Patent Owner Razdog's Demonstratives

Twitch Interactive Inc.
Petitioner
v.
Razdog Holdings, LLC.
Patent Owner

IPR2025-00307 (Patent No. 9,729,658)
IPR2025-00308 (Patent No. 10,334,068)

'658 Institution Decision at 1, 4–6; '068 Institution Decision at 1, 4–5.

Two IPRs, one hearing

IPR2025-00307 — ’658 Patent

challenged claims: 1–18

independent claims: 1, 7, 12

’658 Institution Decision (Paper 21) at 4–6; ’658 Patent (Ex.1001), cls. 1, 7, 12.

IPR2025-00308 — ’068 Patent

challenged claim: 1 only

’068 Institution Decision (Paper 23) at 4–5; ’068 Patent (Ex.1001), cl. 1.

The independent claims at issue

’658 claim 1	’658 claim 7	’658 claim 12	’068 claim 1
streaming content in real time on master web-page + scrolling/paging in real time from the master web-page	content streamed in real time to an account belonging to the user	user navigates through content through master web-page in real time	same core streaming / scrolling language as ’658 claim 1
’658 Patent (Ex.1001), cl. 1; ‘658 PO Resp. (Paper 26) at 15-20.	’658 Patent (Ex.1001), cl. 7; ‘658 PO Resp. (Paper 26) at 15-20.	’658 Patent (Ex.1001), cl. 12; ‘658 PO Resp. (Paper 26) at 15-20.	’068 Patent (Ex.1001), cl. 1; ‘068 PO Resp. (Paper 28) at 15-21.

Claim 1 of the ’068 Patent is substantially similar to Claim 1 of the ’658 Patent for present purposes

Petitioner’s position:

“Issued claim 1 … of the ’068 Patent is nearly identical to allowed claim 1 of the ’658 Patent.”

’068 Petition (Paper 1) at 8.

Claim 1 of the ’068 Patent is also subject to a terminal disclaimer to the ’658 Patent.

’068 Petition (Paper 1) at 8; *see also* ‘068 Patent File History (Ex.1003) at 181.

The claimed invention provides a single real-time master web-page

Prior-Art 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."

'658 PO Resp. (Paper 26) at 4-14; '068 PO Resp. (Paper 28) at 4-14; '658 Patent File History (Ex.1003) at 134-35.

Prior-Art 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."

'658 PO Resp. (Paper 26) at 4-14; '068 PO Resp. (Paper 28) at 4-14; '658 Patent File History (Ex.1003) at 134-35.

Claimed System

Two-part solution including:

- a navigation tool (e.g., "allows a user to scroll or flip through various live-stream web sources or content providers . . . ***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***") and
- an application executed from a master server (e.g., "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***").

'658 PO Resp. (Paper 26) at 4-14; '068 PO Resp. (Paper 28) at 4-14; '658 Patent File History (Ex.1003) at 134-35.

Applicant distinguished the invention during prosecution as an application that "***directs live-streamed content data or content applications to the single user interface or page*** simultaneously"

'658 PO Resp. (Paper 26) at 4-14; '068 PO Resp. (Paper 28) at 4-14; '658 Patent File History (Ex.1003) at 179.

The present "real time" dispute is about where the requirement applies

Petitioner argues "real time" satisfied at server receipt.

Petitioner says "real time" means content is "streamed to master server from its respective sources as soon as it becomes available." '658 Petition at 27.

Patent Owner's position:

"The claims require content streamed not only to the master server in real time, but streamed to the master server ***in real time on a master web-page***." '658 PO Response at 16–21; Sur-Reply at 4–5.

Two fundamentally different readings of the same claim language

Petitioner's reading

- content reaches the server when available
- user may access it later
- "on a master web-page" is detached from the real-time streaming requirement

'658 Petition (Paper 1) at 27 n.9; '068 Petition (Paper 1) at 28 n.11.

Patent Owner's reading

- content is streamed / scrolled / navigated
- in real time
- on a master web-page

'658 Patent Owner Response (Paper 26) at 15–18, 22–24; '068 Patent Owner Response (Paper 28) at 15–18, 23–25.

Bottom line: Petitioner satisfies "real time" at the wrong place.

