, 8:6-13; *see also id.*, 6:67-7:2 (updated and previewed simultaneously).



B. Karidi (Ex-1006)

Karidi (U.S. Patent Application Publication No. 2007/0061412) was filed March 31, 2006 and issued March 15, 2007. Karidi qualifies as prior art under AIA 35 U.S.C. §102(a)(2). Ex-1002 ¶¶126-128.

Karidi provides an example of a typical user interaction on a series of webpages for a given website, such as retail.com. In Karidi's retail.com example, webpages are presented in an order to allow the user to go from browsing products, to viewing a product (Ex-1006 ¶43, Figure 3C), adding to cart (*id.* ¶45, Figure 3D), continue shopping (*id.* ¶¶46-47, Figures 3E-G), and completing a purchase (*id.* ¶47, Figure 3H).



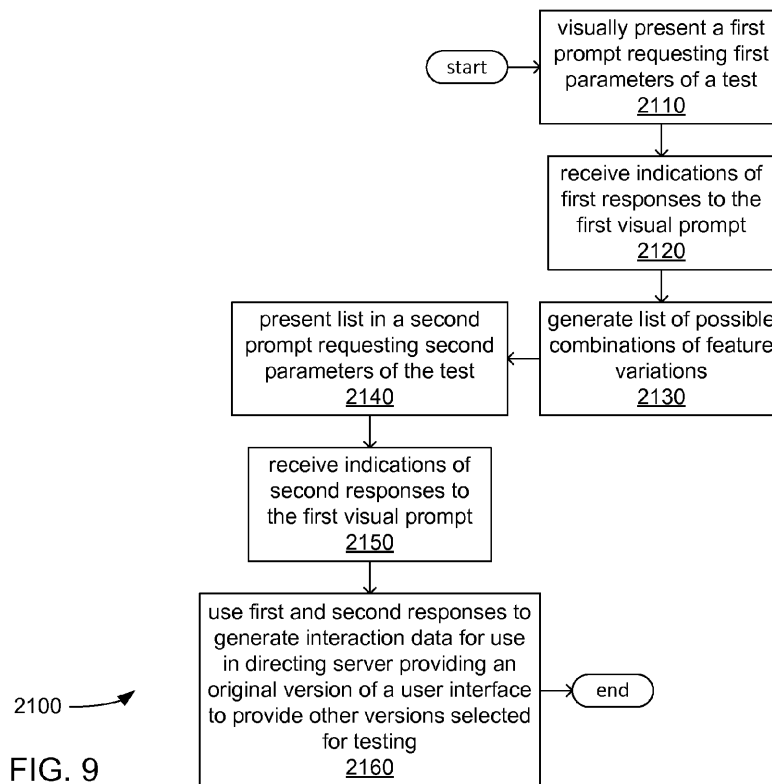
Karidi also teaches monitoring and evaluating the user's "time spent on a particular page, additional data requests, adding items to a cart, and the like." Ex-1006 ¶35.

C. Lyon (Ex-1007)

Lyon (U.S. Patent Application Publication No. 2014/0282049) was filed March 12, 2013 and issued September 18, 2014. Lyon qualifies as prior art under AIA 35 U.S.C. §102(a)(2). Ex-1002 ¶¶129-132.

Lyon teaches using "[m]ultivariate testing (otherwise known as 'split testing' or 'A/B testing')," which is "a common method of evaluating changes to website design and content" in marketing efforts. Ex-1007 ¶¶1, 29. Lyon explains that "[i]n a multivariate website test, two or more versions of a particular webpage are created; these are then displayed to randomly selected groups of site visitors" such that a subset of visitors are presented this version and others are presented another version that implements proposed changes. *Id.* ¶1. The testing metrics are used to determine whether the proposed new content variations brings about a desired increase in user action such as purchasing more products. *Id.* ¶29.

As shown in Lyon's Figure 9, the user is prompted to provide the first test parameters in step 2120, which the system uses to "generate[] a list of possible combinations of variations of features." Ex-1007 ¶68.



A second prompt requests the second set of test parameters, such as “selecting or de-selecting a combination for inclusion in the test, designating a combination as a control, specifying what percentage of participants will be tested with each combination, and/or selecting the round of the test in which each combination will be used.” Ex-1007 ¶69. At step 2160, the first and second sets of responses are used to generate interaction data used to control performance of the test by the server, causing the server to provide the user interface in different versions. *Id.* ¶70.

D. Thomas (Ex-1008)

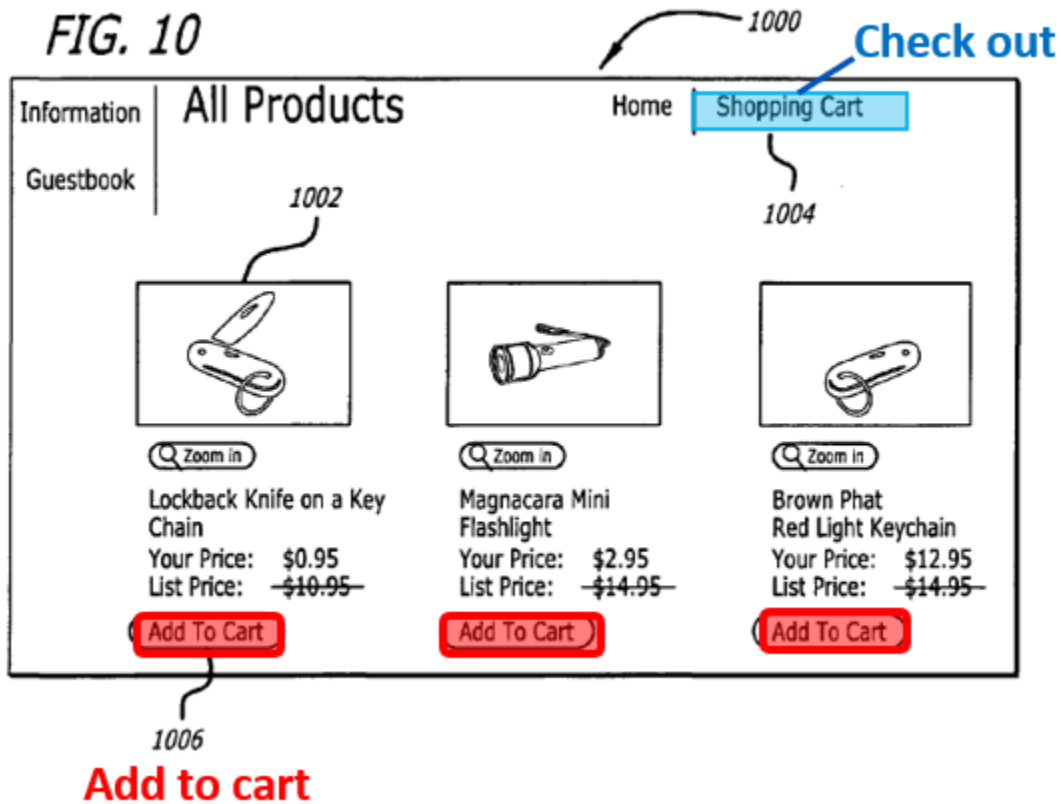
Thomas (U.S. Patent Application Publication No. 2011/0288924) was filed March 25, 2011, and published November 24, 2011. Thomas qualifies as prior art under AIA 35 U.S.C. §102(a)(2). Ex-1002 ¶¶133-134.

Thomas provides a customer interface portal webpage on a user's mobile application to allow a user to provide their identification details. Ex-1008 ¶¶197, 203. Using the customer's details, Thomas emails the customer directly, in order to notify the customer of "a household of a customized website, and provide updates that new offers or special offers are available to the customer on their customized website." *Id.* ¶131.

E. Sayed (Ex-1009)

Sayed (U.S. Patent No. 7,610,219) was filed February 16, 2005 and issued October 27, 2009. Sayed qualifies as prior art under AIA 35 U.S.C. §102(a)(2). Ex-1002 ¶¶135-137.

Sayed teaches a system/method for creating and maintaining a website in order to support electronic commerce and product sales. Ex-1009, Abstract. As shown in Figure 10 below, a user visiting the website is able to purchase "[e]ach product/service 1002... by clicking on icon 1006 to add the item to a shopping cart 1004." *Id.*, 8:30-35.



Sayed teaches that a website's elements may involve a "parent-child relationship," wherein certain element (child) may depend on the existence of another element (parent). Ex-1009, 10:32-38. In such cases, "properties belonging to the 'parent element' can also be presumed to belong to the 'child element.'" *Id.*, 10:38-40. Sayed provides an example parent-child relationship with a website having three webpages: Pages A, B, and C, where "Page A links only to page B, and page B links only to page C." *Id.*, 10:50-53. Sayed explains that the nature of the content that appears on page C presumes the existence of page B; and page B similarly presumes the existence of page A." *Id.*, 10:53-56. A parent-child element

relationship can be established using a software coded “inheritance flag.” *Id.*, 10:41-43.

X. DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS

Claims 1-20 are reproduced in the Claim Mapping Table at Ex-1020, annotated to label claim elements, and reproduced below in the element-by-element analysis.

A. Ground 1: Claims 1, 2, 6, 7, 11-17, 19, and 20 Are Obvious Over Coursol in view of Karidi

1. A POSITA would have been motivated to combine Coursol’s and Karidi’s teachings with a reasonable expectation of success.

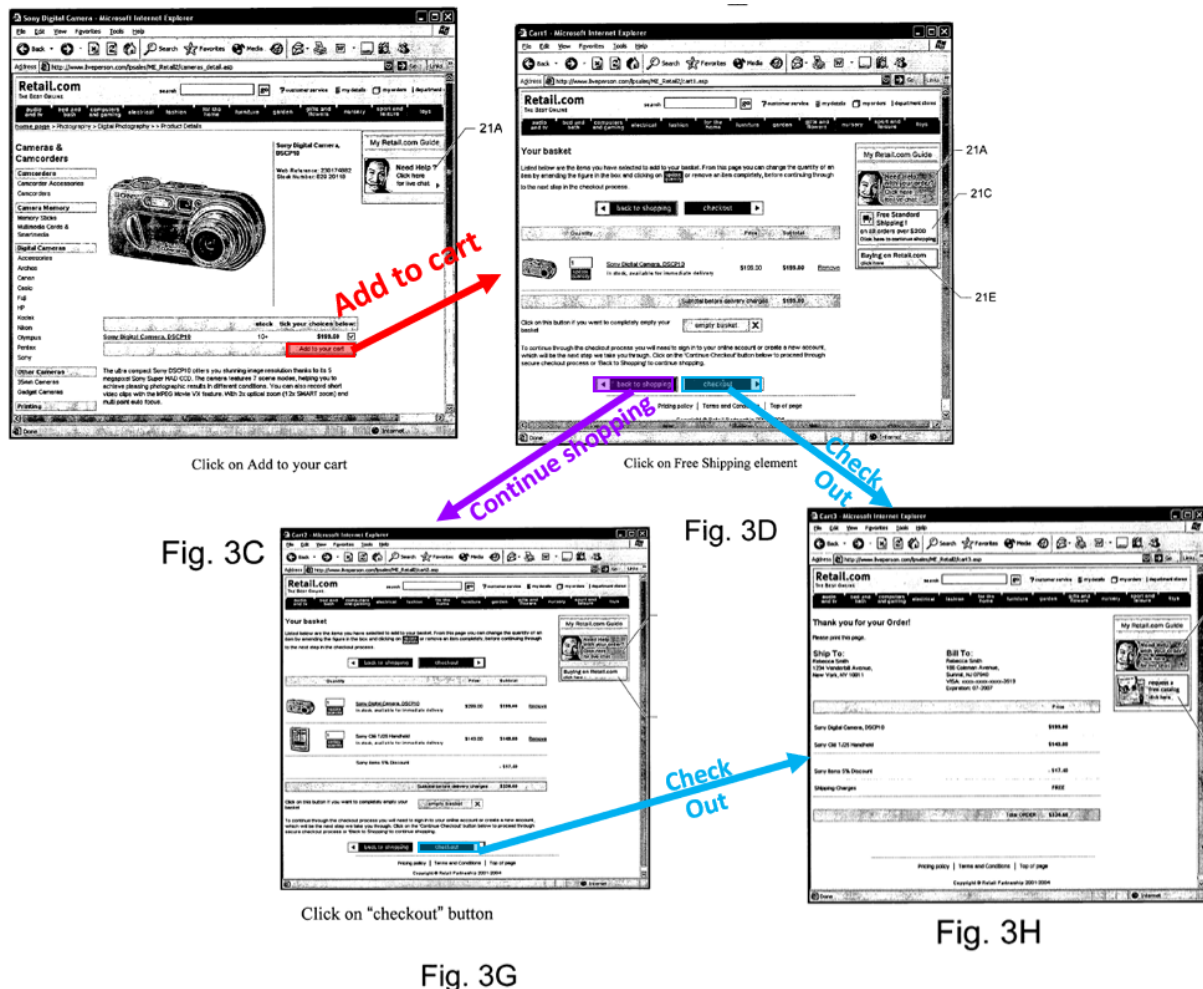
A POSITA would have been motivated to combine the teachings of Coursol and Karidi (“Coursol-Karidi”) and would have had a reasonable expectation of success in doing so because each relates to the same well-known website creation technologies. Ex-1002 ¶¶138-148.

For example, Coursol teaches a website building tool on a mobile device application. Ex-1005, Abstract, 2:46-50. The application presents a customizable website template (*id.*, 2:50-54), which generates a “website containing the default set of web pages” (*id.*, 8:1-9). For example, once the user has selected a template for a “spa” website type, “website pages such as an About page, a Products page, a Services page, a Gallery page, a Contact page, etc.” are activated. *Id.*, 9:1-9. Coursol

also teaches that a “user can move between [w]eb pages through the use of hyperlinks, which are links to other pages or locations on pages on the Internet.” *Id.*, 4:65-67.

Coursol explains that it was known in the art that websites are collections of related webpages organized under a particular domain to provide information about numerous businesses, products, and services. Ex-1005, 4:5-9, 5:1-2 (“A traditional website is a set of one or more web pages”), 5:26-32 (“website may consist of a plurality of related web pages”). While Coursol leaves the kinds of available webpages within its website building tool up to a POSITA, a POSITA would have understood that Coursol was providing for traditional websites that included a sequence or order to some or all of its webpages in accordance with the function of the website. Ex-1002 ¶¶139-141. Karidi describes how a website would be designed with a sequence or order for a set of webpages with its example of a typical user interaction on a series of webpages for a given website, such as retail.com. In Karidi’s retail example, webpages are presented in an order to allow the user to go from browsing products, to viewing a product (Ex-1006 ¶43, Figure 3C), adding to cart (red) (*id.* ¶45, Figure 3D), continue shopping (purple) (*id.* ¶¶46-47, Figures 3E-G), and completing a purchase (blue) (*id.* ¶47, Figure 3H). Specifically, if the user selects the product (e.g., camera) and adds the item to a shopping cart (red), “a new

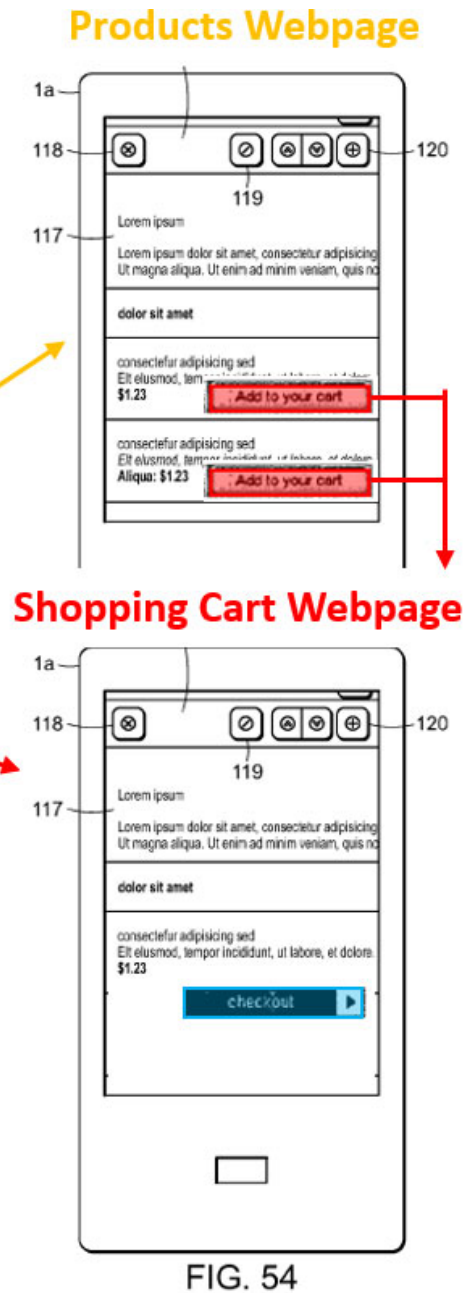
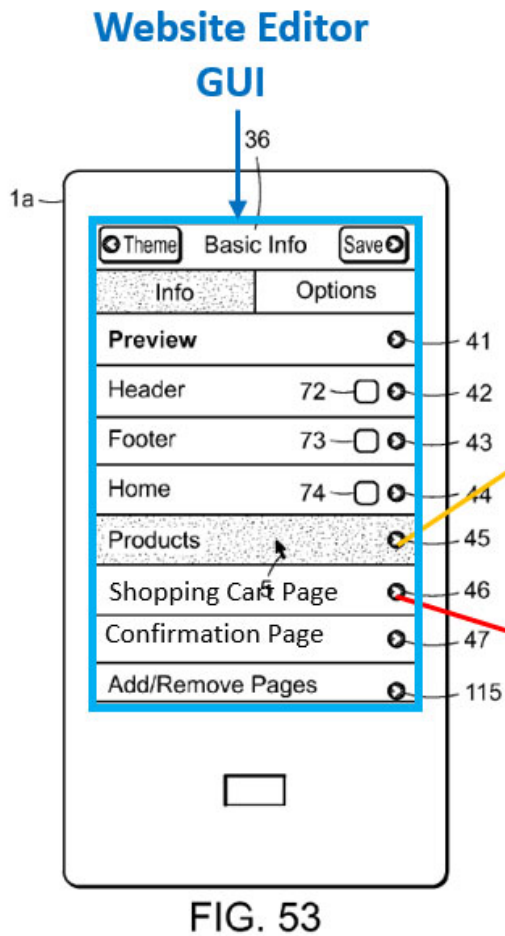
web page [] is displayed” as shown in Figure 3D. *Id.* ¶45. Once the user checks out (blue), they are provided with a receipt page, such as Figure 3H. *Id.* ¶47.



