

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Twitch Interactive, Inc.,
Petitioner,

v.

Razdog Holdings LLC,
Patent Owner.

Case No. IPR2025-00307
U.S. Patent No. 9,729,658

PATENT OWNER'S PRELIMINARY RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
2001	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Amended Pretrial Order No. 1: Case Schedule dated September 27, 2024 (D.I. 39) (“Amended Pretrial Order”)
2002	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Docket Notification Order Reassigning Case dated February 24, 2025 (D.I. 46) (“Order Reassigning Case”)
2003	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), The Parties’ Second Joint Case Management Statement dated March 17, 2025 (D.I. 50) (“Second Joint Case Management Statement”)
2004	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Defendant’s Invalidity Contentions dated January 13, 2025 (“Invalidity Contentions”)
2005	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), dated March 14, 2025 (D.I. 59), The Parties’ Amended Joint Claim Construction and Prehearing Statement (“Joint Claim Construction Statement”)

I. INTRODUCTION

Patent Owner RazDog Holdings LLC's ("Patent Owner") founders developed and patented a software solution that allows users to navigate between content received in real-time from various sources without needing to leave a single webpage. The software—called CloudMotion and CloudSource—provided a smartphone-like experience on web browsers by allowing users to swipe between content received in real time from multiple sources using a single sliding interface. While Patent Owner had several early successes including promising partnerships with well established companies like Microsoft, HP, IBM, Cisco, Publicis, and others, it was ultimately unable to successfully market its software in the wake of rampant infringement.

Patent Owner's U.S. Patent 9,729,658 ("the '658 Patent") is directed to a cloud-based computer system that allows a user to access and view real-time content from multiple sources on a unified, streamlined interface without needing to separately log in to or navigate across different websites. The claimed systems and methods include a unique combination of features unknown in the art at the time, which fell into two categories—aggregators and navigators. "Aggregators" were programs that gathered and organized content into a new web source while "navigators" allowed users to access content by clicking icons through a user interface. A key feature that distinguishes Patent Owner's invention from known

“aggregators” and “navigators” is that content in the claimed invention is streamed in real-time simultaneously to a single user interface so that a user does not need to open additional websites to view the content. As explained during the ‘658 Patent’s extensive 5-year prosecution, these “real time limitations” (found in all claims of the ‘658 Patent) distinguish Patent Owner’s invention from prior art aggregators and navigators. The Patent Office agreed, awarding Patent Owner the ‘658 Patent.

Petitioner Twitch Interactive, Inc.’s (“Petitioner”) Grounds in the Petition (“Pet.”) rely on two references as teaching the “real time limitations” in the claims of the ‘658 Patent—Darnell (Ex.1004) and Dasgupta (Ex.1006). These two references, however, are merely examples of the type of aggregator and navigator prior art that was already overcome by the Patent Owner during prosecution. Darnell is an “aggregator” as it only describes systems for aggregating and managing content feeds on a server for later delivery of organized collections of content to users. Darnell does not stream content items to a user interface in real time; rather, Darnell’s system merges and stores content items in a persistent database before presenting such content to users periodically or upon user-initiated requests. Dasgupta, on the other hand, is a “navigator” and likewise fails to disclose a system that provides real-time content data viewable directly from a user interface. Instead, Dasgupta discloses a GUI operating on a set-top box that displays graphical representations of a channel guide with static channel icons and

advertisements. Neither Dasgupta’s channel icons nor the advertisements are “real time” content viewable directly from a user interface as claimed in the ‘658 Patent.

Petitioner’s arguments that these references disclose the “real time limitations” of claims 1-18 of the ‘658 Patent (“the Challenged Claims”) center on a misinterpretation that the claims only require content streamed to, sent to, or received by a master server in real time. However, merely providing real time content to a master server is insufficient because the claims require streaming and scrolling or paging through content data or applications *“in real time” on the master webpage*. Nothing in Darnell or Dasgupta teaches or suggests streaming content data or applications “in real time” on the master webpage itself. For at least these reasons, Petitioner’s Grounds (Grounds 1A-1B and 2A-2B) fail.

Respectfully, the Board should deny institution of this proceeding.

II. THE ‘658 PATENT

A. Overview of the ‘658 Patent.

The ‘658 Patent is directed to a cloud-based computer system for managing and migrating through web-based content data and content applications from multiple content data sources or service providers in real time through a single point of access/user interface. Ex.1001, Abstract, 1:28-35, 1:58-62, 2:60-65, 3:33-37. The system allows a user to access and view content data or applications in real-time from multiple sources on a unified, streamlined interface without needing

to separately log in to or traverse multiple websites. *Id.*, 1:58-62, 2:66-3:23, 6:35-48.

According to the patent, conventional prior art computing systems had several limitations. Among them, conventional systems required multiple log-in procedures to access different, distinct sources of content data and services. *Id.*, 1:53-56. Moreover, prior art systems did not allow a user to manage the user's content data and services from multiple sources through a single user interface. *Id.*, 1:56-58. Additionally, migrating through content data and services using scrolling-type features was cumbersome because scrolling applications were typically limited to migrating through content stored only locally on a user's device and were not capable of being integrated directly into a web-based application. *Id.*, 1:66-2:29.

The inventors of the '658 Patent sought to address these limitations of prior art systems by disclosing and claiming a cloud-based computer system that allows a user to migrate through content data or applications from multiple sources on a ***dynamic*** master webpage ***in real time***. *Id.*, 2:66-3:4. The claimed system allows content from multiple content sources or service providers to be streamed to a master server simultaneously for display on a master webpage, and includes a slide tool for navigating between such content at a single point of access on a master webpage—eliminating the need for the user to individually log into different

content sources to view the user's content data.. *Id.*, 2:60-65, 3:5-60, 6:1-27.

Crucially, “[t]he master web page is [] ‘dynamic’ in the sense that ***the master web-page displays streaming content data and content applications from the multiple content data sources in real time.***” *Id.*, 2:56-59 (emphasis added). In other words, ***the user can view and migrate through content data or content applications in real time from the user's own master webpage.*** *See id.* These features, in combination with the other claimed features, were not known in the art prior to October 12, 2010, the priority date of the ‘658 Patent.¹

1. The ‘658 Patent’s Cloud-Based Computer System.

Figure 1 (below) of the ‘658 Patent depicts the cloud-based computer system (100) for managing web-based content data. *Id.*, 3:41-43, 4:35-38.

¹ RazDog reserves the right to assert an earlier priority date in this and other proceedings.

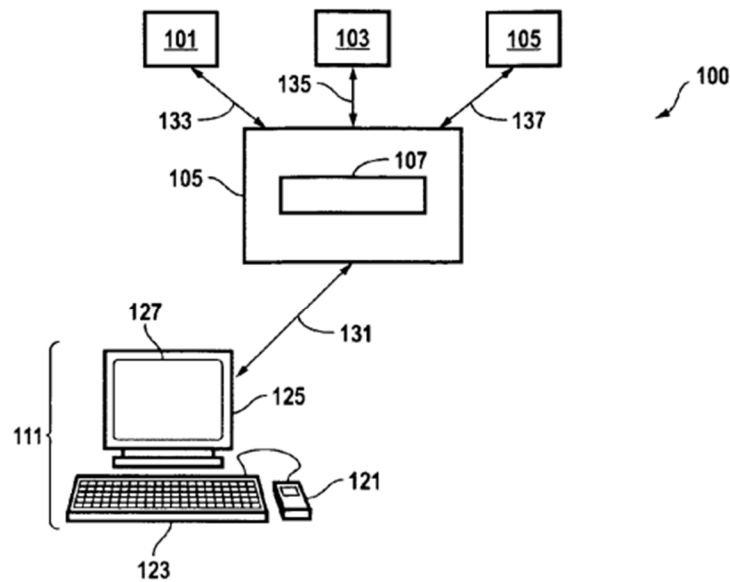
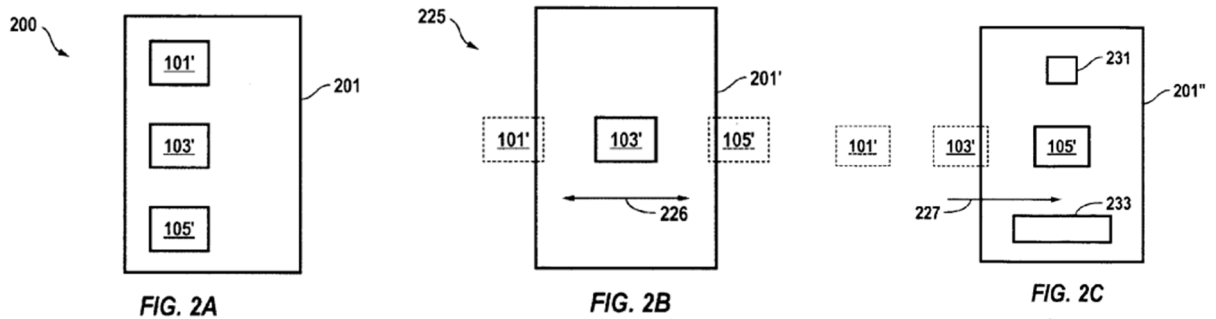


FIG. 1

Id., Fig.1. The system (100) includes master server (105) that “acts a single point of access for a plurality of content data sources or service provider servers 101, 103, and 105” linked to the master server (105) via a communication network (133, 135, 137). *Id.*, 4:38-46. The master server (105) supports a program to run and execute master application (107), which is coded for organizing content data and content applications from the plurality of content data sources or service provider servers (101, 103, 105) on a master webpage (shown in Figs.2A-2C below). *Id.*, 4:47-54. A user logs into master server (105) over the internet (131) from a remote computing device (111), such as a desktop computer (125). *Id.*, 55-67.

