

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

**DECLARATION OF DR. KEVIN C. ALMEROOTH IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 10,846,357**

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I. INTRODUCTION

1. I have been retained by HighLevel, Inc. (“Petitioner”) as an independent expert consultant in this proceeding before the Patent Trial and Appeal Board (“PTAB” or “Board”).

2. I understand that HighLevel is requesting that the Board institute an inter partes review (“IPR”) proceeding of U.S. Patent No. 10,846,357 (“the ’357 patent”) (Ex-1001), currently assigned to ClickFunnels (“Patent Owner” or “PO”).

3. I am not and have never been an employee of HighLevel. I am being compensated at my usual and customary rate of \$850 per hour. No part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

4. I have been asked to provide my independent analysis of the ’357 patent in light of the prior art publications cited below. I have also been asked to consider the state of the art and prior art available as of January 25, 2018. Based on the prior art discussed in this declaration, it is my opinion that Claims 1-20 of the ’357 patent are unpatentable for the reasons provided below.

A. Background and Qualifications

5. I am currently a Professor Emeritus in the Department of Computer Science at the University of California, Santa Barbara (UCSB). While at UCSB, I held faculty appointments and was a founding member of the Computer Engineering

(CE) Program, Media Arts and Technology (MAT) Program, and the Technology Management Program (TMP). I also served as the Associate Director of the Center for Information Technology and Society (CITS) from 1999 to 2012. I have been a faculty member at UCSB since July 1997.

6. I hold three degrees from the Georgia Institute of Technology: (1) a Bachelor of Science degree in Information and Computer Science (with minors in Economics, Technical Communication, and American Literature) earned in June 1992; (2) a Master of Science degree in Computer Science (with specialization in Networking and Systems) earned in June 1994; and (3) a Doctor of Philosophy (Ph.D.) degree in Computer Science (Dissertation Title: Networking and System Support for the Efficient, Scalable Delivery of Services in Interactive Multimedia System, minor in Telecommunications Public Policy) earned in June 1997. During my education, I took a wide variety of courses as demonstrated by my minor. My undergraduate degree also included a number of courses more typical of a degree in electrical engineering including digital logic, signal processing, and telecommunications theory.

7. One of the major concentrations of my research over the past 30+ years has been the delivery of multimedia content and data between computing devices, including through various network architectures. In my research, I have studied largescale content delivery systems, and the use of servers located in a variety of

geographic locations to provide scalable delivery to hundreds or thousands of users simultaneously. I have also studied smaller-scale content delivery systems in which content is exchanged between individual computers and portable devices. My work has emphasized the exchange of content more efficiently across computer networks, including the scalable delivery of content to many users, mobile computing, satellite networking, delivering content to mobile devices, and network support for data delivery in wireless networks.

8. In 1992, the initial focus of my research was on the provision of interactive functions (e.g., VCR-style functions like pause, rewind, and fast-forward) for near video-on-demand systems in cable systems; in particular, how to aggregate requests for movies at a cable head-end and then how to satisfy a multitude of requests using one audio/video stream broadcast to multiple receivers simultaneously. This research has continually evolved and resulted in the development of techniques to scalably deliver on-demand content, including audio, video, web documents, and other types of data, through the Internet and over other types of networks, including over cable systems, broadband telephone lines, and satellite links.

9. An important component of my research has been investigating the challenges of communicating multimedia content, including video, between computers and across networks including the Internet. Although the early Internet

was used mostly for text-based, non-real time applications, the interest in sharing multimedia content, such as video, quickly developed. Multimedia-based applications ranged from downloading content to a device to streaming multimedia content to be instantly used. One of the challenges was that multimedia content is typically larger than text-only content, but there are also opportunities to use different delivery techniques since multimedia content is more resilient to errors. I have worked on a variety of research problems and used a number of systems that were developed to deliver multimedia content to users. One content-delivery method I have researched is the one-to-many communication facility called “multicast,” first deployed as the Multicast Backbone, a virtual overlay network supporting one-to-many communication. Multicast is one technique that can be used on the Internet to provide streaming media support for complex applications like video-on-demand, distance learning, distributed collaboration, distributed games, and large-scale wireless communication. The delivery of media through multicast often involves using Internet infrastructure, devices and protocols, including protocols for routing and TCP/IP.

10. Starting in 1997, I worked on a project to integrate the streaming media capabilities of the Internet together with the interactivity of the web. I developed a project called the Interactive Multimedia Jukebox (IMJ). Users would visit a webpage and select content to view. The content would then be scheduled on one of

a number of channels, including delivery to students in Georgia Tech dorms delivered via the campus cable plant. The content of each channel was delivered using multicast communication.

11. In the IMJ, the number of channels varied depending on the capabilities of the server including the available bandwidth of its connection to the Internet. If one of the channels was idle, the requesting user would be able to watch their selection immediately. If all channels were streaming previously selected content, the user's selection would be queued on the channel with the shortest wait time. In the meantime, the user would see what content was currently playing on other channels, and because of the use of multicast, would be able to join one of the existing channels and watch the content at the point it was currently being transmitted.

12. The IMJ service combined the interactivity of the web with the streaming capabilities of the Internet to create a jukebox-like service. It supported true Video-on-Demand when capacity allowed, but scaled to any number of users based on queuing requested programs. As part of the project, we obtained permission from Turner Broadcasting to transmit cartoons and other short-subject content. We also connected the IMJ into the Georgia Tech campus cable television network so that students in their dorms could use the web to request content and then view that content on one of the campus's public access channels.

13. More recently, I have also studied issues concerning how users choose content, especially when considering the price of that content. My research has examined how dynamic content pricing can be used to control system load. By raising prices when systems start to become overloaded (i.e., when all available resources are fully utilized) and reducing prices when system capacity is readily available, users' capacity to pay as well as their willingness can be used as factors in stabilizing the response time of a system. This capability is particularly useful in systems where content is downloaded or streamed on-demand to users.

14. As a parallel research theme, starting in 1997, I began researching issues related to wireless devices and sensors. In particular, I was interested in showing how to provide greater communication capability to "lightweight devices," i.e., small form-factor, resource-constrained (e.g., CPU, memory, networking, and power) devices. Starting in 1998, I published several papers on my work to develop a flexible, lightweight, battery-aware network protocol stack. The lightweight protocols we envisioned were similar in nature to protocols like Bluetooth, Universal Plug and Play (UpnP) and Digital Living Network Alliance (DLNA).

15. From this initial work, I have made wireless networking—including ad hoc, mesh networks and wireless devices—one of the major themes of my research. My work in wireless networks spans the protocol stack from applications through to the encoding and exchange of data at the data link and physical layers.

16. At the application layer, even before the large-scale “app stores” were available, my research looked at building, installing, and using apps for a variety of purposes, from network monitoring to support for traditional computer-based applications (e.g., content retrieval) to new applications enabled by ubiquitous, mobile devices. For example, my research has looked at developing applications for virally exchanging and tracking “coupons” through “opportunistic contact” among mobile wireless devices (i.e., communication among devices moving into communication range with each other). In many of the courses I have taught there is a project component. Through these projects I have supervised numerous efforts to develop new “apps” for download and use across a variety of mobile platforms.

17. Toward the middle of the protocol stack, my research has also looked to build wireless infrastructure support to enable communication among a set of mobile devices unaided by any other kind of network infrastructure. These kinds of networks are useful either in challenged network environments (e.g., when a natural disaster has destroyed existing infrastructure) or when suitable support for network communication never existed. The deployment of such networks (or even the use of traditional network support) are critical to support services like disaster relief, catastrophic event coordination, and emergency services deployment.

18. Yet another theme is monitoring wireless networks, in particular different variants of IEEE 802.11 compliant networks, to (1) understand the

operation of the various protocols used in real-world deployments, (2) use these measurements to characterize use of the networks and identify protocol limitations and weaknesses, and (3) propose and evaluate solutions to these problems. I have successfully used monitoring techniques to study wireless data link layer protocol operation and to improve performance by enhancing the operation of such protocols. For wireless protocols, this research includes functions like network acquisition and channel bonding.

19. One theme in my wireless network research has been cross-layer solutions and innovations. As mentioned above, with greater wireless device use and network support, we envisioned new application paradigms and services, for example, when mobile devices come into contact with each other. Instead of relying on existing infrastructure to relay communication, the devices are able to discover each other and communicate directly. Other examples include discovering and using location information to enhance users' experiences. Network support and novel applications span use a variety of network architectures supporting users on foot, in vehicles, and across varying terrains and environments. Finally, we studied how communication efficiency can be supported through intelligent handoffs as well as location and movement prediction.

20. Protecting networks, including their operation and content, has been an underlying theme of my research almost since the beginning of my research career.

Starting in 2000, I have been involved in several projects that specifically address security, network protection, and firewalls. After significant background work, a team on which I was a member successfully submitted a \$4.3M grant to the Army Research Office (ARO) at the Department of Defense to propose and develop a high-speed intrusion detection system. Key aspects of the system included associating streams of packets and analyzing them for viruses and other malware. Once the grant was awarded, we spent several years developing and meeting the milestones of the project. A number of my students worked on related projects and published papers on topics ranging from intrusion detection to developing advanced techniques to be incorporated into firewalls. I have also used firewalls, including their associated malware detection features, in developing techniques for the classroom to ensure that students are not distracted by online content.

21. My recent work ties some of the various threads of my past research together. I have investigated content delivery in online social networks and proposed reputation management systems in large-scale social networks and marketplaces. On the content delivery side, I have looked at issues of caching and cache placement, especially when content being shared and the cache has geographical relevance. We were able to show that effective caching strategies can greatly improve performance and reduce deployment costs. Our work on reputation systems showed that reputations have economic value, and as such, creates a motivation to manipulate

reputations. In response, we developed a variety of solutions to protect the integrity of reputations in online social networks. The techniques we developed for content delivery and reputation management were particularly relevant in peer-to-peer communication and recommendations for downloadable “apps.”

22. As an important component of my research program, I have been involved in the development of academic research into available technology in the market place. One aspect of this work is my involvement in the Internet Engineering Task Force (IETF). The IETF is a large and open international community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet. I have been involved in various IETF groups including many content delivery-related working groups like the Audio Video Transport (AVT) group, the MBone Deployment (MBONED) group, Source Specific Multicast (SSM) group, the Inter-Domain Multicast Routing (IDMR) group, the Reliable Multicast Transport (RMT) group, the Protocol Independent Multicast (PIM) group, etc. I have also served as a member of the Multicast Directorate (MADDOGS), which oversaw the standardization of all things related to multicast in the IETF. Finally, I was the Chair of the Internet2 Multicast Working Group for seven years.

23. My involvement in the research community extends to leadership positions for several academic journals and conferences. I am the co-chair of the

Steering Committee for the ACM Network and System Support for Digital Audio and Video (NOSSDAV) workshop and on the Steering Committees for the International Conference on Network Protocols (ICNP), ACM Sigcomm Workshop on Challenged Networks (CHANTS), and IEEE Global Internet (GI) Symposium. I have served or am serving on the Editorial Boards of IEEE/ACM Transactions on Networking, IEEE Transactions on Mobile Computing, IEEE Network, ACM Computers in Entertainment, AACE Journal of Interactive Learning Research (JILR), and ACM Computer Communications Review. I have co-chaired a number of conferences and workshops including the IEEE International Conference on Network Protocols (ICNP), IEEE Conference on Sensor, Mesh and Ad Hoc Communications and Networks (SECON), International Conference on Communication Systems and Networks (COMSNETS), IFIP/IEEE International Conference on Management of Multimedia Networks and Services (MMNS), the International Workshop On Wireless Network Measurement (WiNMee), ACM Sigcomm Workshop on Challenged Networks (CHANTS), the Network Group Communication (NGC) workshop, and the Global Internet Symposium, and I have served on the program committees for numerous conferences.

24. Furthermore, in the courses I taught at UCSB, a significant portion of my curriculum covered aspects of the Internet and network communication including the physical and data link layers of the Open System Interconnect (OSI)

protocol stack, and standardized protocols for communicating across a variety of physical media such as cable systems, telephone lines, wireless, and high-speed Local Area Networks (LANs). The courses I have taught also cover most major topics in Internet communication, including data communication, multimedia encoding, and mobile application design. My research and courses have covered a range of physical infrastructures for delivering content over networks, including cable, Integrated Services Digital Network (ISDN), Ethernet, Asynchronous Transfer Mode (ATM), fiber, and Digital Subscriber Line (DSL). For a complete list of courses I have taught, see my curriculum vitae (CV).

25. In addition, I co-founded a technology company called Santa Barbara Labs that was working under a sub-contract from the U.S. Air Force to develop very accurate emulation systems for the military's next generation internetwork. Santa Barbara Labs' focus was in developing an emulation platform to test the performance characteristics of the network architecture in the variety of environments in which it was expected to operate, and, in particular, for network services including Ipv6, multicast, Quality of Service (QoS), satellite-based communication, and security. Applications for this emulation program included communication of a variety of multimedia-based services, including video conferencing and video-on-demand.

26. In addition to having co-founded a technology company myself, I have worked for, consulted with, and collaborated with companies for nearly 30 years. These companies range from well-established companies to start-ups and include IBM, Hitachi Telecom, Turner Broadcasting System (TBS), Bell South, Digital Fountain, RealNetworks, Intel Research, Cisco Systems, and Lockheed Martin.

27. Through my graduate education, leadership with CITS, involvement in TMP, role in the development of the Internet2 infrastructure, and consulting with ISPs, I have gained a strong understanding in the role of the Internet in our society and the challenges of deploying large-scale production networking infrastructure. CITS, since its inception, has looked at the role of the Internet in society, including how the evolution of technology have created communication opportunities and challenges, including, for example through disruptive technologies like P2P. TMP looks to focus on non-purely technical issues, including, for example, state-of-the-art business methods, strategies for successful technology commercialization, new venture creation, and best practices for fostering innovation. Through my industry collaborations and Internet2 work, I have developed significant experience in the challenges of deploying, monitoring, managing, and scaling communication infrastructure to support evolving Internet services like streaming media, conferencing, content exchange, social networking, and e-commerce.

28. I am a Member of the Association of Computing Machinery (ACM) and a Fellow of the Institute of Electrical and Electronics Engineers (IEEE).

29. Additional details about my employment history, fields of expertise, courses taught, and publications are further included in my CV attached as Ex-1003.

30. Based on my professional experience, I believe I am qualified to testify as an expert on matters related to the patent at issue.

B. Information Considered

31. In forming my opinions, I reviewed the following documents, in addition to others I have cited in my declaration. I also relied on my own knowledge of and experience in the field of website creation.

Exhibit No.	DESCRIPTION
1001	U.S. Patent 10,846,357 (“357 patent”)
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”)

Exhibit No.	DESCRIPTION
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”)
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)

Exhibit No.	DESCRIPTION
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 Appendix
1031	Screenshots of “Google Optimize Tutorial: How to Get Started Quickly,” available at https://youtu.be/IzTLxFOETgc?si=44HBVYF7PUgzADaj
1032	U.S. Patent Application Publication No. 2013/0198679 to Nurse et al. (“Nurse”)

II. LEGAL STANDARDS

32. In forming my opinions and considering the subject matter of the ’357 patent and its claims in light of the prior art, I am relying on certain legal principles that counsel in this case explained to me. My understanding of these concepts is summarized below.

33. I understand that earlier publications and patents may act to render a patent unpatentable for one of two reasons: (1) anticipation, and (2) obviousness.

A. Anticipation

34. As explained to me by counsel, the claims of a patent are anticipated by a prior art reference if each and every element of the claim is found either explicitly or inherently in the reference. I understand that inherency requires a showing that the missing descriptive matter in the claim is necessarily present in the allegedly anticipating reference, and that it would have been so recognized by a person of ordinary skill in the art (“POSITA”).

35. I understand that when a challenged claim covers several structures, either generically or as alternatives, the claim is deemed anticipated if any of the structures within the scope of the claim is found in the prior art reference.

36. Although anticipation typically involves the analysis of a single prior art reference, I understand that additional references may be used to show that the prior art reference has enabling disclosure (i.e., allows a POSITA to make the invention without undue experimentation), to explain the meaning of a term used in the prior art reference, and/or to show that a characteristic is inherent in the prior art reference.

B. Obviousness

37. As explained to me by counsel, a claim is invalid as obvious if it would have been obvious to a person of ordinary skill in the art at the time the alleged invention was made. This means that even if all of the elements of the claim cannot

be found in a single prior art reference that would anticipate the claim, a person of ordinary skill in the art who was aware of the prior art would have been able to come up with the claimed invention. This may be the case, for example, where the missing element represents only an insubstantial different over the prior art or a reconfiguration of a known system. I understand that in an obviousness determination, the person of ordinary skill in the art is presumed to have knowledge of all material prior art.

38. I understand that an obviousness analysis requires an understanding of the scope and content of the prior art, any differences between the alleged invention and the prior art, and the level of ordinary skill in evaluating the pertinent art.

39. I understand that when a product is available, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill in the art can implement a predictable variation, obviousness likely bars its patentability. For the same reason, if a technique has been used to improve one device and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique would have been obvious.

40. I understand that whether a prior art reference renders a patent claim unpatentable as obvious is determine from the perspective of a person of ordinary skill in the art at the time of the alleged invention. I have been told that there is not

requirement that the prior art contain an express suggestion to combine known elements to achieve the claimed invention, but a suggestion to combine known elements to achieve the claimed invention may come from the prior art, as filtered through the knowledge of one skilled in the art. In addition, I have been told that the inferences and creative steps a person of ordinary skill in the art would employ are relevant to the determination of obviousness.

41. I understand that one may consider, e.g., whether (1) the change was merely the predictable result of using prior art elements according to their known functions, or whether it was the result of true inventiveness; (2) there is some teaching or suggestion in the prior art to make the modification or combination of elements claimed in the patent; (3) the claimed innovation applies a known technique that had been used to improve a similar device or method in a similar way; (4) the claimed invention would have been obvious to try, meaning that the claimed innovation was one of a relatively small number of possible approaches to the problem with a reasonable expectation of success by those skilled in the art; (5) the invention merely substituted one known element for another known element in order to obtain predictable results; (6) the invention merely applies a known technique to a known device, method, or product to yield predictable results; or (7) known work in one field of endeavor may have prompted variations of it for use in either the same

field or a different one based on design incentives or other market forces that would have been predictable to a person of ordinary skill in the art.

42. I further understand that certain factors may support or rebut the obviousness of a claim. I understand that such secondary considerations include, among other things, commercial success of the patented invention, skepticism of those having ordinary skill in the art at the time of the invention, unexpected results of the invention, any long-felt but unsolved need in the art that was satisfied by the alleged invention, the failure of others to make the alleged invention, praise of the alleged invention by those having ordinary skill in the art, and copying of the alleged invention by others in the field. I understand that there must be a nexus—that is, a connection—between any such secondary considerations and the alleged invention. I also understand that contemporaneous and independent invention by others is a secondary consideration tending to show obviousness.

43. I am not aware of any allegations by the named inventor of the '357 patent or any assignee of the '357 patent that any secondary considerations tend to rebut the obviousness of the '357 patent.

44. Additionally, I understand that in considering obviousness, it is important not to use the benefit of hindsight derived from the patent under consideration.

C. Level of Ordinary Skill in the Art

45. When interpreting a patent, I understand that it is important to identify the relevant art pertaining to that patent, as well as the level of ordinary skill in that art at the time of the claimed invention. The “art” is the field of technology to which the patent is related.

46. I am informed and understand that the POSITA is a hypothetical person who is presumed to know the relevant prior art. I understand that the actual inventor’s skill is not determinative of the level of ordinary skill. I further understand that factors that may be considered in determining level of skill include: (i) the types of problems encountered in the art; (ii) prior art solutions to those problems; (iii) the rapidity with which innovations are made; (iv) the sophistication of the technology; and (v) the educational level of active workers in the field. I understand that not all such factors may be present in every case, and one or more of them may predominate.

47. I understand that a POSITA is one who is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity.

48. A person of ordinary skill in the art (“POSITA”) at the time of the alleged invention of the ’357 patent, which I have been told to consider as January 25, 2018, 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.

49. Based on my knowledge, skill, and experience, I have an understanding of the capabilities of a person of ordinary skill in the relevant art. For example, from my industry experience, I am familiar with what an engineer would have knowledge of when designing systems to communicate multimedia content, including video, between computers and across networks including the Internet such as using websites. From teaching and supervising undergraduate and graduate students, I also have an understanding of the knowledge that a person of skill in the art would have. Furthermore, I possessed the knowledge of a POSITA myself at least as of 1994 and certainly by 2018.

D. Claim Construction

50. I understand that the United States Patent and Trademark Office interprets claim terms in an inter partes review proceeding under the same claim construction standard that is used in a United States federal court. I understand that under this standard, the meaning of claim terms is considered from the viewpoint of a POSITA at the time of the alleged invention.

51. I have been informed that claim terms are generally given their ordinary and customary meaning as understood by one of ordinary skill in the art in the

context of the claims and in light of the specification and the prosecution history pertaining to the patent. I understand, however, that claims terms are generally not limited by the embodiments described in the specification.

52. I understand that in addition to the claims, specification, and prosecution history, other evidence may be considered to ascertain the meaning of claim terms, including textbooks, encyclopedias, articles, and dictionaries. I have been informed that this other evidence is often less significant and less reliable than the claims, specification, and prosecution history.

53. As discussed below in Section V, I have given all the claim terms their plain and ordinary meaning, as would have been understood by a person having ordinary skill in the art at the time of the alleged invention, which I understand is January 25, 2018, having taken into consideration the language of the claims, the specification, and the prosecution history of record.

III. SUMMARY OF OPINIONS

54. I understand that Petitioner challenges the validity of Claims 1-20 of the '357 patent. For the reasons I discuss below, it is my opinion that Claims 1-20 of the '357 patent are rendered obvious by the prior art, according to the following grounds:

- Ground 1: Claims 1, 2, 6, 7, 11-17, 19 and 20 are obvious over Coursol (Ex-1005) in view of Karidi (Ex-1006)

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

IV. THE CHALLENGED PATENT

A. Overview of the '357 patent

55. The '357 patent was filed January 25, 2018. I apply the earliest alleged priority date of the '357 patent for my analysis herein, which I understand is January 25, 2018. I understand that at this time there is no evidence of an earlier date of invention. I do not believe that such evidence would materially affect my opinions as to the state of the art at the time of invention, however, I will consider the effect of an alleged earlier date of invention if and when such a contention is made.

56. The '357 patent describes a method, system, and computer readable medium to create a website. The process first starts by providing a plurality of “website types” for selection, as shown in Figure 3B below.¹

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

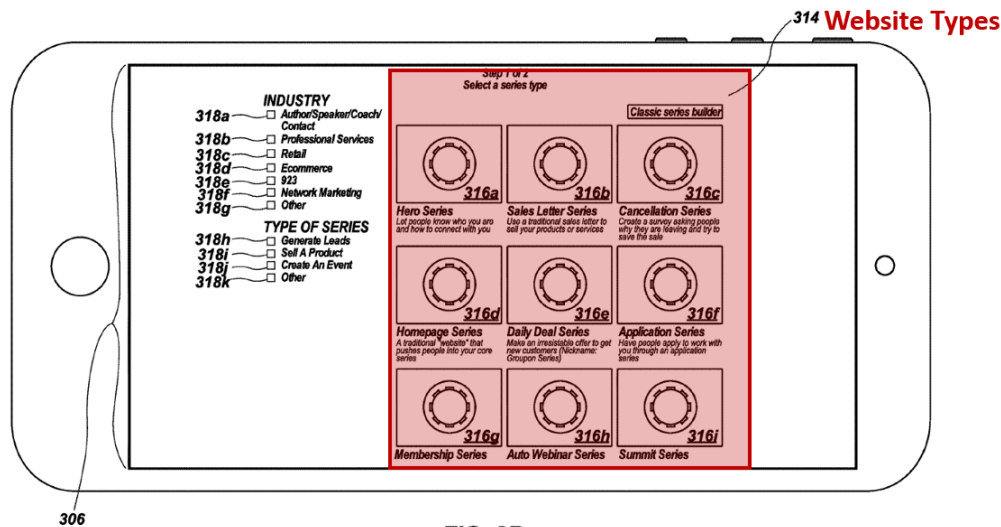


FIG. 3B

57. 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. Example user interactions may include:

remaining on the website, opting into an email list, opting into receiving push messages via a social media network, application, or web browser, providing contact information (e.g., an email address, a telephone number, a social media identifier, etc.), sharing a portion of the website on social media, completing a purchase, accepting an up-sell option, completing multiple purchases, adding an item to a cart, visiting another website, interacting with a chat messenger, viewing a video on the website, interacting with a webinar, viewing an image on the website, etc.

Ex-1001, 7:23-35.

58. 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.

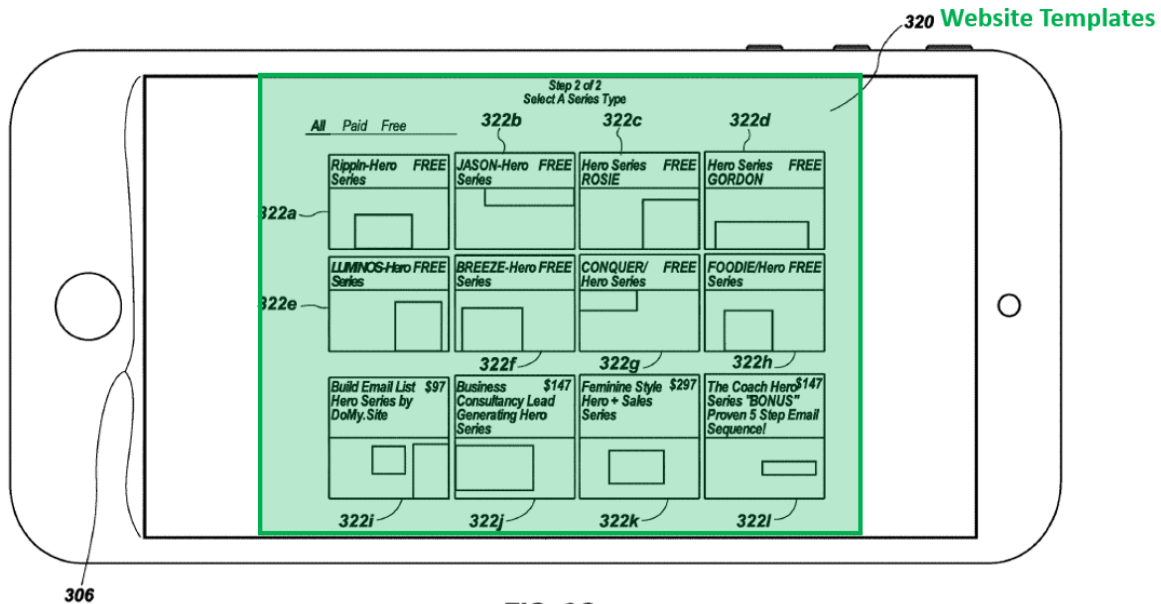


FIG. 3C

59. 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 displaying selectable elements that allows the system administrator to add media objects (*id.*, 17:1-16) and edit the elements of a webpage within the customized website. *Id.*, 17:26-37. In response to receiving an indication that the user is editing a webpage, the website creation system edits the launched website according to the user's edits. *Id.*, 17:41-45.

60. The website creation graphical user interface includes a plurality of webpage tabs representing each directional webpage of the website and a "split test

selectable element.” Ex-1001, 19:40-44, 19:52-53. The split test selectable element may enable a system administrator to create two different webpages when visiting the website and assigning what percentage of the guests will be shown each variation. *Id.*, 19:59-20:9. Additionally, the website creation graphical user interface may also provide “an automation tab” so that the system administrator can create rules on how to respond to triggers. For example, when a guest visits the website, makes a purchase, or opts in to a communication list, the system may send a message to the guest when one of the triggers occurs. Ex-1001, 20:19-34.

B. Prosecution History

61. 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,” because a menu of options do not teach tabs presenting a series of directional webpages. Ex-1004, 359-366. Later during prosecution, 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. The claims were subsequently allowed on May 20, 2020.

62. I understand, as informed by counsel, that none of the art relied upon in this petition was ever submitted or considered during prosecution of the ’357 patent.

V. CLAIM CONSTRUCTION

63. As I discussed above in Section II.D, I have given the plain and ordinary meaning to the terms of the ’357 patent. I am unaware of any prior claim construction determination related to the ’357 patent. Given the close correlation and substantial identity between the prior art references and the Challenged Claims, I believe that no express constructions of the claims are necessary to assess whether the prior art reads on the Challenged Claims.

64. 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 embodiments.

² I understand 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. I understand Petitioner will notify the Board of any such claim construction determinations.

65. For example, the independent claims recite “a series of directional webpages configured to cause an end user interaction with a website.” 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).

66. Accordingly, it is my opinion that “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.

VI. TECHNOLOGY BACKGROUND

A. Website Creation Systems

67. Website creation systems were well known before 2018. For example, D’Arlach (U.S. Patent No. 6,026,433) was filed March 17, 1997 and issued February 15, 2000, is just one example of a website creation system. D’Arlach teaches a computer-implemented method for easily and efficiently creating and editing a

website. Ex-1010, 2:30-33. Specifically, “an end-user uses client computer 100 to execute a browser program stored in memory 130 to request, retrieve, and display network documents such as Web pages.” Ex-1010, 3:64-67. The end-user client computer includes a “display monitor 110” to display the pages to the user. *Id.*, 3:44-49.

68. Figure 7 is an example “initial display screen for creating and editing” a website such as displaying top frame 702, left-hand frame 704 and right-hand frame 706 with selectable options. Ex-1010, 7:57-62. Specifically, top frame 702 includes a menu bar to access the site and page creation features, left-hand frame 704 displays pages while they are edited while right-hand frame 706 is used to display the editing tools and forms. *Id.*, 7:62-67. As shown in Figure 7, the user first clicks on “the New button in the menu bar” (blue) to create a new website. Ex-1010, 8:37-39.