A POSITA would have recognized that Karidi's webpages are thus directional—linked to be presented to the user one after the other—and designed to direct a user through a sequence of actions, similar to the examples provided in the '357 patent. *See* §VIII; Ex-1002 ¶142.

A POSITA would have thus been motivated to implement Karidi’s method of including sequential webpages into Coursol’s website creation tool in, for example,

Coursol's customized "spa" website type, as shown below in an example modification of Coursol to allow for the benefits of Karidi's directional webpages such used in an e-commerce environment. Ex-1002 ¶143. Specifically, a POSITA would have understood that in Coursol-Karidi, the default webpages generated for a retail website template includes products, shopping cart, and confirmation webpages. Ex-1002 ¶¶144-145 (citing Ex-1009, 10:50-56 (describing directional webpages)). Coursol-Karidi's products webpage (yellow-taught by Coursol) presents the available products and "add to your cart" links (red-taught by Karidi). The "add to your cart" links direct the user to a shopping cart webpage (red-taught by Coursol, with a checkout button as taught by Karidi). *Id.*



A POSITA would have had a reasonable expectation of success in combining Coursol's and Karidi's teachings because a POSITA would have been familiar with the construction of websites using Coursol's creation tool, including the incorporation of multi-page functions like virtual shopping carts for e-commerce

applications. Karidi provides one example of how a “user can move between [w]eb pages through the use of hyperlinks, which are links to other pages or locations on pages” as Coursol teaches. Ex-1005, 4:65-67; Ex-1002 ¶¶146-148. A POSITA would have understood, therefore, that these references disclose interrelated teachings based on routine technologies that would have been amenable to well-understood and predictable combinations to provide website creation tool with website types that include a sequence of webpages that allows a user to complete a transaction within the customized retail website, which “yields improved conversion rates, increase customer satisfaction, and promote brand loyalty by delivering an unmatched experience on the website.” Ex-1006 ¶23; Ex-1002 ¶148.

2. Independent Claim 1

a. Element 1[pre]: A method, comprising:

To the extent the preamble is limiting, Coursol teaches⁴ element 1[pre]. Ex-1002 ¶¶149-150. Coursol teaches a device, such a mobile device or traditional computing device (Ex-1005, 10:28-30), that is a “processor-based system on which processes and methods” can be implemented (*id.*, 16:1-4).

⁴ Petitioner uses the term “teaches” as including both express teachings and those fairly suggested to a person of ordinary skill in the art. *In re Baird*, 16 F.3d 380, 383 (Fed. Cir. 1994); *In re Keller*, 642 F.2d 413, 425 (CCPA, 1981) (“The test for obviousness is... what the combined teachings of the references would have suggested to those of ordinary skill in the art.” (citations omitted)).

b. Element 1[a]: providing, to a user for display on a client device, via a website creation system, a user dashboard comprising a selectable option to create a website;

Coursol teaches element 1[a]. Ex-1002 ¶¶151-154. Coursol’s method/system displays a user dashboard via a website creation system on a client device display. Specifically, Coursol provides a “website building tool for building a website” via a design studio application presented on a “graphical user interface on a display screen of the mobile device.” Ex-1005, 2:46-50.

Coursol’s website creation system displays a user dashboard with a selectable option to create a website. As shown in Figure 2 below, design studio application 10 (purple) displays a plurality of controls 11, 12, 13, 14. Ex-1005, 11:8-11. Similar to the ’357 Patent, Figure 3A, a POSITA would have understood the presentation in Coursol’s Figure 2 to be a “dashboard.” Ex-1002 ¶153.

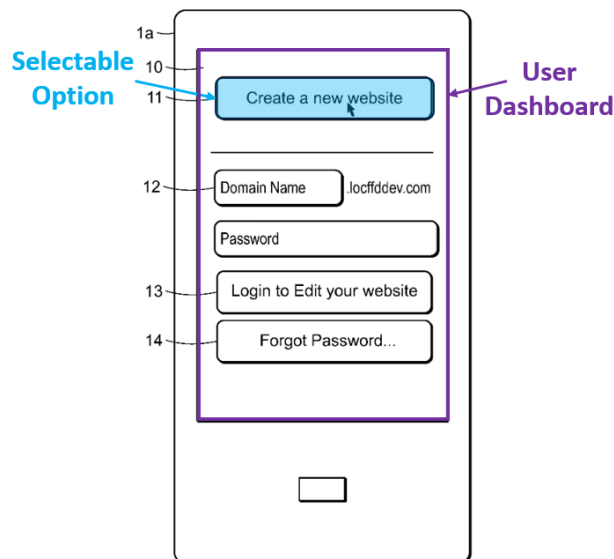


FIG. 2

The controls are selectable options to create a website. Ex-1005, 2:50-54 (“The application is configured to present a user-configurable website template ... and one or more controls responsive to user input for editing elements of the website template to create a user-customized website”).⁵ For example, the design studio application provides “website creation control 11” (blue) to be selected to “create a new website,” which displays a graphical user interface screen that allows the user to select a template category. Ex-1005, 11:19-22; Ex-1002 ¶154.

c. Element 1[b]: receiving a selection of the selectable option to create a website;

Coursol teaches element 1[b]. Ex-1002 ¶¶155-156. Coursol’s method/system receives a selection to create a website when the user selects control 11. For example, when “website creation control 11” (blue) is selected to “create a new website,” the design studio application presents “one or more controls responsive to user input for editing elements of the website template to create a user-customized website.” Ex-1005, 2:50-54, 11:19-22 (“When the user clicks on the website creation control 11....”).

⁵ Coursol explains that such selectable options were known in the art. *See* Ex-1005, 1:53-55.

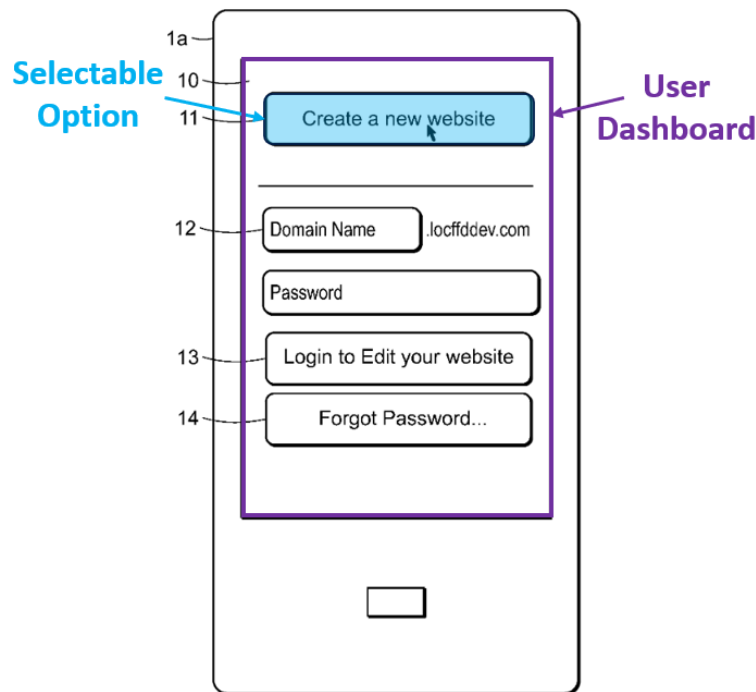
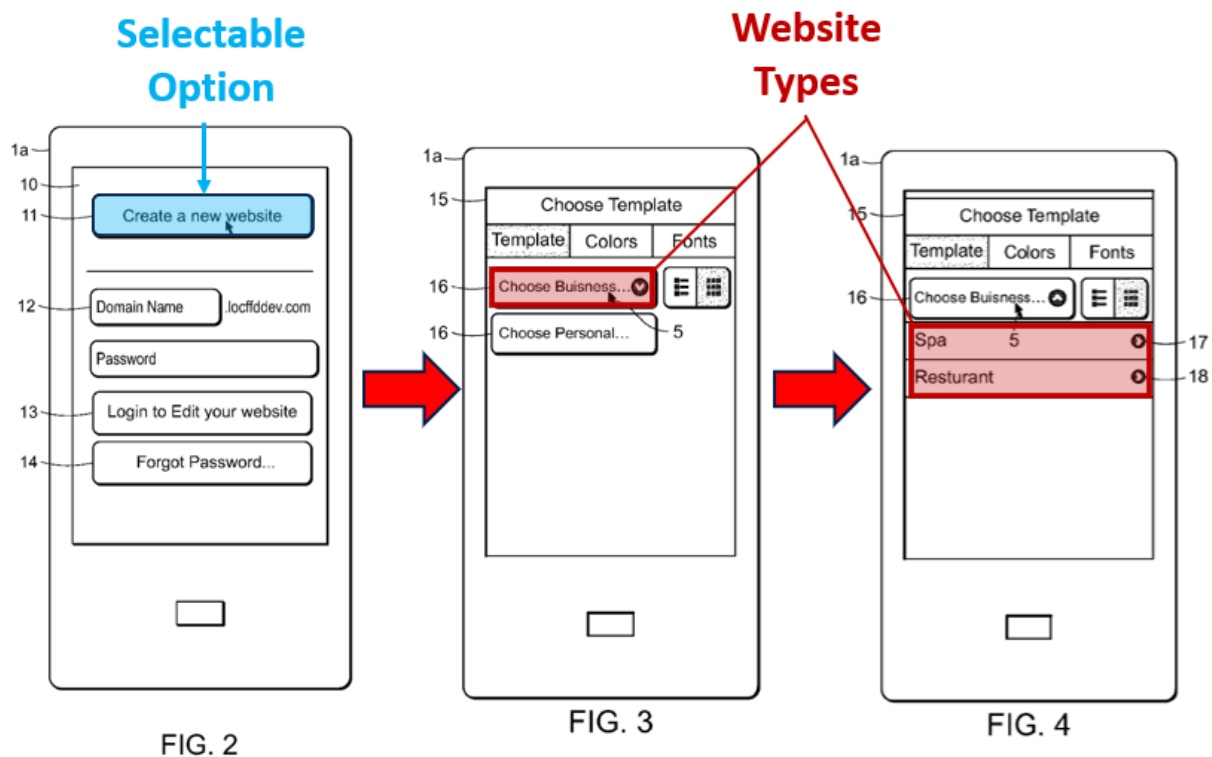


FIG. 2

- d. Element 1[c]: in response to receiving the selection of the selectable option to create a website, providing to the user for display on the client device, a plurality of website types for selection;**

Coursol teaches element 1[c]. Ex-1002 ¶¶157-158. Coursol's method/system provides a plurality of website types for selection to the user, in response to receiving the user's selection to create a website. As shown in Figure 3 below, in response to the user selecting website creation control 11, the application displays control 16 that allows a user to select a "template category." Ex-1005, 11:19-23. The user is presented "template categories" based on a business type, so that "different categories of business type" are presented. *Id.*, 11:22-27. As shown in Figure 4 below, there are at least two website types presented: spa 17 and restaurant 18. A

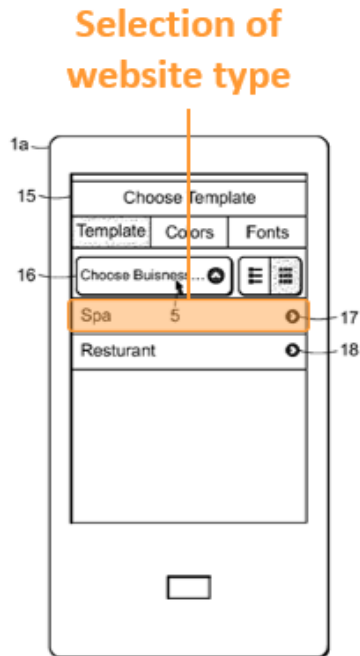
POSITA would have understood each business type to correspond to a website type because each business type has a website layout with familiar, expected features (e.g., a restaurant-type website is expected to have the option to display a menu, hours, reservations, etc.) specific to the kind of business. Ex-1002 ¶158 (citing Ex-1005, 4:1-15; Ex-1018).



e. Element 1[d]: receiving a selection of a website type of the plurality of website types,

Coursol teaches element 1[d]. Ex-1002 ¶¶159-160. Coursol's method/system receives a website type selection from the plurality of website types. As shown in Figure 4, the user is shown a plurality of template categories based on business types

(i.e., website types). Ex-1005, 11:22-30. The user may select category control 17, such as “spa”, which then displays a gallery of template choices. *Id.*



- f. Element 1[e]: wherein each website type of the plurality of website types comprises a series of directional webpages configured to cause an end user interaction with a website,**

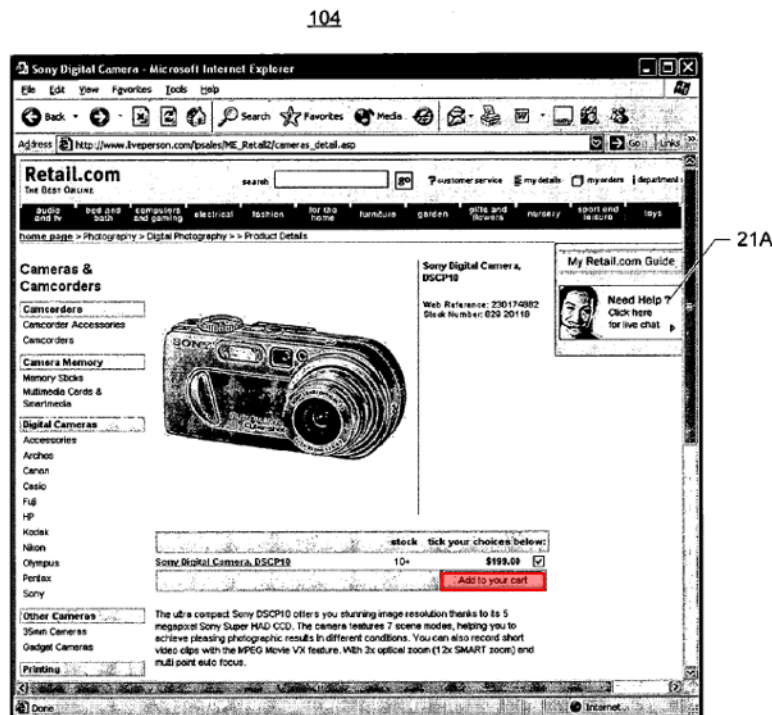
Coursol-Karidi teaches element 1[e] under the plain and ordinary claim scope discussed in §VIII. Ex-1002 ¶¶161-169. Coursol’s website type comprises a series of directional webpages configured to cause an end user interaction with a website, in the same way as described in the ’357 patent. As described above in §VIII, “the series of directional webpages...” term would have been understood as including a webpage “designed and intended to cause a guest of the created website” to perform

any of the interactions cited in the '357 patent, such as adding an item to cart and completing the purchase of the item. Ex-1001, 3:9-17, 4:38-48 (similar). A POSITA would have recognized these examples as familiar prior art website features. Ex-1002 ¶162.