Figures 2A-2C (below) show the master webpage (201, 201', 201'') for displaying real time content data or content applications (101', 103', 105') from

content data sources or service provider servers (101, 103, 105). *Id.*, 3:44-55, 5:1-52.



Id., Figs. 2A-2C. Content data and content applications may include any number of different types of data, information, or applications accessible over the internet via service provider servers, including “marketing data, sales data, operations data, manufacturing data, financial data, documents, spreadsheets, presentations, audio data, video data, database listings, custom or off the shelf business applications, games, or any other content data or application data.” *Id.*, 4:1-6, 6:41-48.

In some embodiments, the master webpage (201, 201', 201'') includes a slide tool/scrolling tool (226, 227) for scrolling or paging through content that is operable from computing device (111). *Id.*, 5:8-20. When computing device (111) logs into master server (105), master application (107) of master server (105) initiates a download to enable the slide tool/scrolling tool (226, 227) to operate from the computing device (111) via user input. *Id.* This allows a user to view master webpage (201, 201', 201'') and “scroll through or page through content data

and content applications 101', 103 and 105' from corresponding set of content data sources or service provider servers 101, 103, and 105 in real time.” *Id.*, 5:21-26.

The master application (107) may also be equipped with a tool box (233) that “allows an authorized user or administrator to build the master web-page 201” and include features for displaying and migrating through personal content data.” *Id.*, 5:31-36; *see also* 5:57-64. As claimed, the tool box allows users to “write code, select code or delete code to enable and disable tool features that control how subsets of the content data or the content applications are received, displayed or organized.” *Id.*, Claim 1. Further, master web-page (201, 201', 201'') may include a search tool/function (231) that allows a user to search for selected content data and content applications (101', 103, 105') from each content data source or service provider server (101, 103, 105). *Id.*, 5:42-47. Additionally, “[t]he operations and activities of the user over the master web-page via the remote computing device is capable of being recorded and stored” to provide analytics, which can be “used select promotions, advertisement, news and other information that targets the user.” *Id.*, 3:13-23, 5:48-52.

2. The Master Webpage Displays Content Data and Content Applications *in Real Time*.

A core aspect of the invention disclosed and claimed by the '658 Patent is that the system allows a user to view and migrate through content data or content applications *in real time from a user interface*. According to the patent, real-time

content is received by the master server (105) from multiple content sources or service provider servers (101, 103, 105) and is ***presented to the user in real time on the user's dynamic master webpage***. *Id.*, 2:38-59, 2:66-3:4, 4:38-54. The ability for a user to ***access, view, and migrate through content data or content applications in real time from a master webpage*** is central to the invention and is repeated throughout the patent, *e.g.*:

- “[t]he master web-page is a ‘dynamic’ in the sense that ***the master web-page displays streaming content data and content applications from the multiple content data sources in real time***” (*id.*, 2:56-59 (emphasis added));
- “[u]nlike prior art cloud-based computing system and architectures, the present invention . . . ***is capable of providing for the ability to migrate through the content data on the dynamic master web-page in real time***” (*id.*, 2:66-3:4 (emphasis added));
- “a user can ***view his or her master web-page 201' and scroll through or page through content data and content applications 101', 103 and 105'*** from corresponding set of content data sources or service provider servers 101, 103, and 105 ***in real time***” (*id.*, 5:21-26 (emphasis added));
- “The invention provides users with a highly interactive experience and ***the ability migrate through the content data and applications on the dynamic master web-page in real time***” (*id.*, 6:35-41 (emphasis added)); and

- “the *master web-page includes features for displaying and migrating through personal content data*, such as those provided by networking web-sites and e-mail web-sites” (*id.*, 2:42-46 (emphasis added)).

This core aspect of the ‘658 Patent distinguishes the invention from prior art systems, including the systems disclosed in the prior art relied upon by Petitioner.

In summary, the invention disclosed by the ‘658 Patent “provides an expandable solution for managing content data in a cloud-based computing environment which is capable of being integrated into applications from multiple sources. The invention provides users with a highly interactive experience and the ability migrate through the content data and applications on the dynamic master web-page in real time.” *Id.*, 6:35-41. The system disclosed and claimed in the patent includes a unique combination of features that, as explained below, were not disclosed in or obvious from the art, including the references cited in the Petition.

B. Prosecution History of the ‘658 Patent

The ‘658 Patent issued from U.S. App. 13/317,133 (“the ‘133 Application”), filed on October 11, 2011. Ex.1001, [21], [22]. The ‘133 Application went through an extensive prosecution that took over 5 years, thoroughly vetting the claimed invention against the prior art. Throughout prosecution, the invention was distinguished from the prior art in various ways pertinent to this proceeding, several of which are summarized below.

For example, in response to one prior art rejection, applicant distinguished the invention from conventional web-based technologies. According to the applicant, one category of prior art technologies were called “aggregators,” which gather and organize content into a new web source:

Web-based technologies related to the present invention fall into two general categories. The first categories includes what are referred to as aggregators. *In an aggregator information is gathered from various web sources or content providers and is organized into a new web source or web page using one or more algorithms based on, for example, search terms.* This is essentially what Goggle [sic] and other search engines do. A user can then select a web source or content provider displayed based on his or her search result and a corresponding web site is opened.

Ex.1003, 134 (emphasis added). The second category of prior art technologies were called “navigators,” which are programs that allow users to access content by clicking icons through a user interface:

The second category of technology related to the present invention includes what are referred to navigators. *A navigator is an interface and/or program that allows a user to switch, migrate or select web sources or access particular content providers* usually based on, for example, a search. This is most typically done through *a user interface that includes icons or point and click icons*, similar to a Goggle [sic] search. Each time a user selects web source or content

provider, a web site is opened up corresponding to the selected web sources or content provider.

Id. (emphasis added). The invention, on the other hand, is directed to a two-part solution including a navigation tool and an application executed from a master server:

In contrast to the prior art, ***the present invention is directed to [a] two-part solution. The first part is a navigation tool with a corresponding navigation application*** that executes from a user's personal device and allows a user to scroll or flip through various live-stream web sources or content providers using his or her personal device. ***These web sources or content providers are being streamed in real time simultaneously to a master server, such that the user does not need to open up web sites to view multiple web sources simultaneously from a single user interface. . . .***

A second part of the invention is an application that is executed from a master server, which acts "somewhat" as an aggregator in the sense that it ***directs live stream web sources or content providers to a single user interface or page simultaneously, such that the user can view all of the web sources or content providers simultaneously and/or scroll, swipe or page through the web-sources from his or her personal device without opening or re-opening corresponding web-pages each time.*** The present invention would allow for example, a user to watch live stream Netflix [sic], HBO, and Show Time on a single user page and being able to scroll, swipe or page between the

web sources and/or view them simultaneously *without reopening the web source or content provider each time he or she changes what is being viewed*. The navigation tool that is executed on the personal device and the aggregator software that is executed from the master server to receive multiple simultaneous live streamed web sources or content providers are both required to make this invention work.

Id., 134-35 (emphasis added). Thus, a key feature that distinguishes the invention from then-known “aggregators” and “navigators” is that *content is streamed in real time simultaneously to a single user interface so that a user does not need to open additional websites to view the content*.

This key feature was repeated by the applicant throughout prosecution. For example, in response to another prior art rejection, the applicant once again distinguished the invention through its inclusion of: (1) a navigation tool that allows a user to scroll or page through content data “being streamed *in real-time* simultaneously” such that “a user *does not need to open up multiple web-sites to view web-sites*” from content sources on a single user interface; and (2) an application that “directs live-streamed content data or content applications to the single user interface or page simultaneously” so that a user can scroll, swipe, or page through sources “*without opening or re-opening corresponding web-pages each time.*” *Id.*, 179 (emphasis added).