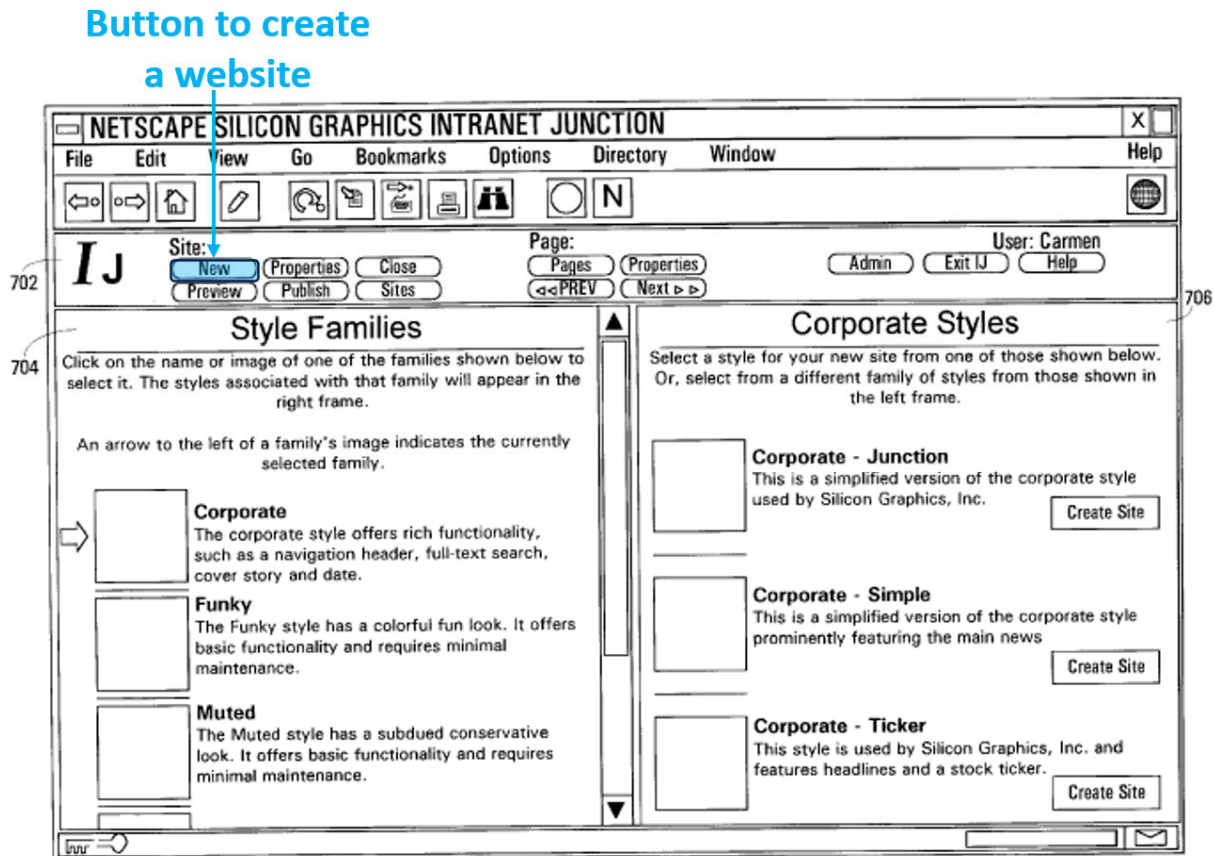


FIGURE 7

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69. In response to the user selecting the “new” button, D’Arlach presents the list of “style families in the left-hand frame 704.” Ex-1010, 8:36-42. D’Arlach’s “style families” are categories of pre-built style templates. *Id.*, 4:54-56. Specifically, the user is presented a “Corporate template or corresponding thumbnail image in the left-hand frame 704 to display the Corporate styles in the right-hand frame 706.” Ex-1009, 8:39-42. Therefore, in response to the user selecting a “Corporate” style family (orange) from the style families (red, i.e., website types), “Corporate” templates are presented (green).

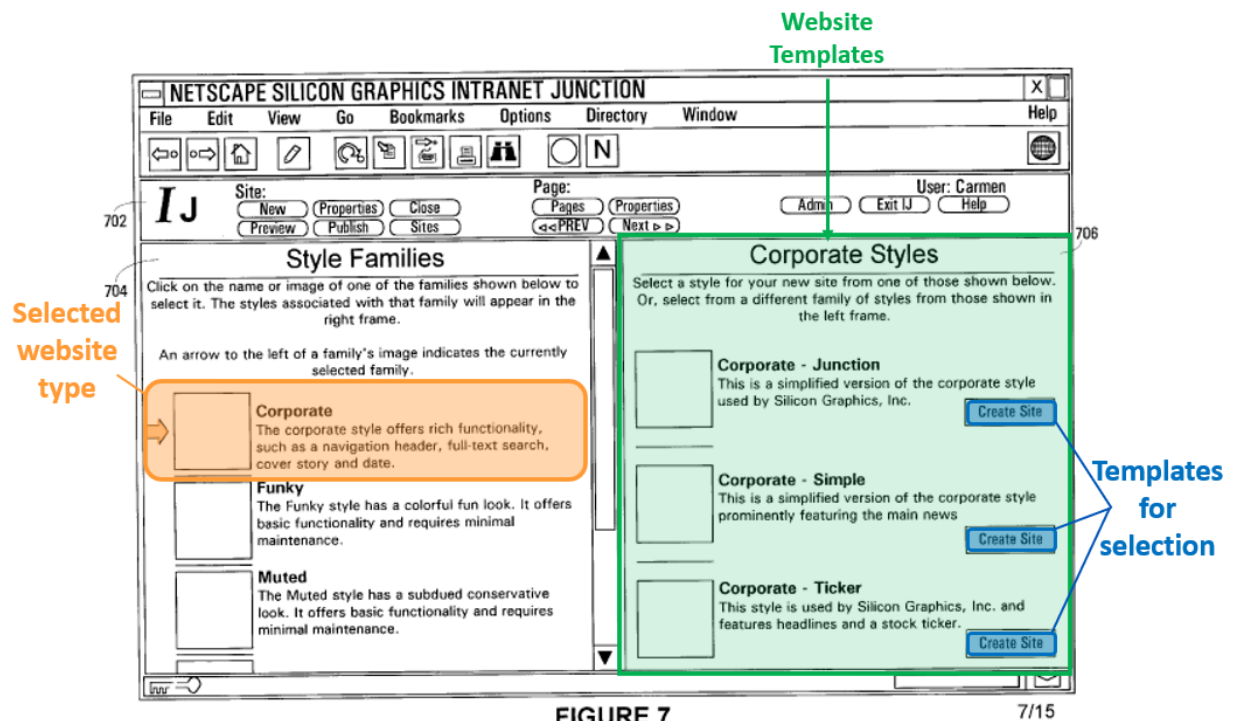


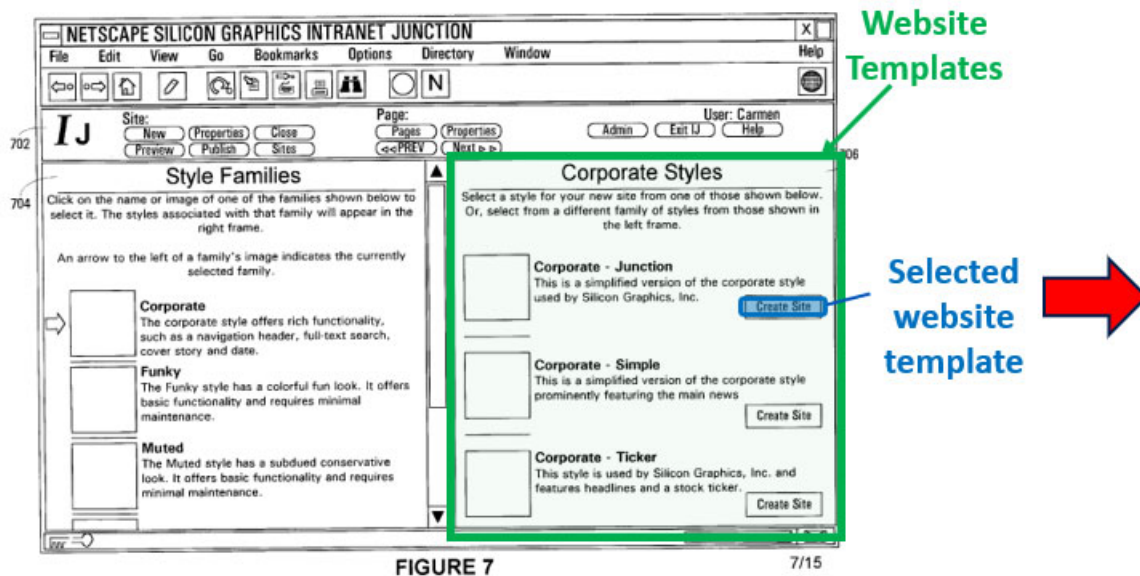
FIGURE 7

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70. As shown above in Figure 7, once the user selects the style family in the left-hand frame 704, the “Corporate styles” templates are displayed in the right-hand frame 706. A style template is pre-built with “customizable objects or elements: buttons (i.e., graphics), text labels, and other elements. Each element in turn has attributes or properties associated with it.” Ex-1010, 4:54-55. 4:61-64; see *also id.* 5:3-13 (same). Therefore, as shown in Figure 7 above, after the user selects the corporate family style (orange), the user then selects a template from the right-hand frame 706 (green) by “click[ing] the Create Site button next to the selected ‘Corporate-Junction’ style” (blue). Ex-1010, 8:39-43.

71. To allow the user to create a new website, D’Arlach’s program makes a copy of an existing template in the server computer so that the user may customize

and edit the working copy of the template. *Id.*, 5:14-18. Specifically, D'Arlach's program duplicates an existing template in the server computer so that the user may customize and edit a new but unpublished working copy of the template. Ex-1010, 5:38-46.



Generate and
launched generic
website

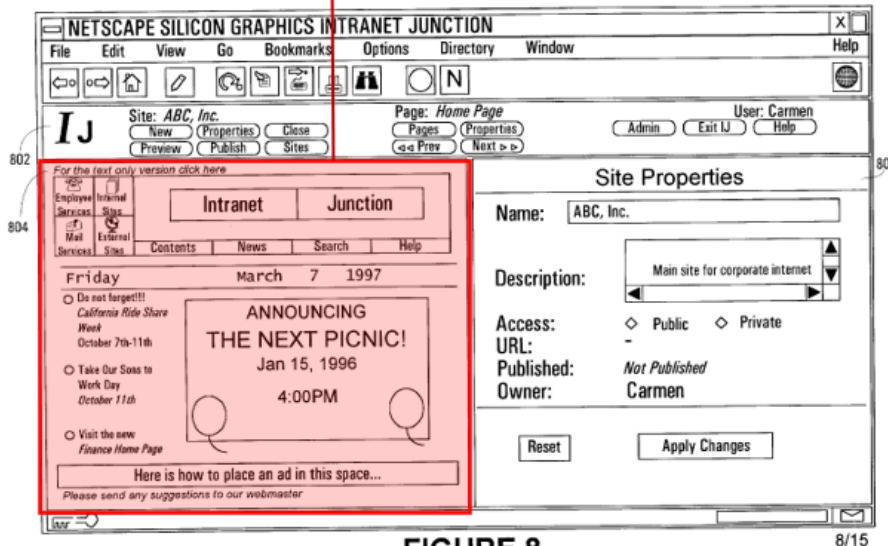


FIGURE 8

72. Upon selecting the “corporate style family” website type, “exemplary pages are automatically generated upon selecting a style template.” Ex-1020, 8:58-59. Specifically, the user is presented with webpages associated the selected page template, such as “a free form page, blank page, search pages, or a URL list.” Ex-1010, 7:26-31. A user is also able to add new pages “by linking them to a page within a Website.” *Id.*; *see also id.*, 9:29-34 (“allows the user to link to a page in the Website by clicking to a page in the World Wide Web by entering its URL.”). As shown in Figure 9 below, the “Corporate style family” thus includes “7 pages,” including external sites, a home page and internal sites.

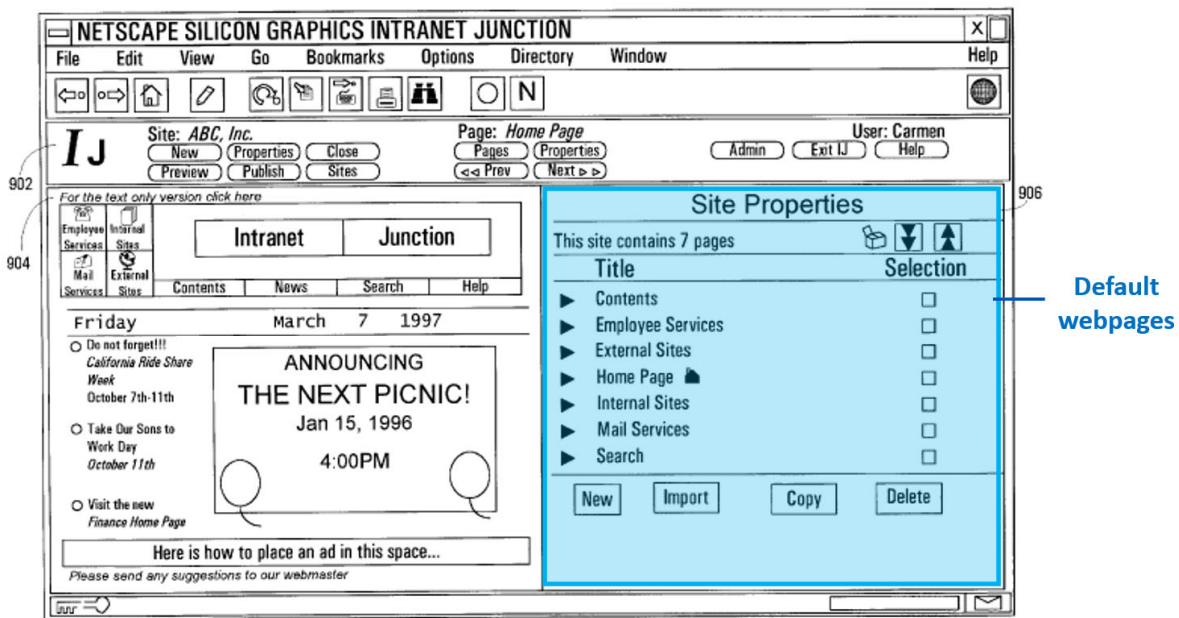
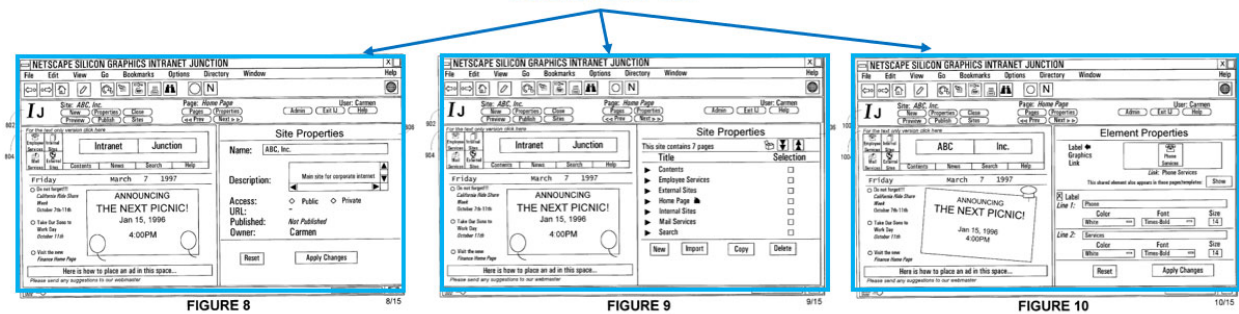


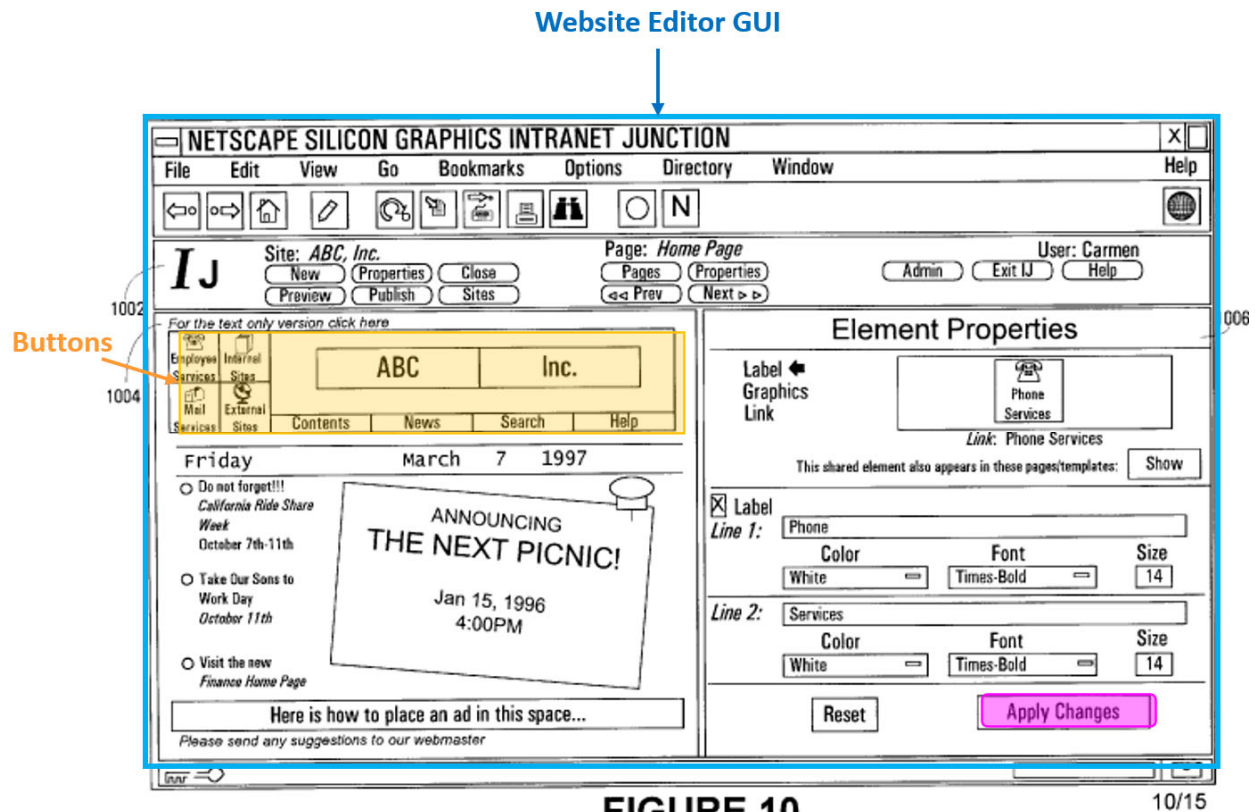
FIGURE 9

73. As described above, D'Arlach's display screen is provided to the user with top frame 702, left-hand frame 704, and right-hand frame 706 to creating and edit a new website. Once the template is selected and duplicated for the user to edit, the user then customizes or edits the working copy of the template through a "series of forms displayed by a browser on the client computer." Ex-1009, 5:16-21, 8:44-45. Specifically, Figure 8 depicts the site properties page for the user to edit (*id.*, 8:44-54), Figure 9 depicts the pages in the site (*id.*, 8:54-59), and Figure 10 depicts the screen for changing the text attributes of a button on the website. *Id.*, 8:60-64. D'Arlach provides a website editor graphical user interface in response to the website template selection because it guides the user through a series of forms to customize the selected website template.

Website Editor GUI



74. Specifically, as shown in Figure 10, the user is able to customize the elements and their associated properties shown in the website displayed in left-hand frame 1004, by selecting the available buttons. For example, the user may select the “Phone Services button (i.e., icon in the left-hand frame 1004 to customize its text label.” Ex-1010, 8:60-9:9. D’Arlach is clear that the elements to be edited, including webpages, can be directly selected on the left-hand frame of the interface. Ex-1010, 5:44-45 (“user selects a site to edit”), 6:4-7 (“user first elects an element to edit... the user then selects one of the element attributes to edit, label, graphics, or link.”). In Figure 10, selecting of the “Phone Services” tab in the left-hand frame allows the user to customize the label attribute of the “Phone Services button” by entering text labels. Ex-1009, 9:2-9. The user then clicks on the “Apply Changes” button (pink) to update the element on the website. Ex-1009, 9:19-22, 9:34-36.



75. In addition, Figure 11 depicts how the user may click on the “Graphics” link to edit the graphics associated with the icon” by importing an image or selecting from available graphics images. Ex-1009, 9:15-19.

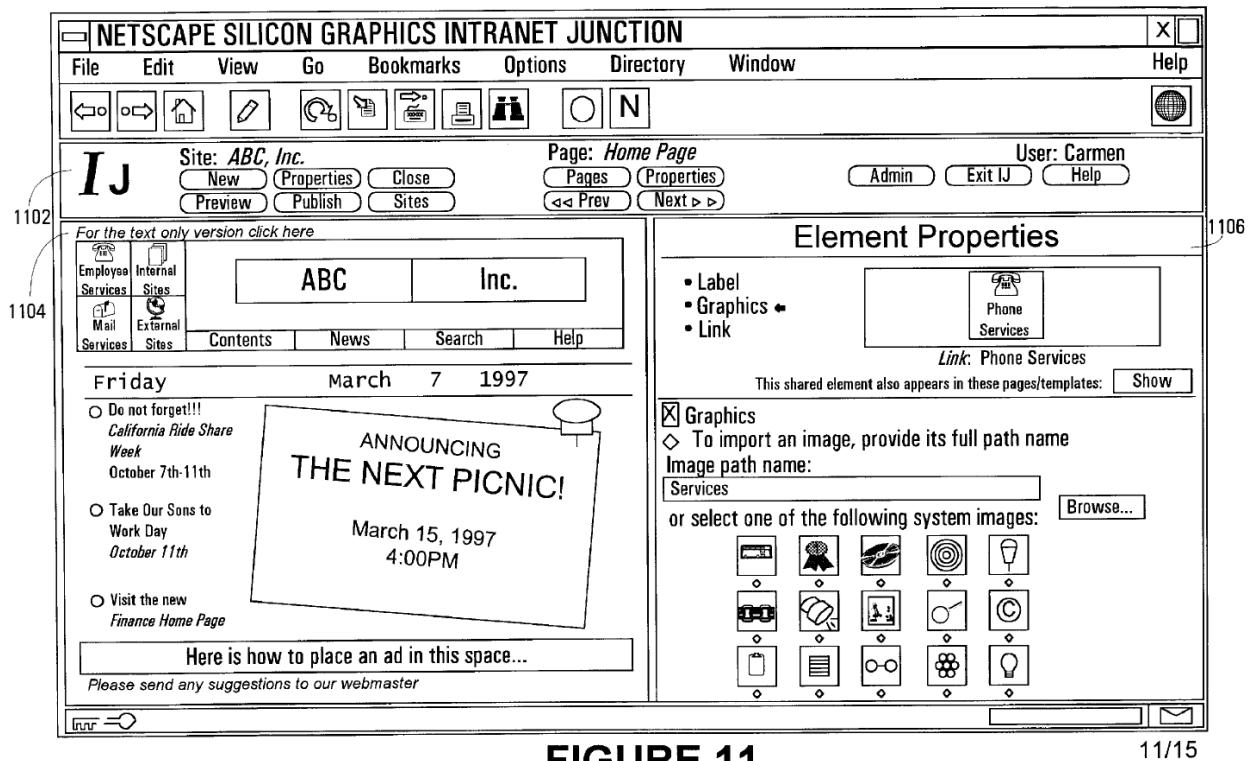


FIGURE 11

76. After editing the site, the published site then replaces the existing in the server's database and associated files are created in the server directory so that it can "be accessed through the Web or intranet." Ex-1009, 6:44-54; *see also id.*, 9:39-43. Figure 15 is an example of a published website that has been edited according to the user's choosing. *Id.*, 10:4-11.

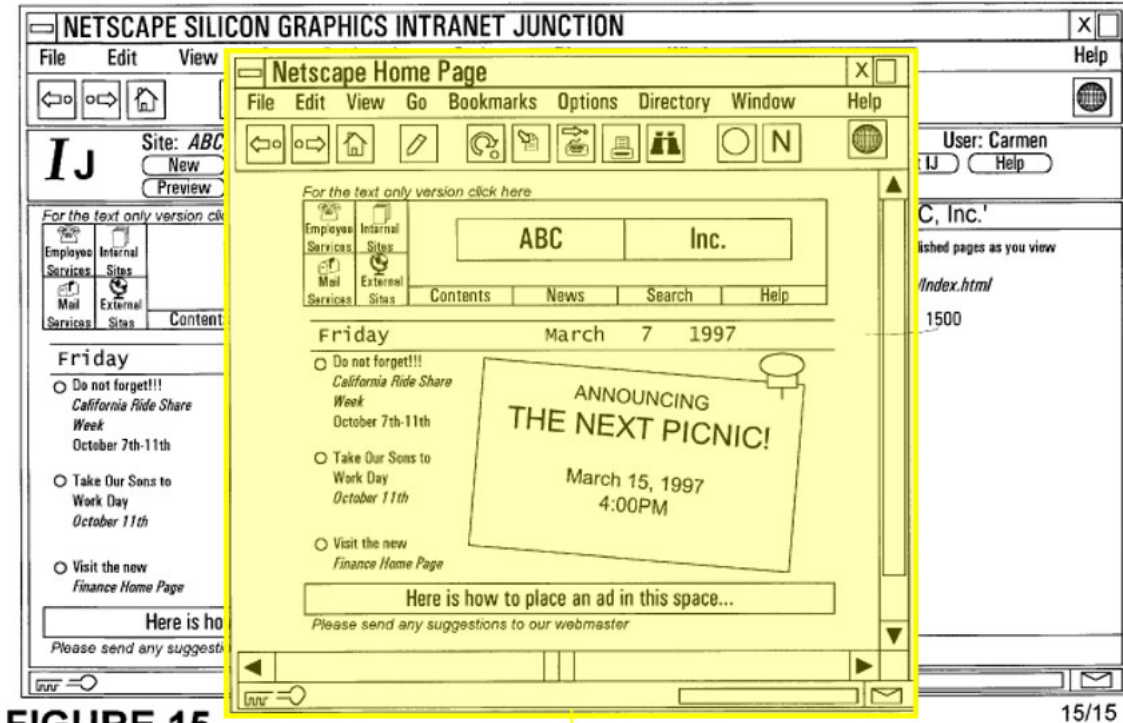
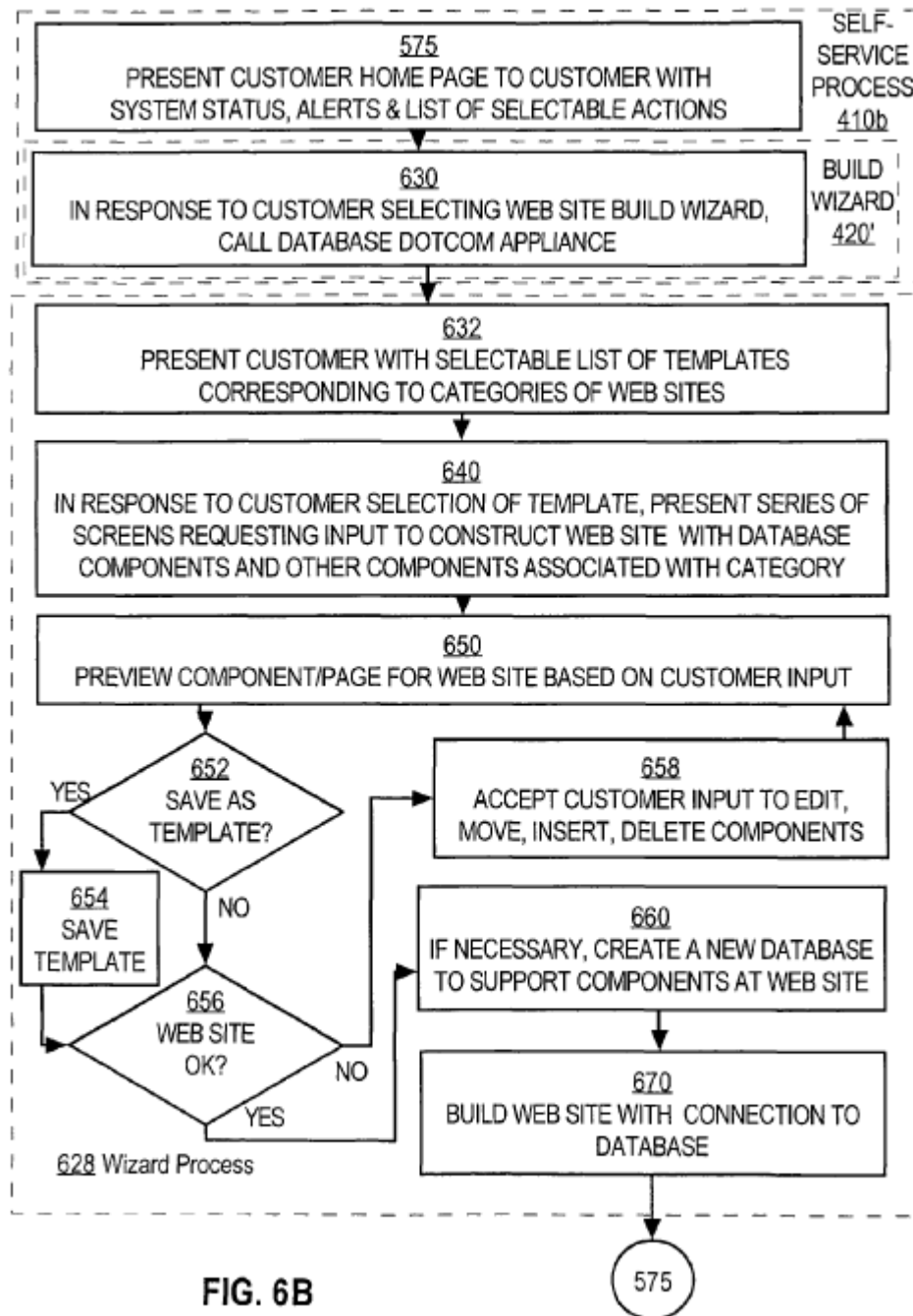


FIGURE 15

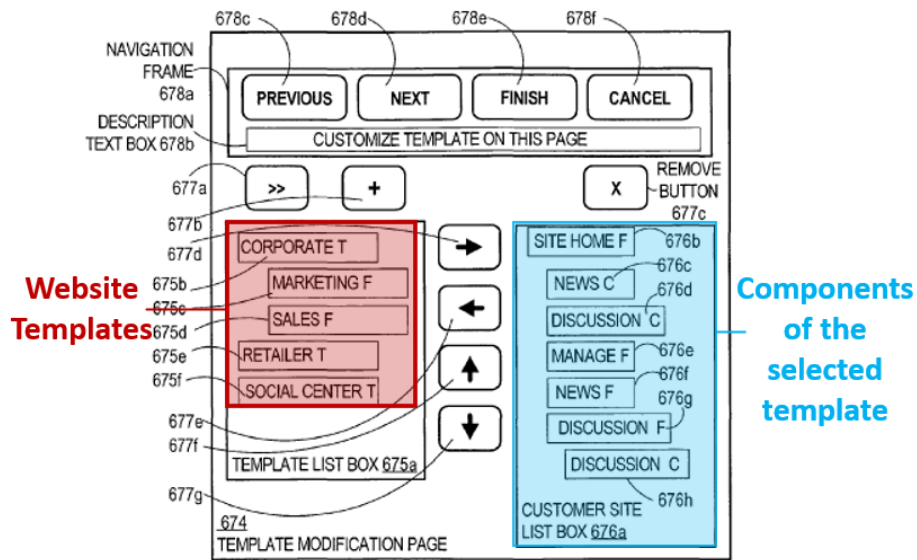
Editing the generic website to create a customized website

77. Another exemplary website development system is U.S. Patent No. 8,321,457 to Tan et al. ("Tan," Ex-1011). Tan was filed May 31, 2001 and issued November 27, 2012. Tan provides "[t]echniques for building a website with database components include a website building appliance having a processor, a computer readable medium, and a special purpose operating system." Tan includes a computer system with a display that shows a website creation system, such as its "website building wizard." Ex-1011, 6:56-58, 5:11-13. One example of Tan's website creation process is illustrated in Figure 6B. The process begins in step 575 where a

“home page” with a “selectable action[]... to launch the website building wizard” is presented to the user. Ex-1011, 20:16-24.