What the Institution Decision said

"content and applications are streamed to a master server from its respective sources as soon as it is available and without significant delay to a user"

"This is a preliminary determination … subject to change upon development and consideration of a complete evidentiary record."

'658 Institution Decision at 18; '068 Institution Decision at 16; '658 Patent Owner Response (Paper 26) at 15; '068 Patent Owner Response (Paper 28) at 15.

The question now is the final construction on the full record.

Roadmap for Patent Owner's merits presentation

1. Claim construction

The intrinsic and extrinsic evidence require "real time" to be satisfied at the master web-page

'658 Patent Owner Response (Paper 26) at 15-26; '068 Patent Owner Response (Paper 28) at 15-26.

2. Darnell

retrieve / merge / store / serve-on-request is not real-time content on a master web-page

'658 Patent Owner Response (Paper 26) at 26-30, 34-54; '068 Patent Owner Response (Paper 28) at 26-30, 35-47.

3. Dasgupta

channel-guide icons and ads are not a master web-page with real-time content

'658 Patent Owner Response (Paper 26) at 30-33, 54-66; '068 Patent Owner Response (Paper 28) at 31-34, 47-57.

4. Conclusion

The challenged independent claims are not unpatentable.

'658 Patent Owner Response (Paper 26) at 66; '068 Patent Owner Response (Paper 28) at 57.

Claim Construction

1. Claim construction

The intrinsic and extrinsic evidence require "real time" to be satisfied at the master web-page

2. Darnell

retrieve / merge / store / serve-on-request is not real-time content on a master web-page

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channel-guide icons and ads are not a master web-page with real-time content

4. Conclusion

The challenged independent claims are not unpatentable.

'658 Patent Owner Response (Paper 26) at 15-26; '068 Patent Owner Response (Paper 28) at 15-26.

'658 Patent Owner Response (Paper 26) at 19–20, 35, 43, 46–51, 54–65; '068 Patent Owner Response (Paper 28) at 15–18, 35–46, 47–57.

The intrinsic record supports PO's construction of "real time"

- **Terms are construed in view of the intrinsic record.**
  Phillips v. AWH Corp., 415 F.3d 1303, 1313 (Fed. Cir. 2005)
  '658 PO Resp. (Paper 26) at 15; '658 PO Sur-Reply (Paper 37) at 4; '068 PO Resp. (Paper 28) at 15; '068 PO Sur-Reply (Paper 41) at 4.
- **Claim context is "highly instructive"** *Id.*, 415 F.3d at 1327
  '658 PO Resp. (Paper 26) at 18; '068 PO Resp. (Paper 28) at 17-18.
- **Claim terms are normally used consistently throughout the patent.**
  Id., 415 F.3d at 1314
  '658 PO Resp. (Paper 26) at 19-20; '068 PO Resp. (Paper 28) at 20.
- **The claims "must be read in view of the specification, of which they are a part."** *Id.*, 415 F.3d at 1315.
  '658 PO Resp. (Paper 26) at 21; '068 PO Resp. (Paper 28) at 21.
- **The specification is "the single best guide to the meaning of a disputed term."**
  Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576 at 1582 (Fed. Cir. 1996)
  '658 PO Resp. (Paper 26) at 21; '068 PO Resp. (Paper 28) at 21-22.

“Real Time” Claim Limitations

’658 claim 1

a master application stored in the memory of the master server and that executes on the processor of the master server and that includes software coded for organizing content data and content applications from multiple content sources or service providers pre-selected by the user and ***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,

wherein the master application programs a processor on the remote computer devices to operate and execute ***a slide tool program for 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*** and from the remote computer by operating the slide tool program from the remote computer;

’658 Patent, cl. 1; ‘658 PO Resp. (Paper 26) at 19; *see also* ‘068 Patent, cl. 1; ‘068 PO Resp. (Paper 28) at 18-20.

’658 claim 7

wherein the 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***

’658 Patent, cl. 7; ‘658 PO Resp. (Paper 26) at 19.

’658 claim 12

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 using a slide tool program*** executed from the remote computer

’658 Patent, cl. 12; ‘658 PO Resp. (Paper 26) at 19.