As explained below, these features (*e.g.*, “real time” content provided on a single user interface) of the invention disclosed and claimed in the ‘658 Patent distinguish it from the prior art relied upon by Petitioner in this proceeding.

C. Priority Date

The ‘658 Patent claims priority to U.S. Prov. App. 61/404,860 filed on October 12, 2010, and U.S. Prov. App. 61/463,539 filed on February 22, 2011. For the purposes of this Preliminary Response only, Patent Owner agrees with Petitioner that the priority date of the ‘658 Patent is October 12, 2010. *See* Pet. at 6 n.5.

D. Person of Ordinary Skill in the Art (“POSA”)

The level of ordinary skill in the art as of the priority date for the inventions claimed in the ‘658 Patent is a person with a bachelor’s degree in electrical engineering or computer science, and approximately 3 years of experience working with content management systems and graphical user interfaces; or a more advanced degree such a master’s or doctorate with proportionally less work experience.

III. CLAIM CONSTRUCTION

In general, terms in the ‘658 Patent claims are clear and do not require special construction. Consequently, for purposes of this Preliminary Response, terms of the ‘658 Patent should be given their ordinary and customary meaning as

would be understood by a POSA in light of the intrinsic record unless specifically addressed below. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc). Several terms, however, warrant additional discussion.

A. The “Real Time” Limitations

With one caveat, the Board need not provide an explicit construction of the term “real time” for purposes of determining whether or not to institute IPR because neither of Petitioner’s primary references (Darnell (Ex.1004) and Dasgupta (Ex.1006)) disclose the “real time” limitations of any of independent claims 1, 7, and 12 (and claims dependent therefrom) under any *reasonable* construction of the term. *See infra*, § V.A.1, V.B.1.

The Board should not, however, adopt the construction of “real time” proposed by Petitioner in the Petition. Although Petitioner does not construe the term “real time” in the claim construction section of the Petition (*see* Pet. at 7-8), Petitioner contends in a footnote that “POSITAs would have understood [real time] in the context of the intrinsic record to include content from more than one source that is *sent to the server* as it becomes available.” *Id.* at 27 n.9 (emphasis added); *see also id.* at 68 n.15. Contrary to Petitioner’s assertions, Petitioner’s proposed construction is wholly inconsistent with the intrinsic record of the ‘658 Patent.

The intrinsic record of the ‘658 Patent consistently and repeatedly makes clear that “*real time*” *content must be provided to a user interface, i.e., a master*

webpage, not simply “sent to the server,” as Petitioner contends. As an initial matter, the independent claims (claims 1, 7, and 12) each require that content data or applications from content data sources or service providers are made available to a user “in real time” on a master webpage. In particular, claims 1, 7, and 12 include, among other things, the following limitations (“real time limitations”) that all require “real time” content on the master webpage:

- “content data and content applications . . . streamed to the master server simultaneously *in real time* from their respective servers *on a master web-page* and are viewable from the remote computer devices through the master server on the master web-page” (claim 1);
- “scrolling or paging through the content data or the content applications from the multiple content sources or service providers simultaneously and through the master server *in real time from the master web-page*” (claim 1);
- “content data or content applications are simultaneously streamed to the master server from servers of multiple content data sources or service providers over the internet *in real time to an account belonging to the user*” (claim 7);
- “wherein a user navigates through the content data or content applications from the multiple content sources or service providers

through master web-page in real time from the remote computer”

(claim 12).

As shown above, claims 1 and 7 each explicitly require that content data and applications are streamed “in real time” on a master webpage or “to an account belonging to the user.”² Moreover, the claims require “scrolling or paging through” (claim 1) or “navigat[ing] through” (claim 12) content data or applications “in real time” from the master webpage, which would not be possible if the content data or applications were not provided “in real time” on the user’s master webpage in the first place. Although each independent claim of the ‘658 Patent is worded slightly differently, each claim unquestionably requires that content data or content applications are viewable/displayed/streamed/navigated “*in real time*” *on a master webpage*.³

² “[A]n account belong[ing] to the user” is an account through which a user accesses a master webpage. *See, e.g.*, Ex.1001, 6:7-18; Pet. at 52-53.

³ Petitioner effectively concedes that each of the “real time” limitations of independent claims 1, 7, and 12 mean the same thing. Beyond addressing minor differences in claim language, Petitioner simply refers to its arguments regarding the “real time” limitations of claim 1 when addressing claims 7 and 12 in both the Darnell- and Dasgupta-based grounds. *See* Pet. at 41-42, 51-54, 76-78.

Moreover, as explained above, the specification and file history of the ‘658 Patent confirm that content must be available “in real time” on the master webpage. *See supra*, § II.A.2, II.B; Ex.1001, 2:56-59, 2:66-3:4, 5:21-26, 6:35-41. For example, the patent states that “[t]he master web-page is [] ‘**dynamic**’ in the sense that *the master web-page displays streaming content data and content applications from the multiple content data sources in real time.*” Ex.1001, 2:56-59 (emphasis added). Similarly, the file history repeatedly emphasizes that content is streamed in real time simultaneously to a user interface (*i.e.*, a master webpage) so that a user does not need to open additional websites to view the content. *E.g.*, Ex.1003, 134-35; *supra*, § II.B. Merely sending content “to the server” as it becomes available is insufficient; the content must be displayed “in real time” on the master webpage so that the user can view it, navigate through it, scroll or page through it, etc. Thus, the intrinsic record confirms that each of claims 1, 7, and 12 require content data or applications be displayed, streamed, or viewable “in real time” on a master webpage.

In fact, even Petitioner’s expert agrees—according to Dr. Martin, “as content updates on a source server, *the master application, which organizes and displays content on the master web page*, retrieves this content promptly *to ensure users experience minimal delay when viewing updated data.*” Ex.1002, ¶181 (emphasis added). A “user’s experience” with “minimal delay” can *only be achieved* when

content is provided to *the master webpage* (where user experiences it) in real time; it *cannot be achieved* simply by sending content to *a server* until the user manually requests it—a fundamental flaw in Petitioner’s construction.

Given that the intrinsic record of the ‘658 Patent (not to mention Petitioner’s own expert) consistently and repeatedly makes clear that “real time” content must be provided on a master webpage, not simply “sent to the server,” the Board should reject Petitioner’s proposed construction of “real time.” While the Board need not adopt an explicit construction for “real time” for purposes of determining whether or not to institute IPR, the Board should, at a minimum, interpret “real time” in light of the ‘658 Patent claims, specification, and file history with the understanding that “real time” content must be provided on a master webpage, not simply be “sent to the server.”

It should also be noted that the parties have offered proposed constructions of the term “real time” in the parallel district court litigation. Again, the Board need not adopt an explicit construction of “real time” for purposes of institution, but Patent Owner provides the parties’ proposed constructions below to ensure the Board has all relevant information.

In the parallel litigation, Petitioner contends that the term “real time” should be given its plain and ordinary meaning (notably different from its proposed construction of “real time” in the Petition), without explaining that meaning. *See*

Ex.2005 at 23; Pet. at 27 n.9. Patent Owner, on the other hand, argues that the term should be construed in accordance with its plain meaning as “matching the human perception of time or proceeding at approximately the same rate as physical or external process.” *Id.* Patent Owner’s proposed construction is consistent with the intrinsic record of the ‘658 Patent. As explained above, the patent repeatedly emphasizes that a core aspect of the invention is a “dynamic” master webpage with the ability for a user to access, view, and migrate through real time content data or applications, which would only be possible if the content data and applications are provided to the user in a manner that matches the human perception of time. *See supra*, § II.A.2. Similarly, the applicant during prosecution distinguished the prior art, stating “none of the prior art appears to teach a tool that . . . allows a user to scroll or page through multiple **live-streamed** web sources or content providers on a single user interface or web-page”—not simply manual, periodic updates as advanced by Petitioner. Ex.1003, 178, 216 (emphasis added).

The prosecution history also makes clear that the invention requires content streamed in real time simultaneously to a single user interface so that a user does not need to open additional websites to view the content. *See supra*, § II.B. A system that requires users to open additional websites to view content cannot provide “real time” content because such content is not available from the user interface in a manner that matches the human perception of time.