Similarly, Coursol teaches that upon selecting the “spa” website type, the user is presented with webpages for products, contact, and a gallery page. Ex-1005, 8:67-9:6.⁶ The “gallery” page allows a user to add gallery photos to be viewed by visitors (*id.*, 14:57-64), just like how the '357 patent's directional webpage is “designed and intended to cause a guest of the created website... [to] view an image on the website” (Ex-1001, 3:9-17). A POSITA would have recognized that the series of webpages starting with the “spa” homepage, then leading to a “gallery” page with images, such as product offerings, then to selecting a particular product image for more information and possible purchase, as teaching “a series of directional webpages configured to cause an end user interaction with a website.” Ex-1002 ¶163.

⁶ Coursol explains that it was known in the art that websites are collections of related webpages organized under a particular domain, accessible through Internet, and provide information about numerous businesses, products, and services, education, research, and entertainment. Ex-1005, 4:5-9; *see also id.*, 5:1-2 (“A traditional website is a set of one or more web pages served by a web server at a particular domain name.”), 5:26-32 (“website may consist of a plurality of related web page 500, 510, 520, 530, 540, each comprising a browser-renderable document.”).

In addition, as discussed above §X.A.1, Karidi teaches a series of directional webpages presented for a user to make purchase. Ex-1002 ¶¶164-167. Specifically, Karidi details a typical user interaction on a series of webpages for a given website such as “retail.com.” Ex-1006 ¶43. The user is presented products on one page, such that when the user selects the camera “the user is brought to a webpage 104 depicted in FIG. 3C.” *Id.* ¶45. The user is given the option of “add to your cart” (red).

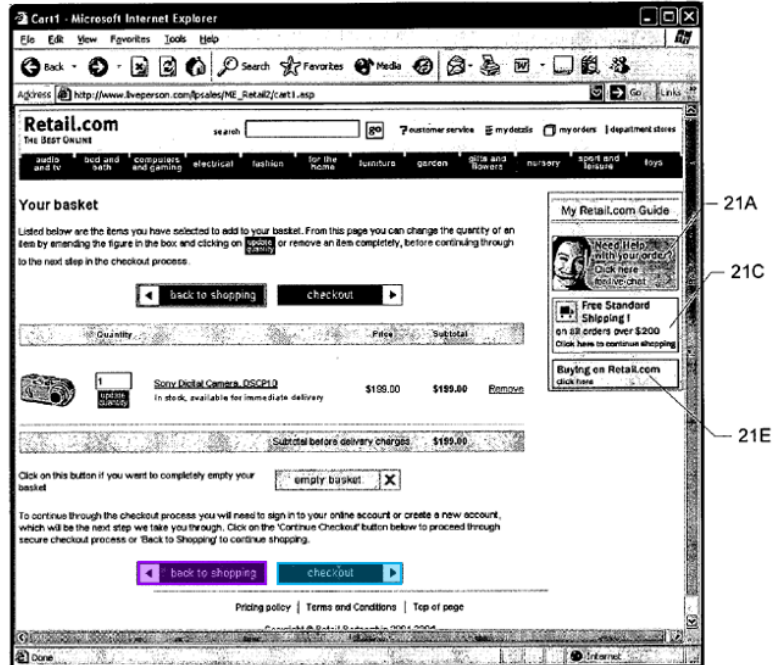


Click on Add to your cart

Fig. 3C

Once the user adds the item to their shopping cart, a new “basket” page is displayed in Figure 3D, where the user has the option to “checkout” (blue) or go “back to shopping” (purple). *Id.*

106

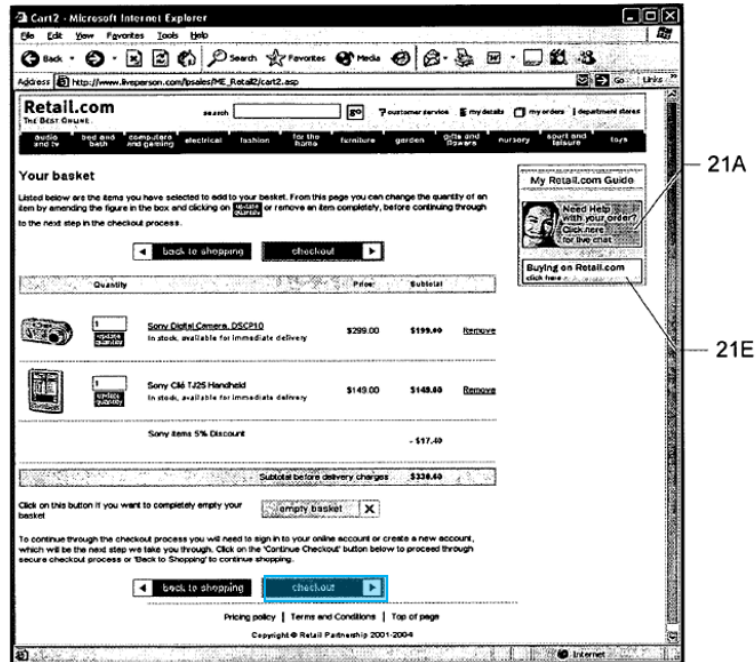


Click on Free Shipping element

Fig. 3D

The user may click “back to shopping” to add a second item to the shopping cart (Figures 3E-3F). Ex-1006 ¶46. After adding the second item (a Sony PDA), a new basket screen is generated in Figure 3G (below). *Id.* ¶47.

112



Click on “checkout” button

Fig. 3G

If the user clicks on “checkout,” and “checks out,” they are provided a receipt page (Figure 3H). Ex-1006 ¶47.

114

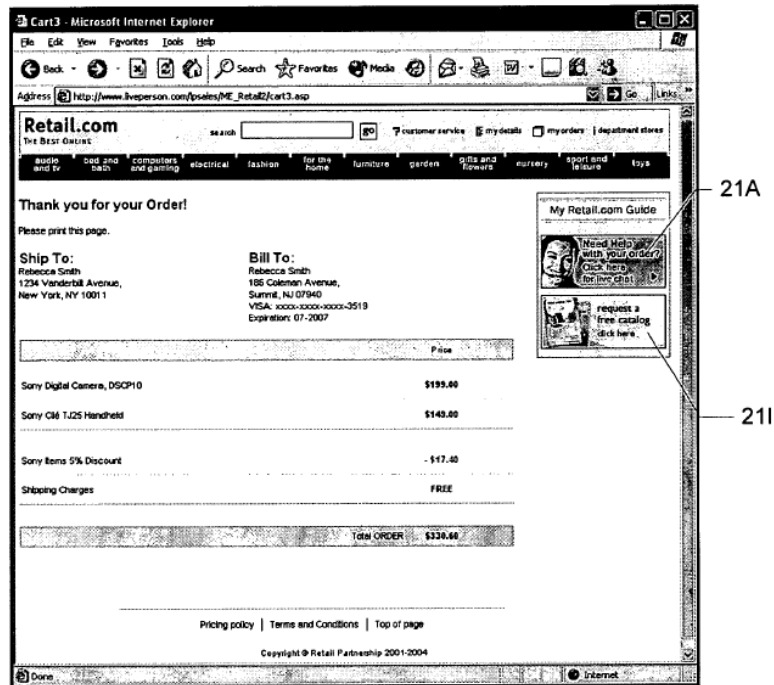


Fig. 3H

Accordingly, Karidi teaches a series of directional webpages that may be used to purchase a product of service offered for sale on such a website. Karidi teaches webpages that are designed and intended to cause a guest of the created website to interact with the website, such as to view an item (Figure 3C) and add the item to cart, view the cart (Figure 3D), continue shopping (Figures 3E-G), checkout and view the receipt (Figure 3H), as provided for in the '357 patent examples. *See supra* §VIII; Ex-1001, 4:38-48 (e.g., “add an item to a cart,” “complete a purchase,” “interact with (e.g., click) a selectable element (e.g., a button)”; Ex-1002 ¶168.

As explained above §X.A.1, a POSITA would have been motivated to implement Karidi's directional webpages used for adding an item to a shopping cart and completing a purchase, in Coursol's selectable website types, such as Coursol's "spa" "products webpage" in order to "enhance the browsing experience and minimize shopping cart abandonment." Ex-1006 ¶15; Ex-1002 ¶169. Specifically, in the Coursol-Karidi combination, a visitor to a "spa" website may be presented with different spa products or services (as taught by Coursol's website creation tool), and then have the opportunity to select such services, add them to a shopping cart, and finally purchase them by clicking through the appropriate webpages (as taught by Karidi). Ex-1002 ¶169 (citing Ex-1009, Abstract, 8:30-35, Figure 10; Ex-1019, 12:22-26, 14:62-15:2, 15:10-16, Figures 8-10c; Ex-1023, 7:55-59, 8:14-31).

g. Element 1[f]: wherein the series of directional webpages of each website type of the plurality of websites types comprises a unique plurality of sequential webpages configured to be provided sequentially one after another;

Coursol-Karidi teaches element 1[f]. Ex-1002 ¶¶170-176. Coursol-Karidi teaches that the series of directional webpages comprises a unique plurality of sequential webpages configured to be provided sequentially one after another. Coursol teaches that once a user chooses a business type, and subsequently a website template, a "website containing default set of web pages" is initialized and that the user is guided through the website customization. Ex-1005, 8:1-9. For example, once

the user has selected template 18b for a “spa” website type, “website pages such as an About page, a Products page, a Services page, a Gallery page, a Contact page, etc.” are activated. *Id.*, 9:1-9. Coursol also teaches that a “user can move between web pages through the use of hyperlinks, which are links to other pages or locations on pages.” *Id.*, 4:65-67. The webpages of Coursol’s website are thus “a unique plurality of sequential webpages” that are provided sequentially because they are the default directional webpages associated with the selected website type (e.g., “spa” or “restaurant”) and allow a user to navigate to the next webpage through a link. Ex-1002 ¶¶171-173. Coursol’s webpage that lists all available products on the “Products page” is an example “series of directional webpage” contemplated by the ’357 patent as a “storefront series” that includes one page listing all of the website’s products/services. *See also* Ex-1001, 15:28-35.

Moreover, as described in the previous section, Karidi presents a product page (Figure 3C), a shopping cart webpage (Figure 3D), and a receipt webpage (Figure 3H) sequentially one after the other in a retail website type (i.e., “retail.com”) to allow the user to go from browsing products, to viewing a product, adding to cart, and completing a purchase. Ex-1006 ¶¶43, 45-47. Karidi’s series of directional webpages comprise a “unique plurality of sequential webpages,” just like the ’357 Patent’s “product launch series” example that includes six pages: a product launch page, three sales pages, and a product launch and order form page (Ex-1001, 14:60-

15:3), and “storefront series” example that includes one page listing all of the website’s products/services (*id.*, 15:28-32). A POSITA would have recognized that Karidi’s webpages are provided sequentially one after another by Karidi’s retail website type to give the guest the immediate ability to purchase the product/service. Ex-1002 ¶174.

Similar to the ’357 patent, a POSITA would have further recognized that a series of directional webpages associated with Coursol’s spa website-type, where products would be offered, would be *unique* from a series of directional webpages associated with Coursol’s restaurant website-type, where instead of product purchases, making dining reservations would be one type of end user interaction.⁷ Ex-1002 ¶¶175-176 (citing Ex-1009, 10:50-56 (“parent-child relationship”); Ex-1018 ¶¶11, 52, 55; Ex-1021, 12-14 (“a unique plurality of sequential webpages configured to be provided sequentially one after another (i.e., ‘START YOUR 14-DAY FREE TRIAL TODAY’ followed by ‘Check Out’ followed by ‘Buyer’s Information’)”)).

⁷ Of course, a POSITA would have recognized there can be overlap and similarities between end user interactions in various website type contexts, but nevertheless, different business models (e.g., spa, restaurant, hotel, etc.) demand a degree of uniqueness in terms of necessary information (e.g., “number of diners”, “dietary restrictions”, “room preference,” etc.), typical add-ons, and responses. Ex-1002 ¶176.

- h. Element 1[g]: in response to receiving the selection of a website type of the plurality of website types, providing, to the user for display on the client device, a plurality of website templates for selection, the plurality of website templates being particular to the selected website type;**

Coursol-Karidi teaches element 1[g]. Ex-1002 ¶¶177-179. Coursol's method/system receives a selection of website type and then provides a plurality of website templates particular to the website type. As shown below in Figure 4, the user is shown a plurality of website types based on a business type and in Figure 5, in response to the user's selection of a website type (e.g., "spa," orange), "a gallery of template design choices 18a, 18b" are displayed (green). Ex-1005, 11:20-30. The gallery of templates presents "different template designs... from which the user may select." *Id.*, 7:50-55. The website template contains "a default set of web pages, each with a default set of graphical and functional components." *Id.*, 7:61-67. Specifically, the template includes associated "sample text, and one or more images, *a color scheme, a font scheme, page layouts.*" *Id.*, 11:35-40. A POSITA would recognize that if a restaurant website-type were selected, as opposed to a spa website-type, website templates particular to restaurants would be provided. Ex-1002 ¶180.

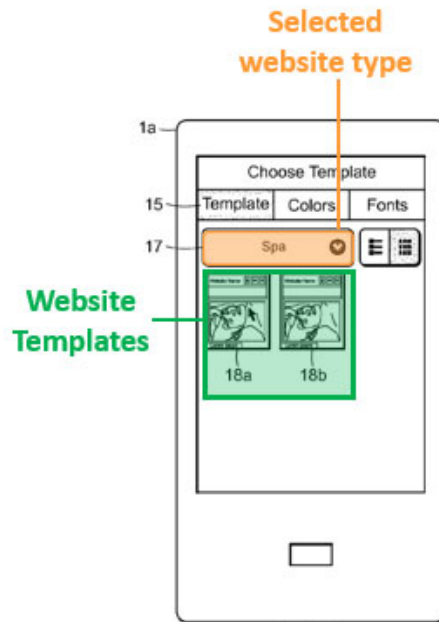
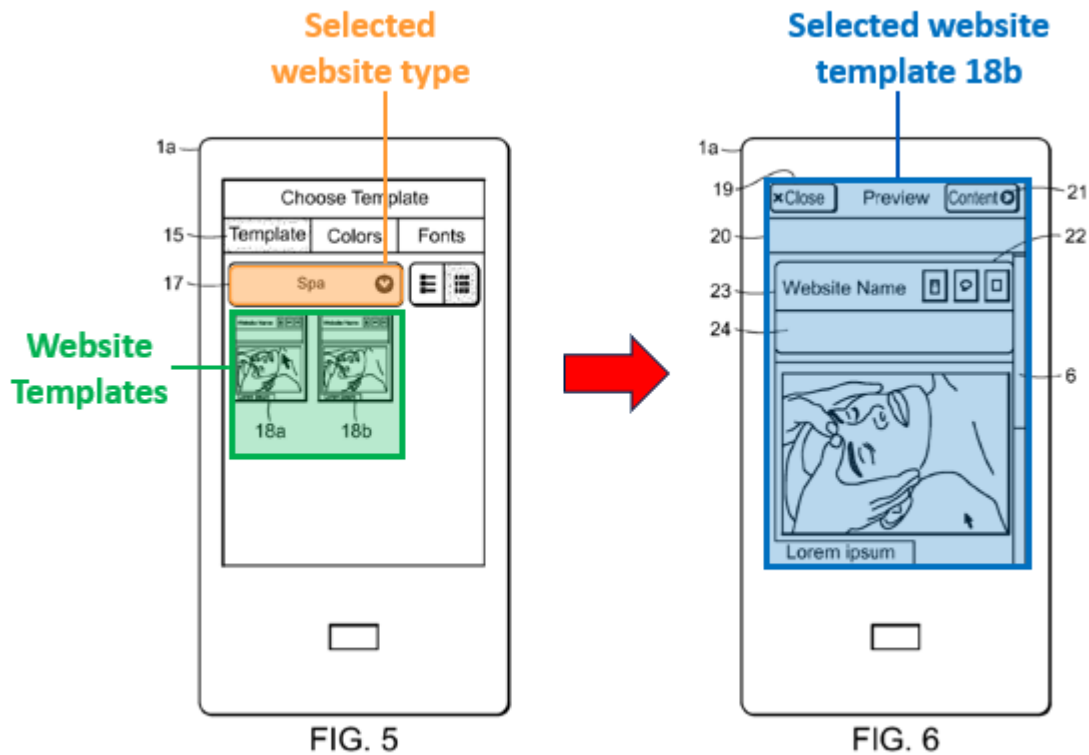


FIG. 5

- i. **Element 1[h]: receiving a selection of a website template of the plurality of website templates and the series of directional webpages of the selected website type;**

Coursol-Karidi teaches element 1[h]. Ex-1002 ¶¶180-185. Coursol's method/system receives a selection of the website template. As shown in Figure 5 and 6, the user is presented two templates associated with the "spa" category and selects "a particular template design, for example, template design 18b." Ex-1005, 11:28-35. Similar to the '357 patent, Coursol's template design includes "a color scheme, a font scheme, [and] page layouts associated with the selected template." *Id.*, 11:35-40.