Patent Owner's Interpretation Aligns with the Intrinsic Record, Petitioner's Does Not

Claim 1[b2]: a master application stored in the memory of the master server and that executes on the processor of the master server and that includes software coded for organizing content data and content applications from multiple content sources or service providers pre-selected by the user and ***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

'658 Patent (Ex.1001), Cl. 1.

Petitioner's Parsing of Claim 1[b2]

a master application
- stored in the memory of the master server and
- that executes on the processor of the master server and
- that includes software coded for ***organizing content data and content applications from multiple content sources or service providers pre-selected by the user and 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

'658 Patent Owner Response (Paper 26) at 16.

Patent Owner's Interpretation of Claim 1[b2]

a master application
- stored in the memory of the master server and
- that executes on the processor of the master server and
- that includes software coded for organizing content data and content applications
  - from multiple content sources or service providers preselected by the user and
  - ***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,

'658 Patent Owner Response (Paper 26) at 10-11.

Claim 12 requires Real-Time User Navigation Through the Master Webpage

• ***Claim 12***:*"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*** *using a slide tool program"*

The limitation is user-facing: the user navigates content through the master webpage in real time.

Claim 12's words	Petitioner's reading
• a user • navigates through content • through master web-page • in real time • from the remote computer	• content reaches the server • as soon as available • user may access it later

That is not what claim 12 says. Claim 12 is about user navigation through the master web-page in real time.

'658 Patent (Ex.1001), cl. 12; '658 Patent Owner Response (Paper 26) at 19–20, 50–51; Edwards Declaration (Ex.2010) ¶158.

Claim 12's concept is repeated across the claims

'658 Claim 12	'658 Claim 1[b3]	'068 Claim 1[b3]
"user navigates through … through master web-page in real time"	*"scrolling or paging through … in real time from the master web-page"*	*"scrolling or paging through … in real time from the master web-page"*

The "real time" limitations include the same user-facing requirement.

'658 Patent, cls. 1, 12; '068 Patent, cl. 1; '658 Patent Owner Response (Paper 26) at 19–20; '068 Patent Owner Response (Paper 28) at 15–18; Edwards Declaration (Ex.2010) ¶¶73–80, 158.

Petitioner's Interpretations of "Real Time"

Petitioner's Interpretation of Claim 1[b2]

- "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***." '658 Petition (Paper 1) at 27 n.9.

Petitioner's Interpretation of Claim 1[b3]

- 1[b3] "addresses use of the slide-tool, ***not the characteristics of the content data or content applications***." '658 Pet. Reply (Paper 32) at 16-17.
- Petitioner's Expert Dr. Martin: "***[y]ou're scrolling through the content in real time, no matter what the content is***." Ex.2012 at 81:7-91:17 (cited in '658 Pet. Reply (Paper 32) at 16-17)).

Claim terms are normally used consistently throughout the patent.
Phillips v. AWH Corp., 415 F.3d 1303, 1314 (Fed. Cir. 2005)

'658 PO Resp. (Paper 26) at 19-20; '068 PO Resp. (Paper 28) at 20.

The specification ties "real time" to what the master webpage displays

*"The 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**."*

'658 Patent (Ex.1001) at 2:56–59; '658 PO Resp. (Paper 26) at 5-6, 9, 21; Edwards Declaration (Ex.2010) ¶60.

*"capable of providing for the ability to **migrate through the content data** on the dynamic master web-page **in real time**"*

'658 Patent (Ex.1001) at 2:66-3:4; '658 PO Resp. (Paper 26) at 9, 21; Edwards Declaration (Ex.2010) ¶61.

*"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"*

'658 Patent (Ex.1001) at 2:42-46; '658 PO Resp. (Paper 26) at 9; Edwards Declaration (Ex.2010) ¶133.

The patents repeatedly describe "real time" as a user-visible feature of the master webpage.

'658 PO Resp. (Paper 26) at 8-9.

The patent itself defines the "master web-page"

*"A dynamic user web-page or master web-page is **a web-page viewable remotely** from a remote computing device via log-in server or master server and **which displays a slide tool that scrolls or pages through content** data and/or content application from multiple content data sources and/or service providers **in real time**."*

'658 Patent (Ex.1001) at 4:21-26; '658 PO Resp. (Paper 26) at 25-26; *see also* '068 Patent at 4:32-37; '068 PO Resp. (Paper 28) at 26.