In summary, the Board should reject Petitioner’s proposed construction of “real time” in the Petition because it is inconsistent with the intrinsic record of the ‘658 Patent. Although the Board need not explicitly construe the term, any reasonable interpretation of “real time” should begin with the understanding that “real time” content must be provided on a master webpage, not simply “sent to the server” as proposed by Petitioner. As explained further below, Petitioner’s fundamental misunderstanding of the “real time” limitations of the claims dooms its argument for each of claims 1, 7, and 12 (and all dependent claims) in each of Grounds 1A-1B and 2A-2B, because neither of Petitioner’s primary references (Darnell and Dasgupta) disclose “real time” content data or applications on a master webpage, as required by the Challenged Claims.

B. Other Terms Disputed in the Parallel Litigation

The parties also dispute the construction of several other claim terms of the ‘658 Patent, including “master server” and “content data.” *See* Ex.2005, 2. Because the specific construction of those terms do not bear on Patent Owner’s arguments in this Preliminary Response, the Board need not provide a specific construction of those terms in determining whether or not to institute this proceeding. Patent Owner, however, reserves the right to provide proposed constructions for these and other claim terms of the ‘658 Patent if an IPR is instituted.

IV. SUMMARY OF REFERENCES RELIED ON BY PETITIONER

A. Darnell (Ex.1004)

Darnell is an “aggregator.” *See* Ex.1003, 134; *see also* Pet. at 9 (Darnell is directed to “presenting multiple content items to users more efficiently by ***aggregating*** content items in a single user interface.”) (emphasis added). Darnell describes systems and methods for aggregating and managing content feeds on a server and delivering organized collections of content to users. Ex.1004, [0011]. Darnell’s system collects content items from feed sources, stores the content items on a database, and transmits an ordered list of content items from the database to a client in response to a client request. *See id.*

As shown in Figure 1 below, Darnell’s content feed aggregation system (100) includes a server system (104) coupled to client systems (102) and hosts/feed sources (120) by a network (106). *Id.*, [0032].

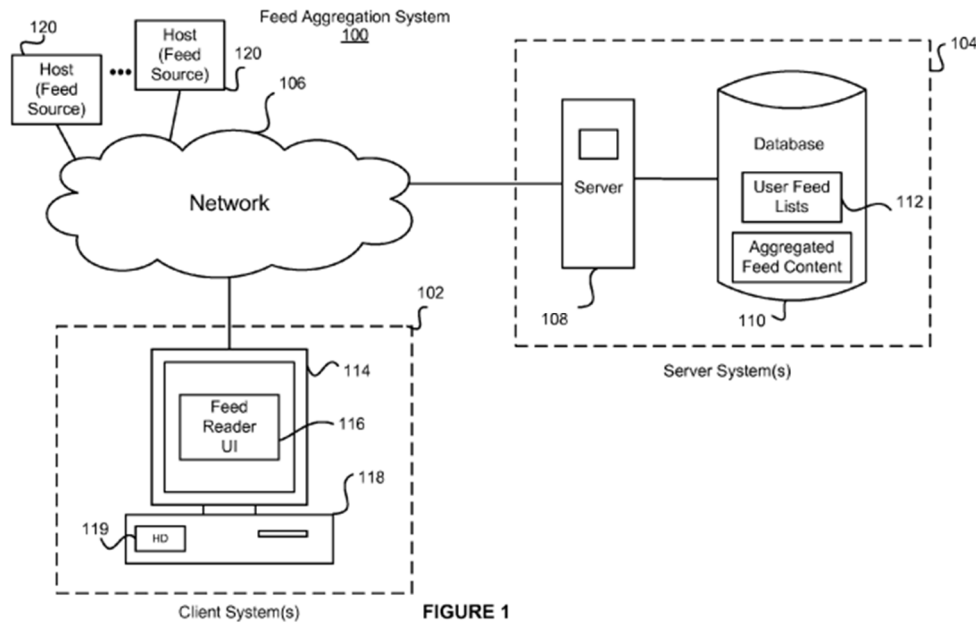


FIGURE 1

Id., Fig.1. The server system (104) includes a server (108) and a database (110).

Id., [0033]. Server (108) retrieves content feeds from feed sources (120). *Id.* “The server system 104 stores content items in the content feeds in the database 110.”

Id., [0034]. Users interface with the server system (104) via a feed reader user interface (116). *Id.*, [0040].

Importantly, Darnell does not provide content items to a user’s feed reader user interface (116) in real time. Rather, Darnell stores content items in a persistent database and presents content items to users periodically or upon a user-initiated request. According to Darnell, “[t]he feed reader user interface transmits a list of content feed subscriptions, or modifications to a list of content feed subscriptions, to the server system 104 for storage at the database 110” and “[t]he feed reader user interface 116 presents content items stored at the database 110 to the user

based on the user's list of content feed subscriptions.” *Id.* Darnell depicts this process in Figure 9A (below), which shows “a flow diagram illustrating process 900 for retrieving and storing content items for subsequent transmission to client computer 400.” *Id.*, [0106].

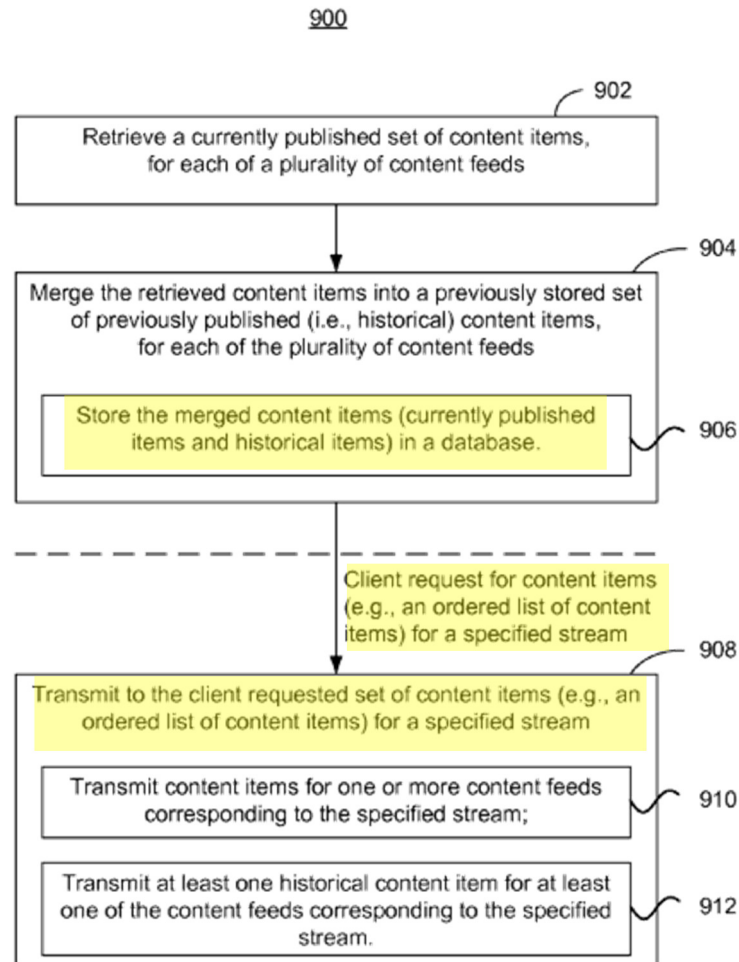


Figure 9A

Id., Fig.9A (annotated).

As shown in the figure, server computer retrieves a currently published set of content items for a content feed and merges the retrieved content items into a

previously stored set of previously published content items (known as historical content items). *Id.*, [0106]. Then, “[t]he merged content items are stored in a database (906), such as feed content database 520.” *Id.*; *see also id.*, [0108] (describing process for determining if content item is inserted into database). Crucially, “feed tracker module 516” only retrieves content items from storage “periodically and/or as content feeds are updated” (*id.*, [0074]), which occurs when a user “attempt[s] to scroll beyond the end of the displayed list.” *Id.*, ¶ [0112]. In response to such periodic or user-initiated requests, server computer 500 transmits to client computer 400 an ordered list of content items for a specified stream.” *Id.*, [0109] (emphasis added); *see also id.*, [0112] (user initiated “fetch” command prompts client computer to fetch content items from server computer).

Accordingly, ***Darnell’s system does not stream content items to a user’s feed reader user interface in real time***, but instead merges and stores content items in a database before providing them to the user only upon a specific, manual user request.

In short, Darnell’s system is fundamentally structured around a static, database-driven model in which users interact with stored content feeds through periodic or manual updates, rather than providing a real-time content delivery system with a dynamic master webpage, as disclosed and claimed by the ‘658 Patent.