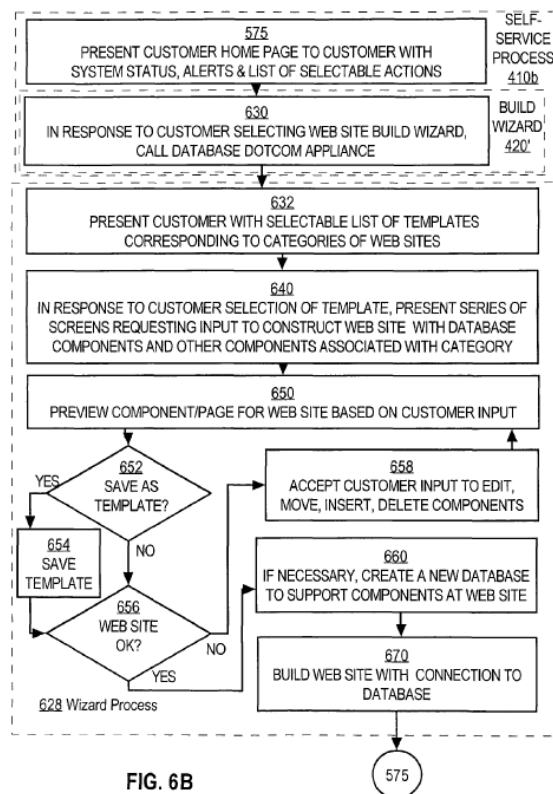
78. In response to the customer selecting the database website building wizard, control passes to step 630, which sends a request to the wizard interface process 628.” Ex-1011, 20:25-28. In step 632, Tan’s website building wizard presents “selectable items representing selectable templates” which correspond to website categories. Tan provides the examples website categories of “a corporate headquarters category, or an electronic retailer category, or an Internet community category.” Ex-1011, 4:9-16. “Each template stores a combination of website components in an arrangement that is especially appropriate for a given category of activity on the Internet.” Ex-1011, 22:42-44. For example, as shown in Figure 6E, templates are presented to the user in “template list box 675a” such as the template of “Corporate T” is a template for the Corporate website category. *Id.*, 44:62-45:1. Once the user has selected a template, the “the folders and the components of that template are placed in the customer site list box 676 a.” *Id.*, 45:1-18.



79. Figure 6E displays the generated folders and components of the Corporate Template. However, Tan provides additional examples of its other website templates. *See generally* Ex-1011, 23:22-26:4 (providing examples of retailer website template, corporate headquarters website template, and social center website template, which include descriptions of the folders that include further links/buttons). For example, Tan’s retailer website template includes page of the website includes one or more folders... 4. Categories and subcategories of products/services. 5. A product/service description...6. Shopping cart. 7. Payment server. 8. Text box describing how to order products/service found on the site.” Ex-1011, 23:23-53. The product service description includes a “button to add product to shopping cart” in addition to logo, picture, text, price reviews, and visitor reviews. *Id.* Therefore, if the user were to select the retailer template, the pages and folders

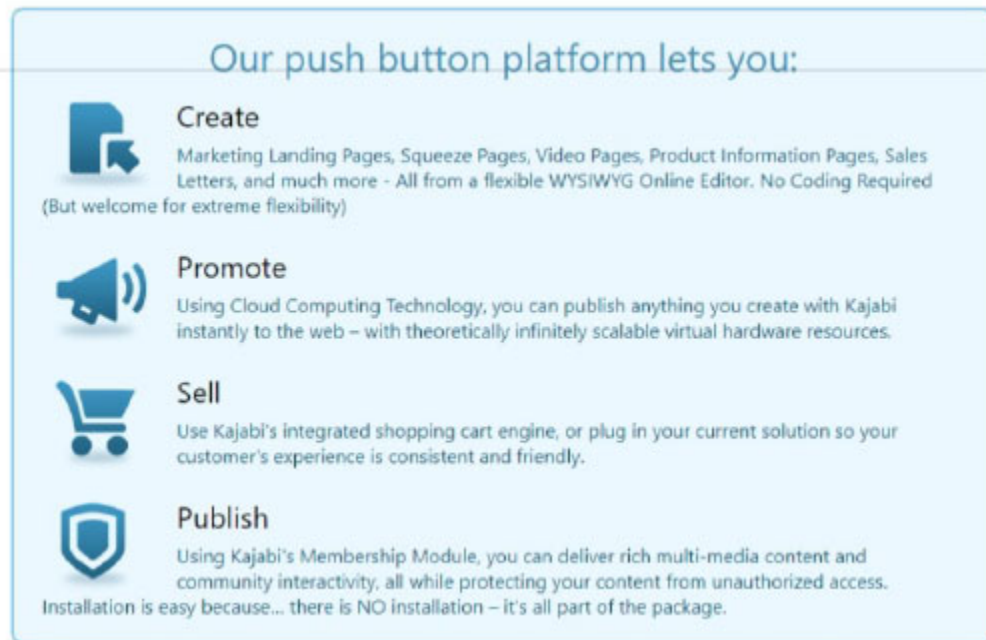
associated with the retailer template would be generated and the user may continue with Tan's website building wizard.

80. Returning to Tan's website building wizard, in step 640, the wizard receives the customer's selection of a template, which then causes the wizard to present a series of screens requesting the user's input to customize the template selected. Ex-1011, 20:26-42. "At any time of the customer's choosing, the customer is presented, in step 650, with a preview of a selected component or Web page for the website, showing the effect of any customer inputs into the series of screens." Ex-1011, 20:43-46.



81. In step 656, the customer is able to edit, move or modify components from the current arrangement of the website. Ex-1011, 20:54-61. While editing, the user is able to preview their edits. Ex-1011, 20:43-46, 20:54-61. Once the user feels that the website is “correct,” the website is built based on a database created to support the components of the website. *Id.*, 20:62-21:3.

82. Another example of a website creation system is Kajabi. By May 2010 Kajabi was providing a “push button platform” that lets users “Create,” “Promote,” “Sell,” and “Publish.” See Ex-1012 (available at <https://web.archive.org/web/20100510202538/http://www.kajabi.com:80/>). Specifically, Kajabi allowed users to create “Marketing Landing Pages, Squeeze Pages, Video Pages, Product Information Pages, Sales Letters, and much more - All from a flexible WYSIWYG Online Editor. No Coding Required (But welcome for extreme flexibility).” Users could also use “Kajabi’s integrated shopping cart engine, or plug in your current solution so your customer's experience is consistent and friendly.” *Id.*



By at least October 2010, Kajabi further detailed that their content management allowed users the ability to tag content, attach video to a post, attach an audio file, add a commenting feature, etc. Ex-1013 (available at https://web.archive.org/web/20101018200138/http://get.kajabi.com/sales_pages/138). Importantly, Kajabi provided “styles and theming,” so that a user could “pick from pre-made themes as a base, and then customize to you heart’s content by changing colors for most every element in the layout..”



Styles and Theming

Kajabi projects can all look totally unique from each other.

You can pick from pre-made themes as a base, and then customize to you heart’s content by changing colors for most every element in the layout.



Kajabi was also described in a YouTube video in 2010 as a publishing platform that includes marketing campaigns and provides information about products. *See* “Kajabi review,” available at https://youtu.be/qgTDuNx15EA?si=JgL3XI6ocrCPNMJ_. Kajabi was described to have provided website designers with landing pages, product launch pages, “squeeze pages” (to capture email addresses for list building) and membership sites to provide information to people with restricted access. *Id.*

83. U.S. Patent Application Publication No. 2019/0028531 to Nagar (“Nagar,” Ex-1014) also describes a website designer, assigned to Wix.com Ltd. Nagar was filed July 24, 2018 and published January 24, 2019. Nagar teaches a “website building system for building indexable website and web applications which integrate custom backend functionality running a system fully managed by a third-party.” Ex-1014 ¶3. Nagar’s website building system allows “people with limited software development experience and/or limited resources to develop and host a customized website.” *Id.* ¶7. Nagar’s website building system allows for “the editing and the dynamic preview of pages to use a common online database, which designers and users may access simultaneously. The system may comprise an online database configured to store a library of website building elements for configuring a front end of an indexable webpage, as well as at least one processor configured to perform certain operations.” *Id.* ¶17; *see also id.* ¶¶84, 132, 221-223 (“building tools”).

84. Nagar claims priority to a provisional application (U.S. Application No. 62/536,403), filed July 24, 2017. In the provisional application, Nagar submitted Appendix A, which includes the “spectrum of web site creators skill levels,” “[i]n-depth internal technical description of the system,” “[i]nternal technical description of the system for technical users/ developers,” etc. and Appendix C, which is a “set of presentation, tutorials and video scripts providing an overall introduction to the system.” Ex-1015, 0010. Appendices A and C are further examples of Nagar’s website creation system from 2017. *See* Ex-1016 (Appendix A), Ex-1017 (Appendix C); *see also* Ex-1030 (“Wix Code Create a Form to Collect & Present Your Site Visitor’s Data”).

85. Therefore, POSITAs would have understood that website creation systems were certainly around before the ’357 patent.

B. Directional Webpages

86. POSITAs would have recognized that websites are combinations of related webpages served through a single domain. Further, a POSITA would have recognized directional webpages were well known before 2018.

87. For example, U.S. Patent Application Publication No. 20070299985 to Craig (“Craig,” Ex-1018) was published December 27, 2007 and describes systems and methods for a user friendly, low cost, and automatic website design interface. Craig’s “website design interface allows a user to dynamically link web pages, create

customized web pages using segment blocks, specify a preferred type of framing for linking within or outside of the website, as well as configure the website in order to increase the likelihood of being highly ranked by a search engine.” Ex-1018 ¶4. Specifically, Craig describes a method of organizing webpages for automatically generating a website by:

providing a user customizable homepage, providing a first plurality of user customizable webpages, providing a website organization user interface, organizing the first plurality of user customizable webpages based on a users input into sections having a second plurality of webpages selected from the first plurality of webpages, linking each webpage in the second plurality of webpages to every other webpage in the second plurality of webpages, and linking at least one page in the second plurality of webpages from the homepage.

Ex-1018 ¶11.

88. As shown in Figure 7, home page 701 (yellow) has a first section 703 linking to the first section 709 (red), second section link 705 linking to the second section 711 (green), and third section link 707 linking to third section 713 (blue). Ex-1018 ¶52. When the user clicks on the first section 703, they will be transferred to a first section splash page 715. *Id.* The first section splash page introduces the purpose of the section and has a number of pages dynamically linked from that splash page, such as splash page 715 and page one 717, page two 719, and page three

721. Ex-1018 ¶53. Similarly, page three has links to the splash page 715, page one 717, and page two 719. *Id.*

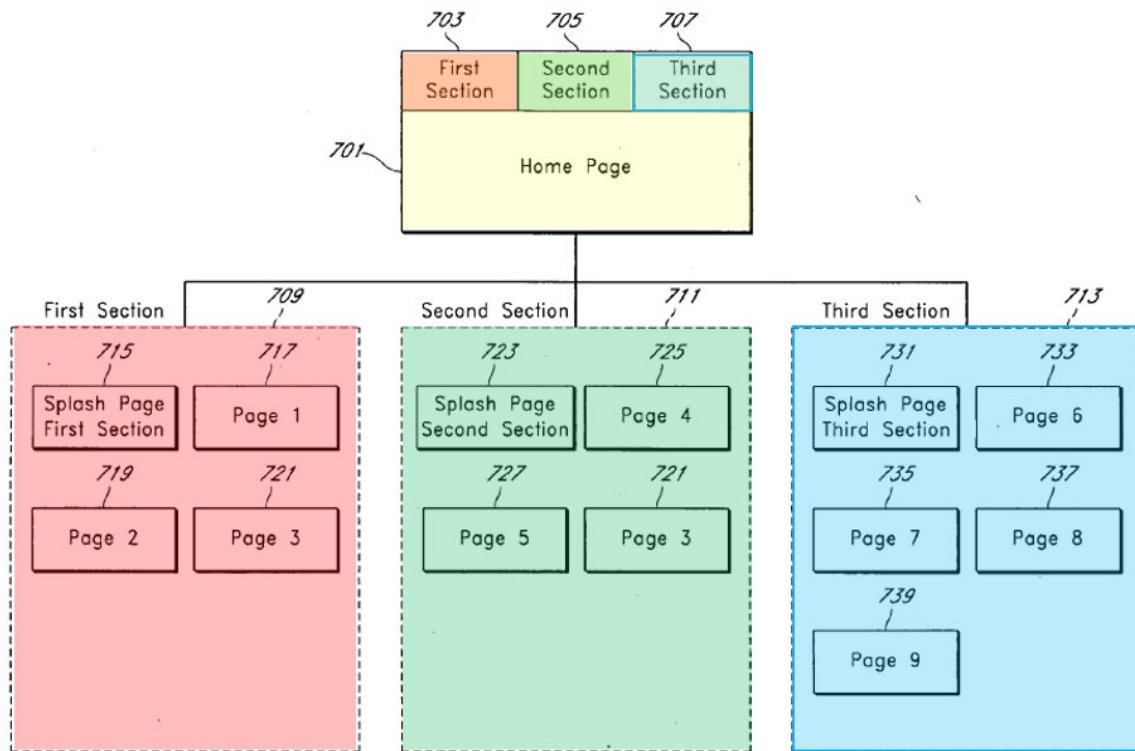


FIG. 7

89. Craig's Figure 8 further provides an example of how one page links to another. For example, home page 800 has links to buying link 803, selling link 805, area info link 807, testimonials link 809, and home page link 811. Ex-1018 ¶55. Once a link is chosen, the user is automatically transferred to that page. For example, if a user selects the buying link 803 (red) on the homepage (yellow), the user is transferred to the buying introduction or splash page 831 (red). *Id.* If a user clicked

on the buyer's plan link 835 (green), a user would be transferred to the buyer's plan page 851 (green). *Id.*

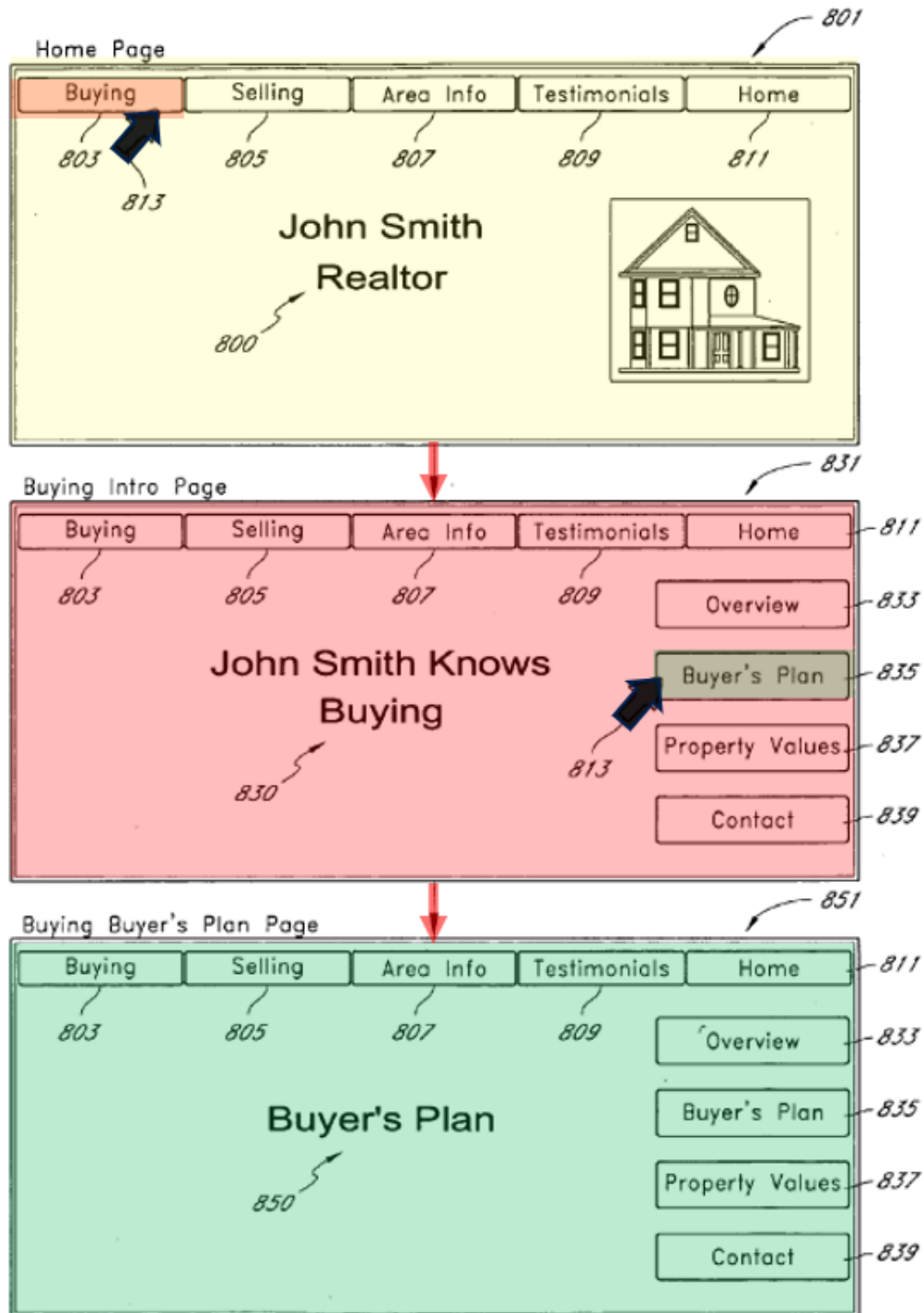
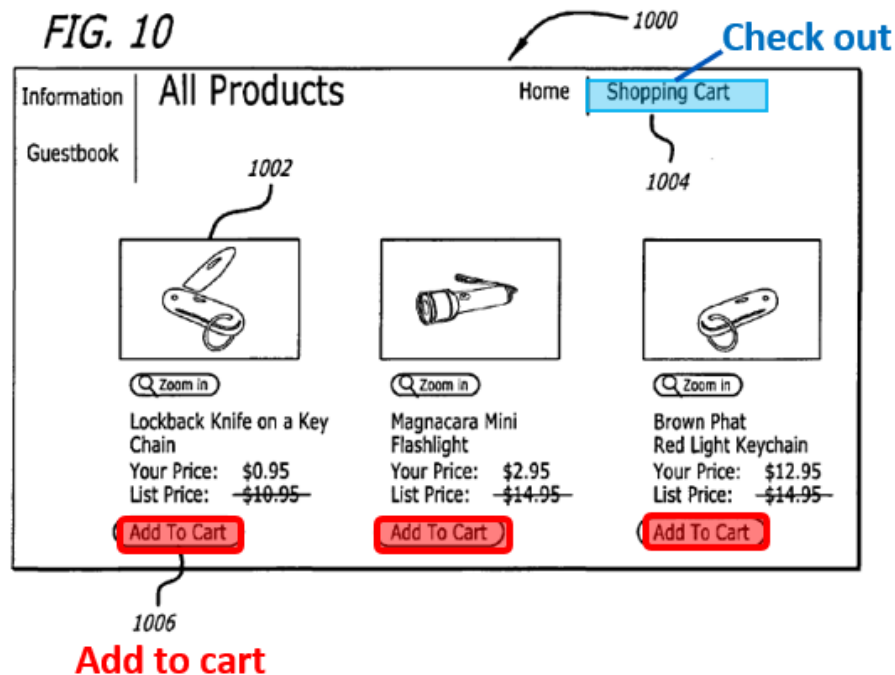


FIG. 8

90. U.S. Patent No. 7,610,219 to Sayed (“Sayed,” Ex-1009) is another reference that illustrates how directional webpages were well known. Sayed was filed February 16, 2005 and issued October 27, 2009. 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.” Ex-1009, 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.

91. An online shopping cart is a prototypical example of directional webpages, where one page leads to another based on a user’s interaction with the website. For example, as Sayed teaches a system/method for creating and maintaining a website in order to support electronic commerce and product sales using the website. Ex-1009, Abstract. 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. Therefore, the user

interacts with the website by viewing the product page, adding the desired product/service to the cart and accessing the shopping cart to check out by clicking the shopping cart button to be show the pending shopping cart and check out.



92. Similarly, U.S. Patent No. 6,029,141 to Bezos et al. (“Bezos,” Ex-1019), which was filed June 27, 1997 and issued February 22, 2000, discusses a shopping cart maintained on an internet website. Specifically, as shown in Figure 8, Bezos shows a product detail page at Amazon.com that includes the merchant's information (price, standard description, etc.) about the selected product. Ex-1019, 14:62-15:2. Once the customer has reviewed the product detail page 136, the customer can select the “Add it to your Shopping Cart” hyperlink 808 (red). *Id.*, 15:10-13. “When the customer clicks on this hyperlink 808, the merchant Web

server 132 returns a dynamically-generated HTML document that displays the contents of the shopping cart.” *Id.*, 15:13-16; *see also id.*, 12:22-26 (“Web server 132 also serves Web pages (including dynamically-generated pages) that display and allow the customer to edit the contents of the shopping cart, and that allow the customer to proceed to a check-out area to order the selected products.”).

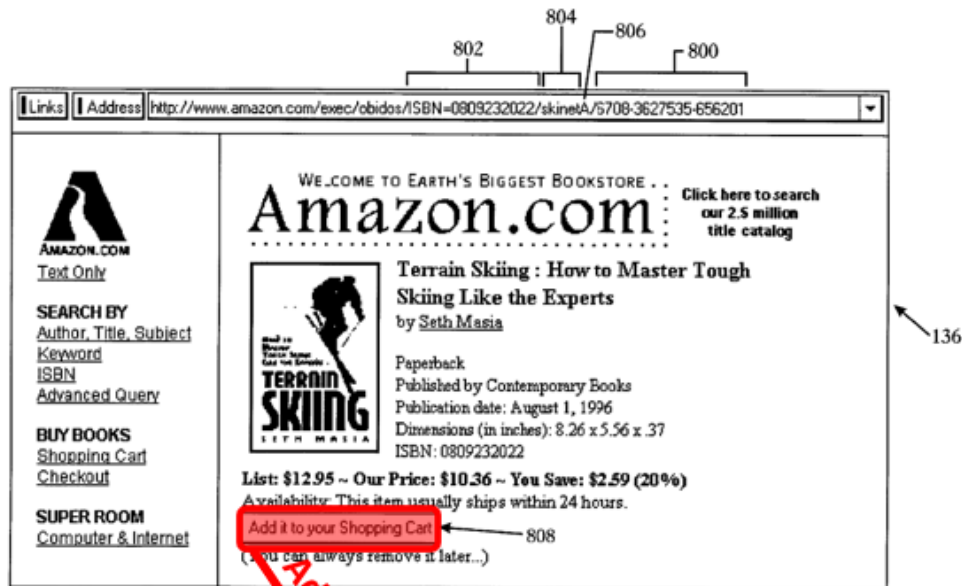


FIG. 8

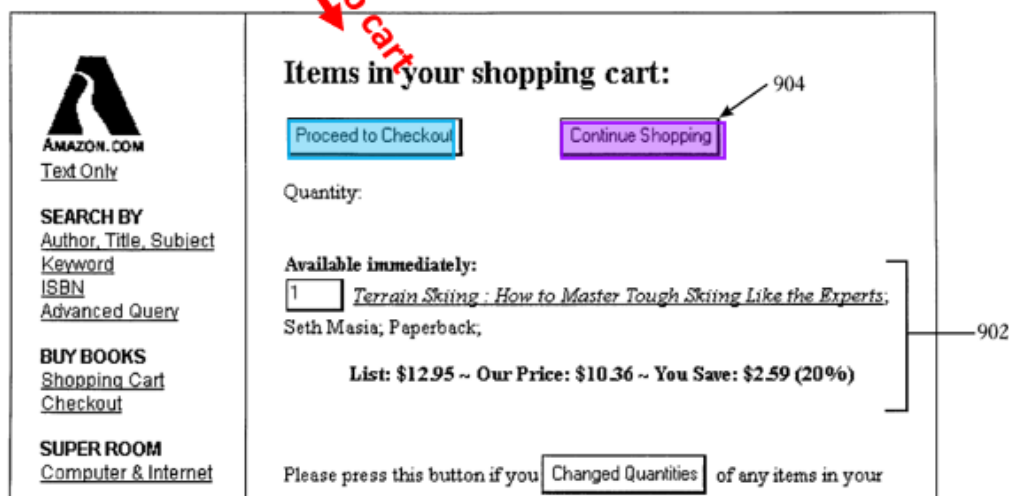
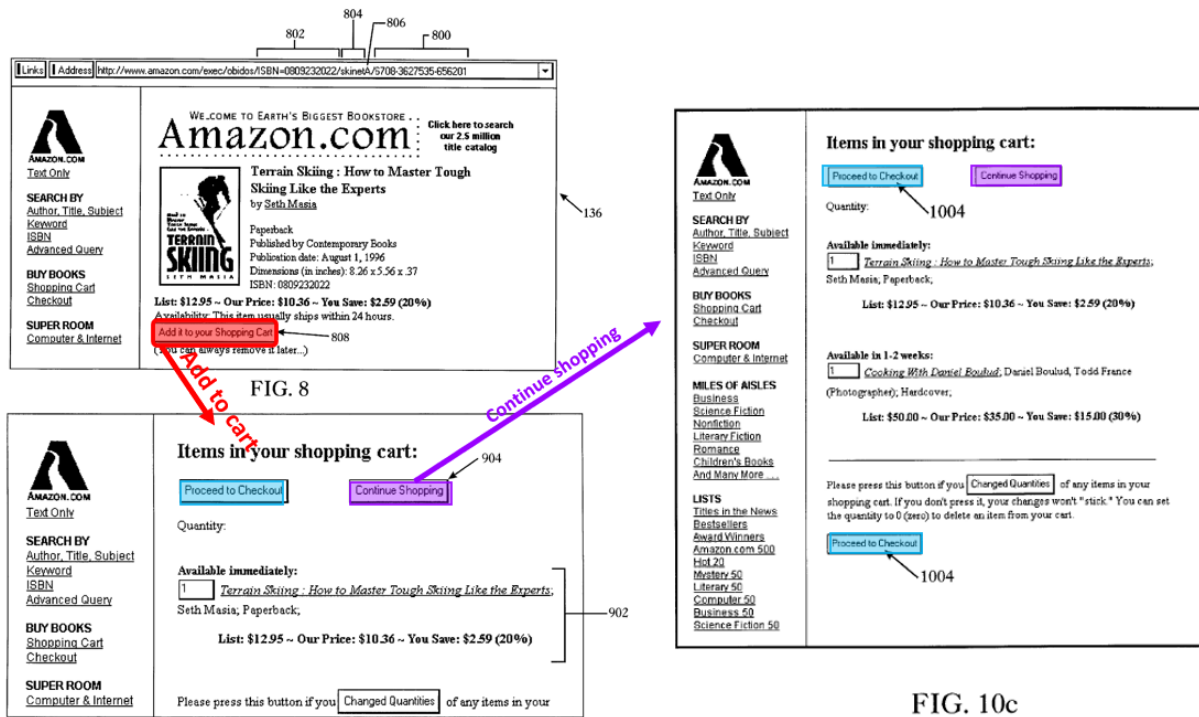


FIG. 9

93. Figure 9 displays the webpage corresponding the customer shopping cart, which displays information about the products currently selected by the customer for prospective purchase. Ex-1019, 15:17-21. “From this page 136, the customer may leave the shopping cart page, without proceeding to check-out, by either selecting the ‘continue shopping’ link 904 or by using a Web browser navigational control to proceed to a different Web page.” *Id.*, 15:23-17. If the user chooses to continue shopping (purple), they may continue to add a product to the shopping cart by selecting the “Add it to your Shopping Cart” hyperlink (red), which will then bring the customer to the updated shopping cart webpage, as shown in Figure 10c. *Id.*, 15:28-39. “When the customer selects the ‘Proceed to Checkout’ hyperlink 1004 on the shopping cart Web page, the merchant Website returns a form document (not shown) that allows the customer to specify payment information, shipping information, and other information needed to process the order.” *Id.*, 15:44-50.

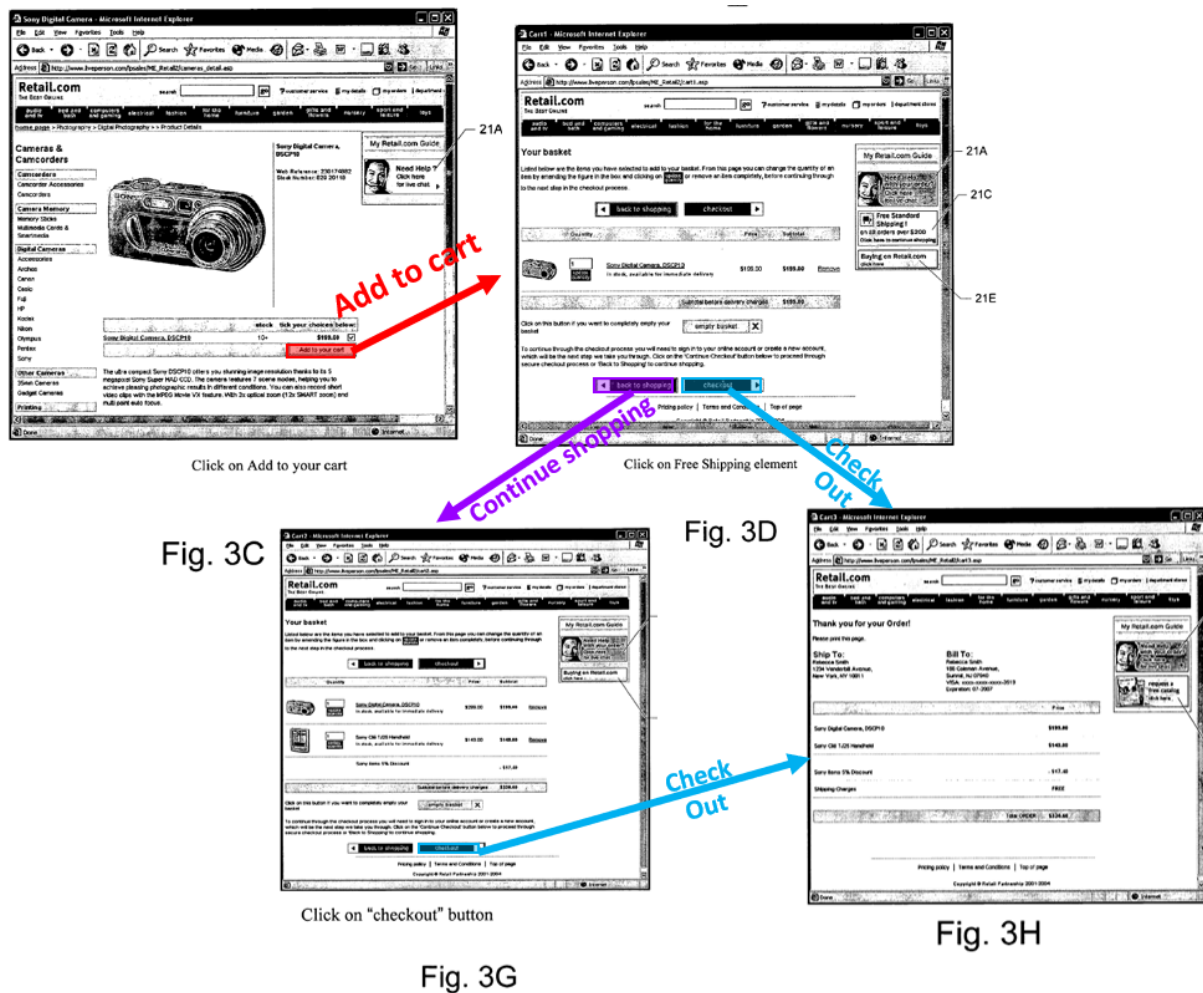


94. Bezos notes the benefits of the shopping cart feature as “enabl[ing] the customer to view the entire shopping experience as a seamless, automated shopping session. The seamless nature of the session allows the customer to shop for products based on the marketing expertise of the associates, while conveniently utilizing the merchant's order fulfillment resources.” Ex-1019, 16:3-9.

95. But even earlier than Bezos, U.S. Patent No. 5,715,314 to Payne et al. (“Payne,” Ex-1023) discussed online shopping charts. Payne was filed October 24, 1994 and issued February 3, 1998. Payne describes how the user is able to browse available products and request that a product be added to a shopping cart. Ex-1023, 7:55-59. A user may view its shopping cart, and possibly add another product to the

shopping cart, or request the entire contents of the shopping cart. *Id.*, 8:14-31. If the user wants to purchase the products in its shopping cart, there is a “payment URL” activated so that the user may begin the check process. *Id.*

96. Another reference that provides an example of how directional webpages are used to allow a user to make a purchase is U.S. Patent Application Publication No. 20070061412 to Karidi (“Karidi,” Ex-1006), which was filed March 31, 2006 and issued March 15, 2007. 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).