Coursol's website template selection is also a selection of a series of directional webpages⁸ because Coursol's website templates contain "a default set of web pages, each with a default set of graphical and functional components." Ex-1005, 7:61-67. Once a template is selected and downloaded, a website containing a

⁸ A POSITA would have understood element 1[h]'s "receiving a selection" as encompassing the receiving of a single selection of the template and series of directional webpages because the '357 patent explains that "upon a selection of a website type, the website creation system [] displays a website template selection GUI" displaying "a plurality of website templates 322a-322l... specific to the selected website type." Ex-1001, 19:11-18. Because the website template GUI is titled "Select A Series Type" and the selectable options are a "plurality of website templates 322a-322l," the user's template selection is the user's selection of the series of directional webpages. Ex-1002 ¶¶182-184.

default set of webpages is initialized and the user is guided through the website customization. *Id.*, 8:1-9. For example, once the user has selected template 18b for a “spa” website type, “website pages such as an About page, a Products page, a Services page, a Gallery page, a Contact page, etc.” are activated. Ex-1005, 9:1-9; Ex-1002 ¶184.

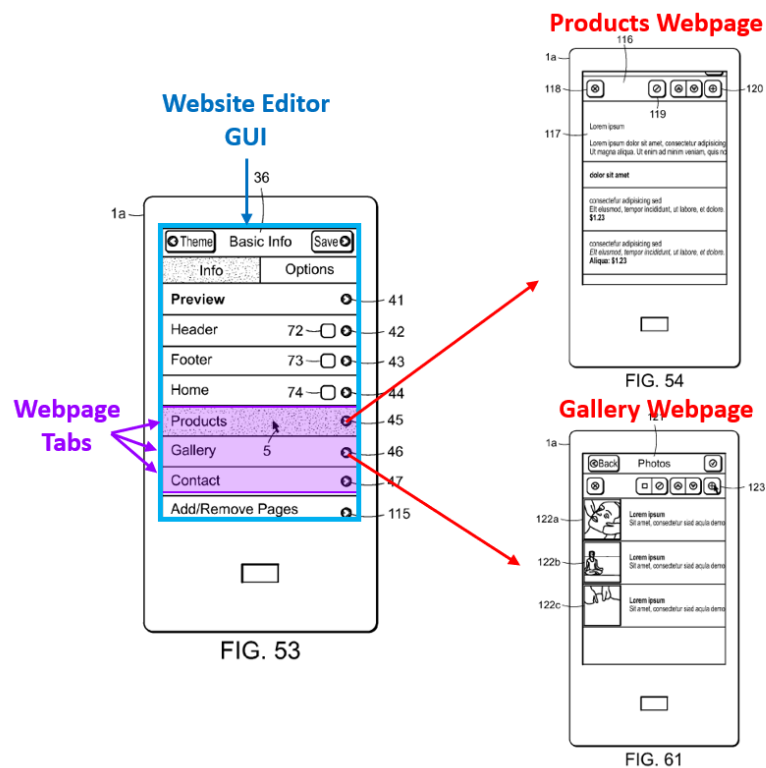
As discussed above in §X.A.2.f, Karidi teaches a series of directional webpages such as the products page, shopping cart page, and then a check out page as the directional webpages for a retail website type. Ex-1006 ¶43. A POSITA would have been motivated to implement Karidi’s series of directional webpages as part of the default set of webpages in Coursol’s “spa” “products webpage” in order to “enhance the browsing experience and minimize shopping cart abandonment.” Ex-1006 ¶15; Ex-1002 ¶185. If choosing the “Restaurant” website-type to design, a POSITA would have recognized the need for a different series of directional webpages, such as to cause the user to make a dining reservation, with number of diners, seating preference, etc. Ex-1002 ¶186. Therefore, Coursol-Karidi’s selection of a website template is also a selection of a series of directional webpages because the selected template a default set of webpages associated with the specific business category (i.e., website type). *Id.*

j. Element 1[i(1)]: in response to receiving the selection of a website template, generating and launching a generic website based on the selected website type and selected website template and

Coursol teaches element 1[i(1)]. Ex-1002 ¶¶186-188. Coursol's method/system generates and launches a generic website based on the selected website type and template. In response to the user selecting the website type (*see* §X.A.2.e) and the website template (§X.A.2.i), the design studio application requests the selected template from the website management service on the server, "which generates and launches operational preview 22 of the selected template." Ex-1005, 11:31-35. The operational preview is an "operational version of the website design of the selected template, containing a plurality of web pages and associated web page assets including sample text, and one or more images, a color scheme, a font scheme, [and] page layouts associated with the selected template." *Id.*, 11:35-43; *see also id.*, 7:61-67, 8:3-6 (the preview generates the website "containing the default set of web pages and default set of graphical and functional components and other default selections and sample content").

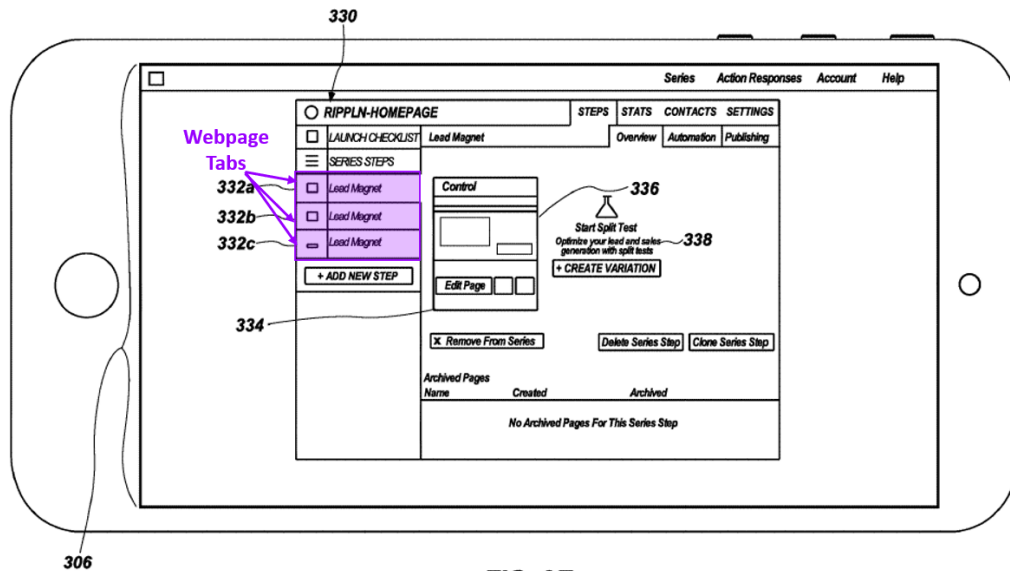
- k. Element 1[i(2)]: providing, to the user for display on the client device, a website editor graphical user interface, the website editor graphical user interface comprising a plurality of webpage tabs, each webpage tab of the plurality of webpage tabs representing a webpage of the series of directional webpages;**

Coursol-Karidi teaches element 1[i(2)]. Ex-1002 ¶¶189-193. Coursol's method/system provides a website editor graphical user interface in response to the website template selection. In addition to the preview being generated in response to the user selecting a template, Coursol provides a "control [] for moving to the website editing control homepage." Ex-1005, 11:43-48. As shown in Figure 53 below, the website editing control homepage is a website customization and editing process that allows the user to travel through a series of screens to make selections, edit content, and configure the website. *Id.*, 8:1-9.

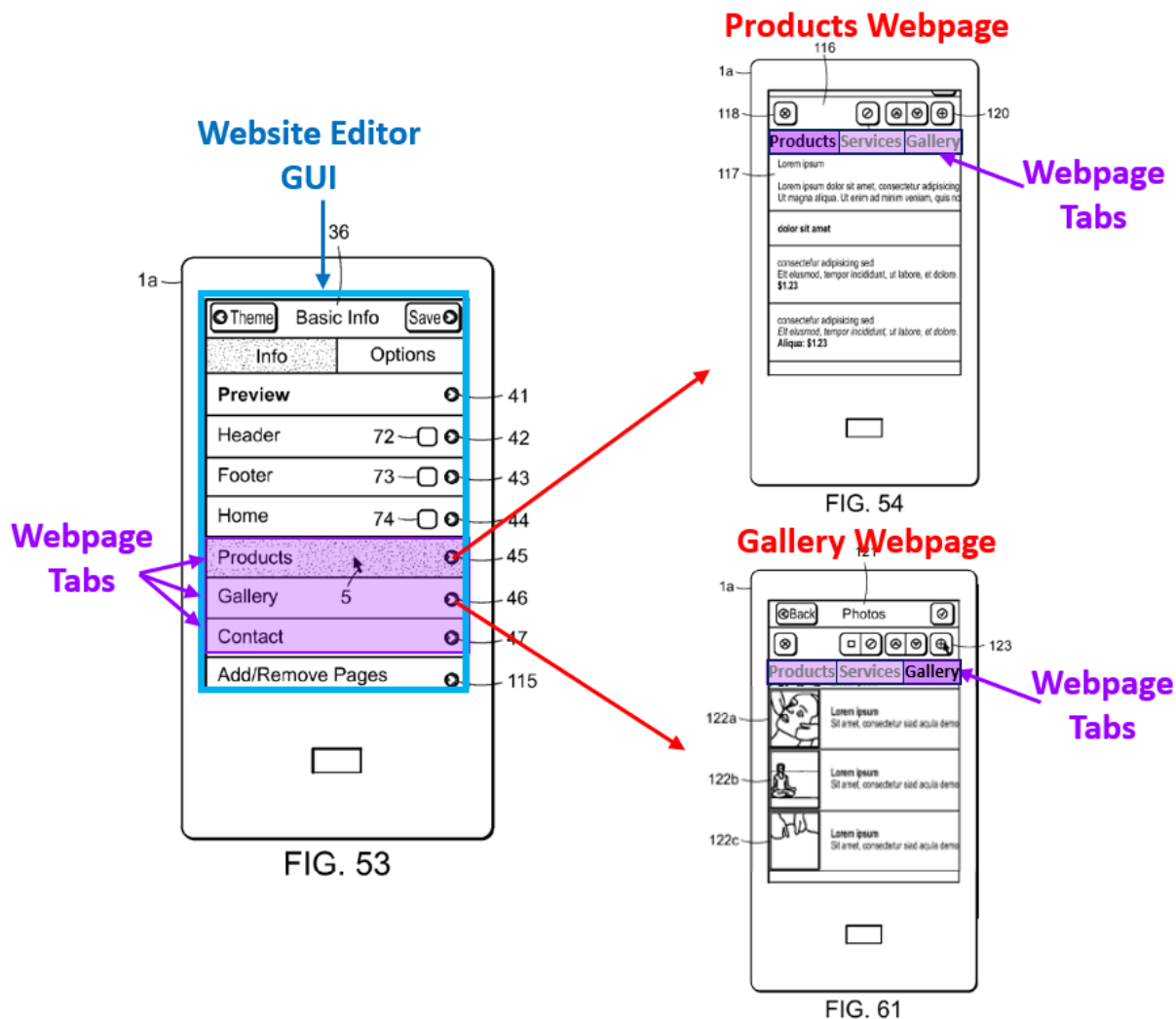


Coursol’s website editing control comprises a plurality of webpage tabs representing a webpage of the directional webpages. Specifically, as shown in Figure 53, the website editing control page include “controls” to the Products, Gallery, and Contact pages. Ex-1005, 8:65-9:9; *see also id.*, 12:1-9 (same). By selecting control 45, the user can edit the “Products” page, which displays the products editing control page shown in Figure 54. *Id.*, 14:37-43. Similarly, by selecting gallery editing control 46, the website editor displays the gallery editing control page as shown in Figure 61. *Id.*, 14:55-67. A POSITA would have recognized that Coursol’s controls 45, 46, and 47 (above, purple) correspond to the claimed tabs that the ’357 patent depicts as tabs 332a-332c in Figure 3E (purple) because once Coursol’s control is

selected, a control window allows the administrator to edit the webpage associated with the selection. Ex-1002 ¶191.

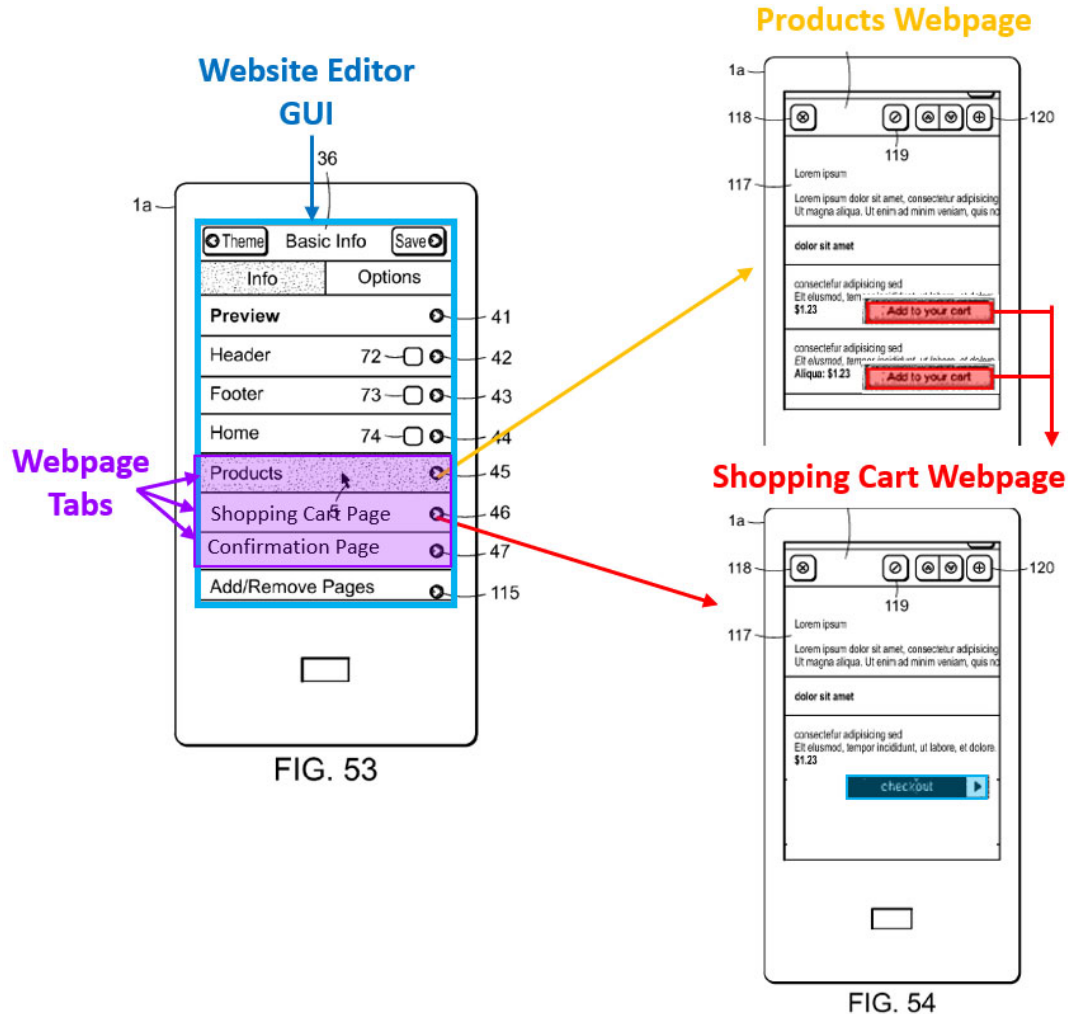


To the extent, webpage tabs are considered more narrowly, as requiring the other tabs to remain visible while editing Coursol's Products webpage, such a modification would have been obvious to a POSITA to add tabs to each of Coursol's editing control pages so that the user may easily navigate to other editing pages directly, as shown in the modified figures below. Ex-1002 ¶192 (citing Ex-1032 ¶¶61, 63-64, Figures 3C-E). Coursol already presents such horizontal tabs (i.e., "info" and "options") to navigate to the available webpages. *See* Ex-1005, 12:5-13, Fig. 10, Fig. 53 (same).