B. Dasgupta (Ex.1006)

Dasgupta is a “navigator.” *See* Ex.1003, 134. Dasgupta relates to media content access systems and specifically, to enhancing a graphical user interface (“GUI”) for browsing and accessing media content through set-top boxes, such as television programs, pay-per-view programming, video-on-demand programming, and audio programming. Ex.1006, 1:7-14, 1:64-66. The invention focuses on improving GUIs that display media channel or program guides on set-top boxes by displaying advertisements together with channel guide including “a plurality of channel icons representing a plurality of media content channels through which media may be accessed.” *Id.*, 1:64-2:16. The channel icons on the channel guide “provide launching points through which interactive portals associated with media content providers distributing media content via the media content channels can be accessed.” *Id.*, 2:17-24.

Figure 2 (below) of Dasgupta illustrates a system (200), which includes a media content delivery subsystem (202), access subsystem (204), and media content provider subsystem (208). *Id.*, Fig.2.

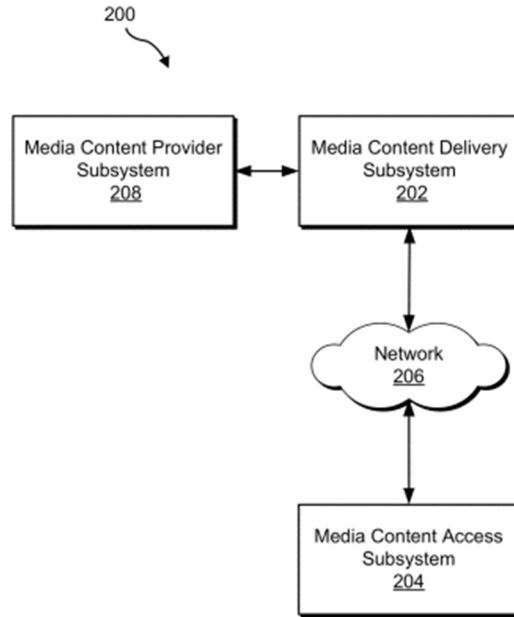


Fig. 2

Id. Access subsystem (204) communicates with and receives a signal containing data representative of media content or data associated with media content from delivery subsystem (202) over a network (206). *Id.*, 6:62-7:5. Access subsystem (204) facilitates access by a user to media content received from delivery subsystem (202). *Id.*, 7:38-40. Delivery subsystem (202) is coupled to a media content provider subsystem (208), which provides media content to delivery subsystem (202) for distribution. *Id.*, 7:44-48.

Dasgupta's system may generate and launch a GUI for display to a user. *Id.*, 13:5-6. The GUI may include “a graphical representation of a channel guide 702 and one or more graphical representations of one or more advertisements (704) . . . displayed together with channel guide 702 in GUI 700.” *Id.*, 13:9-14. Further, “channel guide 702 may include a two-dimensional grid matrix view of a plurality of channel icons, which are associated with a plurality of media content channels.” *Id.*, 13:15-17. As shown in Figure 7 below, channel icons “*function as a launching point for an interactive portal* associated with the corresponding media content channel.” *Id.*, 13:24-30 (emphasis added).

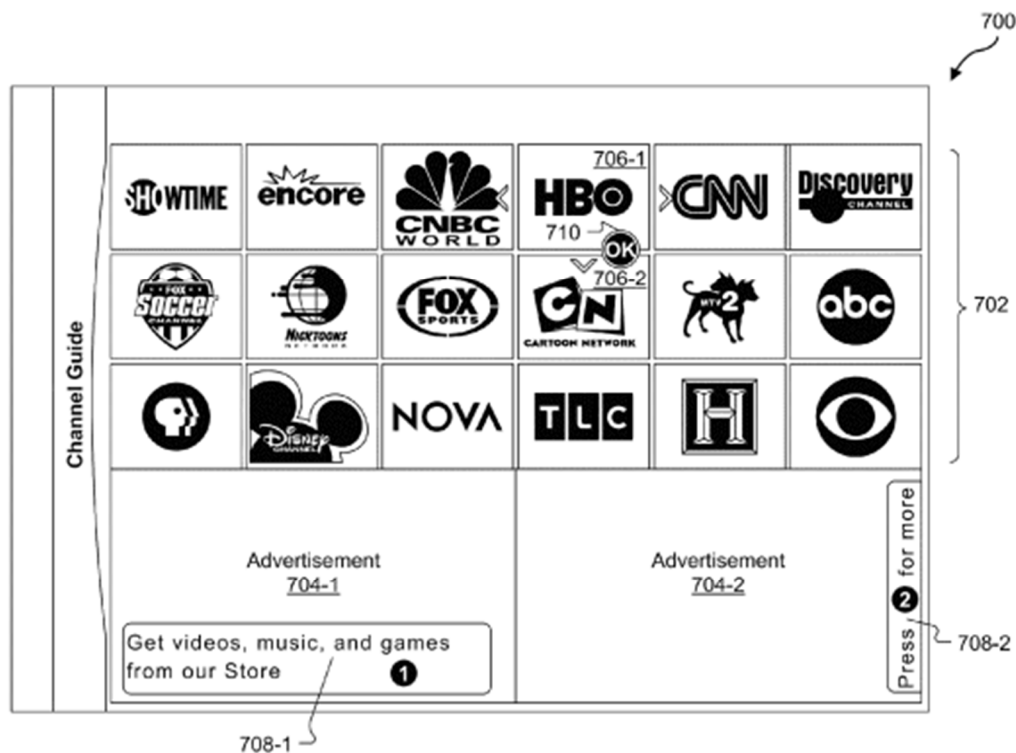


Fig. 7

Id., Fig.7. Crucially, the channel icons themselves are static and serve as “links” to access a media content channel’s “interactive portal.” *Id.*, 13:31-35. Only upon accessing a channel’s “interactive portal” can a user actually access media content, “including content that is controlled by the media content provider providing content for distribution.” *Id.*, 13:36-40; *see also id.*, 5:41-6:6.

The GUI may also display advertisements (704-1, 704-2). *Id.*, 13:41-51. While advertisements may be personalized to a user, the system is “configured to automatically select and insert one or more advertisements 704 in GUI 700 when the GUI 700 is launched.” *Id.* Accordingly, users of Dasgupta’s system do not pre-select advertisements that will appear on the GUI.

C. Kim (Ex.1005)

Petitioner’s reliance on Kim is minimal with regard to independent claims 1, 7, and 12 in any of the grounds set forth in the Petition. In fact, Kim is relied on solely for Petitioner’s arguments regarding the “analytics” limitations of independent claims 1, 7, and 12 in Grounds 1A-1B (*see* Pet. at 18-37, 41-42), and is not relied on at all for Petitioner’s arguments regarding claims 1 and 7 in Ground 2A (*see* Pet. at 58-74, 76-78). Petitioner does not contend that Kim discloses any of the elements of independent claims 1, 7 and 12 that are missing from Darnell and Dasgupta, discussed below.

Simply put, Kim is inconsequential for purposes of determining whether to institute the Petition. Given that Darnell and Dasgupta, Petitioner's primary references, fail to disclose key elements claimed in independent claims 1, 7, and 12 and further that Petitioner does not even attempt to argue that Kim supplies those missing claim elements, the Board can dispense with the Petition on all grounds regardless of Kim. As such, the remainder of the Preliminary Response will largely explain why Darnell and Dasgupta fail to establish a reasonable likelihood that any claims of the '658 Patent are invalid.

V. THE BOARD SHOULD DENY INSTITUTION OF THE PETITION⁴

A. Petitioner Fails to Establish a Reasonable Likelihood That Any of the Challenged Claims Are Obvious Over Darnell (Grounds 1A-1B).

Petitioner's Ground 1A challenges claims 1-5 and 7-10 of the '658 Patent as obvious over Darnell (Ex.1004) and Kim (Ex.1005). Pet. at 1-2. In Ground 1A, Petitioner relies exclusively on the teachings of Darnell for nearly all limitations of independent claims 1 and 7, other than the "analytics" limitation. *See id.* at 18-37,

⁴ For purposes of this Preliminary Response, Patent Owner will address only the most glaring omissions in Petitioner's purported invalidity grounds. The missing claim elements cannot be remedied by Petitioner's expert's conclusory statements that merely copy the Petition. Petitioner's petition for IPR should be denied.

41-42. Petitioner’s Ground 1B challenges claims 6 and 12-18 of the ‘658 Patent as obvious over Darnell, Kim, and Dasgupta (Ex.1006). *Id.* at 1-2. Like Ground 1A, Petitioner relies exclusively on the teachings of Darnell for nearly all limitations of independent claim 12 in Ground 1B, other than the “analytics” and “purchasing” limitations. *See id.*, 51-54. In other words, neither of Petitioner’s Grounds 1A-1B contend that Kim or Dasgupta disclose or suggest the “real time limitations” of independent claims 1, 7, and 12, leaving Darnell as the sole reference in Grounds 1A-1B with respect to these limitations.