97. Thus, it was very common and well known to use directional webpages to direct a user to make a purchase by providing webpages sequentially.

98. While it is easier to see in an e-commerce setting, generally website developers use navigation tools “to assist users in achieving orientation and moving in a website towards a desired target.” Ex-1024, 0001. Chris Pilgrim studied website navigation tools between 2002 to 2011 and published his findings in a 2012 paper titled “Website Navigation Tools – A Decade of Design Trends 2002 to 2011” (“Pilgrim,” Ex-1024). Pilgrim notes how website designers must consider design

processes that are “appropriate navigation aids” in order to reduce cognitive overhead and disorientation in users. *Id.*, 0002. Pilgrim notes that the three most common website navigation tools are “search tools, sitemaps and indexes.” *Id.* Pilgrim explains:

Sitemaps are a visual representation of the architecture of a website providing users with either an overview of the major headings of the content or a view of the physical structure of the site. Sitemaps may be considered similar to the table-of-contents of a book by providing a list of the major categories of information (i.e. chapters) and their subsections. Sitemaps improve spatial context, reduce disorientation and support users when they are attempting to initially orient themselves in a website.

Ex-1024, 0001 (internal citations omitted). Pilgrim’s survey found that 65.6% of websites provided a sitemap tool. *Id.*, 0003. The “general structure of all websites in the 2011 survey was hierarchical with no website using network-based structures.” *Id.* Pilgrim summarized the website sitemap organization in its Table 2, which I have reproduced an excerpt below. As shown in the excerpt, a sitemap illustrates the hierarchy of the webpages of a website, such that one webpage flows from another.

General Design	A: 	61 (38.6)	95 (62.5)	89 (51.7)
	B: 	91 (57.6)	55 (37.5)	82 (47.7)
	C: 	4 (0.3)	0 (0)	0 (0)
	D: 	2 (0.1)	0 (0)	1 (0.06)

Table 2 Sitemaps

99. In summary, Pilgrim found that website commonly use graphical sitemaps to show the hierarchy of webpages, such as in its Figure 1. *Id.* 0005.



Figure 1: Graphical Sitemap (mid 1990s)

100. Pilgrim also found that websites commonly implemented a general page template that included a sitemap styled tool at the bottom of every page on the



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Competition

Automated Alerts

Global Green Solutions

Dynamic Revenues

Private Storage Solutions

Video >

EMERGENCY

Competition

Manufacturing & Industrial

POD & Reps

Automated Payments

Interchange

Commodities

Private

Quotation API

Automated Storage and Payments

Video >

Find Lead Information

Company Information

Office Locations

CONTACT US

Company, Marketing Alerts

Industry Materials

Green eGP (Learn >)

24/7 Email Support

Automated Pricing

Green & Commodity

101. Jatinder Manhas published a paper titled “*Comparative Study of Website Sitemap Feature as Design Issue in Various Websites*” in December 2014 (“Manhas,” Ex-1025), which also detailed the organizational aims and goals considered by POSITAs when designing websites, such as using a “sitemap facility within the websites for easy content retrieval.” Ex-1025, 0001. Manhas notes that “[w]ith increase in the number of websites and its popularity it becomes necessary for an organization to put lot of efforts to design websites carefully so that it can easily cater to the need of all the different categories of the users.” *Id.*, 0002. Because

a “website is comprised of many components and all components help in maximizing its performance and effectiveness,” Manhas emphasizes is the importance of a sitemap feature. *Id.*, 0003. Manhas explains:

providing user with the abilities to find and retrieve information from a website with comfort and ease helps in building audience for it. With the massive increase in the internet users due to low cost and easy availability of features and facilities, it has becomes mandatory for a website to implement strategies that will result in alternative navigation facilities to the website users to find required page s easily. It is very good practice to put a sitemap link in every page of the whole website. It helps the user to find the required page immediately and doesn’t let them become lost.

Id., 0002. A sitemap maps out the underlying website baes so that a user may jump to any page from any page. *Id.*, 0003 (“Sitemap helps in providing a complete navigation facility to the website and hence provides away to jump between pages over a website”).

102. Therefore, the order and sequence of the webpages within a website are design considerations for a website designer.

C. Website Marketing Concepts

103. Marketing concepts, such as programmed triggering events and using a split test element, were well-known techniques used in website creation.

104. For example, it was well known to monitor and evaluate a user's activity on a website in order to increase the user's engagement or interaction with the website. For example, Tan's website building system allows a website creator to "manage customers, including adding and deleting customers, monitoring usage by customers, and reporting usage to customers." Ex-1011, 58:48-50. Sayed also teaches that a website template may provide customization options such as using "visitor counters and banners" (Ex-1009, 12:2-6) for "website management tools for website traffic reporting and statistics utilities." Ex-1009, 4:10-13. The "Visitor Counter" allows the administrator to set the "time period for which [the] counter will reset", the pages that the counter will appear on, and the starting count that the counter will begin at. Ex-1010, 20:10-21. The counter can be viewed by the system administrator on the website creation home page. Ex-1009, 20:25-31.

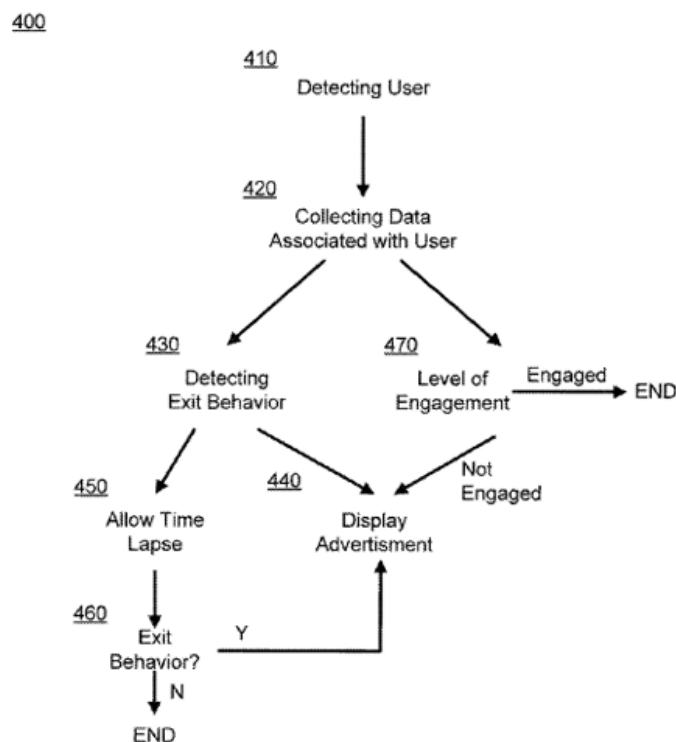
105. By monitoring the user's activity, a website creator can predetermine rules to cause an event to happen based on the user's activity. For example, Karidi teaches a business rules engine, which consists of "conditions and their associated action or actions." Ex-1006 ¶17. The business rules engine allows users, such as web designers and marketers, to create and save rules to use in marketing campaigns. *Id.* ¶20. 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.” Ex-1006 ¶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.” Ex-1006 ¶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. Ex-1006 ¶¶45, 46.

106. Karidi also 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’s 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. Ex-1006 ¶37. For example, Karidi determines whether “the visitor is a returning customer or a new costumer and initiates the appropriate outcome[(s)].” Ex-1006 ¶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. Ex-1006 ¶40.

107. Like Karidi’s monitoring of time, U.S. Patent No. 9,141,976 to Urban (“Urban,” Ex-1029), also explains detecting a user’s interaction with a webpage and

triggering an advertisement to be displayed to the user. Ex-1029, Abstract. For example, Figure 4 is a process for providing advertisements to a user based on “an exit-intent detection,” such that the advertisement is provided directly by or in response to programming instructions based on detected “exit behavior on the webpage.” Ex-1029, 14:46-52, 15:13-16.



108. Urban explains “exit behavior” being based on tracked movement controlled by the user on the webpage and includes an action that the user intends to leave:

For example, acceleration of the cursor gestures at or below a predetermined value may indicate an exit behavior, as does cursor gesture movement across the plane of the webpage 160 at or near a steady rate. An action indicating that the user intends to leave the webpage 160 may also include cursor gesture movement to an address bar on the webpage 160, to a portion of the webpage 160 associated with leaving the webpage 160. An action indicating that the user intends to leave the webpage 160 may also include a cursor gesture movement in a vector toward the “exit” or “back” button on a browser. An action indicating that the user intends to leave the webpage 160 may also include a cursor gesture movement in a vector toward the “exit” or “back” button on a browser in combination with a time delay after breaking the plane of the webpage 160.

Ex-1029,15:16-30; *see also id.*, 16:35-49 (“in conjunction with detecting exit behavior by the user on the webpage 160, a level of engagement of the user on the webpage 160 is determined”).

109. In response to this triggering activity, Urban teaches to display an advertisement window over at least a portion of the webpage, such as in Figure 2B (*id.*, 12:20-24) below. Ex-1029, 15:31-41. The advertisement may include a link to an advertisement webpage, text, and a clickable video. *Id.*, 15:41-16:19. The advertisement may also promote a sale or also solicit the user’s identification information such as an email for the user to receive promotional information at a later time. *Id.*

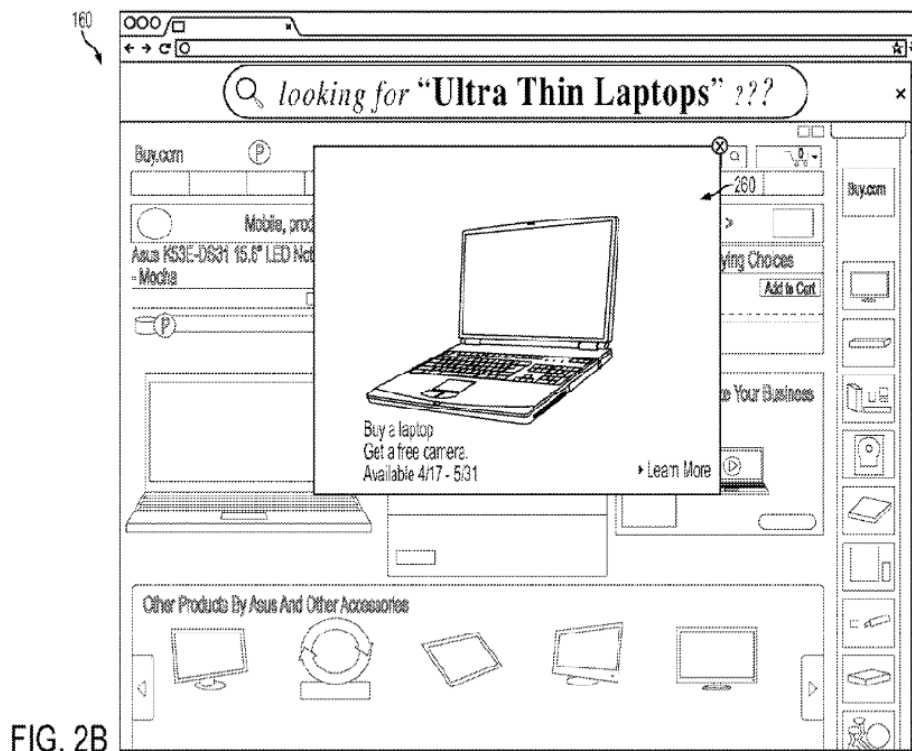


FIG. 2B

110. Similarly, Bezos describes monitoring the user's activity, including cookies technology to identify a customer, "so that the user can be associated with any existing shopping cart created during previous visits to the site." Ex-1019, 8:17-22.

111. Sayed also provides that once a website has been published and a live view exists, each of server software modules may perform a function based on a certain visitor's action on the website. Ex-1009, 17:48-51. Specifically, Sayed explains that based on "this trigger (in other words, the performance of an action by the visitor), other modules may be provided data, to the extent that it is required, so that such module may perform another related or even un-related function." Ex-1009,

17:51-54. Sayed provides an example of how the check-out process managed by store building module “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. The relevant visitor information may be passed by the store building module to an email marketing database in the traffic building module so that a customer’s e-mail information is added to an e-mail list for the purpose of sending out highly-targeted e-mail messages. Ex-1009, 17:61-18:4.

112. In an article published online in 2008 titled “Controlled experiments on the web: survey and practical guide,” user activity was also mined to be used in “Behavior-Based search.” *See* Ex-1026, 0008 (page 147). The article explained that:

Back in 2004, when several of the authors were in the Data Mining and Personalization department at Amazon, there already existed a good algorithm for making recommendations based on two sets. The signature feature for Amazon’s recommendation is “People who bought item X bought item Y,” but this was generalized to “People who **viewed** item X bought item Y” and “People who viewed item X **viewed** item Y.” A proposal was made to use the same algorithm for “People who **searched** for X bought item Y.” We called it Behavior-Based Search (BBS). In fact, the idea was to surface this in search results with no visible changes to the user interface. If a user searched for a string that was common, and there was a strong signal that people who searched

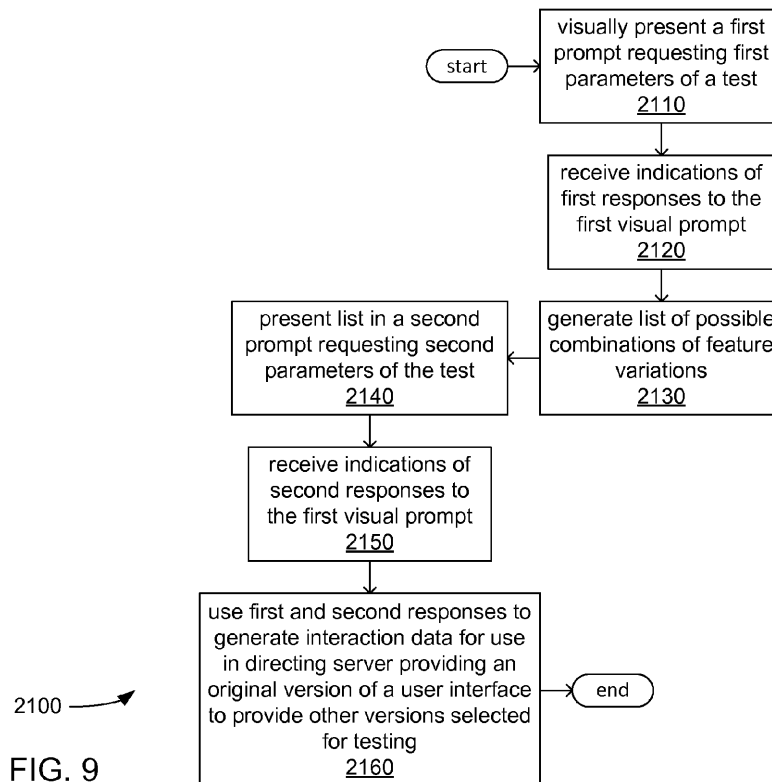
for that string bought one of several items, these items would surface at the top of the search results. Note that this algorithm has no semantic understanding of the searched phrase, which was its strength and weakness.

Id. Therefore, by monitoring a user's activity, websites, such as Amazon, were providing recommendations to a user based on a user's viewing a product.

113. While user analytics may be used to trigger an event for a user at that time, user analytics may also be used to test different versions of the website so that a website creator can understand what features provide beneficial results on their website. For example, U.S. Patent Application Publication No. 20140282049 to Lyon ("Lyon," Ex-1007) was filed March 12, 2013 and issued September 18, 2014 and 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. This test provides statistical data used to identify "any statistically significant increase or decrease in a given behavior arising from a version of the webpage that implements proposed changes." *Id.* ¶2. For example, the metrics from the test are used to determine whether the proposed new

variations in content brings about a desired increase in user action, e.g., “one or more of purchasing more products, ‘clicking thru’ more advertisements, exploring more webpages of a website.” *Id.* ¶29.

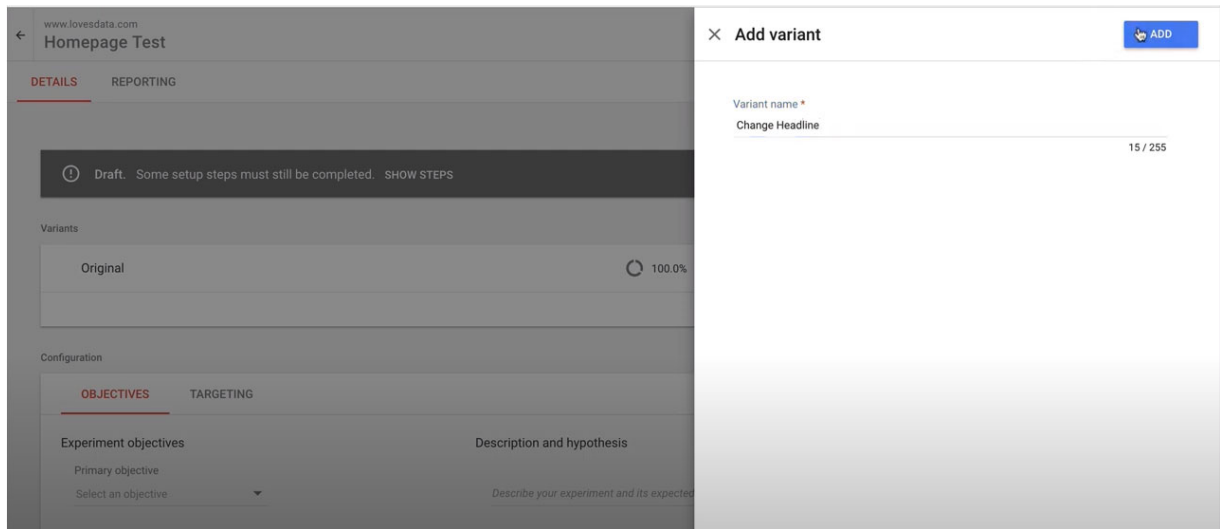
114. As shown in Lyon’s Figure 9, the user is presented “an original version of the user interface” in step 2210 and presented a first prompt requesting first parameter of a test in step 2120. The system then receives “indications of the first responses to the first visual prompt” and “generates a list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



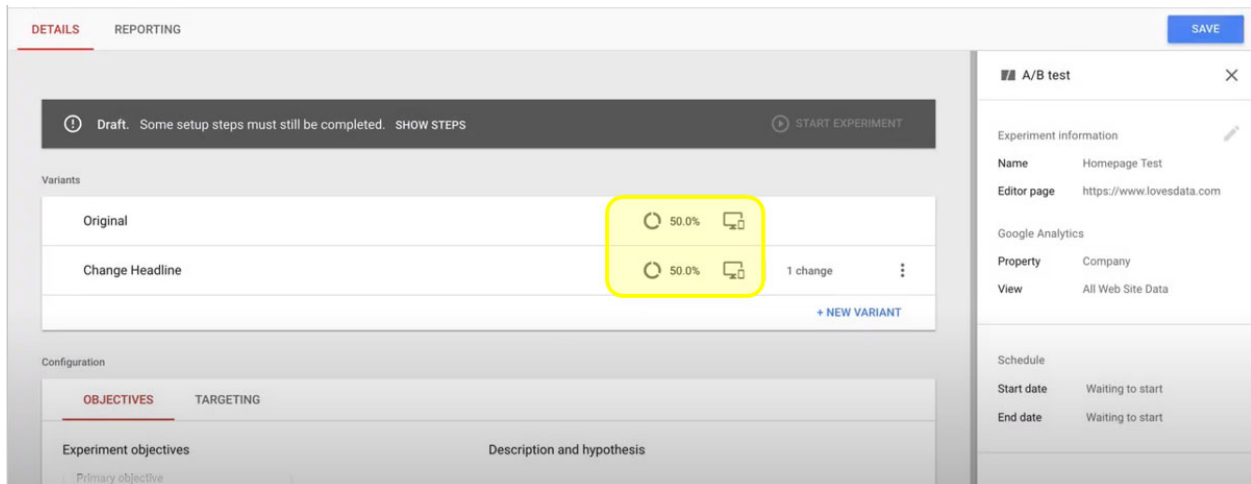
115. A second prompt requests the second set of test parameters, such as “selecting or de-selecting a combination for inclusion in the test, designating a

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. Ex-1007 ¶¶70.

116. Moreover, Google provided a free tool available to the public that allowed users conduct free split testing. Specifically, “Google Optimize” was a free tool that user could use “to create and deploy a variety of experiment types: Choose from A/B, multivariate, or redirect.” Ex-1027; *see also* Ex-1028. As discussed in a Google Optimize tutorial published on June 6, 2017, an A/B test is where there are two pages: the original page and a variation of the same page to try and outperform the original page. *See* Ex-1031 (available at https://youtu.be/IzTLxFOETgc?si=nPkVnryZ_bMEZziV&t=326). An A/B test is useful for pages that have low traffic, low conversion rate, or there are different ideas or designs you’d like to use on your website. For high traffic websites, with multiple elements on a page, a multivariate test allows the user to modify different elements within a single page and test the performance of those variances. For example, when performing a A/B test, Google Optimize allowed the user to create an experiment/test to run by first creating the variation:

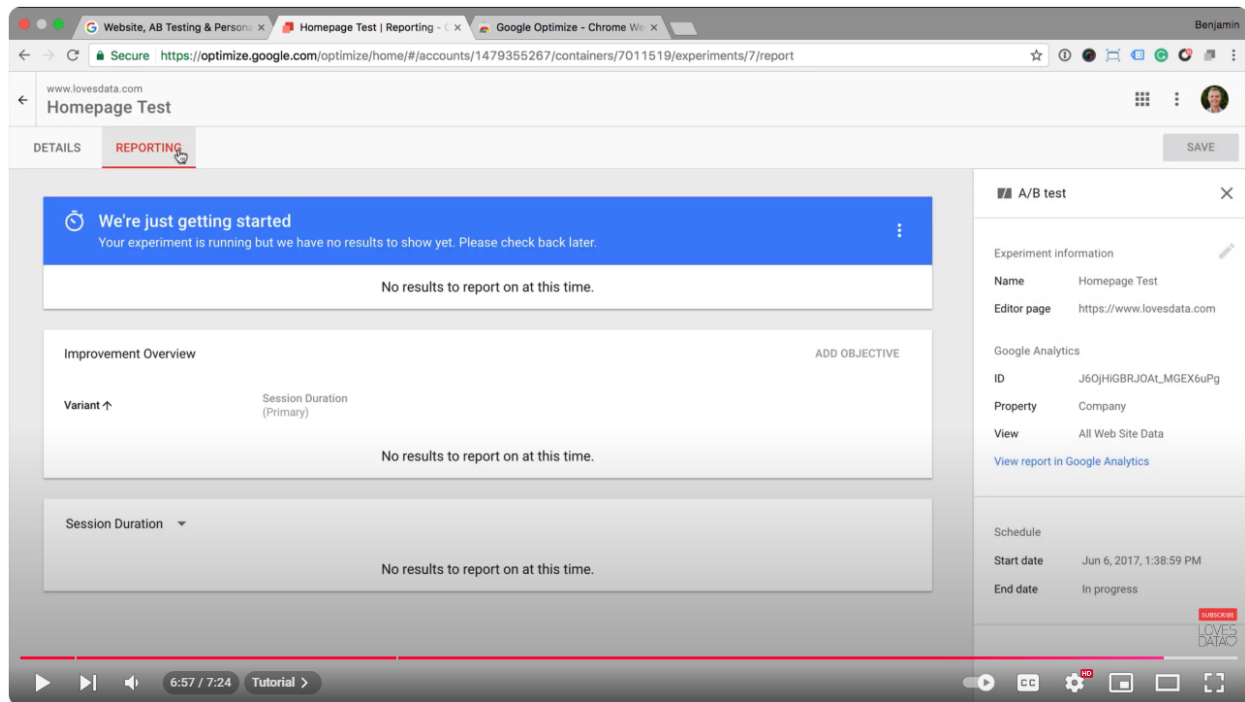


Once the variant is created by naming the variant and selecting the elements to change in the alternative webpage, Google Optimize allowed the user to assign what percentage of users were provided the original page and what percentage of users were provided the variant/alternative page:



³ https://youtu.be/IzTLxFOETgc?si=nPkVnryZ_bMEZziV&t=326

117. Google Optimize allowed the user to identify the top landing pages and pages that are driving conversions. *See* Ex-1031, 0011-0016.



118. These tools are based on analyzing the user’s activity when they are visiting the website and were around and available to users before 2018. Another example is described the 2008 “Controlled experiments on the web: survey and practical guide” article. *See* Ex-1026. Specifically, Ron Kohavi, Roger Longbotham, Dan Sommerfield, and Randal M. Henne provided “a practical guide to conducting online experiments,” such as “tests (and their generalizations), split tests, Control/Treatment tests, MultiVariable Tests (MVT) and parallel flights. They explain:

simplest manifestation of such experiments, live users are randomly assigned to one of two variants: (i) the Control, which is commonly the “existing” version, and (ii) the Treatment, which is usually a new version being evaluated. Metrics of interest, ranging from runtime performance to implicit and explicit user behaviors and survey data, are collected. Statistical tests are then conducted on the collected data to evaluate whether there is a statistically significant difference between the two variants on metrics of interest, thus permitting us to retain or reject the (null) hypothesis that there is no difference between the versions. In many cases, drilling down to segments of users using manual (e.g., OLAP) or machine learning and datamining techniques, allows us to understand which subpopulations show significant differences, thus helping improve our understanding and progress forward with an idea.

Controlled experiments provide a methodology to reliably evaluate ideas.

Ex-1026, 0003 (page 142).

119. The article illustrates the high-level flow for an A/B test as:

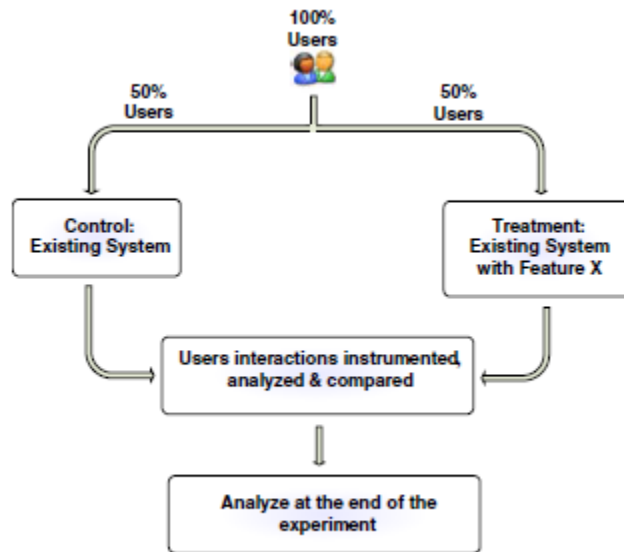


Fig. 7 High-level flow for an A/B test

120. The article highlights how controlled experiments, such as conducting a split test, are beneficial:

- Marriott realized an additional \$30 million in bookings with a new online reservations form.
- Luxury accessories retailer Coach improved the effectiveness of its site's search engine 200%—by having its vendor prove that a new search engine would produce more effective results with an A/B test.
- Disk-drive maker Iomega needed to know whether its prospects favored limited freeware or trial versions of full software products, and which email landing pages would produce the best conversion rate. Their solution? To structure an experimental design to test the various permutations—that ultimately drove up campaign yield by 50%.

...

A/B test at InterContinental Hotels led the firm to add the range of available rates to search results, which added \$45M–\$60M of increased bookings (Manning et al. 2006).

In shop.com’s The State of Retailing (Forrester Research 2005), the authors wrote that in their survey of 137 US retailers “100% of the retailers that employed usability testing and A/B testing of offers and promotions rank these tactics as effective or very effective.”

Forrester’s Web Analytics Spending Trends 2007 (Burns 2006) wrote that A/B testing will see the highest percentage of large increases [of web analytics categories]. A/B testing was one of only two categories [the other is SEO/SEM] in their survey that saw an increase in the percentage of respondents planning major budget growth.

Ex-1026, 0009 (page 148).

121. A POSITA would thus have understood that tools to monitor and evaluate a user’s activity were well known before 2018.

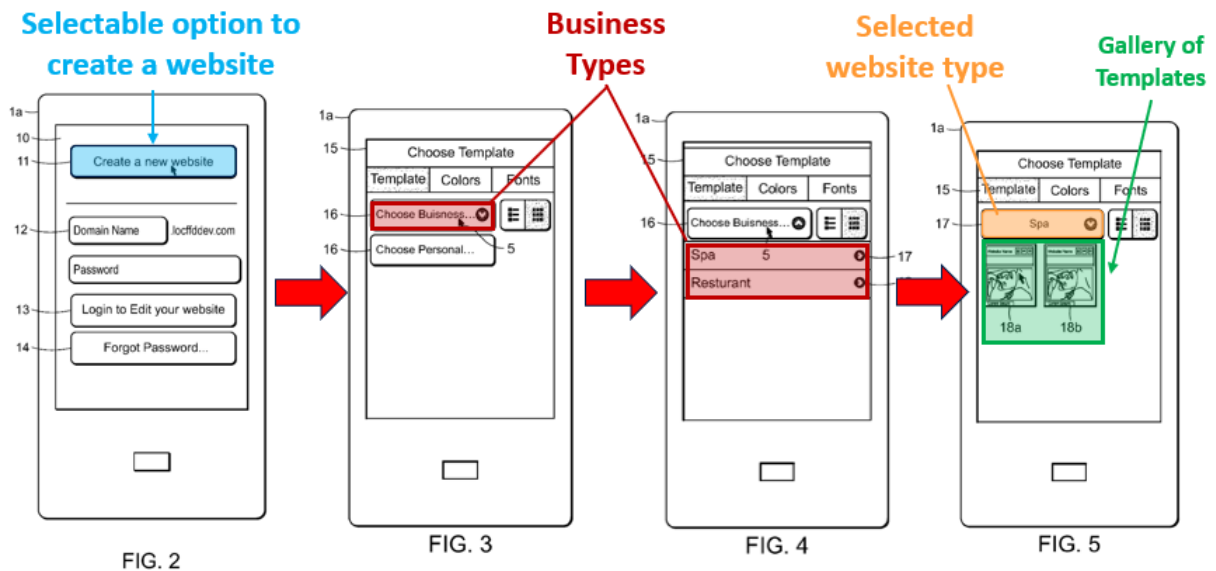
VII. BRIEF DESCRIPTION OF THE APPLIED PRIOR ART

A. Coursol (Ex-1005)

122. Coursol (U.S. Patent No. 9,147,004) was filed September 7, 2012 and issued September 29, 2015. As explained to me by counsel, I understand that Coursol qualifies as prior art under AIA 35 U.S.C. §102(a)(2).