As described above in §X.A.2.f, Karidi teaches the directional webpages of the products page, shopping cart page, and check out page. Ex-1002 ¶193. A POSITA would have been motivated to implement Karidi's products page, shopping cart page, and check out page as the directional webpages that Coursol's webpage tabs represent as exemplified in the combined figure below, in view of Coursol already teaching webpage tabs to edit webpages for products and services and

providing the user an option to add additional webpages. Ex-1005, 15:33-35, Figs. 51, 53 (“add/remove pages”); Ex-1002 ¶193.



1. **Element 1[j]: receiving at least one indication of a user interaction editing at least one webpage of the series of directional webpages; and**

Coursol-Karidi teaches element 1[j]. Ex-1002 ¶¶194-195. Coursol’s method/system receives an indication of a user editing at least one webpage of the directional webpages. As explained in the previous section, upon the user’s selection

of the products control tab or the gallery control tab, the products editing control page or gallery editing control page is launched to allow the user to edit the components on the products page or the gallery page. Ex-1005, 14:37-43 (products editing control page), 14:55-67 (gallery editing control page). As shown below in Figure 81, the design studio application also includes a “save control,” which allows a user to request a save of the website under construction. *Id.*, 8:16-18, 15:50-52. Coursol further teaches that the user’s edits to the website under design “can be dynamically updated and previewed simultaneously in the user interface.” *Id.*, 6:67-7:2. A POSITA would have understood that Coursol’s device and method receives an indication of the user’s interaction editing the “Products” or “Gallery” webpage simultaneously as the user makes the edits or once the user selects the “save control.” Ex-1002 ¶195.

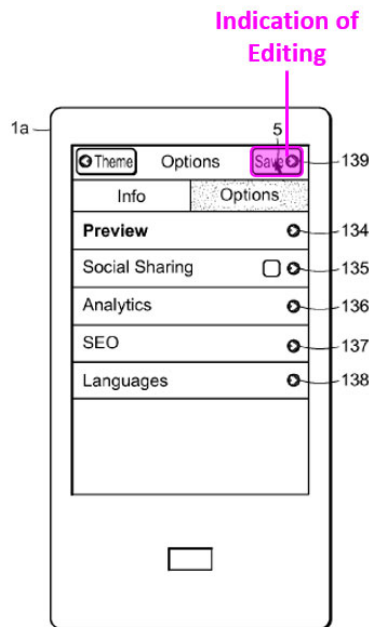


FIG. 81

m. Element 1[k]: in response to receiving the at least one indication of a user interaction editing at least one webpage of the series of directional webpages, editing the launched generic website to create a customized website.

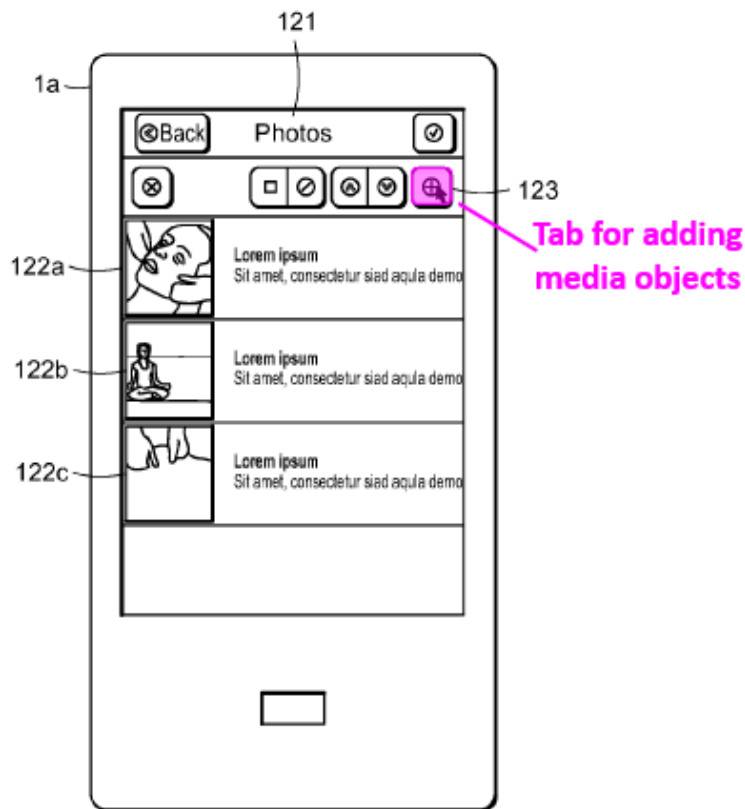
Coursol teaches element 1[k]. Ex-1002 ¶¶196-197. Coursol's method/system edits the launched generic website in response to receiving an indication that the user edited at least one webpage. As the user is guided through the website customization and editing process through a sequenced series of screens to select and edit contents, the user's edits to the website are "correspondingly updated." Ex-1005, 8:6-13; *see also id.*, 6:67-7:2 (dynamically updated and previewed simultaneously in the user interface). Upon completion, the user may request that the website is published, which causes the design studio application to then publish the "created/edited web pages to published web page database." *Id.*, 10:22-27, Fig. 90 (steps 423-425).

Therefore, upon editing the “Products” or “Gallery” webpage, for example, the user’s edits are simultaneously edited on the operational preview page (the claimed launched generic website) to customize the preview and published as “edited web pages” on the customized website. Ex-1002 ¶197.

3. Dependent Claims 2, 6, 7, and 11

- a. Claim 2: The method of claim 1, further comprising including within each webpage tab of the website editor graphical user interface a control window for adding media objects to a webpage associated with the webpage tab.**

Coursol-Karidi teaches claim 2. Ex-1002 ¶¶198-200. Coursol-Karidi teaches that each webpage tab of the website editor graphical user interface allows the user to add media objects to a webpage. For example, Coursol’s “gallery” webpage tab presents the “Gallery editing control page,” which allows the user to add a “gallery photo using the add gallery item control 123, which operates similarly to the addition of images elsewhere in the design studio application 215 and is illustrated in FIGS. 62-65.” Ex-1005, 14:57-15:2.



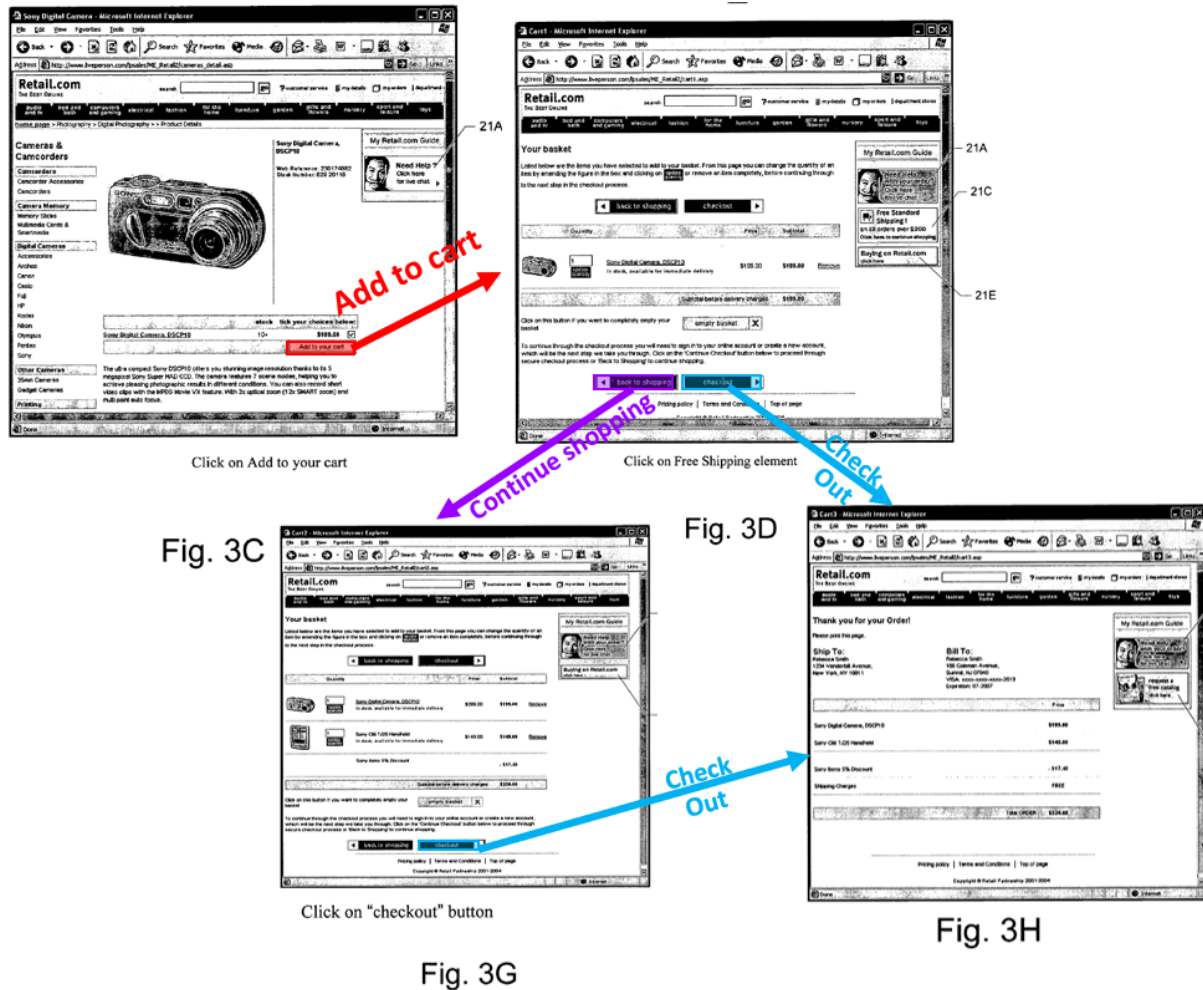
In addition to adding a media object such as an image, Gallery editing control page 121 also includes a text editing control that allows the user to enter text. Ex-1005, 15:3-10. Similarly, the “products” webpage tab presents the “products editing control page,” which allows a “new item entry ...[to] be added by selecting the add product control 120, and entering the product description.” *Id.*, 14:40-49. The “contact” webpage tab presents the “contact editing control page 127 [which] includes a number of different text entry controls.” *Id.*, 15:14-29. Coursol thus provides a control window such as a button to add media objects to a webpage associated with the webpage tab, in the same way as the ’357 Patent, which explains

media objects as “images, videos, audio files, hyperlinks, surveys, [and] text.” Ex-1001, 3:50-53. Moreover, a POSITA would have been motivated to have text and images on each webpage and thus each webpage tab, in view of Karidi which shows text and images on each directional webpage as discussed in §X.A.2.f. Ex-1006 ¶¶43, 45-47; Ex-1002 ¶200.

b. Claim 6: The method of claim 1, wherein the plurality of sequential webpages are configured to be provided sequentially one after another during a single web browsing session.

Coursol-Karidi teaches claim 6. Ex-1002 ¶¶201-203. Coursol-Karidi teaches that the plurality of sequential webpages are provided sequentially one after another during a single web browsing session. As described above in §X.A.2.f, in a website type representing a retail business, Karidi teaches that the sequential webpages are configured to be provided sequentially in order to cause a guest of the created website to interact with the website to view an item (Figure 3C) and add the item to cart, view the cart (Figure 3D), continue shopping (Figures 3E-G), checkout and view the receipt (Figure 3H). Ex-1006 ¶¶43, 45-47. Specifically, if the user selects the camera and adds the items to a shopping cart (red), “a new web page [] is displayed” as shown in Figure 3D. *Id.* ¶45. Once the user checks out (blue), they are provided with a receipt page, such as Figure 3H. *Id.* ¶47. A POSITA would have configured Karidi’s plurality of directional webpages to be presented sequentially in

a single web browsing session to allow the guest to browse products, add an item to a shopping cart, check out and view a receipt (thus completing the sale) in one browsing session. Ex-1002 ¶203.



c. Claim 7: The method of claim 1, wherein the plurality of sequential webpages are configured to be provided sequentially one after another during multiple different web browsing sessions.

Coursol-Karidi teaches claim 7. Ex-1002 ¶¶204-205. Coursol-Karidi teaches that the plurality of sequential webpages are provided sequentially one after another

during multiple different web browsing sessions. Karidi teaches using the user's activity on a page and subsequently view pages to "generate [] a new page based on the activity." Ex-1006 ¶35. Karidi explains that the user's activity includes conditions and actions while a "user is visiting a specified website or series of web pages" such as the user's "past activity, IP address, search activity, and the like," to provide a way to react to customer activity and customize the user's experience. *Id.* ¶37. For example, Karidi determines whether the "visitor is a returning customer or a new costumer and initiates the appropriate outcome[(s)]." *Id.* ¶18. Similarly, Table 1 of Karidi notes "time functions" as a visitor rule so that the "number of days since the visitor's last visit to the site" or "whether the visitor has been to the site before this session" are considered. *Id.* ¶40. In the context of shopping for a camera as taught by Karidi, a POSITA would have recognized that a returning customer in a second browsing session may want to resume the purchase of an item left in the cart from the previous visit and provided for continuing the series of directional webpages necessary to complete the purchase. Ex-1002 ¶205 (citing Ex-1019, 8:17-22).

d. Claim 11: The method of claim 1, wherein the selected website type comprises a series of directional webpages configured to cause a guest of the customized website to make a purchase within the customized website.

Coursol-Karidi teaches claim 11. Ex-1002 ¶¶206-207. Coursol-Karidi teaches a website type comprises series of directional webpages configured for a guest to make a purchase within the customized website. As discussed in §§X.A.2.d-g, Coursol teaches a website type and Karidi teaches, in a website type representing a retail business, a series of directional webpages that are designed and intended to cause a guest to make a purchase within the customized website by allowing the guest to view an item (Figure 3C) and add the item to cart, and checkout and view the receipt (Figure 3H). Ex-1006 ¶¶43, 45-47. Thus, Karidi teaches directional webpages configured to cause a guest to make a purchase. Ex-1002 ¶207.

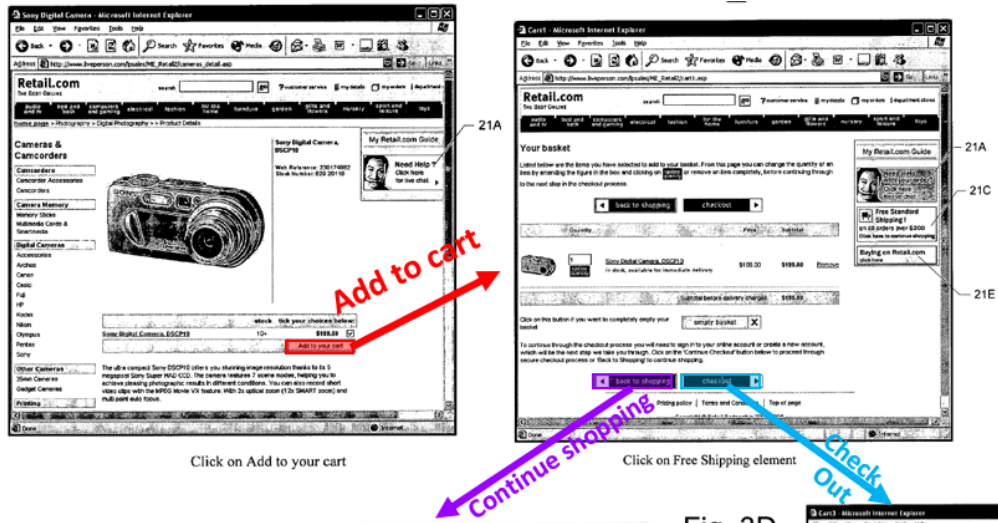
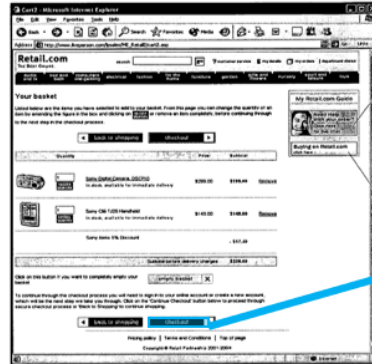


Fig. 3C

Fig. 3D



Click on "checkout" button

Fig. 3G



Fig. 3H

4. Independent Claims 12 and 16⁹

- a. Elements 12[pre(i)-(iii)]/16[pre]: [A system comprising: at least one processor; and at least one]/[A] non-transitory computer-readable storage medium storing instructions thereon that, when executed by the at least one processor, cause the [system to]/[at least one processor to perform steps comprising]:**

To the extent the preamble is limiting, Coursol teaches elements 12[pre(i)-(iii)] and 16[pre]. Ex-1002 ¶¶208-209. Coursol teaches a device, such a mobile device or traditional computing device (Ex-1005, 10:28-30), that is a “processor-based system on which processes and methods” can be implemented (*id.*, 16:1-4). The computing device may include one or more processors, and a “non-transitory computer readable storage” medium that includes “computer-executable instructions for performing methods consistent with certain disclosed embodiments.” *Id.*, 16:12-16, 16:25-34 (“The system processor(s) are each configured to execute instructions”).

b. Elements 12[a]/16[a] through 12[f]/16[f]

Coursol-Karidi teaches elements 12[a]/16[a] through 12[f]/16[f] for the same reasons as discussed in §X.A.2, according to the table below. Ex-1002 ¶¶210-211.