As explained below, however, Darnell fails to teach or suggest crucial elements of claims 1, 7, and 12 of the ‘658 Patent, rendering Petitioner’s challenge to these claims insufficient. Because claims 2-6, 8-11, and 13-18 all depend from claims 1, 7, and 12, Petitioner’s challenges to these claims likewise fall short for the exact same reasons.

1. Darnell Does Not Disclose or Render Obvious the “Real Time Limitations” of Any of the Challenged Claims.

Petitioner has failed to show that Darnell teaches, discloses, or even suggests real time streaming, scrolling, or paging through content data or content applications on a master webpage. As explained above, the independent claims of the ‘658 Patent each require that content data or content applications are streamed/scrolling or paged/navigated “*in real time on a master webpage*.” *See supra*, § III.A.

As explained below, Darnell does not disclose the “real time limitations” of any of independent claims 1, 7, and 12. And nothing in Petitioner’s Grounds 1A or 1B suggest otherwise. Accordingly, neither Darnell and Kim (Ground 1A) nor Darnell, Kim, and Dasgupta (Ground 1B) render any of the claims of the ‘658 Patent obvious. Therefore, Patent Owner respectfully requests that the Board deny institution.

a. Darnell Does Not Disclose Real-Time Content Data or Content Applications on a Master Webpage.

Darnell fails to disclose a system that provides real-time content data viewable directly from a master webpage. Instead, Darnell’s system aggregates content feeds or content items on a server, merges new content with historical content, stores the merged content items in a persistent database, and then, periodically or upon a request by a user, delivers a static list of stored content items to a user interface. *See supra*, §IV.A; Ex. 1005, [0040], [0106-09].

Darnell cannot disclose providing “real time” content data or applications on a master webpage because Darnell’s system merges new content with historical content and stores such content items in a persistent database ***prior to*** delivering content items to a user. This is explicit in Darnell—“[t]he merged content items are stored in a database (906), such as feed content database 520.” Ex.1004, [0106]. The process of merging and then storing the content in persistent memory indicates that Darnell is not operating in real time. Indeed, Darnell describes the process “for

retrieving and storing content items for subsequent transmission to client computer” in detail. *See id.*, [0106] (emphasis added), Fig.9A. According to Darnell, a server computer retrieves a currently published set of content items for a content feed and merges the retrieved content items into a previously stored set of previously published content items. *Id.*, [0106]. “The ***merged content items are stored in a database (906)***, such as feed content database 520,” prior to transmitting an ordered list of content items to the user. *Id.* (emphasis added). Content items that are first merged and then stored in a persistent database on Darnell’s system before being transmitted to a user are not provided “in real time” to a user’s master webpage.

Additionally, Darnell cannot disclose providing “real time” content data or applications on a master webpage because ***Darnell’s system only delivers content items to a user periodically or based upon a user’s request***. According to Darnell, once a merged list of content items is stored in a database on Darnell’s system, a server will transmit an ordered list of content items to a user, but only “[i]n ***response to a request from a client computer 400***.” *Id.*, [0109] (emphasis added). Darnell explains that such requests may be sent “periodically” or by the request of a user. *Id.*, [0074], [0012]. For instance, Darnell explains that a user may initiate such a request (*i.e.*, a “fetch” command) by attempting to scroll beyond the end of a displayed list of content items, which “will prompt client computer 400 to fetch

from server computer 500 an additional set of content items, corresponding to the specified stream, to display to the user.” *Id.*, [0112]; *see also* Pet. at 28. That a user must initiate a “fetch” command in order to prompt Darnell’s system to “fetch” new or additional content items from a database necessarily means that Darnell’s system does not provide content data or applications “in real time” on a master webpage, as true “real time” content data or applications would be streamed and/or displayed without the need for user action or involvement once the system is initially activated. Similarly, a request for content sent “periodically” is, by definition, not sent in real time but instead sent recurrently in intervals.

Accordingly, a user of Darnell’s system does not receive content data or applications “in real time” because Darnell’s system provides only content items that are first merged, stored in a persistent database and only received periodically or when requested by a user. As such, Darnell does not disclose the “real time” limitations of any of claims 1, 7, or 12 (or any claims dependent therefrom). Petitioner’s Darnell-based grounds (Grounds 1A-1B) therefore fail.

b. Petitioner Fails to Show that Darnell Discloses the “Real Time Limitations” of Any of the Challenged Claims.

Petitioner’s contentions that Darnell discloses the “real time” limitations of the claims of the ‘658 Patent fails for multiple reasons.

As an initial matter, Petitioner fundamentally misunderstands and mischaracterizes the “real time limitations” of the claims. Critically, Petitioner’s argument that Darnell discloses the “real time limitations” centers on the mistaken idea that the claims merely require content sent to or received by *Darnell’s server* in real time. *See* Pet. at 26-27 (“content from multiple feeds is simultaneously *streamed to the master server*”), 27 (“*the server receives* the content in real time”), 27 n.9 (“Although the ’658 Patent does not define the term ‘real time,’ POSITAs would have understood it in the context of the intrinsic record to include content from more than one source that is *sent to the server* as it becomes available”), 28-29 (“Darnell thus streams content from multiple hosts 120 (respective servers) simultaneously *when they send updates (in real time) to the server system 104 (master server)*, where content is viewable on feed reader interface 116 webpage (master web page) displayed on a client system device (remote computing device).”). As explained above, however, the claims require more than simply providing real time content to a master server—rather, each of the independent claims require providing content data or applications “*in real time*” *on the master webpage*. *See supra*, §III.A.

Petitioner’s misunderstanding of the “real time limitations” of the claims renders its challenges for each of claims 1, 7, and 12 (and all dependent claims) fatally deficient. Petitioner focuses exclusively on content streamed to, sent to, or

received by Darnell's server, but fails to address the requirement in each of the claims that the content is provided in "real time" on the master webpage. Petitioner does not, because it cannot, point to anything in Darnell that teaches or suggests providing "real time" content data or applications on the master webpage itself.

For example, claim 1 requires that content data and content applications are "*streamed to the master server simultaneously in real time* from their respective servers *on a master web-page* and *are viewable from the remote computer devices* through the master server *on the master web-page.*" Petitioner's argument that *Darnell's server* receives real time content (*see* Pet. at 26-29) says nothing about whether content data and applications are "streamed to the master server simultaneously *in real time . . . on a master web page,*" as required by claim 1.

More specifically, Petitioner contends that "content from multiple feeds is simultaneously streamed to the master server and presented in the user's feed chronologically with a timestamp, as shown in Figure 3A." *Id.* at 26-27. While Darnell's server may receive content feeds from content sources, Darnell is clear that the user's feed is only updated *after* content is merged, stored in a persistent database, and requested either periodically or at a user-initiated request, meaning the content is no longer provided "in real time." *E.g.*, Ex.1004, [0034], [0040], [0074], [0106], [0112]. Petitioner further contends that "Darnell's feed tracker module 516 retrieves 'content items for storage periodically and/or as content feeds

are updated’ (Darnell, ¶74), which POSITAs would have understood to mean the server receives the content in real time within the meaning of the ’658 Patent.” Pet. at 27. The very portion of Darnell quoted by Petitioner states that feed tracker module (516) (which is part of Darnell’s server computer, *see* Ex.1004, [0071]) retrieves content “*for storage periodically*,” not for display on a master web page in real time.

Finally, Petitioner contends that users access content items via Darnell’s feed reader interface (116), which serves as a master webpage. Pet. at 28. Not only does Petitioner fail to even attempt to argue that the content items on Darnell’s feed reader interface are displayed in “real time,” Petitioner curiously cites to Darnell’s user-initiated “fetch” command, which, as discussed above, unequivocally proves that the content items are *not* provided in real time on Darnell’s feed reader interface. *See id.*; *see also supra*, § V.A.1.a.