123. Coursol provides a “website building tool” via a design studio application presented on a “graphical user interface on a display screen of the mobile

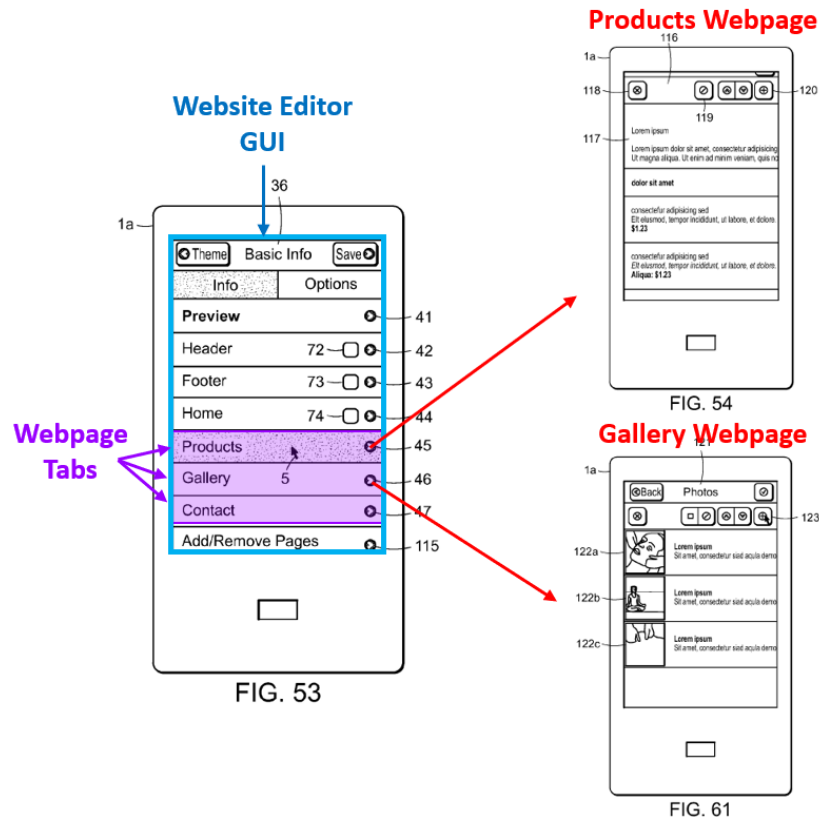
device.” Ex-1005, 2:46-50. The design studio application provides “website creation control 11” to “create a new website,” which displays a graphical user interface that allows the user to select a template category. Ex-1005, 11:19-22. The user is presented “template categories” based on a business type,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



124. 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. Design studio application 215 requests the selected template from the website management service 202 on the server 201, which generates and launches operational preview 22 of the selected template. Ex-1005,

11:31-35. The operational 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.” *Id.*, 8:3-6.

125. 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. 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. Ex-1005, 8:65-9:9. Coursol explains that by selection of the controls “brings up the editing controls for different sections or pages of the website.” *Id.*, 12:1-9. By selecting control 46, the user can edit the “Products” page as shown in Figure 54. Ex-1005, 14:37-43. Similarly, by selecting gallery editing control 47, the website editor displays the gallery editing control page as shown in Figure 61. Ex-1005, 14:55-67. 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).

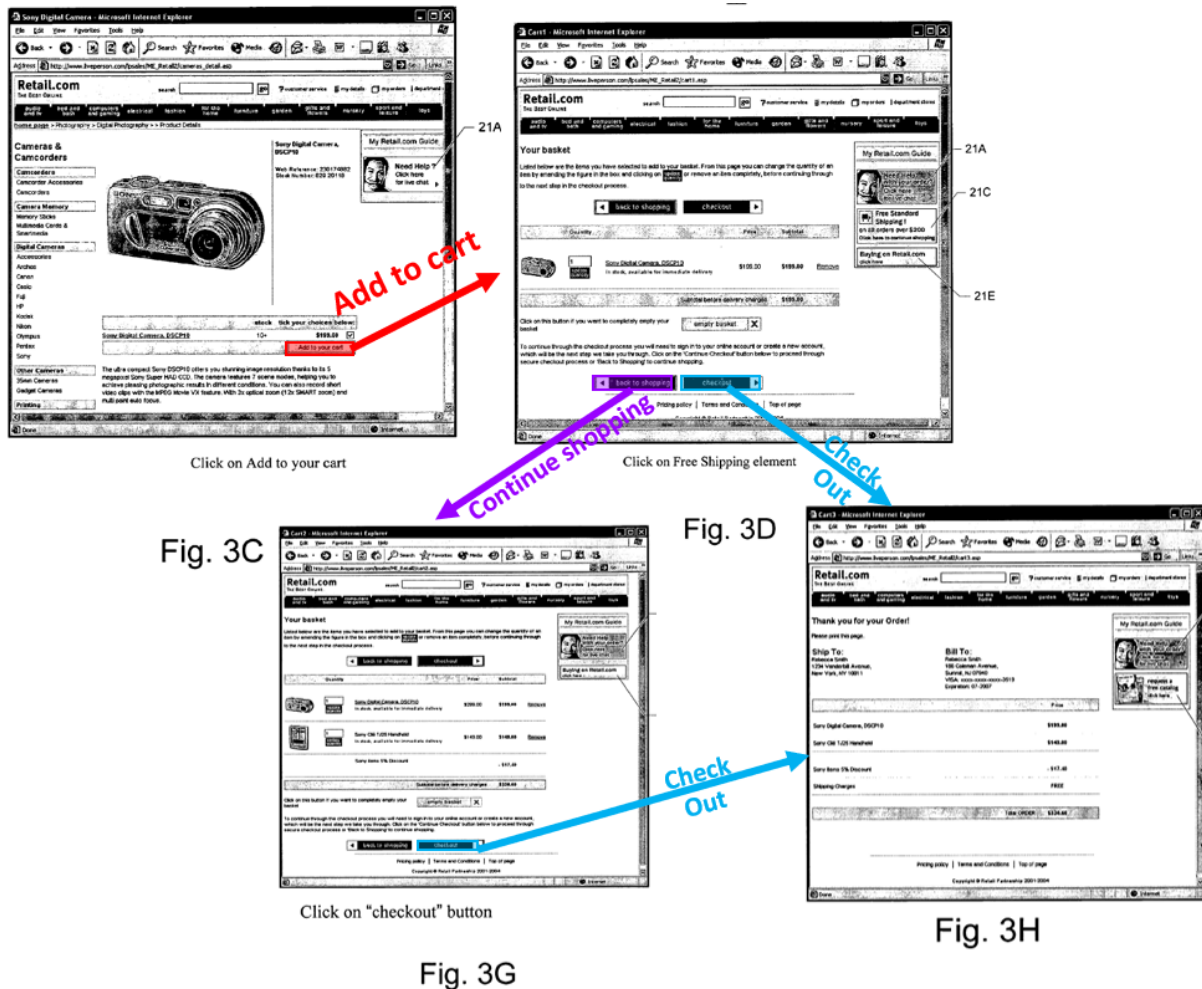


B. Karidi (Ex-1006)

126. Karidi (U.S. Patent Application Publication No. 2007/0061412) was filed March 31, 2006 and issued March 15, 2007. As explained to me by counsel, I understand that Karidi qualifies as prior art under AIA 35 U.S.C. §102(a)(2).

127. Karidi teaches dynamically generating a webpage using rules established by the programmer and based on visitor's activity. Ex-1006 ¶¶7, 11. Karidi provides a personalized experience to a website visitor with relevant and timely content. Ex-1006 ¶15. 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

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).



128. Karidi teaches a “business rules engine,” which allows web designers and marketers to create and save rules for marketing campaigns. *Id.* ¶20. The business rule engine evaluates “the events associated with each user and decides what action to take, if any” and acts as needed. Ex-1006 ¶36. Specifically, when the

user visits the website, the condition specified by the rule will be checked and found true, the actions specified in the rule will be performed. Ex-1006 ¶39. Actions specified by the rule include displaying “promotional material, help icons, chat icons, sale items, other potentially interesting links based on activity,” Ex-1006 ¶17; *see also id.* ¶36 (similar). 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.

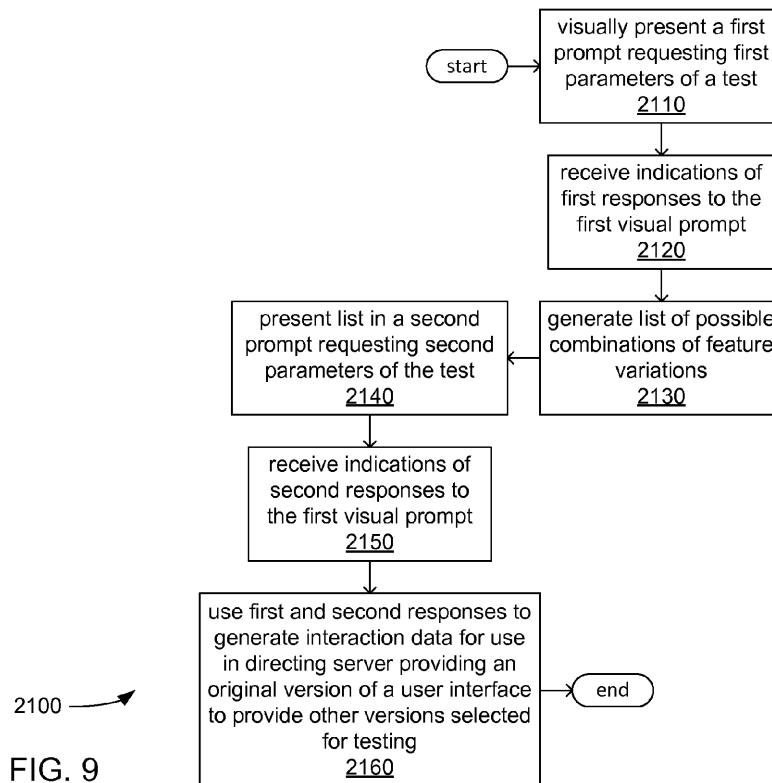
C. Lyon (Ex-1007)

129. Lyon (U.S. Patent Application Publication No. 2014/0282049) was filed March 12, 2013 and issued September 18, 2014. As explained to me by counsel, I understand that Lyon qualifies as prior art under AIA 35 U.S.C. §102(a)(2).

130. 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. This test provides statistical data used to identify “any statistically significant increase or decrease in a given behavior arising from a version of the webpage that implements proposed

changes.” *Id.* ¶2. For example, the metrics from the test are used to determine whether the proposed new variations in content brings about a desired increase in user action, e.g., “one or more of purchasing more products, ‘clicking thru’ more advertisements, exploring more webpages of a website.” *Id.* ¶29.

131. 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 “generates a list of possible combinations of variations of features.” Ex-1007 ¶68.



132. 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. Ex-1007 ¶¶70.

D. Thomas (Ex-1008)

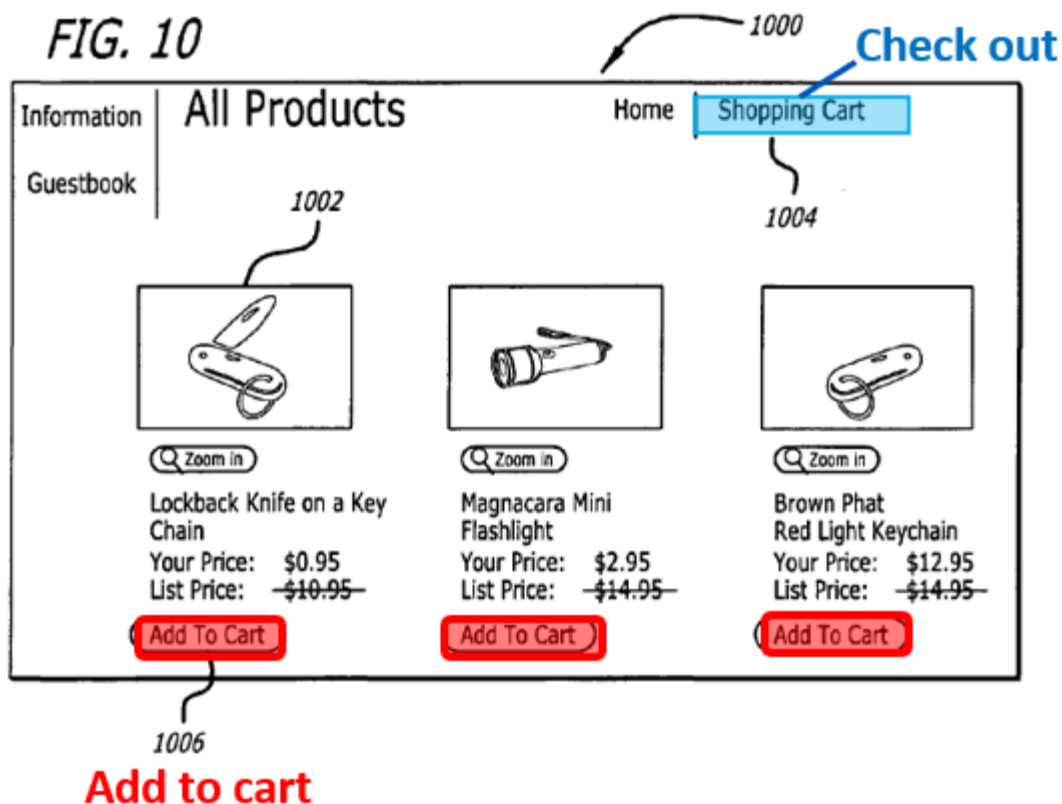
133. Thomas (U.S. Patent Application Publication No. 2011/0288924) was filed March 25, 2011, and published November 24, 2011. As explained to me by counsel, I understand that Thomas qualifies as prior art under AIA 35 U.S.C. §102(a)(2).

134. Thomas provides a customer interface portal webpage on a user’s mobile application. Ex-1008 ¶¶197. Thomas’s customer portal allows a user to register and provide their identification details. Ex-1008 ¶¶203. Using the customer’s details, Thomas is able communicate with the customer directly through email, such as providing a link to a webpage in an email to the customer and notifying “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.

E. Sayed (Ex-1009)

135. Sayed (U.S. Patent No. 7,610,219) was filed February 16, 2005 and issued October 27, 2009. As explained to me by counsel, I understand that Sayed qualifies as prior art under AIA 35 U.S.C. §102(a)(2).

136. Sayed teaches a system/method for creating and maintaining a website in order to support electronic commerce and product sales using the website. 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.” Ex-1009, 8:30-35.



137. 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.” Ex-1009, 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.

VIII. DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS

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

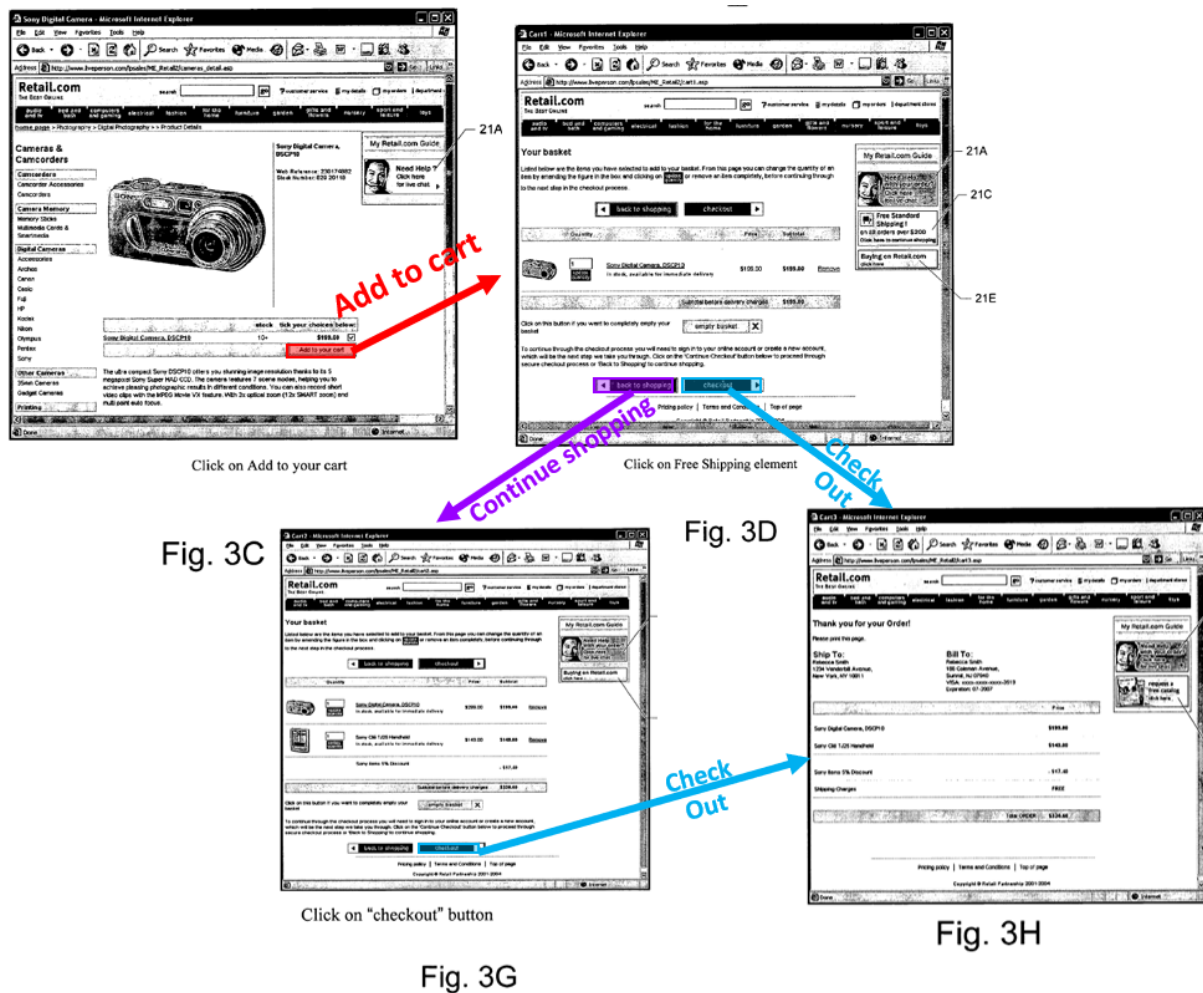
1. A POSITA would have been motivated to combine Coursol’s and Karidi’s teachings and would have had a reasonable expectation of success.

138. In my opinion, 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.

139. 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. Ex-1005, 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.” Ex-1005, 4:65-67.

140. 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”). 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. A POSITA would have further understood that the ordering of webpages on a website could be in accordance with the function of the website or the function of a particular set of webpages. Finally, a POSITA would have understood that, beyond function, other reasons could justify the design of a website that included a set of ordered webpages.

141. Karidi provides an example of how a website would be designed with a sequence or order for a set of webpages. The example in Karidi is of the website for 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. Ex-1006 ¶45. Once the user checks out (blue), they are provided with a receipt page, such as Figure 3H. *Id.* ¶47.

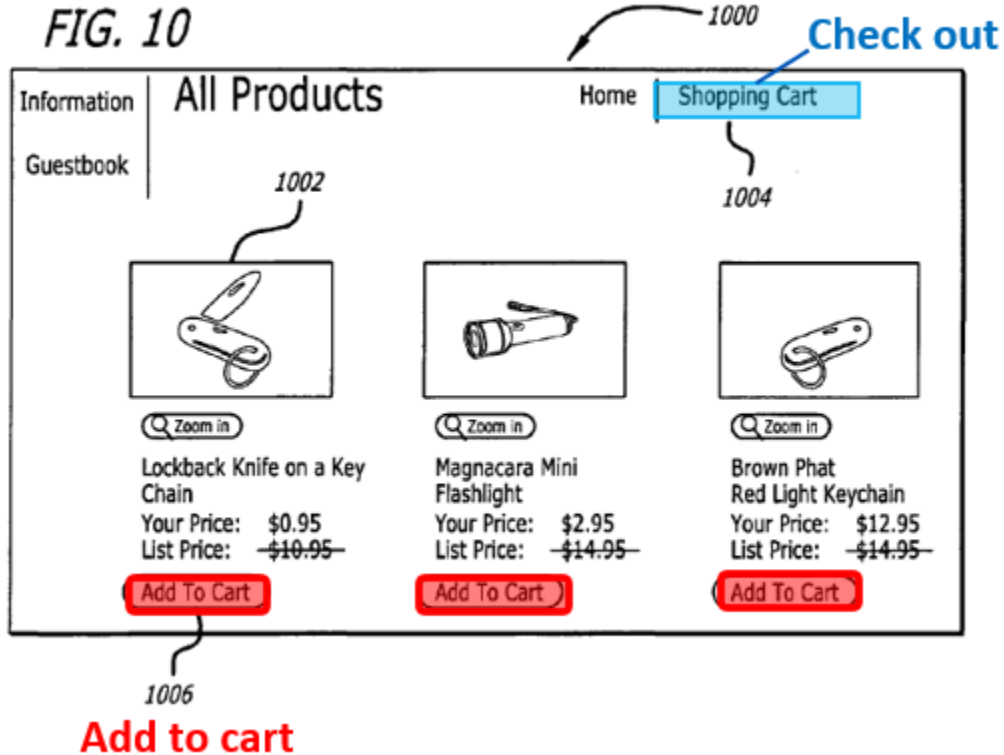


142. A POSITA would have recognized that Karidi's webpages are thus directional—linked to be presented to the user one after the other—and designed to direct a user through a sequence of actions. Karidi is one example demonstrating a POSITA's understanding of the ways in which websites use sequenced or ordered webpages to accomplish some function or goal, similar to the examples provided in the '357 patent. *See* §V.

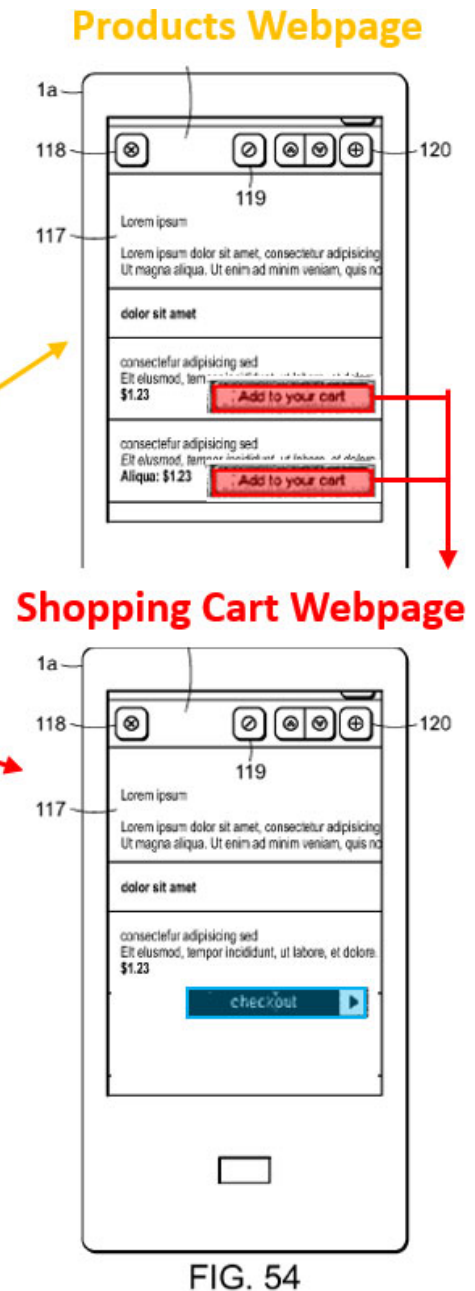
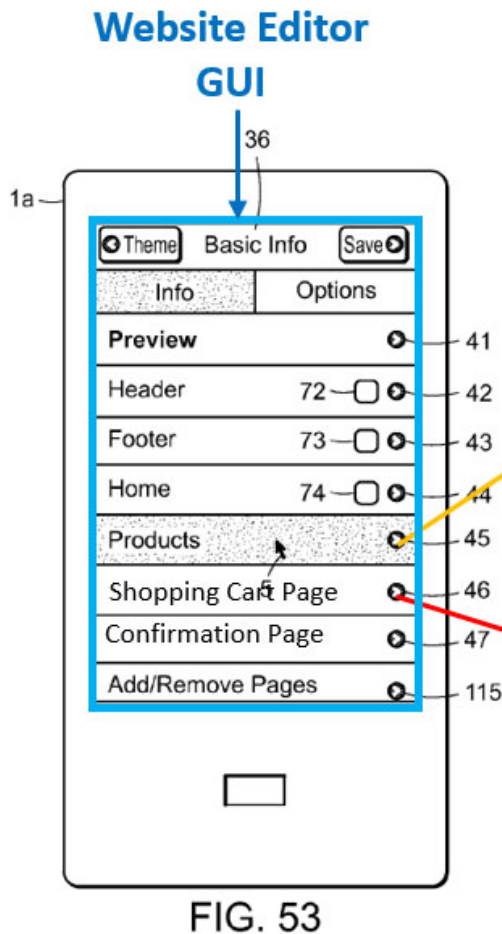
143. A POSITA would have thus been motivated to implement Karidi's method of including sequential webpages into Coursol's website creation tool in, for

example, Coursol's customized "spa" website type, as shown below in an example modification of Coursol, in order to link Coursol's related webpages sequentially, as taught by Karidi, and therefore achieve the benefits of Karidi's directional webpages such used in an e-commerce environment.

144. Specifically, in Coursol-Karidi, the default webpages generated for a retail website template includes products, shopping cart, and confirmation webpages because it was well known for retail websites to include those types of pages supporting an e-commerce function, as I explained above in Section VI.B. Sayed is one such example that teaches a website building module that enables a merchant to incorporate e-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-1010, 8:30-35.



145. Similarly, 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 Coursol, with a checkout button as taught by Karidi).



146. 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 simply 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. This would have been nothing more than applying a known technique (Karidi’s technique in which websites use sequential or ordered webpages to accomplish some function or goal) to a known website creation device/method ready for improvement (Coursol’s graphical website editor, which explains how a user can move between webpages in a customized website) to yield predictable results (a website designer that creates a customized website that includes a particular sequence of webpages).

147. I note that the ’357 patent itself does not explain how to create a website that includes a sequential order of webpages. However, it is my opinion that a POSITA reading the ’357 patent would understand how to create a website that includes a sequential order of webpages because it was well known in the art. For example, it was common to include a “Site Map” in the footer of websites so that a user could find the relationship between webpages within a website. *See* Section VI.B (discussing Exs-1024, 1025).

148. A POSITA would have understood, therefore, that Coursol and Karidi disclose interrelated teachings based on routine technologies that would have been amenable to well-understood and predictable combinations to provide a 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.

2. Independent Claim 1

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

149. To the extent the preamble is limiting, it is my opinion that Coursol teaches⁴ element 1[pre].

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. Ex-1005, 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”).

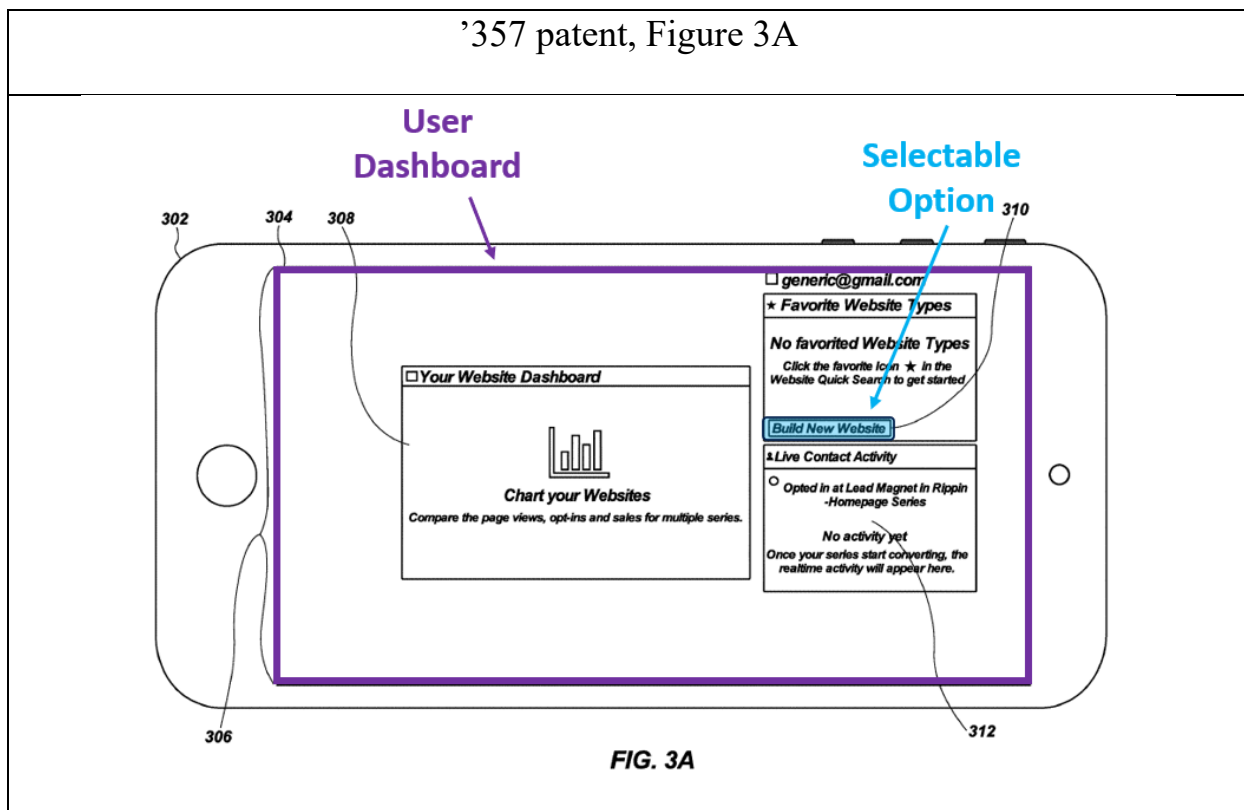
b. Element 1[a]: providing, to a user for display on a client device, via a website creation system, a user dashboard comprising a selectable option to create a website;

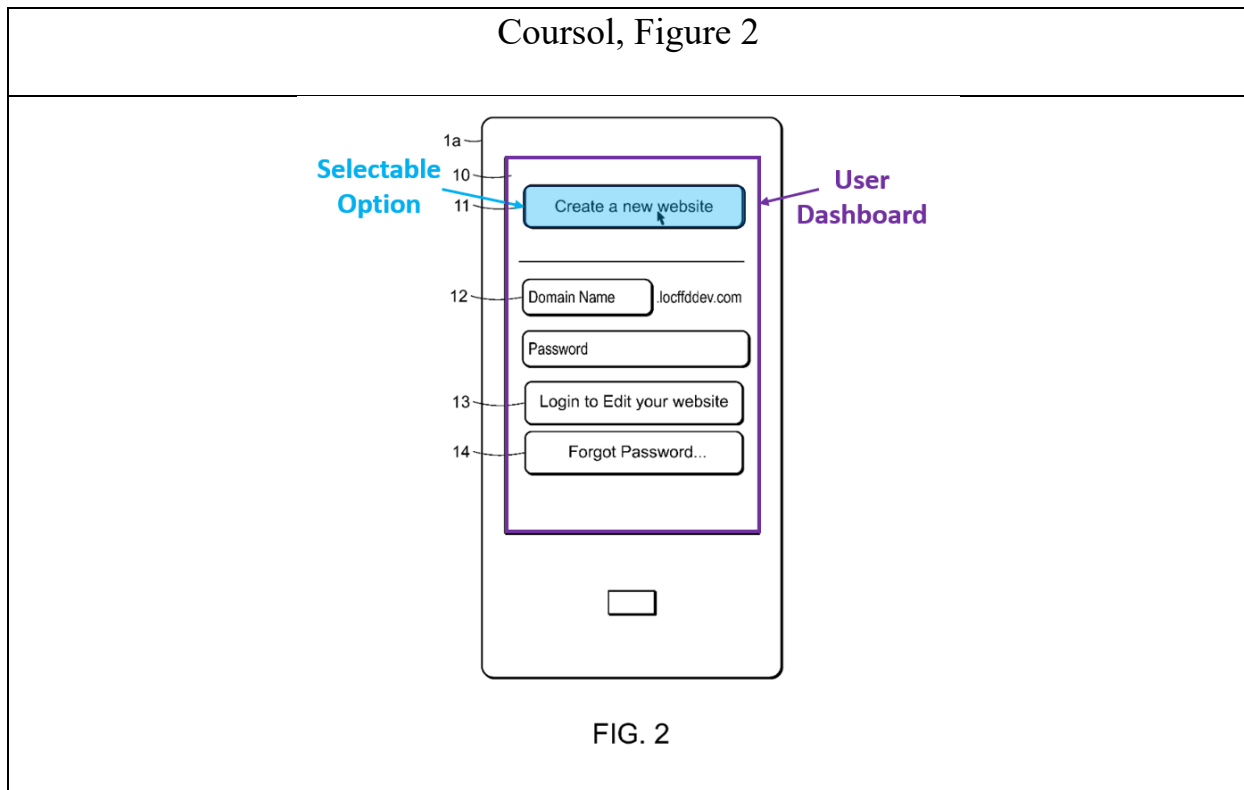
151. It is my opinion that Coursol teaches element 1[a].