Why this matters

- This is not importing a limitation.
- It is the patent's own description of the master webpage.
- Petitioner and Dr. Martin say they applied this definition.

'658 Petition (Paper 1) at 8; Martin Declaration (Ex.1002) at ¶124; Martin Deposition (Ex.2012) 127:4–128:7; '658 PO Resp. (Paper 26) at 25-26.

Petitioner finds no support in the specification

’658 1:43–46

“Cloud-based computing can include ***delivery****…****of content data****…****in real-time****…****to a remote computing device****, typically over the internet.”*

Explicitly discusses “real time” content to remote device; says nothing about server-only

’658 PO Resp. (Paper 26) at 22-23; ’068 PO Resp. (Paper 28) at 22-23; Martin Decl. (Ex. 1002) ¶179; Edwards Decl. (Ex. 2010) ¶85.

’658 4:1–3

“Content data is any data or information that is stored remotely on servers that are generally accessible over the internet…”

No mention of “real time” or “master server”

’658 PO Resp. (Paper 26) at 22-23; ’068 PO Resp. (Paper 28) at 22-23; Martin Decl. (Ex. 1002) ¶180; Edwards Decl. (Ex. 2010) ¶86.

’658 4:4–6

“Content applications are software applications that accesses ***display and organized content data****, generally* ***from web-sites****. ”*

Focus is organization and display of content data from web-sites

’658 PO Resp. (Paper 26) at 22-23; ’068 PO Resp. (Paper 28) at 22-23; Martin Decl. (Ex. 1002) ¶181; Edwards Decl. (Ex. 2010) ¶ ¶ 87-88.

Petitioner’s cited passages either say nothing about server-only real time or support user-facing “real time”

’658 PO Resp. (Paper 26) at 22-23; ’068 PO Resp. (Paper 28) at 22-23; Martin Decl. (Ex. 1002) ¶¶178-182; Edwards Decl. (Ex. 2010) ¶¶83-89.

The file history confirms the user-facing real time distinction

Prior-Art 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."

- gathers and organizes content into a new web source
- but user selects a result and opens a corresponding site

'658 PO Resp. (Paper 26) at 11-14, 21-22; '068 PO Resp. (Paper 28) at 11-14; '658 Patent File History (Ex.1003) at 134-35.

Prior-Art 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."

- icons / point-and-click interface
- but each selection requires opening a corresponding site

'658 PO Resp. (Paper 26) at 11-14, 21-22; '068 PO Resp. (Paper 28) at 11-14; '658 Patent File History (Ex.1003) at 134-35.

Claimed System

Two-part solution including:

- a navigation tool (e.g., "allows a user to scroll or flip through various live-stream web sources or content providers . . . ***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***") and
- an application executed from a master server (e.g., "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***").

- content from different sources streamed simultaneously and **in real time**
- to a single user interface or page
- user need not open additional websites

'658 PO Resp. (Paper 26) at 11-14, 21-22; '068 PO Resp. (Paper 28) at 11-14; '658 Patent File History (Ex.1003) at 134-35.

"the user does not need to open up web sites to view multiple web sources simultaneously from a single user interface"

'658 PO Resp. (Paper 26) at 11-14, 21-22; '068 PO Resp. (Paper 28) at 11-14; '658 Patent File History (Ex.1003) at 179.

Even Petitioner's own articulation is user-facing

Petitioner

*"content 'is updated **and displayed** as soon as it becomes available'"*

'068 Pet. Prelim. Reply (Paper 19) at 2; '658 PO Resp. (Paper 26) at 23–24; .

Petitioner's Expert Dr. Martin

*"content from multiple sources is updated **and displayed** as soon as it becomes available."*

Martin Declaration (Ex.1002) ¶182; '068 Pet. Prelim. Reply (Paper 19) at 2; '658 PO Resp. (Paper 26) at 23–24.

Dr. Martin Deposition Testimony: "[i]f the information were on the server but not shown on the web page, then the user would not see the data that was on the server but not on the web page."

Martin Depo. Transcript (Ex.2012), 171:3-172:12; '068 PO Resp. (Paper 26) at 23-24.

Content on the server is not "displayed as soon as it becomes available." "Display" occurs on the master web-page.