Claim 1 also requires “scrolling or paging through the *content data or the content applications* from the multiple content sources or service providers simultaneously and through the master server *in real time from the master webpage*.” Petitioner fails to even mention the words “real time” in this portion of its argument, which, apart from any other limitations of claim 1, provides an independent reason that the Petition fails to show that claim 1 is invalid based on Darnell. *See* Pet. at 29-30. This omission alone warrants denying Ground 1. Setting

that aside, it is unclear how navigating through Darnell’s static feed reader could possibly disclose “scrolling or paging through” content data or applications “in real time from the master web page.” This is especially true given that Petitioner never explains how Darnell teaches “real time” content data or applications on the master webpage in the first place. *See id.*

Petitioner’s contention for the earlier limitation—that “Darnell [] *streams* content from multiple hosts 120 (*respective servers*) *simultaneously* **when they send updates (*in real time*)** to the server system” (Pet. at 28) (emphasis added)—highlights that the list in Darnell’s feed reader is static. Users do not scroll or page through a “dynamic” list of content as in the ‘658 Patent. *See* Ex.1001, 3:5-60; 6:1-27. Rather, Darnell’s list is only updated “periodically” (Pet. at 27 (quoting Darnell, ¶ 74)) or when a user “‘attempt[s] to scroll beyond the end of the displayed list,’ which triggers a ‘fetch’ command to retrieve additional content items from server computer 104.” *Id.* at 28 (quoting Darnell, ¶ 112). This is simply not scrolling through real time content; it is scrolling through a list of past content that must be updated by user actions.

Petitioner’s arguments regarding the other independent claims—claims 7 and 12—fare no better. Claim 7 requires, among other things, “***content data or content applications are simultaneously streamed*** to the master server from servers of multiple content data sources or service providers over the internet *in*

real time to an account belonging to the user.” According to Petitioner, “Darnell’s content is streamed in real time to an account belonging to the user because a ‘user’s feed reader account’ comprises content items marked as read/unread and tagged or labeled with certain characteristics.” Pet. at 41-42. Given that all of Darnell’s content items are merged and stored in a persistent database prior to providing them periodically or at a user-initiated request, any amount of marking, tagging, or labeling does not alter the fact that the content is fundamentally not displayed on a master webpage “in real time.” *E.g.*, Ex.1004, [0034], [0040], [0106]. Beyond that, the Petition appears to primarily refer back to the prior, deficient arguments regarding claim 1 for this limitation, and thus fails for the same reasons.

Petitioner makes even less of an effort regarding claim 12, which requires, among other things, “wherein *a user navigates through the content data or content applications* from the multiple content sources or service providers *through master web-page in real time* from the remote computer.” The Petition merely refers to the arguments regarding claim 1 and thus, likewise fails for the reasons discussed above. *See* Pet. at 53.

In sum, Petitioner’s assertions that Darnell discloses the “real time” limitations of claims 1, 7, and 12 (and all claims dependent therefrom) fail. Given that all the claims of the ‘658 Patent require displaying “real time” content on a

master webpage, neither of Petitioner’s Darnell-based Ground 1A (Darnell and Kim) or Ground 1B (Darnell, Kim, and Dasgupta) establish a reasonable likelihood that the ‘658 Patent’s claims are unpatentable. The Petition should be denied.

B. Petitioner Fails to Establish a Reasonable Likelihood That Any of the Challenged Claims Are Obvious Over Dasgupta (Grounds 2A-2B).

Petitioner’s Ground 2A challenges claims 1 and 4-10 of the ‘658 Patent as obvious over Dasgupta (Ex.1006) and Darnell (Ex.1004). Pet. at 1-2. Petitioner’s Ground 2B challenges claims 2-3 and 11 of the ‘658 Patent as obvious over Dasgupta, Darnell, and Kim (Ex.1005). *Id.* The claims challenged in Ground 2B are dependent on claims 1 or 7 and thus incorporate the limitations of those claims. Notably, Petitioner’s Grounds 2A-2B do not challenge claims 12-18 of the ‘658 Patent. In any event, in both Grounds 2A and 2B, Petitioner relies exclusively on the teachings of Dasgupta for nearly all limitations of independent claims 1 and 7, other than the “pre-selected by a user” limitation of claim 1. *See id.* at 58-74, 76-78. In other words, neither of Petitioner’s Grounds 2A-2B contend that Darnell or Kim disclose or suggest the “real time” limitations of independent claims 1 and 7, leaving Dasgupta as the sole reference in Grounds 2A-2B with respect to these limitations.

Like Darnell discussed above, Dasgupta fails to teach or suggest crucial elements of claims 1 and 7 of the ‘658 Patent, rendering Petitioner’s challenge to

these claims insufficient.⁵ Because claims 2-6 and 8-11 all depend from claims 1 and 7, Petitioner's challenges to these claims likewise fall short for the exact same reasons.

⁵ Petitioner's contentions regarding Dasgupta should be rejected in their entirety because Petitioner changes what it refers to as "content data and content applications" throughout its argument. Initially, Petitioner appears to contend that Dasgupta's channel icons and advertisements are content data and content applications. Pet. at 64-65 ("POSITAs would have thus understood the channel icons and advertisements to be content data and content applications"). When discussing the "streamed to the master server" limitation, Petitioner focuses on "media content." *Id.* at 68-69. And then Petitioner's argument changes again when discussing the "slide tool" limitation, where Petitioner asserts that "Dasgupta discloses transmitting the channel guide as a webpage from subsystem 202 to subsystem 204 using HTTP." *Id.* at 69. Petitioner's shifting-sands approach shows the weakness of the Dasgupta-based grounds and provides another reason the Petition should be denied.

1. Dasgupta Does Not Disclose or Render Obvious the “Real Time Limitations” of Any of the Challenged Claims.

Petitioner fails to demonstrate that Dasgupta teaches, discloses, or even suggests “real time” content data or content applications on a master webpage. As explained above, the independent claims of the ‘658 Patent each require that content data or content applications are streamed/scrollled or paged/navigated “*in real time*” on a master webpage. See *supra*, § III.A.

Dasgupta does not disclose the “real time” limitations of any of independent claims 1, 7, and 12, as explained below. And nothing in Petitioner’s Grounds 2A or 2B suggest otherwise. Accordingly, neither Dasgupta and Darnell (Ground 2A) nor Dasgupta, Darnell, and Kim (Ground 2B) render any of the claims of the ‘658 Patent obvious. Institution should therefore be denied.

a. Dasgupta Does Not Disclose Real-Time Content Data or Applications on a Master Webpage.

Dasgupta fails to disclose a system that provides real-time content data viewable directly from a master webpage. Instead, Dasgupta discloses a GUI operating on a set-top box that displays *a graphical representation of a channel guide with static channel icons and a graphical representation of one or more advertisements*. Ex.1006, 13:5-51.

Dasgupta’s channel icons are not “real time” content data or content applications as claimed in the ‘658 Patent. As shown in Figure 7 below, the

channel icons in channel guide (702) are nothing more than a static image of a media provider's logo, not “real time” content:

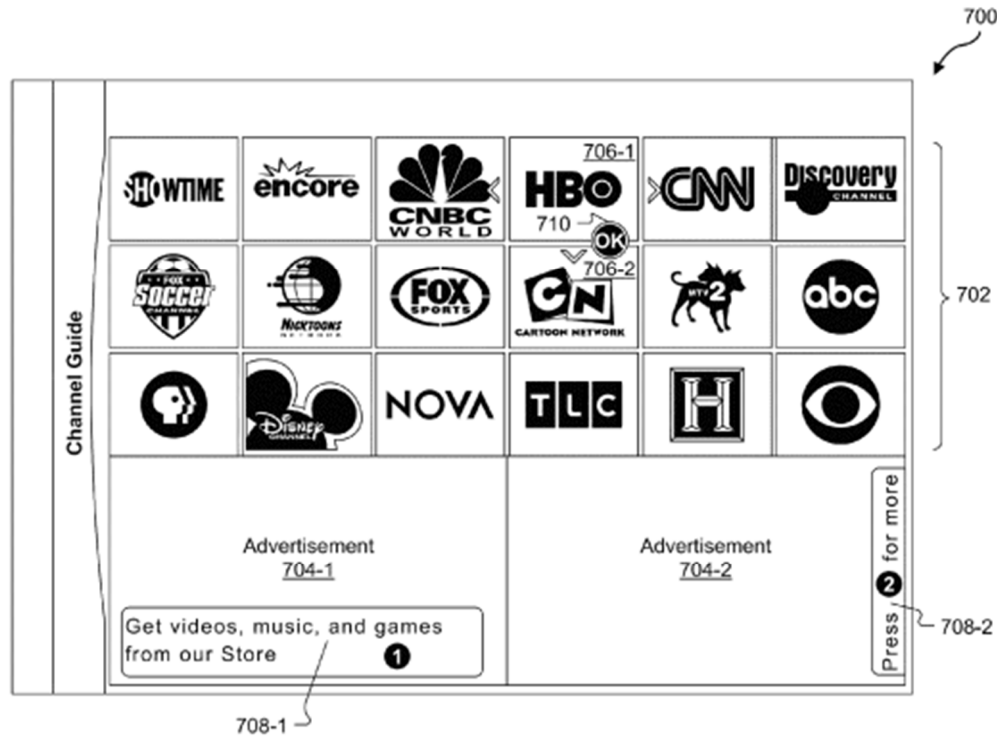


Fig. 7

Id., Figure 7. Unlike the claimed invention, which provides a *real time view of content* to users, Dasgupta simply presents static images *representative* of such content.