⁹ Independent claims 12 and 16 are substantially similar to each other and similar to claim 1 except as explained below. Like claim elements are discussed together in the below element-by-element analysis. *See* Ex-1020 (summary table). To the extent that there are meaningful differences, such differences are individually identified and discussed. As explained below, the challenged claims are taught by the prior art. Ex-1002 ¶207 n.7.

Element	Section
12[a]/16[a]	X.A.2.b
12[b]/16[b]	X.A.2.c
12[c]/16[c]	X.A.2.d
12[d]/16[d]	X.A.2.e
12[e]/16[e]	X.A.2.f
12[f]/16[f]	X.A.2.g

- c. Elements 12[g]/16[g]: in response to receiving the selection of a website type of the plurality of website types, [provide]/[providing], to the user for display on the client device, a plurality of website templates for selection, the plurality of website templates being particular to the selected website type and to the series of directional webpages of the selected website type;**

Coursol-Karidi teaches elements 12[g]/16[g]. Ex-1002 ¶¶212-214. Coursol’s method/system teaches the first part of elements 12[g]/16[g] (i.e., up to the “and”) of receives a selection of website type and then provides a plurality of website templates particular to the website type, as described in §X.A.2.h.

Coursol-Karidi teaches that the plurality of website templates are also “particular” to the series of directional webpages of the selected website type as discussed in §X.A.2.i because Coursol-Karidi’s plurality of website templates

includes a default set of webpages associated with the specific business category (i.e., website type). Ex-1002 ¶214.

d. Elements 12[h]/16[h] through 12[k]/16[k]

Coursol-Karidi teaches Elements 12[h]/16[h] through 12[k]/16[k] for the same reasons as discussed in §X.A.2, according to the table below. Ex-1002 ¶¶215-216.

Element	Section
12[h]/16[h]	X.A.2.i
12[i(1)]/16[i(1)]	X.A.2.j
12[i(2)]/16[i(2)]	X.A.2.k
12[j]/16[j]	X.A.2.l
12[k]/16[k]	X.A.2.m

5. Dependent Claims 13-15, 17, 19, and 20

- a. Claim 13: The system of claim 12, wherein the website editor graphical user interface includes an automation tab for creating one or more triggers and at least one event that results from the one or more triggers.**

Coursol-Karidi teaches claim 13. Ex-1002 ¶¶217-221. Coursol-Karidi's website editor includes an automation tab for creating one or more triggers and at least one event that results from the one or more triggers. The '357 patent explains the automation tab enables a system administrator to create events for the website to perform once triggered by the user's action. Ex-1001, 20:21-23. For example,

“triggers” include user activities such as when a guest is visiting a website, making a purchase, and beginning a purchase but not completing the purchase. *Id.*, 20:23-30. The resulting “event” may include sending an email or message to a guest, tagging the guest, adding the guest to a communications list, etc. *Id.*, 20:31-34.

Coursol’s website editor includes an “options tab,” which includes additional options to add social media, analytics, and search engine optimization controls. Ex-1005, 15:36-39. A POSITA would have been motivated to include an option to create one or more triggers into Coursol’s website designer, as Karidi teaches. Ex-1006 ¶15. Karidi teaches a business rules engine, which consists of “conditions and their associated action or actions.” *Id.* ¶17. The business rules engine allows users, such as web designers and marketers, to create and save rules to use in marketing campaigns. *Id.* ¶20. A POSITA would have been motivated to include Karidi’s “business rules engine” as another selectable tab in Coursol’s website editor in order to allow the web designer/marketer to define the rules for marketing campaigns. Ex-1002 ¶219.

Coursol-Karidi’s business rule engine creates an event that results from a trigger of beginning a purchase but not finishing the purchase. Ex-1002 ¶220. Karidi’s business rule engine evaluates “the events associated with each user and decides what action to take, if any” and acts as needed, such as displaying “promotional material, help icons, chat icons, sale items.” Ex-1006 ¶17; *see also id.*

¶36 (similar). Karidi provides an example condition (i.e., “trigger”) as “adding items to a cart but not checking out.” *Id.* ¶40. Additionally, if a user’s activity indicates problems with checking out, a frame will appear to guide the user through the checkout process “thereby avoiding shopping cart abandonment and lost sales.” *Id.* ¶21. Similarly, when a user is checking out a product, Karidi’s business rule engine also sends a communication to the user such as to offer free shipping or a discount. *Id.* ¶¶45, 46. A POSITA would have further been motivated to include Karidi’s business rule engines for the added benefit of avoiding lost sales. Ex-1002 ¶220.

A POSITA would have understood that Karidi’s rules to present a guide to aid the user’s checkout or promotional material (discounts) when the user is beginning a purchasing process but not completing the purchase are examples of “creating... at least one event that results from the one or more triggers.” Ex-1002 ¶221.

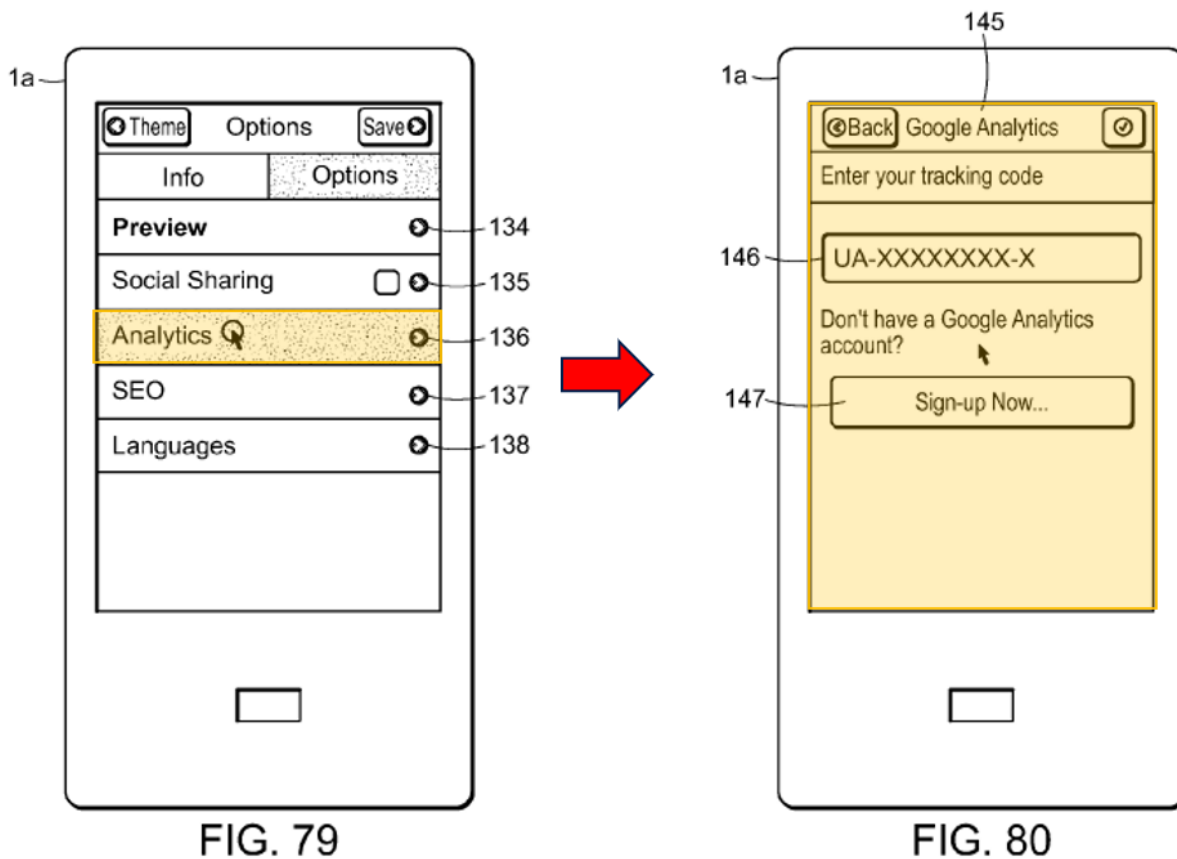
b. Claim 14: The system of claim 13, wherein the at least one event includes sending a communication to at least one guest of the customized website.

Coursol-Karidi teaches claim 14. Ex-1002 ¶¶222-224. Coursol-Karidi’s website editor sends a communication to a website guest when displaying “special offers, invitations to chat, help icons, related products, related material, displaying pop-ups, clickable images, and the like.” Ex-1006 ¶36. For example, Karidi provides an example condition to be “adding items to a cart but not checking out” which triggers an action, such as a frame appearing to guide the user through the checkout

process to prevent lost sales. *Id.* ¶¶21, 40, 42. Similarly, a help icon or chat icon for customer service can be loaded. *Id.* Accordingly, Coursol-Karidi's business rule engine includes an event of sending a communication such as a checkout guide or help or chat icons to a guest of the customized website so that "a user's web site experience is enhanced." Ex-1002 ¶224 (citing Ex-1029); Ex-1006 ¶21.

c. Claim 15: The system of claim 12, wherein the website editor graphical user interface includes at least one statistics tab that, when selected, shows a total number of page views of the customized website within a period of time.

Coursol-Karidi teaches claim 15. Ex-1002 ¶¶225-228. Coursol-Karidi's website editor includes a statistics tab that shows a total number of page views of the customized website within a period of time. As shown in Figure 79 below, Coursol provides an analytics tab that leads to an analytics page (Figure 80).



Coursol leaves the implementation details of its analytics to a POSITA, who would have looked to references that detail the analytics provided to the operator of a customized website, such as Karidi. Ex-1002 ¶227. Karidi teaches monitoring and evaluating the user's activity, including "time spent on a particular page, additional data requests, adding items to a cart, and the like." Ex-1006 ¶35. Karidi additionally considers "time functions" of the number of seconds the visitor was on the page, the number of seconds since the visitor last visited a page that matches the specified pattern, the time in seconds that the visitor spent in the site during this session, and the time in seconds since the visitor's last invite. *Id.* ¶40. A POSITA would have

recognized to implement Karidi's statistics into Coursol's analytics option because doing so is just one of many measurements used to monitor website traffic. Ex-1002 ¶¶227-228.

d. Claims 17, 19, and 20

Coursol-Karidi teaches claims 17, 19, and 20 for the same reasons as discussed in §X.A.3, according to the table below. Ex-1002 ¶¶229-231.

Claims	Section
17	X.A.3.a
19	X.A.3.b
20	X.A.3.c

B. Ground 2: Claims 1, 2, 6, 7, 9-17, 19, and 20 Are Obvious Over Coursol in view of Karidi and Sayed

1. A POSITA would have been motivated to combine Coursol-Karidi's and Sayed's teachings with a reasonable expectation of success.

A POSITA would have been motivated to combine the teachings of Coursol-Karidi and Sayed ("Coursol-Karidi-Sayed") and would have had a reasonable expectation of success in doing so because each relates to the same well-known website creation technologies. Ex-1002 ¶¶232-237; *see, e.g.*, Ex-1005, Abstract, 2:46-54 (website building tool); Ex-1006 ¶¶7, 11 (dynamically generating a

webpage), 15 (relevant content); Ex-1009, Abstract (“creating and maintaining a web site”).

As explained above in §X.A.1, Coursol explains that it was known that websites are collections of related webpages organized and Karidi teaches an example sequentially-organized webpages for a given website, such as retail.com. Ex-1006 ¶¶43, 45-47, Figures 3C, 3D, 3G, 3H (shopping and purchasing a camera). A POSITA would have been motivated to implement a graphical website editor that was the most effective at helping users create websites that have high conversion rates/finalized transactions. One such technique is to use the concept taught by Sayed. Sayed expressly teaches that a website’s elements may involve a “parent-child relationship,” wherein certain element (child) may depend on the existence of another element (parent). Ex-1009, 10:32-38. In such cases, “properties belonging to the ‘parent element’ can also be presumed to belong to the ‘child element.’” *Id.*, 10:38-40. Sayed provides an example parent-child relationship with a website having three webpages: Pages A, B, and C, where “Page A links only to page B, and page B links only to page C.” *Id.*, 10:50-53. Sayed explains that the nature of the “content that appears on page C presumes the existence of page B; and page B similarly presumes the existence of page A.” *Id.*, 10:53-56. A parent-child element relationship can be established using a software coded “inheritance flag.” *Id.*, 10:41-43; Ex-1002 ¶¶233-234.

Sayed thus explicitly teaches how Coursol-Karidi's webpages (associated with the selected web site type in the website building tool) are made directional—linked to be presented to the user one after the other—and designed to cause an end user interaction, similar to the examples provided in the '357 patent. *See* §VIII; Ex-1002 ¶235.

A POSITA would have thus been motivated to implement Sayed's teaching of presenting sequential webpages into Coursol-Karidi's graphical website editor as a way to link Coursol-Karidi's webpages (within its website building tool) sequentially. Ex-1002 ¶236. Specifically, a POSITA would have understood that in Coursol-Karidi, the default webpages generated for a retail website templates includes products, shopping cart, and confirmation webpages would thus be linked to be presented one after the other, because these pages involve content (e.g., view cart) that depends on actions taken on previous page (e.g., add to cart) as explicitly taught by Sayed. Ex-1009, 8:30-35 (click on icon to add item to cart), Figure 10 (items available to “add to cart”).

A POSITA would have had a reasonable expectation of success in combining Coursol-Karidi's and Sayed's teachings because Sayed provides explicit details of how Coursol-Karidi's webpages within its selectable website type may be presented sequentially one after the other using an inheritance flag to indicate a parent-child relationship. Ex-1002 ¶237. A POSITA would have understood, therefore, that these

references disclose interrelated teachings based on routine technologies that would have been amenable to well-understood and predictable combinations to provide a sequence of webpages, that allows a user to complete a transaction within the customized retail website. *Id.*

2. Independent Claims 1, 12, and 16

a. Elements 1[pre]-1[d], 12[pre]-12[d], and 16[pre]-16[d]

Coursol-Karidi teaches elements 1[pre]-1[d], 12[pre]-12[d], and 16[pre]-16[d] for the same reasons as described in §§X.A.2.a-e, X.A.4.a-b. Ex-1002 ¶238.

b. Elements 1[e]/12[e]/16[e]: wherein each website type of the plurality of website types comprises a series of directional webpages configured to cause an end user interaction with a website,

Coursol-Karidi-Sayed teaches elements 1[e]/12[e]/16[e] under the plain and ordinary claim scope discussed in §VIII. Ex-1002 ¶¶239-244. As discussed in §X.A.2.f, in the Coursol-Karidi combination, a visitor to a “spa” website may be presented with different spa products or services (as taught by Coursol), and then have the opportunity to select such services, add them to a shopping cart, and finally purchase them by clicking through the appropriate websites (as taught by Karidi).

In addition, as discussed in §X.B.1, such a series of directional webpages is disclosed by Sayed’s directional webpages presented for a user to visit linked webpages to make a purchase. Ex-1002 ¶242. Specifically, Sayed teaches a website building module that enables a merchant to incorporate electronic commerce. As

shown in Figure 10 below, a user visiting the website is able to purchase “each product/service 1002... by clicking on icon 1006 to add the item to a shopping cart 1004.” Ex-1009, 8:30-35. Sayed further teaches that one webpage leads to another such that a website having three pages allows the first page to link to the second page and the second page to link to the third page. *Id.*, 10:50-56. A POSITA would have understood in view of Sayed’s teachings, the user visiting an electronic commerce website may view a product and then click to add the object to the cart to be purchased and ultimately be presented a shopping cart page to check out and complete the purchase. Ex-1002 ¶242.