The Board's prior view was preliminary—and still user-oriented

> *"content and applications are streamed to a master server from its respective sources as soon as it is available and* ***without significant delay to a user****"*

'658 Inst. Dec. (Paper 21) at 18; '068 Inst. Dec. (Paper 23) at 16.

> *"This is a preliminary determination … subject to change upon development and consideration of a complete evidentiary record."*

'658 Inst. Dec. (Paper 21) at 18; '068 Inst. Dec. (Paper 23) at 16.

The question now is the final construction on the full record.

The record is no longer the institution record

At institution, the Board credited Dr. Martin's testimony.

"At this stage of the proceeding, ***Patent Owner has not provided declaration testimony*** *to support its assertions. As a result, Patent Owner's assertions are founded mostly on attorney argument, and* ***the testimonial evidence of Dr. Martin presently stands unrebutted****."*

'658 Inst. Dec. (Paper 21) at 18; '068 Inst. Dec. (Paper 23) at 16.

The Board expressly left the construction open.

"This is a preliminary determination … subject to change upon development and consideration of a complete evidentiary record."

'658 Inst. Dec. (Paper 21) at 18; '068 Inst. Dec. (Paper 23) at 16.

The complete record now includes full briefing, deposition testimony of experts, and Patent Owner's expert Dr. Edwards' testimony.

Dr. Edwards rebutted the server-only reading

"Real time" is user-visible

"As a POSITA, I read each use of 'real time in each of claims 1, 7, and 12 as tied to a user-visible operation on the master web-page, not merely to background transfers between servers."

Dr. Edwards' Declaration (Ex.2010) ¶68; '658 PO Resp. (Paper 26) at 16, 18-20, 24-25.

Server receipt is not enough

"Transmitting content to the server is necessary but not sufficient because the claims require that the content appear on the master webpage in real time."

Dr. Edwards' Declaration (Ex.2010) ¶89; '658 PO Resp. (Paper 26) at 24.

Edwards confirms the intrinsic record:
"real time" requires user-visible operations on the master web-page.

Darnell

1. Claim construction

The intrinsic and extrinsic evidence require "real time" to be satisfied at the master web-page

2. Darnell

retrieve / merge / store / serve-on-request is not real-time content on a master web-page

'658 Patent Owner Response (Paper 26) at 26-30, 34-54; '068 Patent Owner Response (Paper 28) at 26-30, 35-47.

3. Dasgupta

channel-guide icons and ads are not a master web-page with real-time content

4. Conclusion

The challenged independent claims are not unpatentable.

'658 Patent Owner Response (Paper 26) at 19–20, 35, 43, 46–51, 54–65; '068 Patent Owner Response (Paper 28) at 15–18, 35–46, 47–57.

Darnell is the primary reference for the Darnell-based grounds

’658 Darnell grounds

Grounds 1A / 1B

- claim 1
- claim 7
- claim 12

‘658 Petition (Paper 1) at 2, 18-37, 41-43, 53-54.

’068 Darnell ground

Ground 1

- claim 1

‘068 Petition (Paper 1) at 2, 19-38

For the independent claims, Petitioner relies on Darnell for “real time” / “master web-page” / scrolling / navigation limitations. Darnell lacks those limitations, and therefore these grounds fail.

’658 PO Resp. (Paper 26) at 34; ’068 PO Resp. (Paper 28) at 35.

What Darnell actually discloses

1. Retrieve content items	2. Merge with previously stored items	3. Store merged items in database 520	4. Later transmit list to user upon request
"Server computer 500 **retrieves** a currently published set of content items for a content feeds." Feed tracker module 516 "retriev[es] content items **for storage** periodically and/or as content feeds are updated."	"The **retrieved content** items are **merged** into a **previously stored** set of previously published content items, otherwise known as historical content items, for each of the plurality of content feeds."	"The merged content items are ***stored*** in a database (906), such as feed content database 520." Server computer 500 includes, *inter alia*, "a feed content database 520, **for storing** content items from content feeds and user information about content items that respective users have read, labeled, and so on."	"In response to a request from client computer 400, server computer 500 ***transmits*** to client computer 400 an ordered list of content items for a specified stream." "A user viewing the displayed list of content items (926) may attempt to scroll beyond the end of the displayed list. This action by the user 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."
Darnell (Ex.1004) at [0106], [0074]; '658 PO Resp. (Paper 26) at 29, 35-36; Edwards Dec. (Ex.2010) at ¶¶98, 114-17.	Darnell (Ex.1004) at [0106]; '658 PO Resp. (Paper 26) at 29, 35-36; Edwards Dec. (Ex.2010) at ¶¶98, 114-17.	Darnell (Ex.1004) at [0106], [0076]; '658 PO Resp. (Paper 26) at 29, 35-36; Edwards Dec. (Ex.2010) at ¶¶98, 114-17.	Darnell (Ex.1004) at [0109], [0112]; '658 PO Resp. (Paper 26) at 29, 36-37; Edwards Dec. (Ex.2010) at ¶¶98, 114-17.