Moreover, these channel icons serve as “links” that a user must “click” to access a media provider’s content. According to Dasgupta, channel icons “*function as a launching point for an interactive portal* associated with the corresponding media content channel.” *Id.*, 13:24-30 (emphasis added). Only upon

clicking a static channel icon can a user access a media content provider's "interactive portal," a separate platform "through which content associated with a media content channel may be accessed" and where the user can view "content that is controlled by the media content provider providing content for distribution." *Id.*, 5:42-45, 13:31-40.

Requiring a user to "click" an icon to access content is directly contrary to what the '658 patent and file history describe as "real time" content data or applications. *See supra*, § II.B; Ex.1003, 134-35 ("web sources or content providers are being streamed in real time simultaneously . . . such that the user does not need to open up web sites to view multiple web sources simultaneously from a single user interface", "the user can view all of the web sources or content providers simultaneously and/or scroll, swipe or page through the web-sources from his or her personal device without opening or re-opening corresponding web-pages each time"), 179 ("content data "being streamed in real-time simultaneously" such that "a user does not need to open up multiple web-sites to view web-sites"). As such, channel icons on Dasgupta's GUI are not "real time" content data or applications provided on a master webpage, as claimed.

Dasgupta's advertisements are likewise not "real time" content data or applications according to the '658 Patent. The patent provides a list of content data, which includes "marketing data, sales data, operations data, manufacturing data,

financial data, documents, spreadsheets, presentations, audio data, video data, database listings, custom or off the shelf business applications, games, or any other content data or application data.” Ex.1001, 6:41-48. Notably, advertisements and promotions are not included. Advertisements and promotions are, however, discussed elsewhere in the patent—if they were meant to be considered content data, they would have been included in the list. In fact, the ‘658 Patent distinguishes “real time” content data and applications from advertisements and promotions, which the patent states “target[] the user based on the operations performed and/or the content data sources or service providers that are used.” *See infra*, § V.B.2; Ex.1001, 3:13-23. Given that advertisements are not “real time” content data or applications within the meaning of the ‘658 Patent, the one or more advertisements displayed in Dasgupta’s GUI cannot meet this limitation.

Further, as with Dasgupta’s static channel icons, the advertisements are merely “visual prompts” that “may be associated with advertisements 704 and/or with a virtual store through which products and/or services may be acquired by a user.” Ex.1006, 13:52-56. The “visual prompts” can be “configured to inform a user of a specific input that may be provided by the user to access a virtual store through which products and/or services may be acquired by a user.” *Id.*, 13:56-60. Petitioner, however, fails to explain how a visual prompt corresponding to an advertisement or a virtual store accessible through “specific [user] input[s]”

teaches or suggests providing the content itself (instead of a visual prompt) in real time.

Accordingly, Dasgupta's system does not provide content data or applications "in real time" on a master webpage because Dasgupta's system provides only static channel icons and advertisements on a GUI. As such, Dasgupta does not disclose the "real time" limitations of any of claims 1, 7, or 12 (or any claims dependent therefrom). Petitioner's Dasgupta-based grounds (Grounds 2A-2B) therefore fail.

b. Petitioner Fails to Show that Dasgupta Discloses the "Real Time Limitations" of Any of the Challenged Claims.

Petitioner's contentions that Dasgupta discloses the "real time" limitations of the Challenged Claims fail. As was the case with Petitioner's Darnell-based arguments, Petitioner once again improperly focuses on content streamed to, sent to, or received by *Dasgupta's server* in real time. *See, e.g.*, Pet. at 68 ("Dasgupta's provider subsystem 208 '*provide[s] media content to delivery subsystem 202* for distribution over network 206'"), 68 ("content items are *streamed to subsystem 202 (streamed to the master server)* from each provider subsystem 208 (from their respective servers)"). The claims, however, require providing content data or applications "in real time" on *the master webpage*, which the disclosures in Dasgupta relied on by Petitioner do not teach or suggest. *See, e.g., supra*, § III.A.

By strictly focusing on content sent to Dasgupta’s purported master server (*i.e.*, delivery subsystem 202), Petitioner fails to identify any disclosure in Dasgupta that teaches or suggests providing “real time” content data or applications on the master webpage itself, as required by the Challenged Claims.

Claim 1 requires that content data and content applications are “***streamed to the master server simultaneously in real time*** from their respective servers ***on a master web-page*** and ***are viewable from the remote computer devices*** through the master server ***on the master web-page.***” According to Petitioner, Dasgupta meets this limitation because “content items are streamed to subsystem 202 (streamed to the master server) from each provider subsystem 208 (from their respective servers).” Pet. at 68. And because Dasgupta’s media content channels provide access to media content, Petitioner asserts that “POSITAs would have understood the content is streamed . . . simultaneously in real time because each channel is available at the same time.” *Id.* Setting aside that it is unclear exactly what Petitioner means by “content items,” streaming content to a master server does not satisfy this claim limitation because, as discussed above, the claim requires content data or applications “***in real time***” ***on the master webpage.*** See, e.g., *supra*, § III.A.

Petitioner’s next contention—that “media content may be transmitted between subsystem 202 and subsystem 204” and, based on Dasgupta’s disclosure

of communication protocols, “POSITAs would have understood subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master web-page)”—is baseless. *See* Pet. at 68-69. Petitioner’s sole support for this conclusion is its expert; Petitioner cites nothing in Dasgupta itself for this point. *Id.* Setting that aside, Petitioner appears to imply that because media content is transmitted from a provider subsystem 202 to access subsystem 204, it is available “on a master webpage” of Dasgupta, *i.e.*, the channel guide. This does not follow. Dasgupta is clear that its channel guide contains channel icons and advertisements, neither of which are content data or content applications (*see supra*, § V.B.1.a), and that a user must “click” a channel icon to access a provider’s separate “interactive portal” to view media content. *E.g.*, Ex.1006, 13:5-51, Fig.7. Petitioner’s remaining argument in this section is similarly deficient because the fact that media content is viewable from access subsystem 204 says nothing about whether it is viewable on Dasgupta’s channel guide, let alone “in real time.” *See* Pet. at 69.

Claim 1 also requires “scrolling or paging through the ***content data or the content applications*** from the multiple content sources or service providers simultaneously and through the master server ***in real time from the master webpage.***” Petitioner argues that Dasgupta meets this claim limitation because a user of Dasgupta’s system can scroll through advertisements and channel icons in the GUI. *Id.* at 70-72. Beyond quoting the claim language, Petitioner fails to mention

the words “real time” in this portion of its argument, let alone explain how scrolling static channel icons or advertisements (neither of which are “real time” content data or content applications, *see supra*, § V.B.1.a) constitutes “scrolling or paging through” content data or applications “in real time from the master web page.”

Petitioner’s argument regarding claim 7 fails for similar reasons. Claim 7 requires, among other things, “***content data or content applications are simultaneously streamed*** to the master server from servers of multiple content data sources or service providers over the internet ***in real time to an account belonging to the user.***” Petitioner argument focuses on how Dasgupta’s GUI (which Petitioner contends is a master webpage) is provided to a subscriber’s account, but does not further address how any “real time” content data or applications are streamed or displayed on Dasgupta’s GUI. *See* Pet. at 77-78. The Petition simply refers back to Petitioner’s deficient claim 1 arguments, and therefore fails for the same reasons.

Accordingly, Petitioner’s assertions that Dasgupta discloses the “real time” limitations of claims 1 and 7 (and all claims dependent therefrom) fail. Given that all the Challenged Claims require displaying “real time” content on a master webpage, neither of Petitioner’s Dasgupta-based Ground 2A (Dasgupta and Darnell) or Ground 2B (Dasgupta, Darnell, and Kim) establish a reasonable

likelihood that the Challenged Claims are unpatentable. Institution should be denied in its entirety.

VI. CONCLUSION

Patent Owner respectfully submits that the evidence presented in the Petition fails to establish a reasonable likelihood Petitioner will prevail in establishing that any of the Challenged Claims are unpatentable. Patent Owner therefore respectfully requests that the Board deny the Petition in its entirety.

Dated: April 30, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that Patent Owner's Preliminary Response complies with the type-volume limitations of 37 C.F.R. §42.24 because it contains 10,310 words (as determined by the Microsoft Word word-processing system used to prepare the Petition), excluding the parts of the Petition exempted by 37 C.F.R. §42.24.

Dated: April 30, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** and accompanying exhibits were served on the date below via email at the following email addresses:

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