⁴ I use the term “teaches” as including both express teachings and those fairly suggested to a person of ordinary skill in the art.

152. 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.

153. 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, POSITA would have understood the presentation in Coursol's Figure 2 to be a "dashboard."





154. 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.

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

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

155. It is my opinion that Coursol teaches element 1[b].

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. Specifically, "[w]hen the *user clicks on the website creation control 11*, the design studio application 215 displays a graphical user interface screen 15, shown in FIG.3, including a control 16 allowing a user to select a template category."

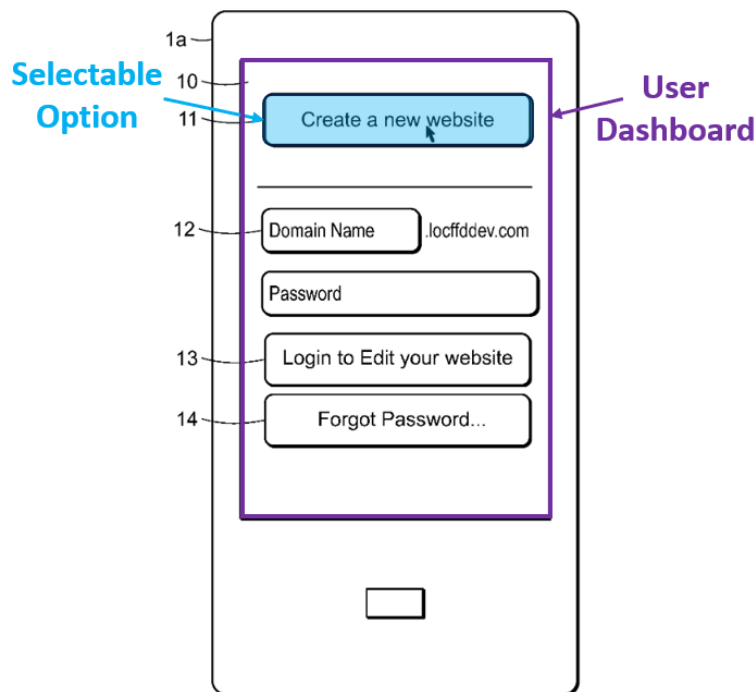


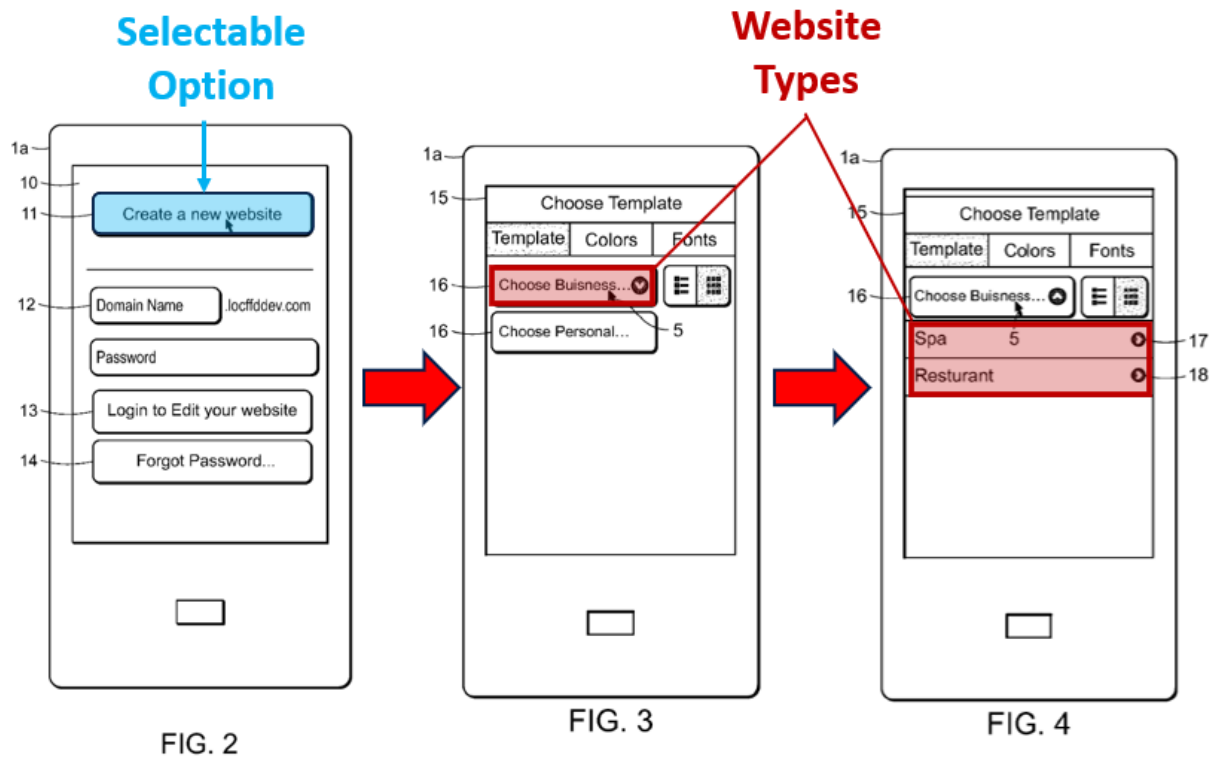
FIG. 2

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;

157. It is my opinion that Coursol teaches element 1[c].

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. Other examples known in the art prior to the '357 patent include travel reservation systems, on-line auctions, distance learning, and real-estate listings. *See also* Ex-1005, 4:1-15 ("Web pages and websites (collections of related web pages organized under a particular domain), accessible through Internet, provide information about

numerous businesses, products and services, as well as education, research, and entertainment.”); *see also* Ex-1018 (providing a real estate example).



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

159. It is my opinion that Coursol teaches element 1[d].

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 design choices 18a, 18b. *Id.*

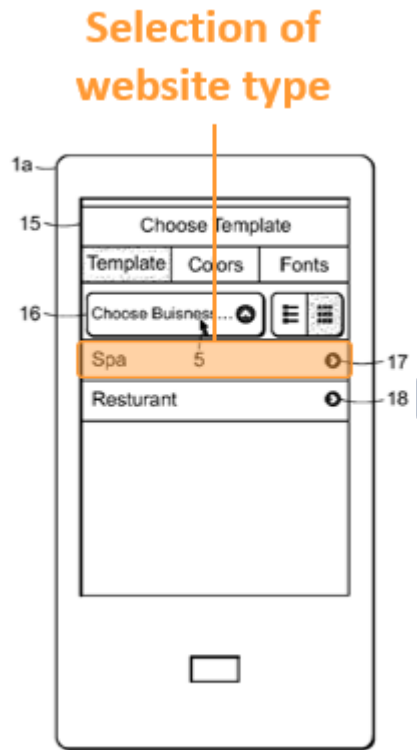


FIG. 4

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,

161. It is my opinion that Coursol-Karidi teaches element 1[e].

162. As I discussed above in Section V, under the plain and ordinary claim scope, “a series of directional webpages configured to cause an end user interaction with a website” 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, as I explained above in Section VI.B using the examples of Bezos (Amazon.com), Craig, and others.

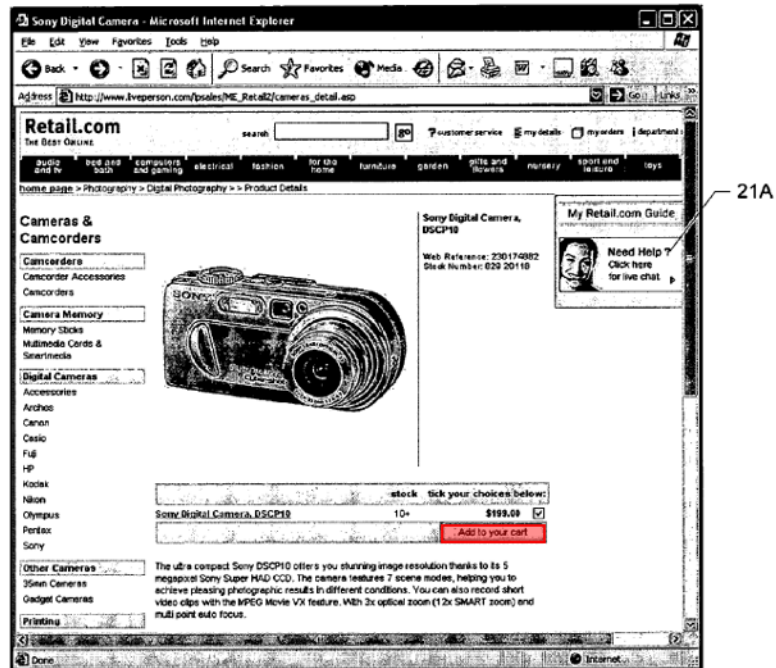
163. Coursol's website type comprises a series of directional webpages configured to cause an end user interaction with a website, in the same way as described in the '357 patent. Coursol teaches that upon selecting the "spa" website type, the user is presented with webpages for products, contact, and 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 webpages are "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." As I described above in Section VI.B, it was well understood that websites are

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.").

combinations of related webpages served through a single domain, such that the visitor will travel through the website by the linked webpages. Craig is one example to explain how the webpages are linked. Specifically, when a user clicks on a first section of a webpage, they are transferred to another page Ex-1018 ¶52, 55 (Once a link is chosen, the user is automatically transferred to that page). Sayed is another example of how webpages link to another webpage such that “Page A links only to page B, and page B links only to page C.” Ex-1009, 10:50-53; *see also id.* Figure 10 (an example retail website). A POSITA would have thus understood that the spa’s webpages for products, contact, and gallery are examples of directional webpages in Coursol because they not only allow the user to view an image on the website but also cause the user to view a product before selecting the particular product.

164. In addition, as I discussed above Section VIII.A.1, Karidi teaches a series of directional webpages presented for a user to make purchase. 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.” Ex-1006 ¶45. The user is given the option of “add to your cart” (red).

104

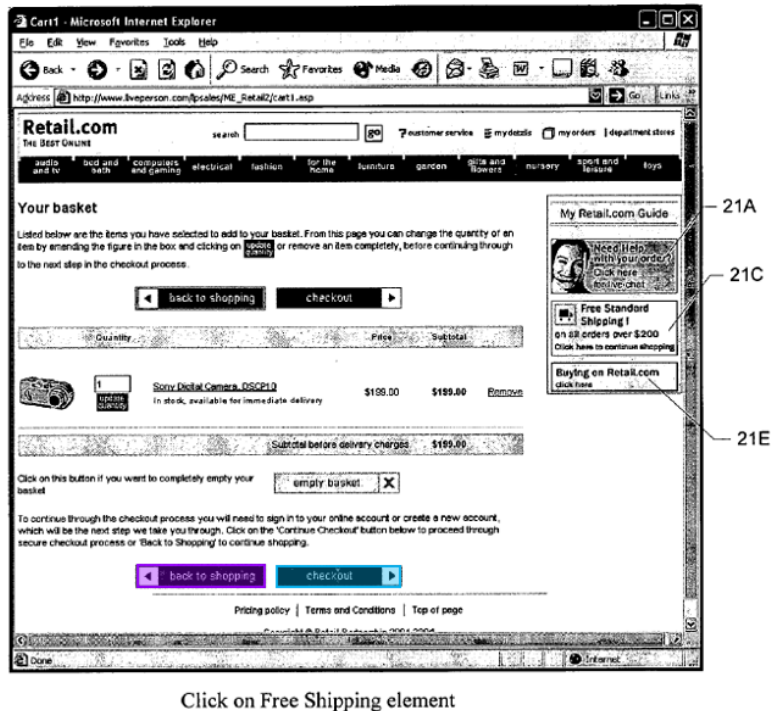


Click on Add to your cart

Fig. 3C

165. 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

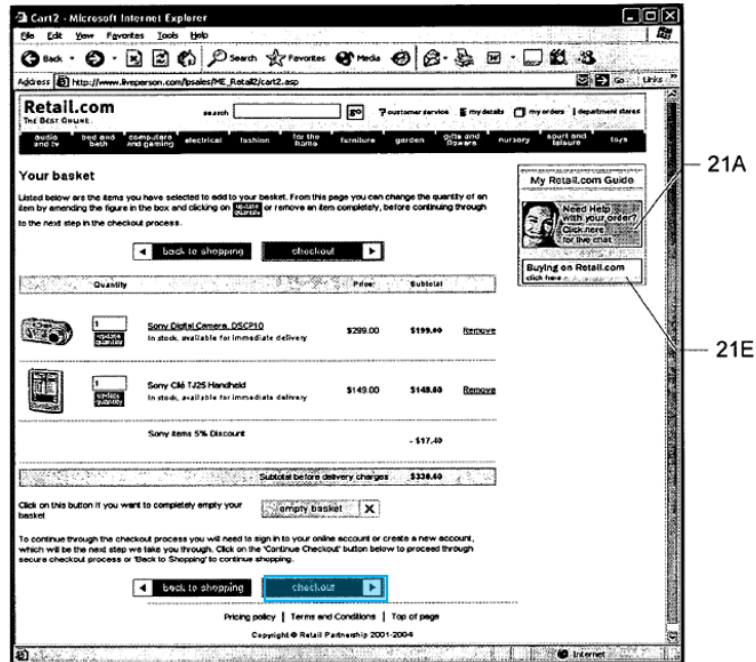


Click on Free Shipping element

Fig. 3D

166. 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). Ex-1006 ¶47.

112



Click on “checkout” button

Fig. 3G

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

114

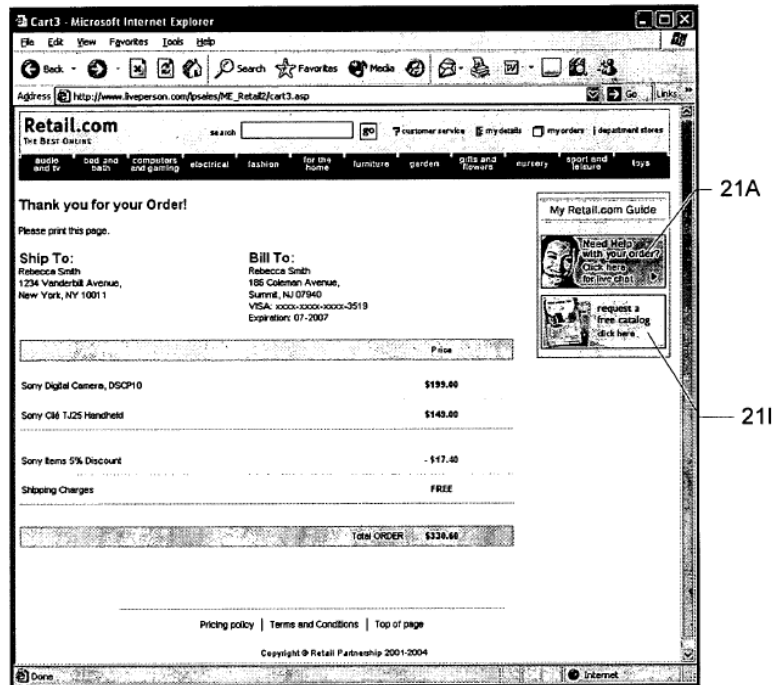


Fig. 3H

168. Accordingly, it is my opinion that 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 (as I described above in Section V). 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)”).

169. As I explained above §VIII.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. 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). As I explained above in Section VI.B, a retail website is an example of using directional webpages because it allows the user to view a product, add it to its shopping cart, continue shopping, and/or check-out the products in the shopping cart. 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;

170. It is my opinion that Coursol-Karidi teaches element 1[f].

171. 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. Ex-1005, 9:1-9.

172. 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.” Ex-1005, 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. As I described above in Section VI.B, it was well understood that websites are combinations of related webpages served through a single domain, such that the visitor will travel through the website by the linked webpages. Craig is one example to explain how webpages are linked. Specifically, when a user clicks on a first section of a webpage, they are transferred to another page Ex-1018 ¶52, 55 (Once a link is chosen, the user is automatically transferred to that page). Sayed is another example of how webpages link to another webpage such that “Page A links only to page B, and page B links only to page C.” Ex-1009, 10:50-53. A POSITA would

have thus understood that the spa's webpages for products, contact, and gallery are examples of directional webpages in Coursol because they not only allow the user to view an image on the website but also cause the user to view a product before selecting the particular product.

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. For example, the '357 patent notes a "storefront series." "The storefront series may include at least one page: a storefront page. The storefront page may include at least substantially all of a website's products and/or services. Each product link may be linked to another series." Ex-1001, 15:28-35. Coursol's products page is an example a "storefront series" that includes one page listing all of the website's products/services.

174. Moreover, as I 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 "series of directional webpage" contemplated by the '357 patent. Like the

“storefront series” (Ex-1001,15:28-32) I discussed above, the ’357 patent also describes a “product launch series.” The product launch series is described as:

The product launch series may include at least six pages: a product launch page, three sales pages, and a product launch and order form page. The product launch series may be designed to build anticipation (via the three sales pages and product launch page) prior to enabling a guest to purchase a product and/or service. For instance, the three sales pages may be emailed to a guest a day apart from each other before finally opening up a cart and allowing the guest to purchase a product.

The cart may be closed after a few days.

Ex-1001, 14:60-15:3. 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.

175. 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. This was well known, as I discussed in Section VI.B. For example, Sayed explained how 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.” Ex-1009, 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. Similarly, Craig describes a method of organizing webpages by:

providing a user customizable homepage, providing a first plurality of user customizable webpages, providing a website organization user interface, organizing the first plurality of user customizable webpages based on a users input into sections having a second plurality of webpages selected from the first plurality of webpages, linking each webpage in the second plurality of webpages to every other webpage in the second plurality of webpages, and linking at least one page in the second plurality of webpages from the homepage.

Ex-1018 ¶11. Craig’s Figure 7 and 8 are examples of how one page has links to other webpages that once a link is chosen, the user is automatically transferred to that page. Ex-1018 ¶¶52, 55. For example, Craig explains providing a home page 800 with links to buying link 803, selling link 805, area info link 807, testimonials link 809, and home page link 811, such that when the user selects the buying link 803,

the user is also then able to click on a “buyer’s plan link 835,” only provided in the customized website on the buying link page. Thus, Craig is another example of how one webpage leads to another, such that the webpages are provided sequentially one after the other.

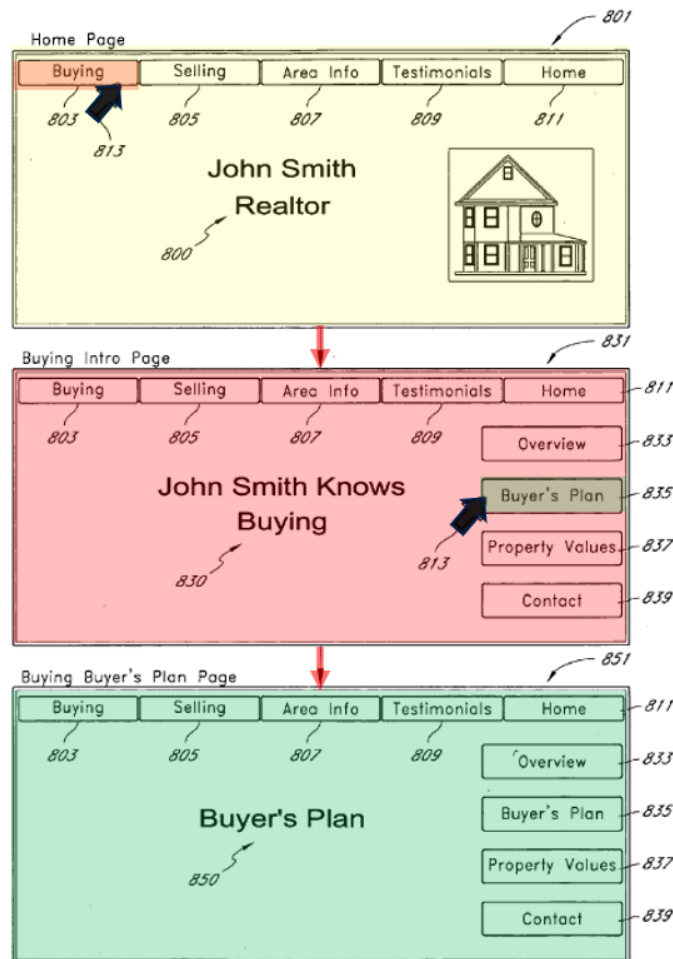


FIG. 8

176. Moreover, shopping carts are webpages that are presented sequentially one after the other, as I described above in Section VI.B. *See, e.g.,* 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. I also understand from counsel that Patent Owner also applied a similar interpretation in its infringement contentions. *See* 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’))). However, 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. Craig is one example of a real estate website that presents a different set of webpages than the shopping cart website I described above. For example, Craig illustrates a completed website about Newport Beach real estate that includes different webpages such as buying, selling, financing, and google and yahoo links. *See* Ex-1018, Figure 18, ¶75; *see also id.*, Fig. 8 (above). Craig also provides a “client new property notification system,” which is a website that allows users to be notified of new listings, make an offer on a particular property, select additional search criteria, and select whether they are interested. *See* Ex-1018, Figure 21, ¶¶79-80.

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;

177. It is my opinion that Coursol-Karidi teaches element 1[g].

178. 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.

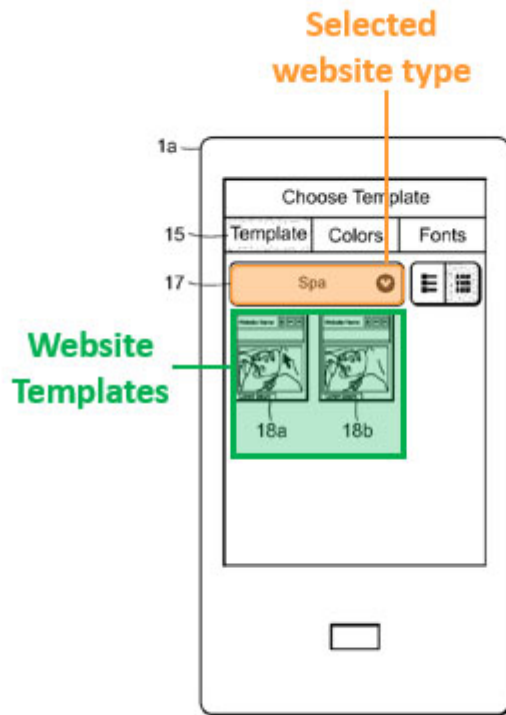


FIG. 5

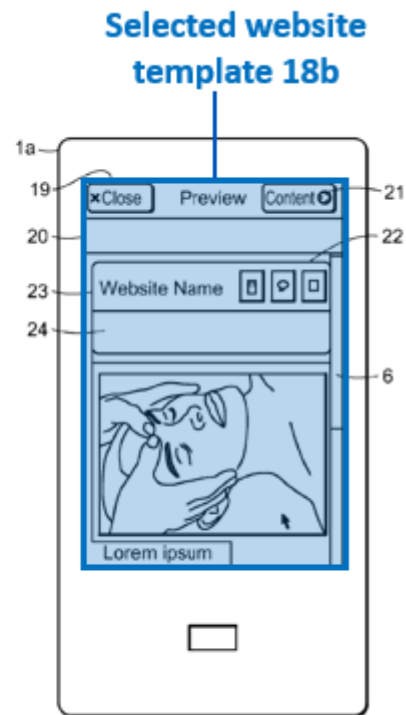
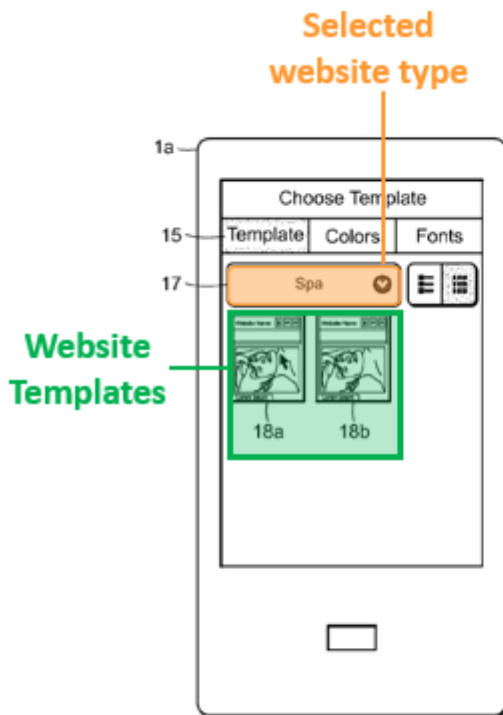
179. If a restaurant website-type was selected, as opposed to spa website-type, website templates particular to restaurants would be provided. *See* Ex-1006, 1:12-13 (“For example, such tools often provide web page templates that allow a user to enter personalized content and select web page layout, styles, fonts, colors, etc., and then immediately publish the completed pages to the Internet.”); Ex-1011, 22:42-44 (“Each template stores a combination of website components in an arrangement that is especially appropriate for a given category of activity on the Internet.”); Ex-1010, 4:54-55, 4:61-64 (“style template is pre-built with “customizable objects or elements: buttons (i.e., graphics), text labels, and other elements. Each element in turn has attributes or properties associated with it.”).

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;

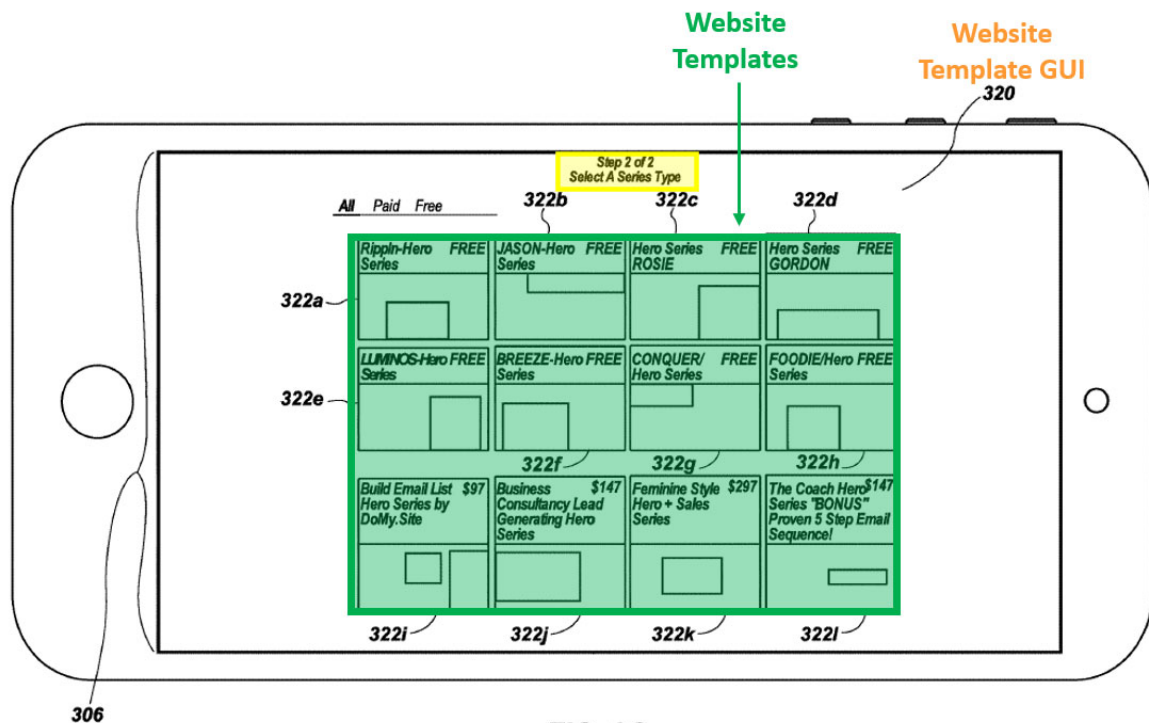
180. It is my opinion that Coursol-Karidi teaches element 1[h].

181. 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.



182. In addition to receiving a selection of a website template, element 1[h] recites “receiving a selection of a website template ... and the series of directional webpages....” A POSITA would have understood “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 [1] displays a website template selection GUI” (orange) displaying “a plurality of website templates 322a-322l... specific to the selected website type” (green). *Id.*, 19:11-18. As shown in Figure 3C, the website templates “are particular” to the selected website type and to the series of directional webpages of the selected website type. Particularly, Figure 3C illustrates that the template selection is the same as the selection of the series of directional webpages because the GUI is titled “Select A Series Type” (yellow) but the selectable options are the “plurality of website templates 322a-322l” (green).

**FIG. 3C**

183. Moreover, a POSITA would have understood that the selection of the website template that is particular to the series of directional webpages of the website type is the same as receiving the user's selection of "series of directional webpages of the website type" because the template is particular to the series of directional webpages, as specifically recited in claim 12 and 16 (*see* elements 12[g]/16[g]).

184. Coursol's website template selection is also a selection of a series of directional webpages 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 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.

185. As I discussed above in Section VIII.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. If choosing a restaurant website-type, a POSITA would have recognized a different series of directional webpages, such as to cause the user to make a dining reservation, with number of diners, seating preference, etc. Additionally, if choosing a real estate website-type, a POSITA would have recognized a different series of directional webpages, such as to cause the user to select search criteria, finance options, and select a property, etc. *See, e.g.*, Ex-1018, Figs. 18, 21, ¶¶75, 79-80. 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).

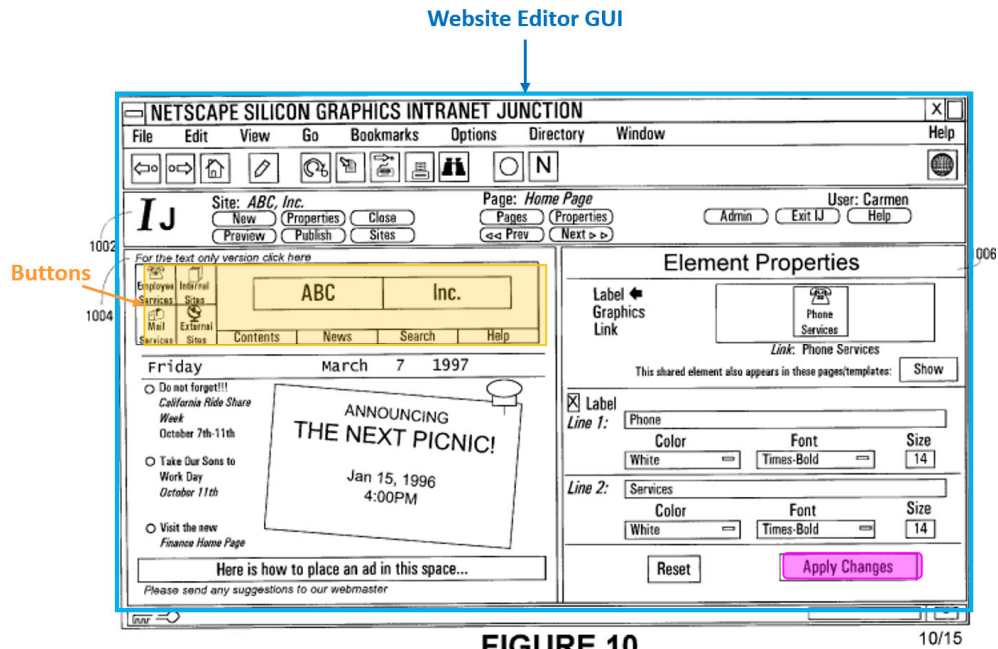
j. Element 1[i(1)]: in response to receiving the selection of a website template, generating and launching a generic website based on the selected website type and selected website template and

186. It is my opinion that Coursol teaches element 1[i(1)].

187. 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 (Section VIII.A.2.e (user selecting a spa website type)) and the website template (the previous section (user selecting website template 18b)), 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").