*Darnell's description: "retrieving and storing content items **for subsequent transmission** to client computer"*

Darnell (Ex.1004) at [0106]; '658 PO Resp. (Paper 26) at 36.

Darnell is a server/database feed aggregator with a client list view—not a dynamic master webpage showing live multi-source content. Darnell's storage-first model is not user-facing real-time delivery on a master webpage.

Darnell delivers more content only after a user request

"In response to a request from a client computer 400, server computer 500 transmits to client computer 400 an ordered list of content items for a specified stream."

Darnell (Ex.1004) at [0109]; '658 PO Resp. (Paper 26) at 29, 36-37; Edwards Dec. (Ex.2010) at ¶¶114-16.

"If user attempts to scroll beyond the end of the displayed list," that action "will prompt client computer 400 to fetch from the server computer 500 an additional set of content items…to display to the user."

Darnell (Ex.1004) at [0112]; '658 PO Resp. (Paper 26) at 29, 37; Edwards Dec. (Ex.2010) at ¶¶120-22.

That is request / response pagination—not real time content available to the user on the master web-page.

'658 PO Resp. (Paper 26) at 36-37; '068 PO Resp. (Paper 28) at 37-38; Edwards Dec. (Ex.2010) at ¶¶120–122.

Darnell is Asynchronous: Store First, Retrieve Later

Darnell stores content before delivery

*Darnell describes a process "for retrieving and storing content items **for subsequent transmission** to client computer."*

*"[t]he merged **content items are stored** in a database (906), such as feed content database 520."*

Darnell (Ex.1004) at [0106]; '658 PO Resp. (Paper 26) at 29, 36.

The user receives stored content upon request

*"The 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."*

Server transmits ordered list "[i]n response to a request from a client computer 400."

Darnell (Ex.1004) at [0040], [0109]; '658 PO Resp. (Paper 26) at 27-28, 36-37.

Darnell's asynchronous architecture does not provide content on the master web-page "in real time."

'658 PO Resp. (Paper 26) at 38; Edwards Decl. (Ex. 2010) ¶¶95–98, 114–116.

Darnell's retrieve→merge → store → display-on-request model does not satisfy 1[b2]

Claim 1[b2]

"content data and content applications from multiple content sources or service providers…streamed to the master server simultaneously in real time from their respective servers on a master web-page"

'658 Patent, cl. 1; *see also* '068 Patent, cl. 1.

Petitioner's 1[b2] mapping

"As shown in Figure 1 above, content items are streamed to server system 104 (master server) from their hosts/feed sources 120 (their respective servers)."

"Darnell explains that server 108 (within server system 104) 'retrieves the content feeds from the feed sources 120, and also provides an interface between the server system 104 and the client systems 102.'"

"Thus, 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 below."

"When viewing content items, the user 'may attempt to scroll beyond the end of the displayed list,' which triggers a 'fetch' command to retrieve additional content items from server computer 104."

''658 Petition (Paper 1) at 26-29; *see also* '068 Petition (Paper 1) at 27-30.

Petitioner maps 1[b2] to streaming content to a server and presenting content to the user upon request/fetching. That is not "real time."

'658 PO Resp. (Paper 26) at 35-43; '068 PO Resp. (Paper 28) at 36-43; Edwards Declaration (Ex.2010) ¶¶112-127.