Accordingly, Sayed teaches a series of directional webpages that are designed and intended to cause a guest of the created website to interact with the website, such as to view a product (1002), add the item to the cart (1006) and access the shopping cart (1004), as provided for in the ’357 patent examples. Ex-1001, 4:38-48 (e.g., “add an item to a cart,” “complete a purchase,” “interact with (e.g., click) a selectable element (e.g., a button)”); Ex-1002 ¶243.

As explained above §X.B.1, a POSITA would have been motivated to implement Sayed’s directional webpages, in Coursol-Karidi’s website types, such as Coursol’s “spa” “products webpage” in order to “enhance browsing experience and minimize shopping cart abandonment.” Ex-1006 ¶15; Ex-1002 ¶244. Specifically, in the Coursol-Karidi-Sayed combination, a visitor to a “spa” website may be

presented with different spa products or services (as taught by Coursol), and then have the opportunity to select such services, add them to a shopping cart, and finally purchase them by clicking through the appropriate websites (as taught by Karidi-Sayed). Ex-1002 ¶244.

c. Elements 1[f]/12[f]/16[f]: wherein the series of directional webpages of each website type of the plurality of websites types comprises a unique plurality of sequential webpages configured to be provided sequentially one after another;

Coursol-Karidi-Sayed teaches elements 1[f]/12[f]/16[f]. Ex-1002 ¶¶245-248. Coursol-Karidi-Sayed teaches that the series of directional webpages comprises a unique plurality of sequential webpages configured to be provided sequentially one after another. As discussed above in §X.A.2.g, Coursol-Karidi's series of directional webpages comprise a "unique plurality of sequential webpages" provided sequentially one after another by Karidi's retail website type to give the guest the immediate ability to purchase the product/service. Ex-1002 ¶246.

In addition, as discussed above in §X.B.1, such a series of directional webpages is disclosed by Sayed. Ex-1002 ¶247. Sayed expressly teaches that the webpages being presented in a sequential order by having a "parent-child relationship." Sayed provides an example parent-child relationship with a website having three webpages: Pages A, B, and C, where "Page A links only to page B, and page B links only to page C." Ex-1009, 10:50-53. Sayed explains that the content

that appears on page C presumes the existence of page B; and page B similarly presumes the existence of page A.” *Id.*, 10:53-56. This sequence may be a function of “business rules,” associated with the “page type, color, template choice.” *Id.*, 10:44-49.

Sayed’s series of directional webpages comprise a “unique plurality of sequential webpages,” just like the ’357 patent’s “product launch series” example that includes six pages: a product launch page, three sales pages, and a product launch and order form page. Ex-1001, 14:60-15:3. A POSITA would have recognized that Sayed’s webpages are provided sequentially one after another by Sayed’s electronic commerce website type to give the guest the immediate ability to purchase the product/service. Ex-1002 ¶248; Ex-1021, 12-14.

d. Elements 1[g]/12[g]/16[g] through 1[k]/12[k]/16[k]

Coursol-Karidi-Sayed teaches elements 1[g]/12[g]/16[g] through 1[k]/12[k]/16[k] for the same reasons as described in §§X.A.2.h-m, X.A.4.c-d. Ex-1002 ¶249. Moreover, Sayed teaches directional webpages as being particular to a website type as discussed in §X.B.2.b-c.

3. Dependent Claims 2, 6, 7, 9-11, 13-15, 17, 19, and 20

a. Claims 2, 7, 11, 13-15, 17, and 20.

Coursol-Karidi-Sayed teaches claims 2, 7, 11, 13-15, 17, and 20 for the same reasons as discussed in §§X.A.3 and X.A.5, according to the table below. Ex-1002 ¶250.

Claims	Section
2 and 17	X.A.3.a
7 and 20	X.A.3.c.
11	X.A.3.d
13	X.A.5.e
14	X.A.5.f
15	X.A.5.g

b. Claims 6/19: [The method of claim 1]/[The non-transitory computer-readable medium of claim 16], wherein the plurality of sequential webpages are configured to be provided sequentially one after another during a single web browsing session.

Coursol-Karidi-Sayed teaches claims 6 and 19. Ex-1002 ¶¶251-253. Coursol-Karidi-Sayed teaches that the plurality of sequential webpages are provided sequentially one after another during a single web browsing session. *See also* §X.A.3.b. As described above in §X.B.2.c, Sayed further teaches that the webpages being presented in a sequential order by having a “parent-child relationship.”

Accordingly, Coursol-Karidi-Sayed teaches that sequential webpages are provided during a single web browsing session as discussed in §X.B.2.c.

c. Claim 9: The method of claim 1, wherein the selected website type includes a series of directional webpages configured to cause a guest of the customized website to provide an email address within the customized website.

Coursol-Karidi-Sayed teaches claim 9. Ex-1002 ¶¶254-256. Coursol-Karidi-Sayed teaches that the selected website type includes a directional webpage configured to cause a guest to provide an email address within the customized website. For example, Sayed teaches that its check-out process “may elicit billing and shipping information, payment information and so on from a visitor following the visitor’s decision to purchase a product displayed on the store front presented on website 116.” Ex-1009, 18:1-10. Sayed describes that this visitor information is used by an e-mail marketing center to enable the name, interests, and e-mail information to be added to an e-mail list. *Id.* A POSITA would have recognized that the information collected by the visitor during the check-out process causes a guest to provide an email address within the customized website so that it may be used by the e-mail marketing center. Ex-1002 ¶256.

d. Claim 10: The method of claim 9, further comprising sending an email to the email address.

Coursol-Karidi-Sayed teaches claim 10. Ex-1002 ¶¶257-258. Coursol-Karidi-Sayed’s e-mail marketing center uses the email address submitted during the

checkout process to “send out highly targeted e-mail messages.” Ex-1009, 18:1-10; Ex-1002 ¶258.

C. Ground 3: Claims 3-5 and 18 are Obvious over Coursol-Karidi-Sayed in view of Lyon

1. A POSITA would have been motivated to combine Coursol-Karidi’s with Lyon’s teachings with a reasonable expectation of success.

A POSITA would have been motivated to combine the teachings of Coursol-Karidi-Sayed with Lyon (“Coursol-Karidi-Sayed-Lyon”) and would have had a reasonable expectation of success in doing so because each relates to the same well-known methods and systems for customized websites. Ex-1002 ¶¶259-265; *see, e.g.*, Ex-1005, Abstract, 2:46-54 (website building tool); Ex-1006 ¶¶7, 11 (dynamically generating a webpage), 15 (relevant content); Ex-1009, Abstract (“creating and maintaining a web site”); Ex-1007 ¶14 (“configuring A/B tests of variations of aspects of content presentation in a user interface of a portal (e.g., a website)”).

A POSITA would have been motivated to include Lyon’s teachings in Coursol-Karidi-Sayed because Lyon offers additional benefits to Coursol-Karidi-Sayed’s e-commerce website designer. Ex-1002 ¶260. In the Coursol-Karidi-Sayed combination (§X.B.1), a visitor to a “spa” website may be presented with different spa products or services (as taught by Coursol), and then have the opportunity to select such services, add them to a shopping cart, and finally purchase them by

clicking through the appropriate webpages (as taught by Karidi-Sayed). A POSITA would have understood that Coursol-Karidi-Sayed would aim to enhance browsing experience and minimize shopping cart abandonment and so would be motivated to have its graphical website editor create a website that was the most effective at helping users finalize transactions using different website design techniques. Ex-1002 ¶¶261-262.

One such technique is to use the concept of A/B testing in evaluating which of alternate design choices would be more effective, such as Lyon. Ex-1002 ¶262. Lyon teaches using “[m]ultivariate testing (otherwise known as ‘split testing’ or ‘A/B testing’),” which is “a common method of evaluating changes to website design and content” in marketing efforts. Ex-1007 ¶¶1, 29. Lyon explains that “[i]n a multivariate website test, two or more versions of a particular webpage are created; these are then displayed to randomly selected groups of site visitors *Id.* ¶1. Lyon explains that a subset of visitors are presented one version while other visitors are presented another version that implements proposed changes. *Id.* The test results are used to determine whether the proposed content changes increase user actions of “purchasing more products, ‘clicking thru’ more advertisements, exploring more webpages of a website.” *Id.* ¶29; *see also id.* ¶2. Lyon specifically provides an exemplary A/B testing configurations where a website operator is presented with

prompts to change visual areas on the interface and specify the percentages of users that will be presented each variation. *Id.* ¶¶68-70.

A POSITA would have considered Lyon as a way of implementing such functionality in the Coursol-Karidi-Sayed combination given its similarity in structure and goals to the references. Ex-1002 ¶263. Coursol teaches a website designer to customize a website using templates containing “a default set of web pages, each with a default set of graphical and functional components.” Ex-1005, 7:61-67. Additionally, Karidi teaches providing a dynamic webpage, such that the page is populated based in part on business rules (Ex-1006 ¶32) that are organized by marketing campaigns to avoid loss sales. *Id.* ¶¶17, 38; *see also* §X.A.5.a.

Accordingly, a POSITA motivated to improve the custom webpages presented to a user in order to increase sales would have implemented Lyon’s A/B test configuration into Coursol-Karidi-Sayed’s website designer in order to vary Coursol-Karidi-Sayed’s “graphical and functional components” (Ex-1005, 7:61-67) to enhance browsing experience, conversion rates, and minimize shopping cart abandonment, a goal of Coursol-Karidi-Sayed. *See, e.g.*, Ex-1006 ¶¶15, 23; Ex-1002 ¶264.

A POSITA would have had a reasonable expectation of success in combining Lyon with Coursol-Karidi-Sayed because their website creation methods and systems are similar and rely on predictable software methods. Ex-1002 ¶265.

Moreover, a POSITA would have understood, therefore, that these references disclose interrelated teachings based on routine technologies that would have been amenable to various well-understood and predictable combinations.

2. Dependent Claims 3-5 and 18

- a. Claim 3: The method of claim 2, further comprising including within each webpage tab of the website editor graphical user interface a split test selectable element for assigning percentages of guests to visit different webpages within the customized website.**

Claim 18: The non-transitory computer-readable medium of claim 17, further comprising instructions thereon that, when executed by at least one processor, cause the processor to further perform a step of including within each webpage tab of the website editor graphical user interface a split test selectable element for assigning percentages of guests to visit different webpages within the customized website.

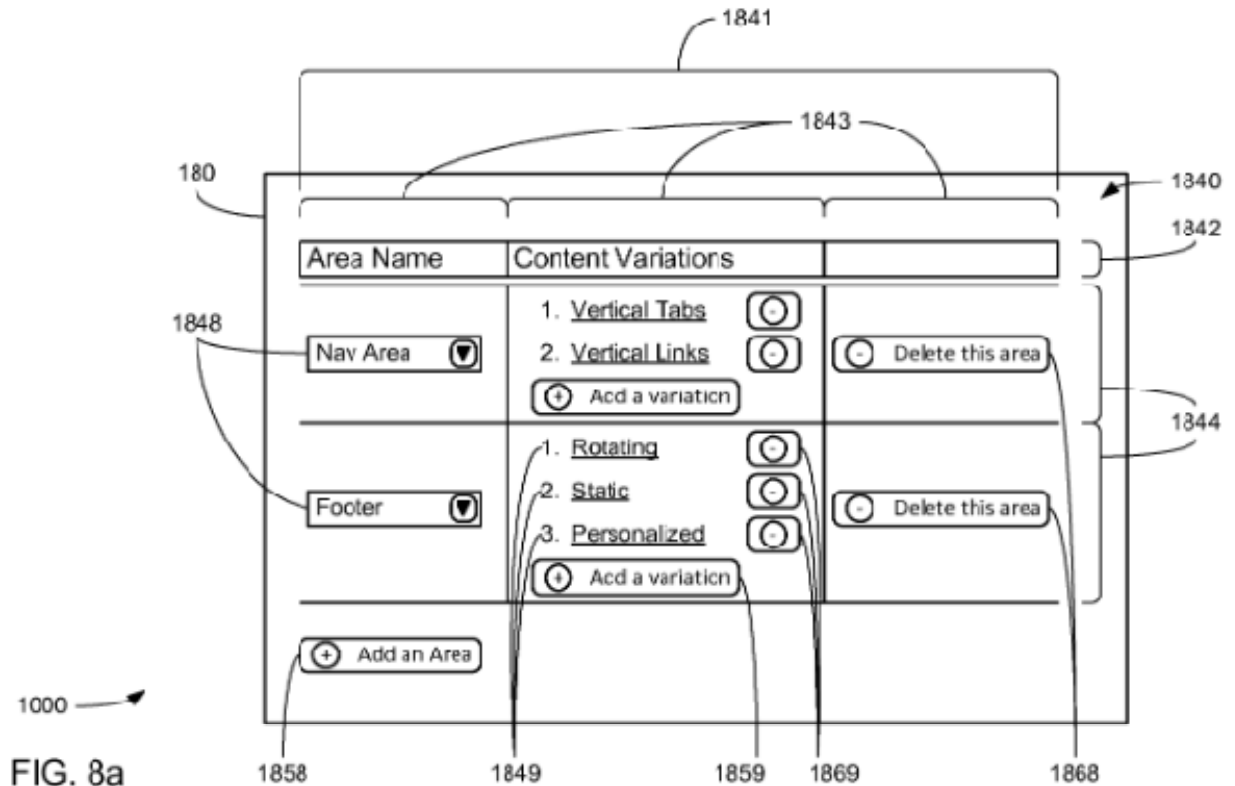
Coursol-Karidi-Sayed-Lyon teaches claims 3 and 18. Ex-1002 ¶¶266-271. Coursol-Karidi-Sayed-Lyon provides a split test selectable element within each webpage tab of the website editor. The '357 patent describes that the split test selectable element may enable a system administrator to create a variation of a webpage associated with a single tab such that there can be two different webpages within a single tab. Ex-1001, 19:53-58.

Karidi teaches that areas of a webpage are varied based in part on business rules (Ex-1006 ¶32) organized by marketing campaigns and used to control the displayed content (*id.* ¶¶17, 38). For example, the user's activity on that page and

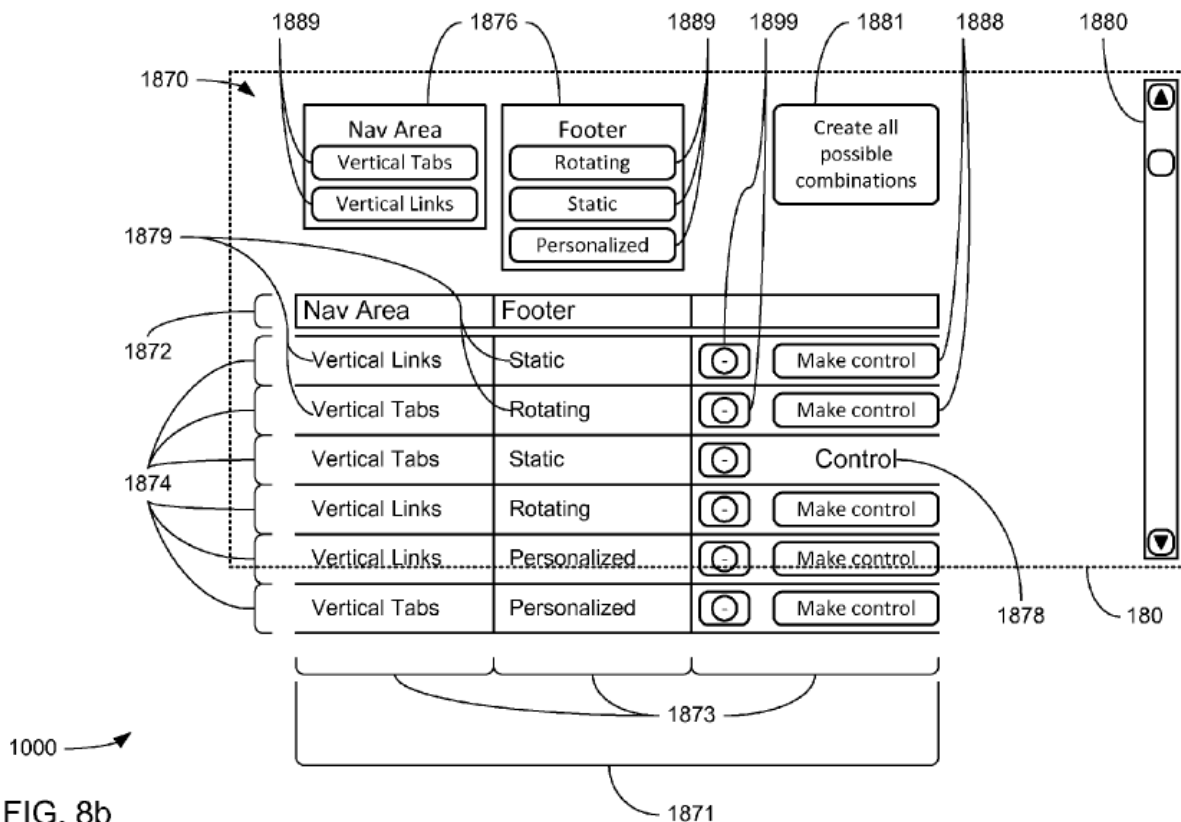
subsequently viewed pages is monitored so that the system revises the webpage based on the user's activity or generates a new page based on the activity. Ex-1006 ¶35; *see also id.* ¶46 (“changes its content based on conditions present during user interaction”). Thus, Karidi teaches varying areas of a webpage to provide a customized website for the visitor. *Id.* ¶39.