188. A POSITA would have recognized this as a well known step in a website creation system, as I explained above in Section VI.A. For example, D'Arlach is one example how once the template is selected and duplicated for the

user to edit, the user then customizes or edits the working copy of the template through a “series of forms displayed by a browser on the client computer.” See Ex-1010, 5:16-21, 8:44-45. As shown in Figure 10, the user is able to customize the elements and their associated properties shown in the website displayed in left-hand frame 1004, by selecting the available buttons. For example, the user may select the “Phone Services button (i.e., icon in the left-hand frame 1004 to customize its text label.” Ex-1010, 8:60-9:9. D’Arlach is clear that the elements that can be edited, including webpages, can be directly selected on the left-hand frame of the interface. Ex-1010, 5:44-45 (“user selects a site to edit”), 6:4-7 (“user first elects an element to edit... the user then selects one of the element attributes to edit, label, graphics, or link.”). In Figure 10, selecting of the “Phone Services” tab in the left-hand frame, allows the user to customize the label attribute of the “Phone Services button” by entering text labels. Ex-1009, 9:2-9. The user then clicks on the “Apply Changes” button (pink) to update the element on the website. Ex-1009, 9:19-22, 9:34-36.

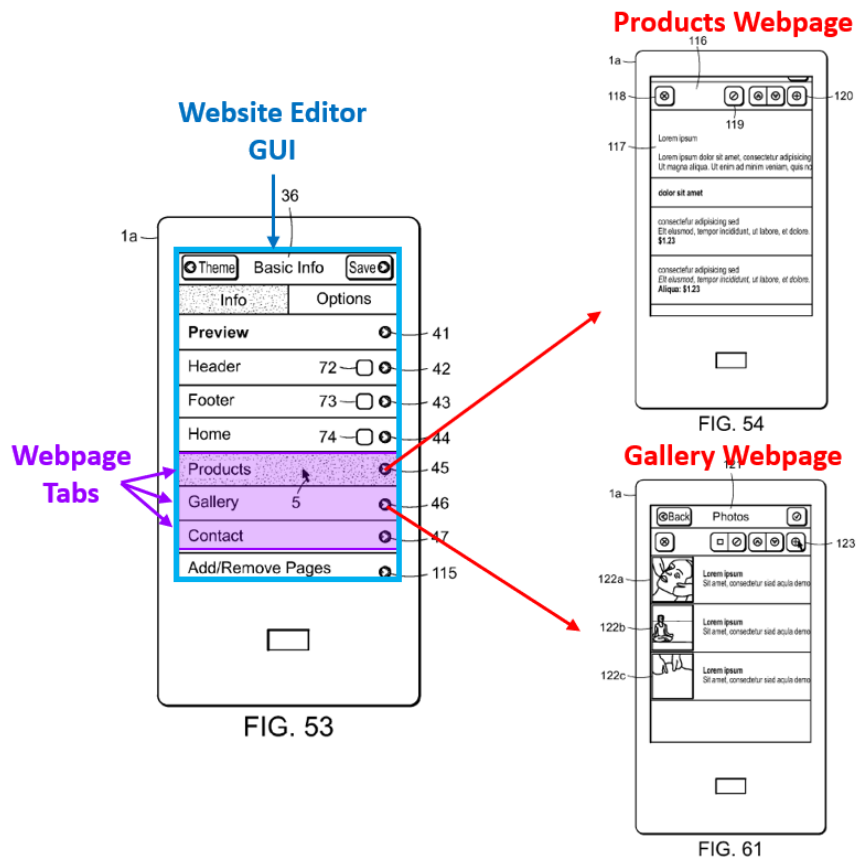


- k. Element 1[i(2)]: providing, to the user for display on the client device, a website editor graphical user interface, the website editor graphical user interface comprising a plurality of webpage tabs, each webpage tab of the plurality of webpage tabs representing a webpage of the series of directional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

189. It is my opinion that Coursol-Karidi teaches element 1[i(2)].

190. 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, website editing control homepage 36 is a website

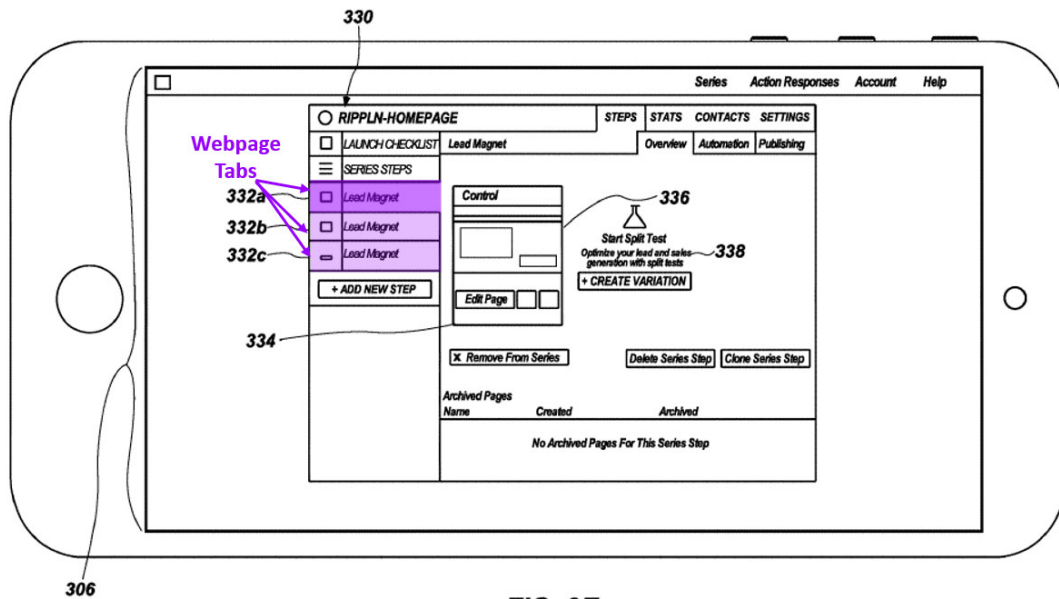
customization and editing process that allows the user to travel through a series of screens to make selections, edit content, and configure the website. Ex-1005, 8:1-9.



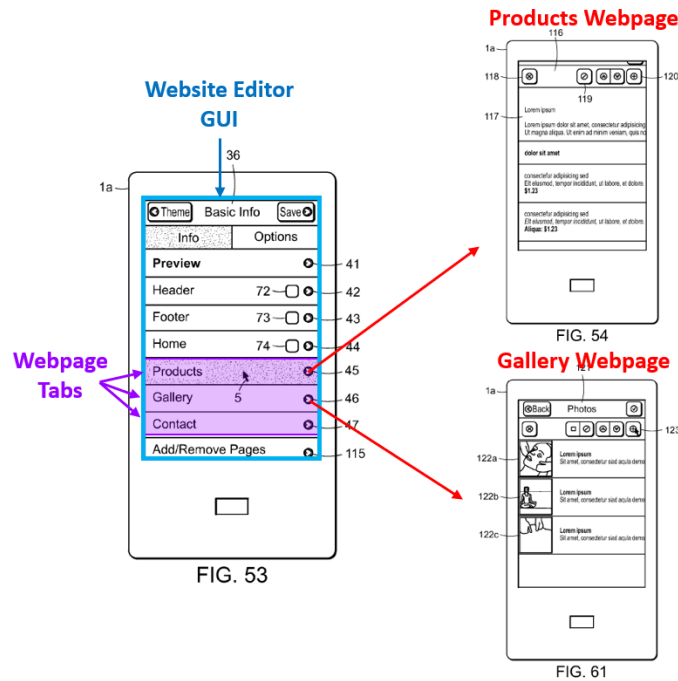
191. Coursol’s website editing control comprises a plurality of webpage tabs representing a webpage of the directional webpages. Specifically, as shown in Figure 53, the website editing control page include “controls” to the Products, Services, and Gallery pages. Ex-1005, 8:65-9:9. Coursol explains that by selection of the controls “brings up the editing controls for different sections or *pages of the website.*” *Id.*, 12:1-9. By selecting control 45, the user can edit the “Products” page, which displays the products editing control page shown in Figure 54. Ex-1005, 14:37-43. Similarly,

by selecting gallery editing control 46, the website editor displays the gallery editing control page as shown in Figure 61. Ex-1005, 14:55-67. A POSITA would have understood that Coursol's controls to the Products, Services, and Gallery pages correspond to the claimed tabs because they are similar to the selectable elements shown in the '357 patent as tabs. For example, Figure 3E of the '357 patent is explained as the website editor GUI that includes a "*plurality of tabs 332a-332c* representing each page, respectively, of the generic website. Each tab of the plurality of webpage tabs 332a-332c may include a control window 334, which enables a system administrator to edit the webpage associated with the tab." Ex-1001, 19:42-47. A POSITA would have recognized that Coursol's controls 45, 46, and 47 (purple) are the same type of selectable element that the '357 patent depicts as tabs 332a-332c (purple) because once Coursol's control is selected a control window allows the administrator to edit the webpage associated with the selection.

'357 patent, Figure 3E



Coursol, Figure 53



192. To the extent, webpage tabs are interpreted 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 as shown in the modified figures below. First, Coursol already teaches horizontal tabs when describing the information tab 39 as bringing up the controls 41-48. Ex-1005, 12:5-10. While Figure 53 does not annotate the information and options tabs as elements 39, 40, they are designated 39 and 40 in Figure 10 (below). Ex-1005, 12:5-15.

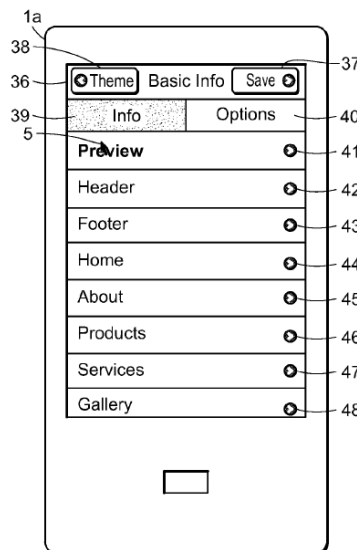
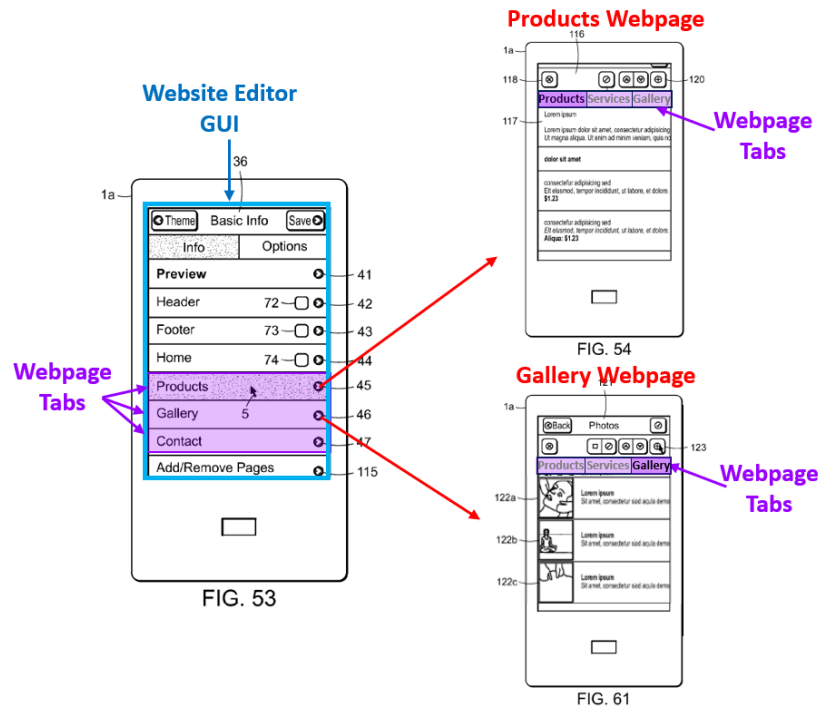


FIG. 10

A POSITA would have recognized that making each of webpage tab in Figure 53 into tabs as shown below in modified Figures 54 and 61 below would allow the user to easily navigate to the gallery editing control page (shown in Figure 61) or the

services editing control page (not shown) from the products editing control page (Figure 54) without navigating back to Figure 53's website editing control page 36.



Aside from Coursol's own teachings, adding such tabs to Coursol's editing control pages would be an obvious modification in view of a POSITA's understanding of the art at the time. For example, U.S. Patent Application Publication No. 2013/0198679 to Nurse et al. ("Nurse," Ex-1032) describes a website creation system that has displays mode 312 made of "user controls" visible on each page that the user is editing. Specifically, "the display modes 312 include webpages 314 existing in the website, shown in FIG. 3C, a builder display 330 for modifying a page, shown in FIG. 3D, a theme display 340, as shown in FIG. 3E, corresponding to colors and styles of all pages in the website, and a control display 350 in FIG. 3F,

for administrative controls, which is also available directly from the site edit button

306. ***Each of the display modes 312 is also selectable from within the other modes.***”

Ex-1010 ¶¶61; *see also* ¶¶63 (“each display mode 312 has a corresponding screen 320, 330, 340 and 350. Each display mode 312 is selectable from any of the other display modes by activating the user controls to enter another mode 312.”), ¶¶64 (“The display modes 312 and corresponding screens include a webpage selection mode 320 for selecting pages 314 of the website under construction 400 for modification, as shown in FIG.3c, and a builder selection mode 330, as shown in FIG. 3d, for adding and modifying content of the selected website 304 and webpage 314.”).

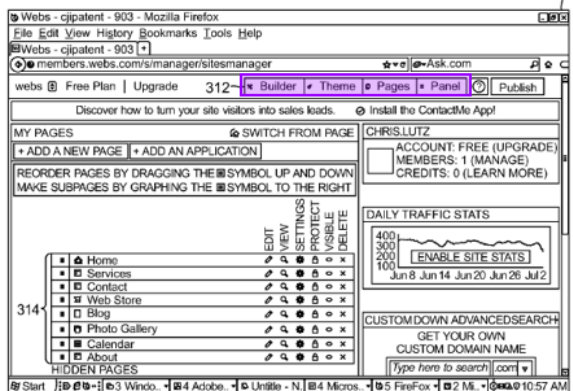
Webpage mode

FIG. 3C

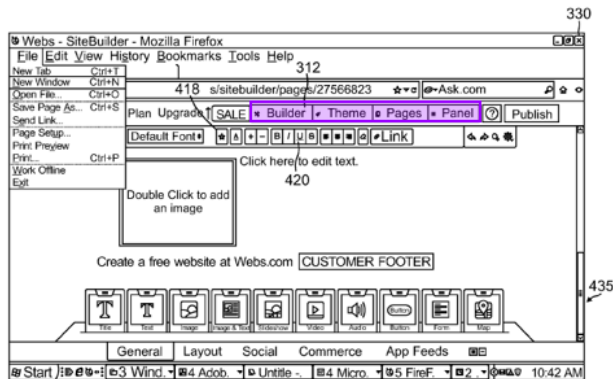
Builder display mode

FIG. 3D

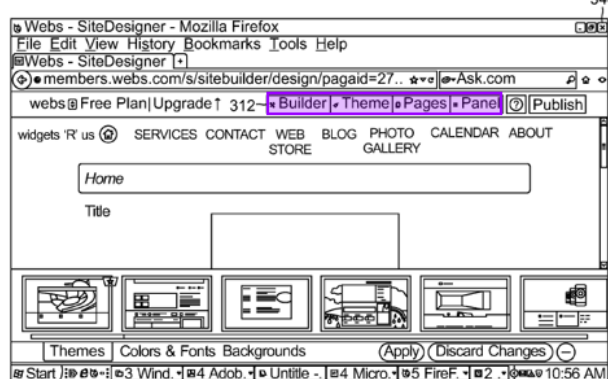
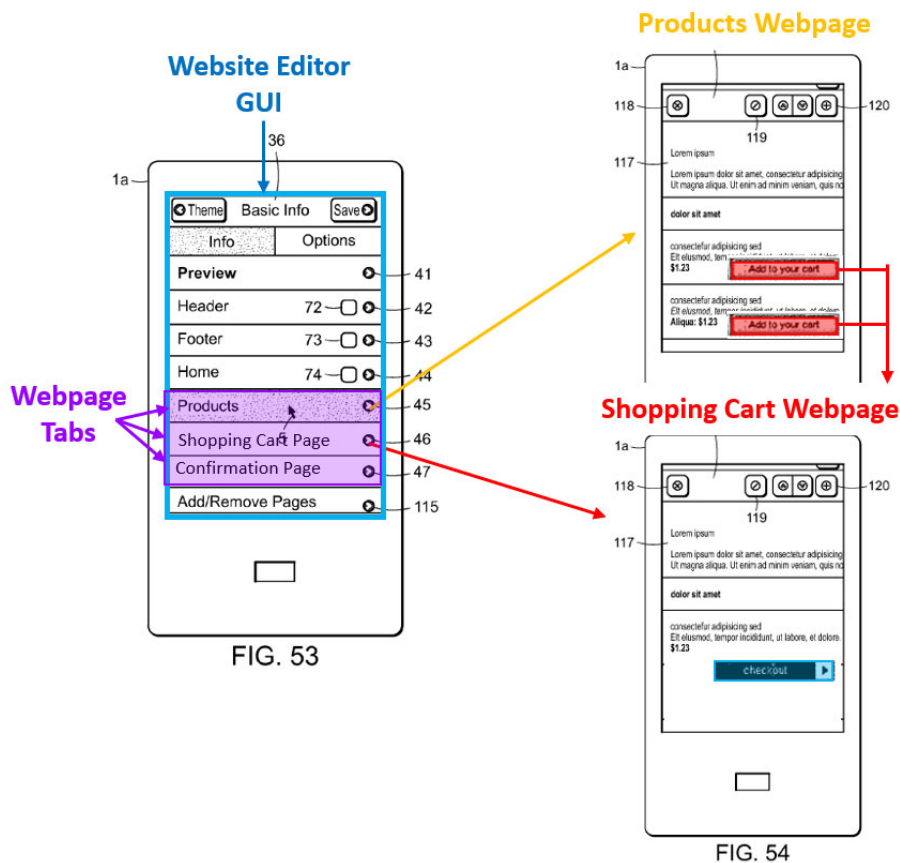
Theme display mode

FIG. 3E

A POSITA would have recognized that Nurse's teaching of continuing to have its display modes to be selectable from within the other modes is just one technique to have Coursol's services and gallery tabs remain visible while editing Coursol's Products webpage. *See also* Ex-1005, 3:45-50 (explaining that its network-based design application (which allows a user to edit and configure features of a mobile-ready website) may be executed on both traditional computing devices such as a desktop or laptop and on a mobile device such as a smartphone or table/pad device).

193. As I described above in Section VIII.A.2.f, Karidi teaches the directional webpages of the products page, shopping cart page, and check out page. 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, Figures 51, 53 ("add/remove pages").



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

194. It is my opinion that Coursol-Karidi teaches element 1[j].

195. Coursol's method/system receives an indication of a user editing at least one webpage of the directional webpages. As I 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); *see also id.*, 12:1-9 ("brings up the editing controls for different sections or pages of the website."). 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. Ex-1005, 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. 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."

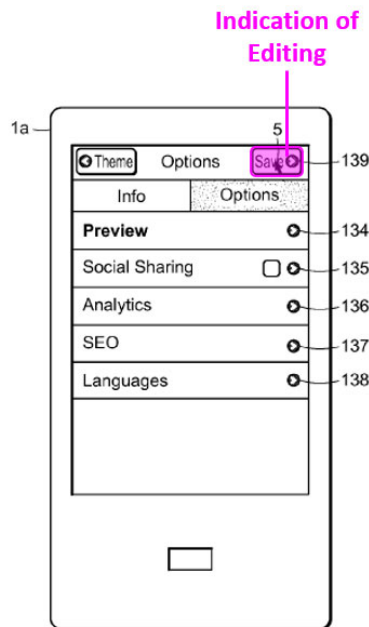


FIG. 81

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.

196. It is my opinion that Coursol teaches element 1[k].

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.” Ex-1005, 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.

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:

198. It is my opinion that Coursol-Karidi teaches claim 2.

199. 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.

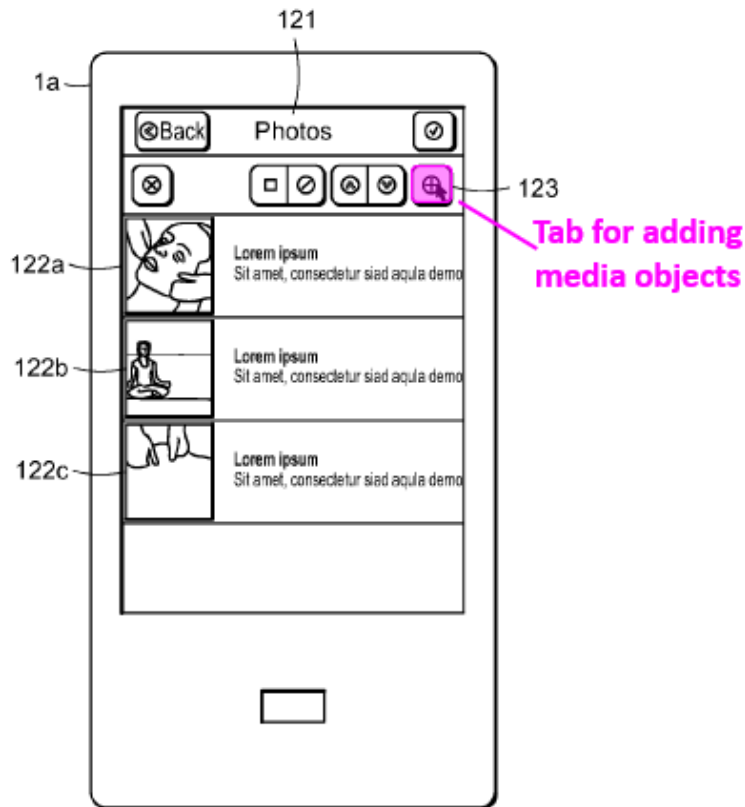


FIG. 61

200. 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. *Id.*, 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.” Ex-1005, 14:40-49. The “contact” webpage tab presents the “contact editing control page 127 [which] includes a number of different text entry controls 128a, 128b, 129a, 129b.” *Id.*, 15:14-29. A POSITA would have found it obvious that Coursol’s “services” webpage tab would similarly have an item control to add text or media objects

explaining the services available. It is my opinion, that 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 Section VIII.A.2.f. Ex-1006 ¶¶43, 45-47.

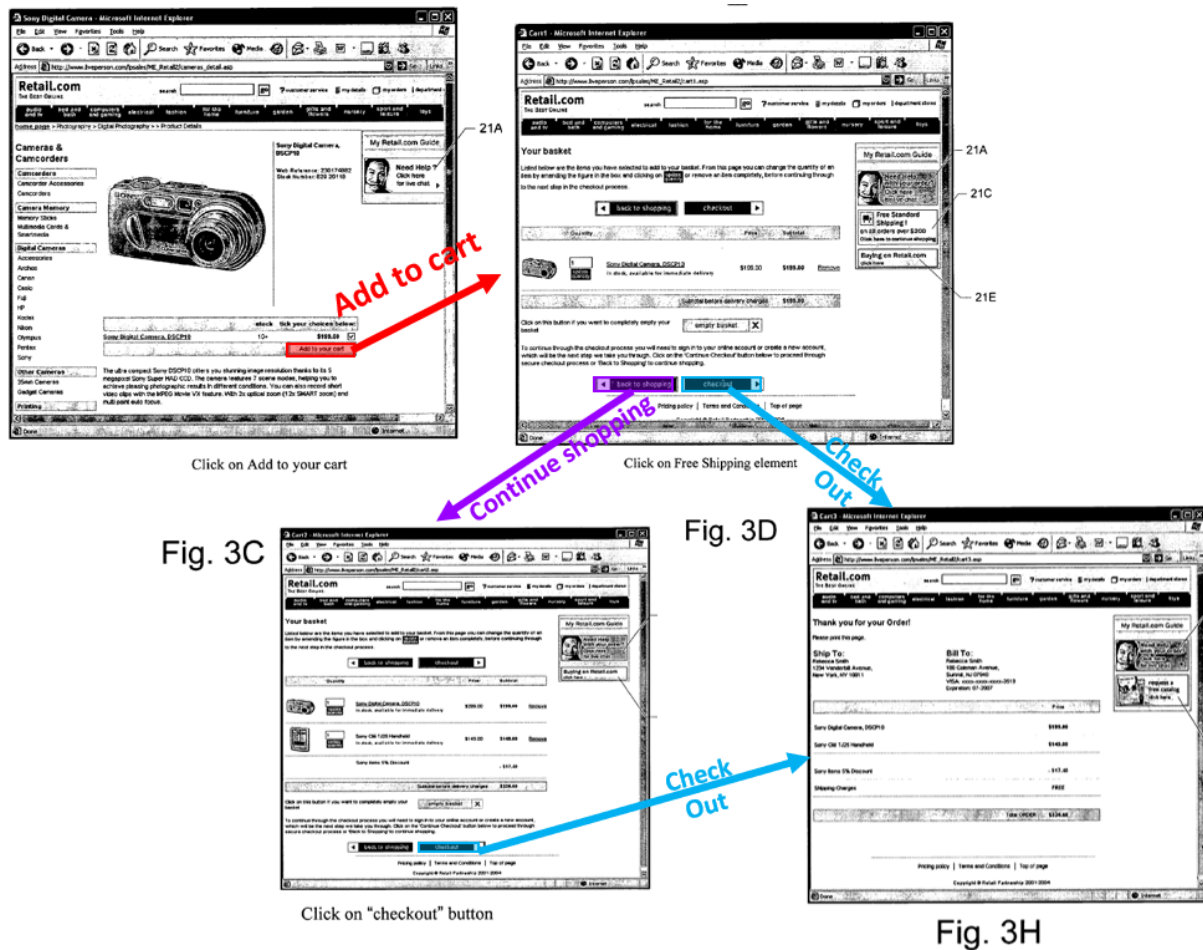
b. Claim 6: The method of claim 1, wherein the plurality of sequential webpages are configured to be provided sequentially one after another during a single web browsing session.

201. It is my opinion that Coursol-Karidi teaches claim 6.

202. 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 Section VIII.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.

Ex-1006 ¶45. Once the user checks out (blue), they are provided with a receipt page, such as Figure 3H. *Id.* ¶47.



203. 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. As I described above in Section VI.B, this was a well known example of a directional webpages. *See, e.g.,*

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.

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.

204. It is my opinion that Coursol-Karidi teaches claim 7.

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. Ex-1006 ¶37. For example, Karidi determines whether the "visitor is a returning customer or a new costumer and initiates the appropriate outcome[(s)]." Ex-1006 ¶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. Ex-1006 ¶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. *See, e.g.,* Ex-1019, 8:17-22 (describing monitoring the user’s activity, including cookie technology to identify a customer, “so that the user can be associated with any existing shopping cart created during previous visits to the site.”).

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.

206. It is my opinion that Coursol-Karidi teaches claim 11.

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 Sections VIII.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. *See also* 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.

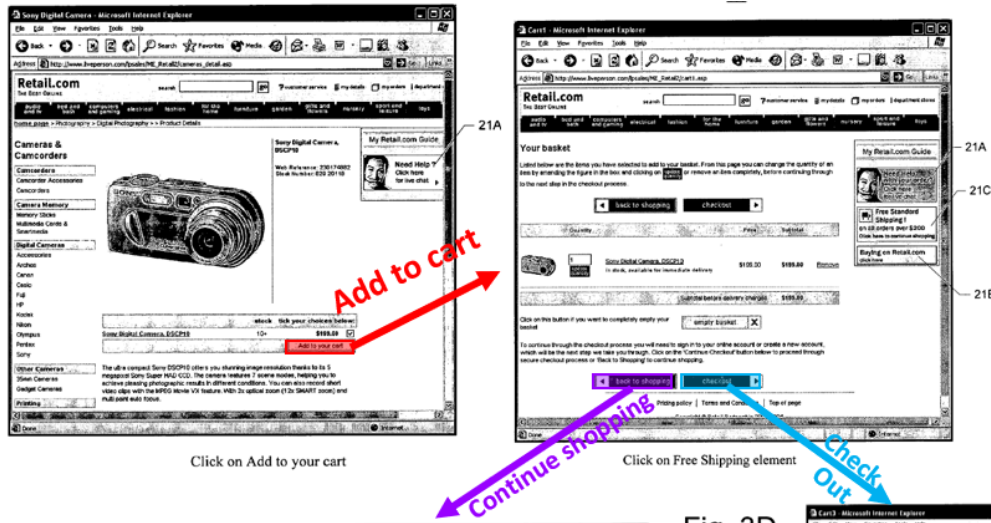


Fig. 3C

Fig. 3D

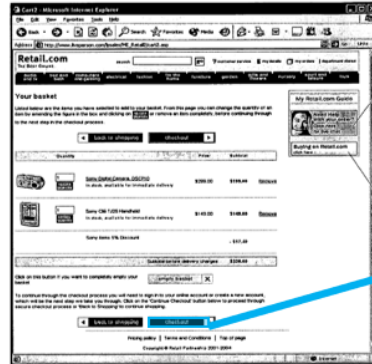


Fig. 3G



Fig. 3H

4. Independent Claims 12 and 16⁷

- 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]:**

208. To the extent the preamble is limiting, it is my opinion that Coursol teaches elements 12[pre(i)-(iii)] and 16[pre].

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. Ex-1005, 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”).

⁷ 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, I identify and discuss such differences individually. As explained below, it is my opinion that the challenged claims are taught by the prior art.

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

210. Elements 12[a]/16[a] through 12[f]/16[f] recite identical steps as elements 1[a] through 1[f]. For clarity, I have compared the claims in the following table. *See also* Ex-1020.

Claim 1	Claim 12	Claim 16
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;	12[a] provide, 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;	16[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;
1[b] receiving a selection of the selectable option to create a website;	12[b] receive a selection of the selectable option to create a website;	16[b] receiving a selection of the selectable option to create a website;
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;	12[c] in response to receiving the selection of the selectable option to create a website, provide, to the user for display on the client device, a plurality of website types for selection,	16[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;
1[d] receiving a selection of a website type of the plurality of website types,	12[d] receive a selection of a website type of the plurality of website types,	16[d] receiving a selection of a website type of the plurality of website types,
1[e] wherein each website type of the plurality of website types comprises a series of	12[e] wherein each website type of the plurality of website types comprises a series of	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,	directional webpages configured to cause an end user interaction with a website,	directional webpages configured to cause an end user interaction with a website,
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;	12[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;	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;

211. It is my opinion that Coursol-Karidi teaches elements 12[a]/16[a] through 12[f]/16[f] for the same reasons as discussed in Section VIII.A.2, according to the table below, because the claims recite the same steps for these elements.

Element	Section
12[a]/16[a]	VIII.A.2.b
12[b]/16[b]	VIII.A.2.c
12[c]/16[c]	VIII.A.2.d
12[d]/16[d]	VIII.A.2.e
12[e]/16[e]	VIII.A.2.f
12[f]/16[f]	VIII.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;**

212. It is my opinion that Coursol-Karidi teaches elements 12[g]/16[g].

213. While elements 12[g] and 16[g] use slightly different language as shown in the table below, the scope and meaning of these elements are not substantively different. For clarity, I have highlighted the differences between the claims in the table below. Accordingly, 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 I explained above in Section VIII.A.2.h.

Element 1[g]	Element 12[g]	Element 16[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	in response to receiving the selection of a website type of the plurality of website types, provide, 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	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

particular to the selected website type;	website type and to the series of directional webpages of the selected website type;	website type and to the series of directional webpages of the selected website type;
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214. Coursol-Karidi also teaches that the plurality of website templates are “particular” to the series of directional webpages of the selected website type as discussed in §VIII.A.2.i (element 1[h]). As I discussed there, Coursol-Karidi’s plurality of website templates include a default set of webpages associated with the specific business category (i.e., website type).

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

215. Elements 12[h]/16[h] through 12[k]/16[k] recite identical steps as elements 1[h] through 1[k]. For clarity, I have compared the claims in the following table. *See also* Ex-1020.

Claim 1	Claim 12	Claim 16
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;	12[h] receive a selection of a website template of the plurality of website templates;	16[h] receiving a selection of a website template of the plurality of website templates;
1[i(1)] in response to receiving the selection of a website template, generating and launching a generic website based on the selected website	12[i(1)] in response to receiving the selection of a website template, generate and launch a generic website based on the selected website type	16[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	and selected website template and	type and selected website template and
1[1(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 ;	12[i(2)] provide, 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 ;	16[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 ;
1[j] receiving at least one indication of a user interaction editing at least one webpage of the series of directional webpages; and	12[j] receive at least one indication of a user interaction editing at least one webpage of the series of directional webpages; and	16[j] receiving at least one indication of a user interaction editing at least one webpage of the series of directional webpages; and
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 .	12[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, edit the launched generic website to create a customized website .	16[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 .

216. Accordingly, it is my opinion that Coursol-Karidi teaches Elements 12[h]/16[h] through 12[k]/16[k] for the same reasons as I discussed in Section VIII.A.2, according to the table below because the claims recite the same steps for these elements.

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.**

217. It is my opinion that Coursol-Karidi teaches claim 13.

218. 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, the '357 patent explains "triggers" include user activities such as when a guest is visiting a website, making a purchase, beginning a purchase but not completing the purchase, or not accepting an up-sell option. *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.

219. 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.” Ex-1006 ¶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, which was a design consideration as I explained in Section VI.C.

220. Coursol-Karidi’s business rule engine creates an event that results from a trigger of beginning a purchase but not finishing the purchase. 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.” Ex-1006 ¶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.” Ex-1006 ¶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. Ex-1006 ¶¶45, 46. A POSITA would have further been motivated to include Karidi’s business rule engines for the added benefit of avoiding lost sales as I explained in Section VI.C.

221. 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.” Specifically, the ’357 patent provides this exact example: “For example, a system administrator may set the one or more triggers to include a guest visiting the website, a guest making a purchase, a guest opting in to a communication list (e.g., email list), as guest participating in a webinar, *a guest beginning a purchasing process but not completing the purchase*, a guest beginning a webinar but not completing the webinar, a guest not accepting an up-sell option, etc.

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.

222. It is my opinion that Coursol-Karidi teaches claim 14.

223. Coursol-Karidi's website editor sends a communication to a website guest when displaying "special offers, invitations to chat, help cons, 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. Ex-1006 ¶¶21, 40, 42. Similarly, a help icon or chat icon for customer service can be loaded. *Id.*

224. 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 website experience is enhanced." Ex-1006 ¶21. As I described above in Section VI.C, providing a communication to a guest triggered by the guest's action was well known. For example, similar to Karidi, a user's interaction with a webpage triggered an advertisement to be displayed in Urban. Specifically, Urban provides advertisements to a user based on "an exit-intent detection," such that the advertisement is provided directly by or in response to programming instructions based on detected "exit behavior on the webpage." Ex-1029, 14:46-52, 15:13-16.

- 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.**

225. It is my opinion that Coursol-Karidi teaches claim 15.

226. 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).

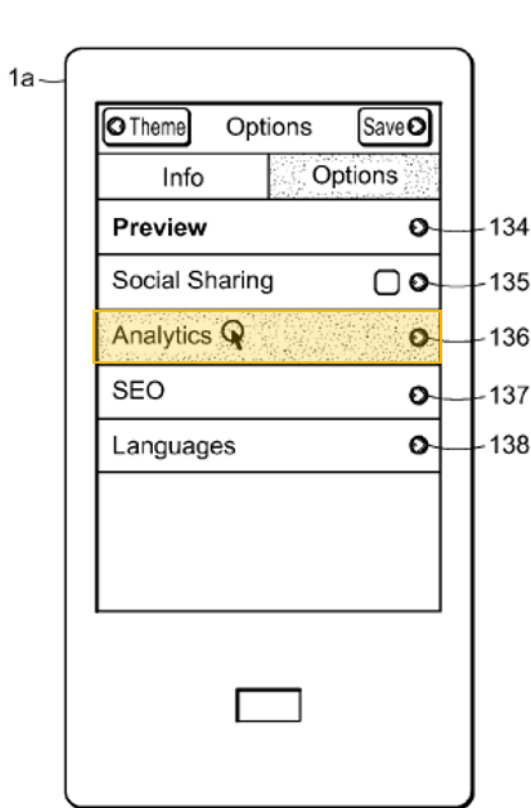


FIG. 79

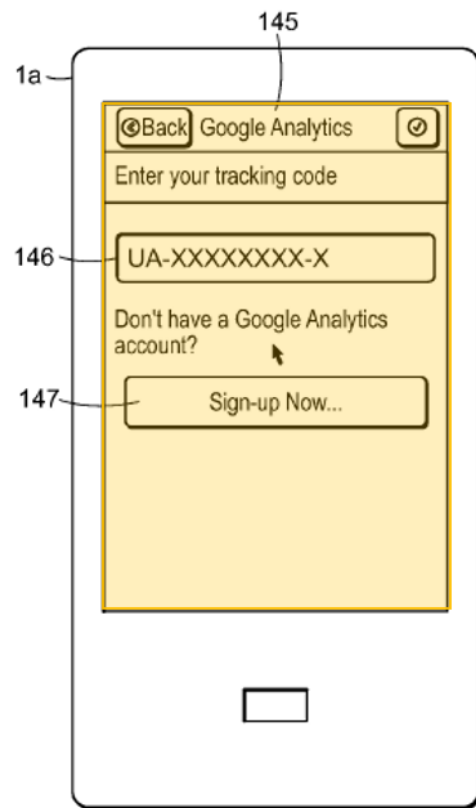


FIG. 80

227. Coursol leaves the implementation details of its analytics to a POSITA, which would have looked to references that detail the analytics provided to the operator of a customized website, such as Karidi. 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. Ex-1006 ¶40.

228. 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. As I described above, collecting analytics of a user's activities on a website was well known. For example, Tan's website building system allows a website creator to "manage customers, including adding and deleting customers, monitoring usage by customers, and reporting usage to customers." Ex-1011, 58:48-50. Sayed also teaches that a website template may provide customization options such as using "visitor counters and banners" (Ex-1009, 12:2-6) for "website management tools for website traffic reporting and statistics utilities." Ex-1009, 4:10-13. The "Visitor Counter" allows the administrator to set the "time period for which [the] counter will reset", the pages that the counter will

appear on, and the starting count that the counter will begin at. Ex-1010, 20:10-21.
The counter can be viewed by the system administrator on the website creation home page. Ex-1009, 20:25-31.

d. Claim 17: The non-transitory computer-readable medium of claim 16, further comprising instructions thereon that, when executed by at least one processor, cause the processor to further perform a steps of 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.

229. It is my opinion that Coursol-Karidi teaches claim 17 for the same reasons I discussed in Section VIII.A.3.a because claim 17 recites substantially the same claim element as claim 2 as I have shown in the table below. The only difference is the preamble of the claim which is taught by Coursol-Karidi. *See* Section VIII.A.4.a (“non-transitory computer-readable medium”).

Claim 2	Claim 17
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.	17. The non-transitory computer-readable medium of claim 16, further comprising instructions thereon that, when executed by at least one processor, cause the processor to further perform a steps of 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.

e. Claim 19: 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.

230. It is my opinion that Coursol-Karidi teaches claim 19 for the same reasons I discussed in Section VIII.A.3.b because claim 19 recites substantially the same claim element as claim 6 as I have shown in the table below. The only difference is the preamble of the claim which is taught by Coursol-Karidi. *See* Section VIII.A.4.a (“non-transitory computer-readable medium”).

Claim 6	Claim 19
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.	19. 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.

f. Claim 20: 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 multiple different web browsing sessions.

231. It is my opinion that Coursol-Karidi teaches claim 20 for the same reasons I discussed in Section VIII.A.3.c because claim 10 recites substantially the same claim element as claim 7 as I have shown in the table below. The only difference is the preamble of the claim which is taught by Coursol-Karidi. *See* Section VIII.A.4.a (“non-transitory computer-readable medium”).

Claim 7	Claim 20
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.	20. 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 multiple different web browsing sessions.

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 and would have had a reasonable expectation of success.

232. 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. *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 website”).

233. As explained above in Section VIII.A.1, Coursol explains that it was known in the art 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, Figs. 3C, 3D, 3G, 3H (shopping and purchasing a camera). As I noted above, Karidi provides an example of how a website would be designed with a structure 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. A POSITA would have understood that Coursol-Karidi describes a traditional website creation tool that included a sequential order to some or all of the webpages in the selectable website type, in accordance with the function of the website or the function of a particular website type, such as build an e-commerce website order so that the user will complete a purchase.

234. 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 of having webpages that have a “parent-child relationship,” where one page leads to another, as 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.” Ex-1009, 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.

235. Sayed thus explicitly teaches how Coursol-Karidi’s webpages (associated with the selected website type in the website building tool) are made directional—linked to be presented in the customized website 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* §V.

236. 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 for its selectable website type) sequentially. Ex-1002. 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”).

237. 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 may be presented sequentially one after

the other using an inheritance flag to indicate a parent-child relationship. This would have been nothing more than applying a known technique (Sayed's presentation of sequential webpages) to a known graphical website editor ready for improvement (Coursol-Karidi's website designer, which explains how a user can move between webpages of the customized website) to yield predictable results (a website designer that creates a customized website that includes a particular sequence of webpages within its selectable website type). Accordingly, 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, which allows a user to complete a transaction within the customized retail website.

2. Independent Claims 1, 12, and 16

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

238. It is my opinion that Coursol-Karidi teaches elements 1[pre]-1[d], 12[pre]-12[d], and 16[pre]-16[d] for the same reasons as described in §§VIII.A.2.a-e and VIII.A.4.a-b.

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,

239. It is my opinion that Coursol-Karidi-Sayed teaches elements 1[e]/12[e]/16[e].

240. As I discussed above in Section V, under the plain and ordinary claim scope, a POSITA would have understood that “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.

241. As I discussed above in Section VIII.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).

242. In addition, as I discussed above in §VIII.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. 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.

243. 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)”).

244. As I explained above §VIII.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. 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).

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;

245. It is my opinion that Coursol-Karidi-Sayed teaches elements 1[f]/12[f]/16[f].

246. 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 Section VIII.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.

247. In addition, as I discussed above in §VIII.B.1, such a series of directional webpages is disclosed by Sayed. Sayed expressly teaches that the webpages being presented in a sequential order by having a "parent-child relationship." *See also* §VI.B, 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.

248. 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-1021, 12-14.

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

249. It is my opinion that 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 §§VIII.A.2.h-m, VIII.A.4.c-d. Moreover, Sayed teaches directional webpages as being particular to a website type as discussed in Section VIII.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.

250. It is my opinion that Coursol-Karidi-Sayed teaches claims 2, 7, 11, 13-15, 17, and 20 for the same reasons as discussed in Sections VIII.A.3 and VIII.A.5, according to the table below.

Claims	Section
2 and 17	VIII.A.3.a
7 and 20	VIII.A.3.c.
11	VIII.A.3.d
13	VIII.A.5.a
14	VIII.A.5.b
15	VIII.A.5.c

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.

251. It is my opinion that Coursol-Karidi-Sayed teaches claims 6 and 19.

252. Coursol-Karidi-Sayed teaches that the plurality of sequential webpages are provided sequentially one after another during a single web browsing session. *See also* §VIII.A.3.b. As described above in §VIII.B.2.c, Sayed further teaches that

the webpages being presented in a sequential order by having a “parent-child relationship.”

253. Accordingly, Coursol-Karidi-Sayed teaches that sequential webpages are provided during a single web browsing session as discussed in §VIII.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.

254. It is my opinion that Coursol-Karidi-Sayed teaches claim 9.

255. 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.*

256. 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. For example, Urban teaches to display an advertisement window that solicit the

user's identification information such as an email for the user to receive promotional information at a later time. Ex-1029, 15:41-16:19. Another example is Thomas, which provides a registration webpage for registering the user with the customized offer savings program, which includes the user entering identification information such as their email address. Ex-1008 ¶203.

The figure shows a registration form titled "Register for Customized Offers Savings Program" with reference numeral 2700. The form contains several input fields grouped within a dashed box 2702. The fields are: "First Name:", "Last Name:", "Address Line 1:", "Address Line 2:", "Zip/Postal Code:", "Email", "Enter Password:", "Confirm Password:", and "Loyalty Medium ID:". Below the dashed box is a "Submit" button 2706. At the bottom of the form, there is a link "Don't have a Loyalty Medium?" with an "Apply" button 2704 next to it.

Fig. 27

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

257. It is my opinion that Coursol-Karidi-Sayed teaches claim 10.

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. This was a well-known practice in the art. For example, as I described in the previous section, Urban solicits the user's identification information such as an email address so that the system may send promotional information to the user at a later time. Ex-1029, 15:41-16:19. Thomas notes that a desired offer communication channel is by email in order 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. Figure 37B provides an example savings list that is provided to the user's registered email address. Ex-1008 ¶217.

3710

My Savings List				
Product Name	Savings	Product Description	Type	Good Thru
Beverages				
Peet's	Your Price \$8.58	Peet's Special Coffee Blends 12oz SelVar	Personalized Price	4/19/2011
Odwalla Juice Orange	Club Price* \$5.99	64 FL OZ	Club Price*	12/31/2011
Bread & Bakery				
Thomas'	Your Price \$1.90	Thomas' English Muffins 12-13oz	Personalized Price	4/19/2011
Breakfast & Cereal				
McCann's	You save \$1.00	on ANY McCann's Irish Oatmeal product	One-Time Coupon	11/1/2011
Condiments, Spices & Bake				
KRUSTEAZ	Your Price \$1.58	Krusteaz Cornbread Mix 14.5-15oz	Personalized Price	4/19/2011
Cookies, Snacks & Candy				
NABISCO	Your Price \$2.79	Nabisco Honey Maid Grahams 14.4oz SelVar	Personalized Price	4/19/2011
NABISCO	Your Price \$2.68	Nabisco Oreo Cookies 15-18oz	Personalized Price	4/19/2011

Fig.37B

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-Sayed's with Lyon's teachings and would have had a reasonable expectation of success.**

259. A POSITA would have been motivated to combine the teachings of Coursol-Karidi-Sayed with Lyon ("Coursol-Karidi-Lyon") and would have had a

reasonable expectation of success in doing so because each relates to the same well-known technologies, such as customized website creation. *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 website”); 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)”).

260. 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. As I explained above, 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. Similarly, Sayed teaches a system/method for creating and maintaining a website in order to support e-commerce and product sales by allowing the 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.

261. 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 webpages (as taught by Karidi-Sayed). Karidi further aims to “enhance browsing experience and minimize shopping cart abandonment.” Ex-1006 ¶15. Similarly, Sayed notes using an active transaction model to govern the navigation path of a visitor of the website when the visitor indicates a “desire to purchase or to find out more about a product or service,” by selecting a hyperlink or other buttons on the website, which includes providing or not providing a “check-out function.” Ex-1009, 16:55-67.

262. A POSITA would be motivated to create a website that was the most effective at helping users finalize transactions using different website design techniques. 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. For example, 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 provide statistical data used to identify “any statistically significant increase or decrease in a given behavior arising from a version of the webpage that

implements proposed changes.” *Id.* ¶2. For example, the metrics from 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. 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. Ex-1007 ¶¶68-70.

263. 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. Specifically, 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. Ex-1006 ¶¶17, 38; *see also* §VIII.A.5.a. While Karidi explains how each webpage can be populated in view of marketing campaigns, Lyon explicitly teaches how to provide a customized page to the user in view of marketing campaigns by varying graphical and functional components (such as in Coursol (Ex-1005, 7:61-67 (a website designer to customize a website using templates containing “a default set of webpages, each with a default set of graphical and functional components))).

264. Accordingly, a POSITA would have been motivated to improve the custom webpages presented to a user in order to increase sales. With this motivation,

a POSITA would have understood the Coursol-Karidi-Sayed-Lyon combination is implementing 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) in order to enhance browsing experience, conversion rates, and minimize shopping cart abandonment, a goal of Coursol-Karidi-Sayed. *See, e.g.*, Ex-1006 ¶¶15, 23.

265. A POSITA would have had a reasonable expectation of success in combining Lyon with Coursol-Karidi because their website creation methods and systems are similar and are rely on predictable software methods. 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. A POSITA would have understood that this combination would have been nothing more than applying a known technique (Lyon's A/B testing, which varies graphical and functional aspects to test the best marketing strategy) to a known website creation device/method ready for improvement (Coursol-Karidi-Sayed's customized retail website designer, which explains how techniques are used to prevent shopping cart abandonment) to yield predictable results (determining whether the proposed content changes increase user actions of "purchasing more products, 'clicking thru' more advertisements, exploring more webpages of a website." Ex-1007 ¶29.). As I

described above in Section VI.C, split testing/A/B testing and multivariate testing was a well known technique implemented before 2018, that a POSITA would have understood how to implement with a reasonable expectation of success.

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.

266. It is my opinion that Coursol-Karidi-Lyon teaches claims 3 and 18.

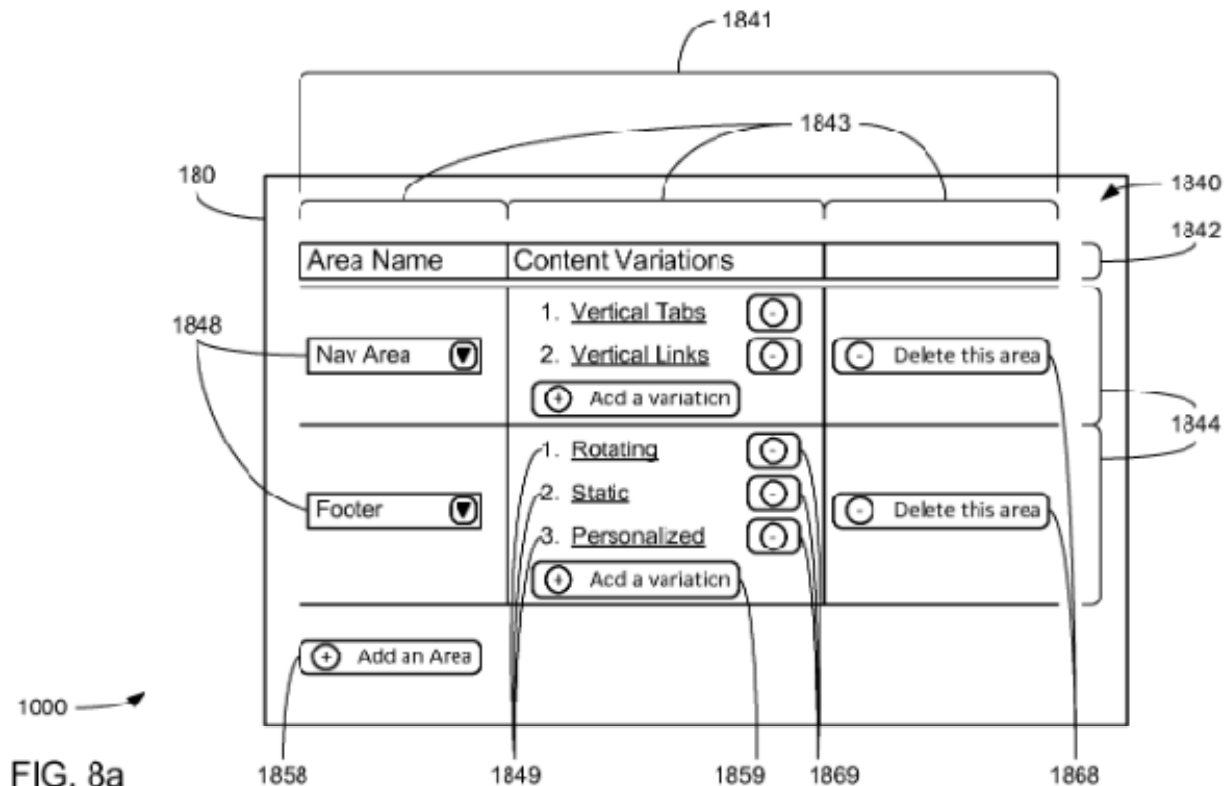
267. Coursol-Karidi-Lyon provides a split test selectable element within each webpage tab of the website editor. The '357 patent describes that the split test selectable element may enable a system administrator to create a variation of a webpage associated with a single tab such that there can be two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

268. 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. Ex-1006 ¶¶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. Ex-1006 ¶39.

269. 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. 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. Ex-1007 ¶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. Ex-1007 ¶28. Figure 8a (below) is an example of visual prompts that are presented when configuring the A/B test parameters. Ex-1007 ¶55. Lyon's prompts configuring A/B test parameters would be recognized as “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-1001, 19:53-58.



270. 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.

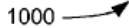
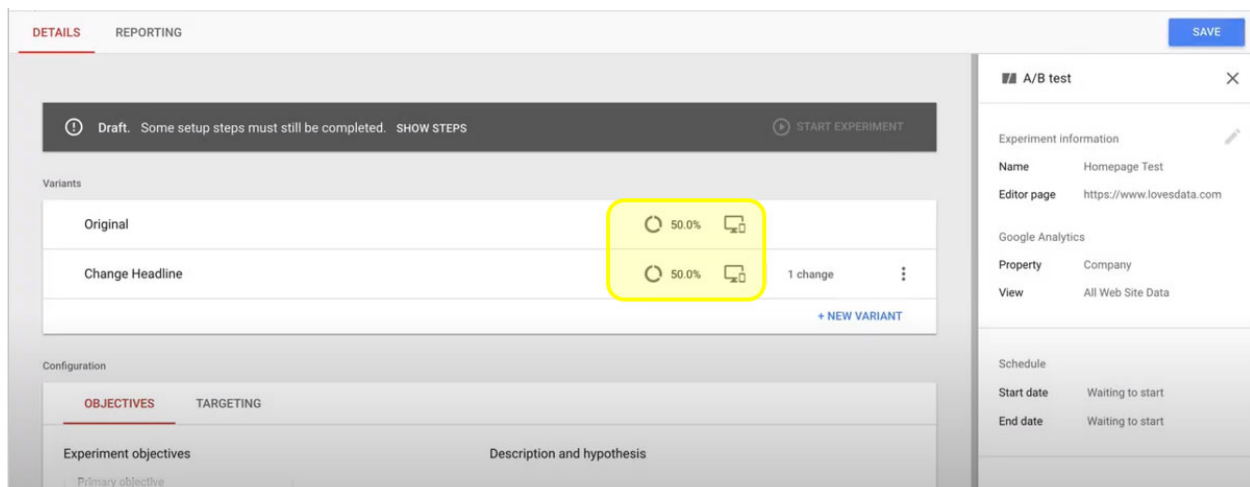


FIG. 8b

what percentage of participants” to be presented each combination. Ex-1007 ¶15;

administrator a split test element to specify the percentage of guests that will be

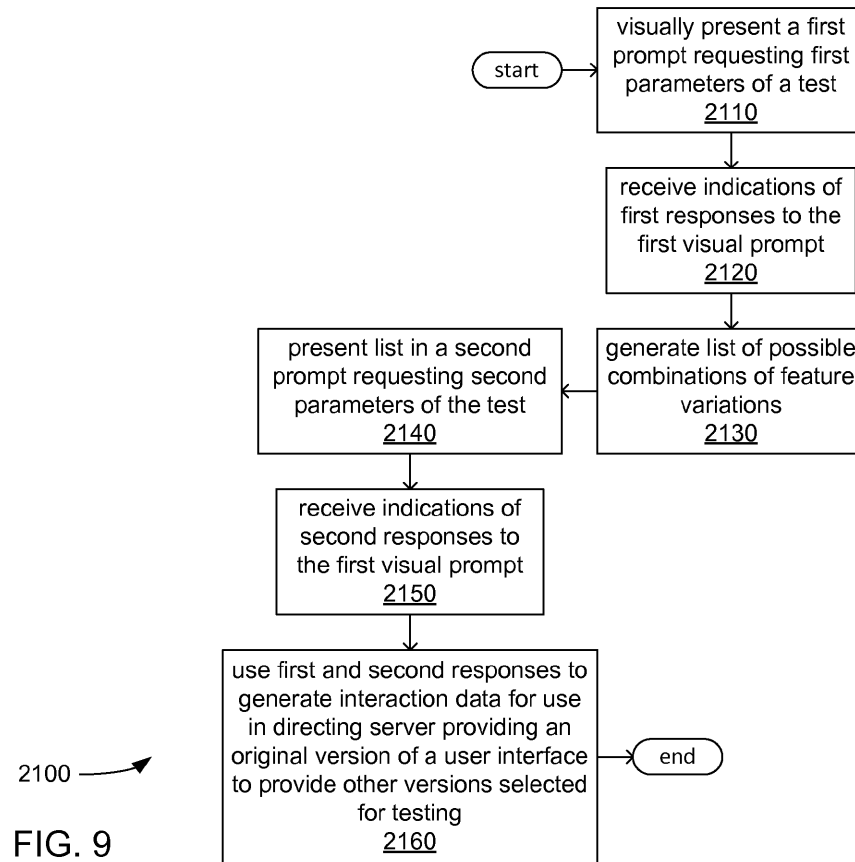
shown the first webpage with the visual areas presented in one way and the other percentage of guests that will be shown the second webpage with the visual areas presented another way. Ex-1001, 20:2-18. Specifying the percentage of users that are provided each variation of a webpage was a well understood and publicly available technique/tool used prior to the '357 patent, as I described above in Section VI.C. For example, Google Optimize allowed the user to assign what percentage of users were provided the original page and what percentage of users were provided the variant/alternative page. *See* Ex-1031, 0014; *see also* Ex-1026, 0003 (page 142). 0009 (page 148).



- 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**

272. It is my opinion that Coursol-Karidi-Lyon teaches element 4[a].

273. Coursol-Karidi-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.



274. 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. Ex-1007 ¶70.

275. 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 because this is how a user can set up their A/B or split test as I explained above in Section VI.C. For example, Google Optimize was a tool that a user could use to create experiment types where the original page and a variation of the same page is used to determine which outperforms the other. Similarly, the 2008 “Controlled experiments on the web: survey and practical guide” article discussed how there is a “Control” page, which is the “existing version,” and “the Treatment, which is usually a new version being evaluated.” Ex-1026, 0003 (page 142).

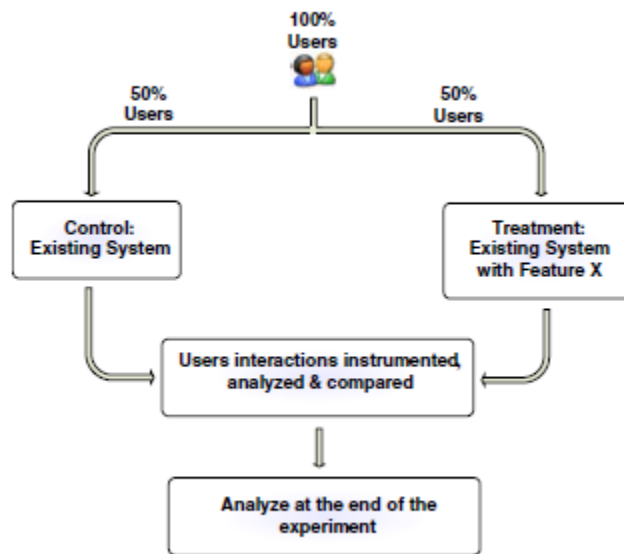


Fig. 7 High-level flow for an A/B test

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.

276. It is my opinion that Coursol-Karidi-Lyon teaches element 4[b].

277. Coursol-Karidi-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. Ex-1007 ¶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"), because as I described above in Section VI.C (*see e.g.*, Exs-1026, 1031).

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

278. It is my opinion that Coursol-Karidi-Lyon teaches claim 5.

279. Coursol-Karidi-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.

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's with Thomas' teachings and would have had a reasonable expectation of success.

280. A POSITA would have been motivated to combine the teachings of Coursol, Karidi and Thomas ("Coursol-Karidi-Thomas") and would have had a reasonable expectation of success in doing so because each relates to the same well-known technologies. *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 website"); Ex-1008 ¶131 ("customized website"). Moreover, Karidi, Sayed, and Thomas provide retail websites. Ex-1006 ¶¶43, 45-47; Ex-1009, Abstract, 8:30-35; Ex-1008 Abstract, ¶¶130, 311-315.

281. A POSITA would have been motivated to include Lyon's teachings in Coursol-Karidi-Sayed because Thomas offers additional benefits to Coursol-Karidi's e-commerce website designer. As I explained above, 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. Similarly, Sayed

teaches a system/method for creating and maintaining a website in order to support electronic commerce and product sales using the website by allowing the 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. And 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 webpages (as taught by Karidi-Sayed).

282. A POSITA would be motivated to implement website options that could provide a more customized and individualized experience to each costumer by specifically targeting a user, which encourages sales. 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.” Ex-1006 ¶17; *see also id.* ¶36 (similar). Similarly, 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 so that the e-mail marketing center may “send out *highly targeted e-mail messages.*” *Id.* A POSITA

would have been motivated to increase user interaction by providing a customized experience to each customer using marketing techniques on a website. One such technique is to send a link to the customized website directly to a customer, after a previous visit, to encourage them to revisit the website, as taught by Thomas.

283. Thomas provides a customer interface portal webpage displayed on a user's mobile application (Ex-1008 ¶197) that allows users to register and provide their identification details. Ex-1008 ¶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." Ex-1008 ¶131.

284. Accordingly, a POSITA would have been motivated to further enhance a website designer with known functionality of providing a user directly with a link to a customized website after a previous visit to encourage them to revisit the website. With this motivation, a POSITA would have been motivated to implement 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.

285. A POSITA would have had a reasonable expectation of success in combining Thomas' teachings with Coursol-Karidi because their customized

website methods and systems are similar and are interchangeable software methods. 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. Thus, it would have been routine for a POSITA to implement the known technique of notifying customers directly of a customized website and new offers, as taught by Thomas, into Coursol-Karidi-Sayed's customized website, which already sends out highlight targeted e-mail messages to its customers in order to encourage a user to revisit the website, which increases sales.

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.

286. It is my opinion that Coursol-Karidi-Thomas teaches claims 7 and 20.

287. Coursol-Karidi-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. 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.

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

288. It is my opinion that Coursol-Karidi-Thomas teaches claim 8.

289. Coursol-Karidi-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's 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.” Ex-1008 ¶230. A POSITA would have

recognized that Thomas thus presents one webpage that is only accessible via an emailed link.

IX. CONCLUSION

290. For the reasons set forth above, I believe that Claims 1-20 of the '357 patent are unpatentable in view of the prior art.

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

292. I reserve the right to supplement my opinions in the future to respond to any arguments that the Patent Owner raises and to take into account new information as it becomes available to me.

293. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: December 3, 2024

Respectfully submitted,



Dr. Kevin C. Almeroth