A POSITA would have been motivated to provide a split test element for assigning percentages of guests to visit different variations of a webpage, in view of Lyon. Ex-1002 ¶269. Lyon teaches “split testing or A/B testing” where multiple versions of a user interface website can be provided and tested. Ex-1007 ¶¶1, 14. Lyon presents a “first prompt” so that the user selects the visual areas of the website to be varied when the different configurations are tested. *Id.* ¶15. Specifically, Lyon provides an “entry environment enabling an operator” to enter details of an A/B test to be performed “concerning one or more proposed changes to content presentation[,]” which leads to “interaction data” to be generated based on the variations in the content presentation selected for testing in response to the prompts. *Id.* ¶28. Figure 8a (below) is an example of visual prompts that are presented when configuring the A/B test parameters. *Id.* ¶55. A POSITA would have recognized that Lyon's prompts configuring A/B test parameters teach a “split test selectable element,” because Lyon's prompts enable a system administrator to create a

variation of a webpage associated with a single tab such that there can be two different webpages within a single tab. Ex-1002 ¶269; Ex-1001, 19:53-58.



Lyon's split test selectable element allows the system administrator to assign percentages of guests to visit different webpages within the customized website. Specifically, once the user has selected the visual areas and aspects of content to be tested, the list of all possible combinations are presented in a tabular format such as Figure 8b. Ex-1002 ¶270.



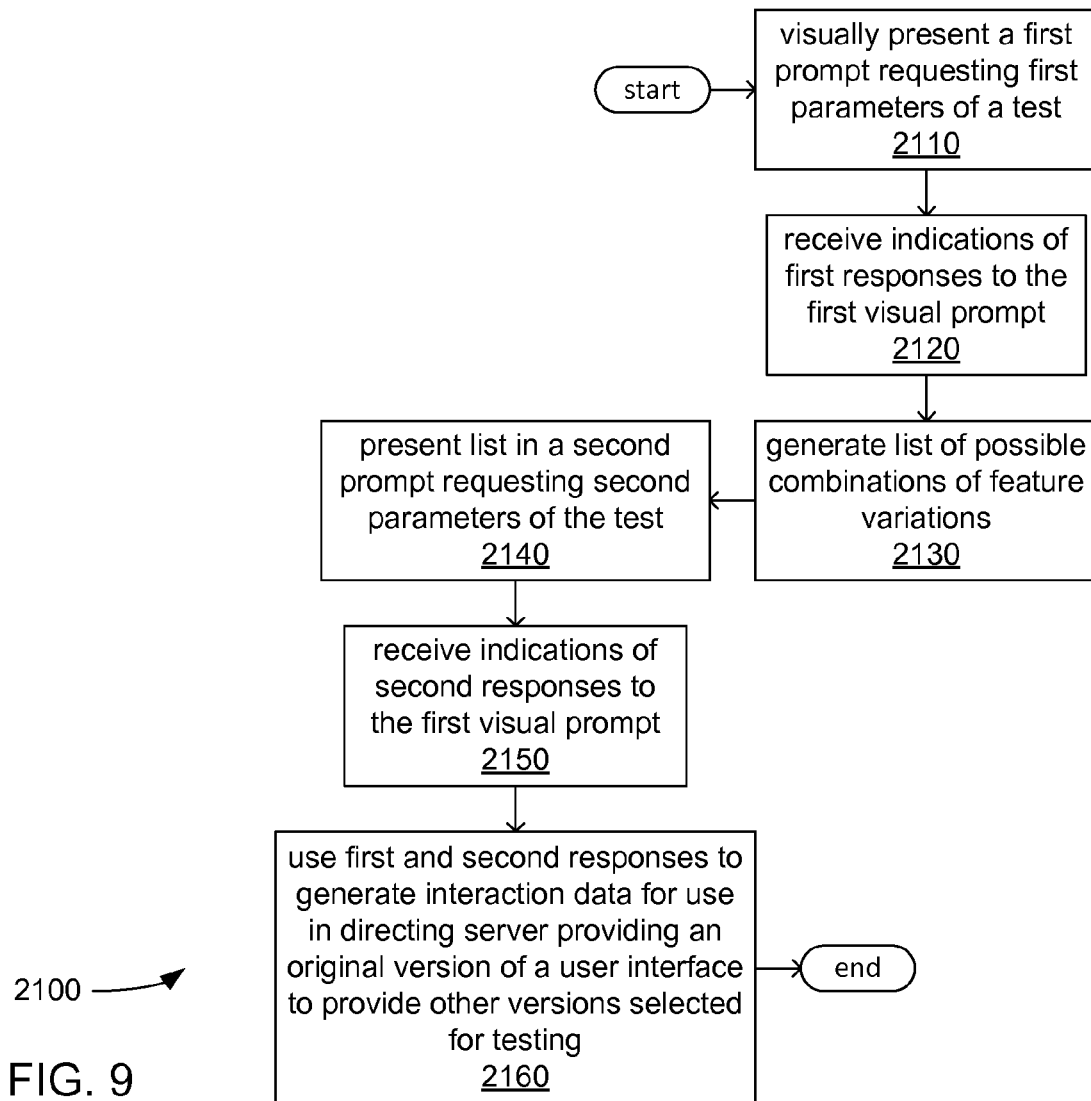
Each entry describes the possible test combinations and enables the user to “specify[] what percentage of participants” to be presented each combination. Ex-1007 ¶15; *see also id.* ¶69 (same). Lyon notes that the percentages of participants to be “randomly selected to experience each of the different versions of the user interface are specified as part of the test parameters indicated in the interaction data 134, making it desirable to have a large enough set of participants that each version the user interface is able to be tried with enough participants to ensure the collection of statistically valid data.” *Id.* ¶36.

A POSITA would have recognized that Lyon provides the system administrator a split test element to specify the percentage of guests that will be

shown the first webpage with the visual areas presented in one way and the other percentage of guests that will be shown the second webpage with the visual areas presented another way. Ex-1002 ¶271 (citing Ex-1031, 0014; Ex-1026, 0003 (page 142), 0009 (page 148)); Ex-1001, 20:2-18.

b. Element 4[a]: The method of claim 3, further comprising: receiving an indication of a user interaction with the split test selectable element assigning at least a portion of the guests to a first webpage within the customized website and assigning at least another portion of the guests to an second alternative webpage within the customized website; and

Coursol-Karidi-Sayed-Lyon teaches element 4[a]. Ex-1002 ¶¶272-275. Coursol-Karidi-Sayed-Lyon teaches receiving an indication of a user interaction with the split test selectable element assigning at least a portion of the guests to a first webpage and assigning at least another portion of the guests to an alternative webpage within the customized website. As explained in the previous section, Karidi provides the users with variations of the webpage. Lyon teaches how a user may select the visual area of a webpage to manage and assign a percentage of participants that will view each configuration. Ex-1007 ¶¶28, 55.



As shown in Lyon’s Figure 9, the user is presented “an original version of the user interface” in step 2210 and presented a first prompt requesting first parameter of a test in step 2120. The system then receives “indications of the first responses to the first visual prompt” and “generate[s] a list of possible combinations of feature variations.” Ex-1007 ¶68. A second prompt is presented requesting the user’s

provision of a second set of parameters of the test, such as “selecting or de-selecting a combination for inclusion in the test, designating a combination as a control, specifying what percentage of participants will be tested with each combination, and/or selecting the round of the test in which each combination will be used.” Ex-1007 ¶69. At 2160, the first and second sets of responses are used to generate an interaction data used to control performance of the test by the server, causing the server to provide the user interface (webpage) in different versions. *Id.* ¶70. A POSITA would have recognized that Lyon receives an indication of a user interaction with the split test selectable element first, when the user indicates the visual areas to vary in response to the first prompt, and second, when the user specifies the percentage of participants to be tested with each combination in the second prompt. Ex-1002 ¶275.

- c. Element 4[b]: in response to the user interaction with the split test selectable element, assigning the at least a portion of the guests to the first webpage within the customized website and assigning the at least another portion of the guests to the second alternative webpage within the customized website.**

Coursol-Karidi-Sayed-Lyon teaches element 4[b]. Ex-1002 ¶¶276-277. Coursol-Karidi-Sayed-Lyon assigns a portion of the guests to the first webpage and assigns another portion of the guests to an alternative webpage. As discussed in the previous element, at step 2160, Lyon’s first and second sets of responses are used to

generate interaction data, which includes the percentages specified for each configuration of the website. Ex-1007 ¶69. The interaction data (i.e., percentages for each configuration) is used to control performance of the different versions of the website to be tested by causing the server to provide the website in the different versions. *Id.* ¶70. A POSITA would have recognized that Lyon thus assigns the portion of guests to the first webpage that displays one visual combination, and another portion of the guests to the alternative variation as defined by the user's interaction with Lyon's A/B test configuration (the claimed "split test selectable element"). Ex-1002 ¶277.

d. Claim 5: The method of claim 3, wherein the split test selectable element comprises a sliding selectable element.

Coursol-Karidi-Sayed-Lyon teaches claim 5. Ex-1002 ¶¶278-279. Coursol-Karidi-Sayed Lyon teaches a sliding selectable element. Although Lyon does not illustrate how the user specifies what percentage of participants are given each webpage variation, Lyon teaches that interaction data may include "virtual controls" that are not limited to "'scroll bars', 'radio buttons', 'check boxes', 'drop-down menus', text entry boxes, '**slider**' controls, 'arrow buttons', 'clickable links' and numerous other virtually created controls as will be recognizable to those skilled in the art." Ex-1007 ¶26; *see also id.* ¶40 ("other types of switches; rotary, sliding or other types of variable controls"). A POSITA would have understood that Lyon's

split test selectable element comprises a sliding selectable element because Lyon explains that slider controls are well known in the art to control the feature. Ex-1002 ¶279.

D. Ground 4: Claims 7, 8, and 20 are Obvious over Coursol-Karidi-Sayed in view of Thomas

1. A POSITA would have been motivated to combine Coursol-Karidi-Sayed with Thomas’ teachings with a reasonable expectation of success.

A POSITA would have been motivated to combine the teachings of Coursol-Karidi-Sayed and Thomas (“Coursol-Karidi-Sayed-Thomas”) and would have had a reasonable expectation of success in doing so because each relates to the same well-known technologies. Ex-1002 ¶¶280-285; *see, e.g.*, Ex-1005, Abstract, 2:46-54 (website building tool); Ex-1006 ¶¶7, 11 (generating a webpage using rules), 15 (relevant and timely content); Ex-1009, Abstract (“creating and maintaining a web site”); Ex-1008 ¶131 (“customized website”). Moreover, Karidi, Sayed, Thomas provide retail websites. Ex-1006 ¶¶43, 45-47; Ex-1009, Abstract, 8:30-35; Ex-1008 Abstract, ¶¶130, 311-315.

A POSITA would have been motivated to implement website options that could provide a more customized and individualized experience to each customer by specifically targeting a user, which encourages sales in an e-commerce website. Ex-1002 ¶281. For example, Karidi aims to “enhance browsing experience and

minimize shopping cart abandonment” (Ex-1006 ¶15) by displaying “promotional material, help icons, chat icons, sale items” (*id.* ¶17). *See also id.* ¶36 (similar). Similarly, Sayed teaches that visitor information is used by an e-mail marketing center to enable the name, interests, and e-mail information to be added to an e-mail list so that an e-mail marketing center may “send out ***highly targeted e-mail messages.***” Ex-1009, 18:1-10.

A POSITA would have been motivated to increase user interaction by providing a customized experience to each customer using marketing techniques on a website. Ex-1002 ¶¶282-283. One such technique is to send a link to the customized web site directly to a customer, after a previous visit, to encourage them to revisit the website, as taught by Thomas. Thomas offers additional benefits to Coursol-Karidi-Sayed’s customized website design. Specifically, Thomas provides a customer interface portal webpage (Ex-1008 ¶197) that allows a user to register with their identification details (*id.* ¶203). Using the customer’s details, Thomas communicates directly with the customer through email to “notify a household of a customized website, and provide updates that new offers or special offers are available to the customer on their customized website.” *Id.* ¶131.

A POSITA motivated to enhance a website designer with known functionality of providing marketing emails (such as Coursol-Karidi-Sayed) would have implemented Thomas’ method of notifying customers directly of a customized

website and new offers as an option in Coursol-Karidi-Sayed's customized website in order to provide individualized content that is tailored to a customer's needs, interests, and habits. Ex-1008 ¶¶3-4; Ex-1002 ¶284.

A POSITA would have had a reasonable expectation of success in combining Thomas' teachings with Coursol-Karidi-Sayed because their customized website methods and systems are similar and are interchangeable software methods. Ex-1002 ¶285. Moreover, a POSITA would have understood, therefore, that these references disclose interrelated teachings based on routine technologies that would have been amenable to various well-understood and predictable combinations. *Id.*

2. Dependent Claims 7, 8, and 20

a. Claims 7/20: The [method of claim 1]/[non-transitory computer-readable medium of claim 16], wherein the plurality of sequential webpages are configured to be provided sequentially one after another during multiple different web browsing sessions.

Coursol-Karidi-Sayed-Thomas teaches claims 7 and 20. Ex-1002 ¶¶286-287. Coursol-Karidi-Sayed-Thomas teaches that webpages are provided sequentially one after another during multiple different web browsing sessions. Thomas provides a link to a webpage in an email to the customer, such that email is used to "notify a household of a customized website, and provide updates that new offers or special offers are available to the customer on their customized website." Ex-1008 ¶131. Once the user accesses the emailed link, the plurality of sequential webpages are

provided to the user one after the other, during a second web browsing session similar to the one example described by the '357 patent. Ex-1002 ¶287. Specifically, the '357 patent explains that a second webpage of a series of directional webpages may be presented in a second processing session “initiated in response to an interaction with *an email sent to a guest by the website creation system.*” Ex-1001, 7:40-46. Thomas, like the '357 patent, provides a customized website in a second web browsing session in response to an interaction with an email sent to a guest by the website creation system. Ex-1002 ¶287.

b. Claim 8: The method of claim 1, wherein at least one webpage of the series of directional webpage of the selected website type of the plurality of website types is only accessible via a link from an email.

Coursol-Karidi-Sayed-Thomas teaches claim 8. Ex-1002 ¶¶288-289. Coursol-Karidi-Sayed-Thomas teaches that at least one webpage is only accessible via a link from an email. A POSITA would have been motivated for one directional webpage in Coursol-Karidi-Sayed to only be accessible via the email, in view of Thomas. Thomas uses email “to announce a customized savings offer program, notify a household of a customized website, and provide updates that new offers or special offers are available to the customer on their customized website.” Ex-1008 ¶131. In one embodiment, Thomas’ customer can only receive a hot offer by “loading the offer from the retailer website.” *Id.* ¶230. A POSITA would have

recognized that Thomas thus presents one webpage that is only accessible via an emailed link. Ex-1002 ¶289.

XI. THE BOARD SHOULD NOT USE ITS DISCRETION TO DENY INSTITUTION UNDER *FINTIV*

At this time, the district court has not set a trial date, and therefore the concerns animating the Board’s precedent in *NHK/Fintiv* are not present. If, prior to institution, the court sets a trial date and PO thus raises an *NHK/Fintiv* argument, Petitioner will respectfully request an opportunity to respond to PO.

XII. CONCLUSION

For the reasons above, Petitioner requests institution of IPR for Claims 1-20 of the ’357 patent based on each of the grounds specified in this Petition.

Date: December 3, 2024

Respectfully submitted,

/s/ William M. Fink

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing Petition for *Inter Partes* Review contains 13,981 words, excluding those portions identified in 37 C.F.R. § 42.24(a), as measured by the word-processing system used to prepare this paper.

/s/ William M. Fink

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on December 3, 2024, by filing this document through the Patent Trial and Appeal Board P-TACTS System, as well as delivering a copy via express mail upon the attorney of record for the patent at the following address:

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