Request-driven fetching does not satisfy 1[b3]

Claim 1[b3]

"scrolling or paging through the content data or the content applications … in real time from the master web-page"

'658 Patent, cl. 1; *see also* '068 Patent, cl. 1.

Petitioner's 1[b3] mapping

"feed reader UI 116 includes scrollbar 320…for scrolling through an ordered list 310 of content items"

"When viewing content items, the user may attempt to scroll beyond the end of the displayed list, which triggers a 'fetch' command to retrieve additional content items from server computer 104."

'658 Petition (Paper 1) at 28-30; *see also* '068 Petition (Paper 1) at 30-31.

Petitioner maps 1[b3] to scrolling a list and fetching additional items when user reaches end of displayed list. That is not "real time."

'658 PO Resp. (Paper 26) at 43–45; '068 PO Resp. (Paper 28) at 44–46; Edwards Declaration (Ex.2010) ¶¶128–131.

Claim 12: Darnell still fails as there is no real-time content to navigate

Claim 12

"user navigates through the content data or content applications … through master web-page in real time"

'658 Patent, cl. 1.

Petition + Darnell

- list-based retrieval
- stored database content
- on-request / fetch delivery
- Petition says claim 12 is met "for the reasons discussed in 1[b3]"

'658 Petition (Paper 1) at 53.

If there is no real-time content on the master webpage, a user cannot navigate through that content through the master webpage in real time.

'658 PO Resp. (Paper 26) at 50–52; Edwards Declaration (Ex.2010) ¶¶158–159.

Dasgupta

1. Claim construction

The intrinsic and extrinsic evidence require "real time" to be satisfied at the master web-page

2. Darnell

retrieve / merge / store / serve-on-request is not real-time content on a master web-page

3. Dasgupta

channel-guide icons and ads are not a master web-page with real-time content

'658 Patent Owner Response (Paper 26) at 30-33, 54-66; '068 Patent Owner Response (Paper 28) at 31-34, 47-57.

4. Conclusion

The challenged independent claims are not unpatentable.

'658 Patent Owner Response (Paper 26) at 19–20, 35, 43, 46–51, 54–65; '068 Patent Owner Response (Paper 28) at 15–18, 35–46, 47–57.

Dasgupta is the primary reference for the Dasgupta-based grounds

’658 Dasgupta grounds

Grounds 2A / 2B

- claims 1, 4–10
- claims 2, 3, 11

‘658 Petition (Paper 1) at 2, 56-79

’068 Dasgupta ground

Ground 2

- claim 1

‘068 Petition (Paper 1) at 2, 38-60

In these grounds, Dasgupta supplies essentially all of the disputed master web-page / real-time / slide-tool theory. If Dasgupta misses those limitations, these grounds collapse.

’658 PO Resp. (Paper 26) at 54-55; ’068 PO Resp. (Paper 28) at 47-48.

What Dasgupta actually discloses

System

Delivery subsystem (202)
Access subsystem (204)
Provider subsystem (208)

Dasgupta (Ex.1006) at Fig.2, 6:62-7:5, 7:38-40, 7:44-48; '658 PO Resp. (Paper 26) at 30-33, 58-60; '068 PO Resp. (Paper 28) at 31-34, 50-53.

What the user sees

System "may generate and launch a GUI for display to a user"

"GUI 700 may include a graphical representation of a channel guide 702 and one or more graphical representations of one or more advertisements 704 (e.g., advertisements 704-1 and 704) displayed together with channel guide 702 in GUI 700."

"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"

Dasgupta (Ex.1006) at 13:5-6, 13:9-14, 13:15-17; '658 PO Resp. (Paper 26) at 30-33, 58-60; '068 PO Resp. (Paper 28) at 31-34, 50-53.

What happens next

"In addition to being associated with a media content channel, each channel icon in channel guide 702 may be associated with and configured to function as a launching point for an interactive portal associated with the corresponding media content channel. Accordingly, a user selection of a channel icon in channel guide 702 may cause system 100 to access an interactive portal associated with the selected channel icon."

"The interactive portal and/or GUIs associated with the interactive portal may include any of the content disclosed above, including content that is controlled by the media content provider providing content for distribution via the HBO media content channel."

Dasgupta (Ex.1006) at 13:24-30, 13:36-40; '658 PO Resp. (Paper 26) at 30-33, 58-60; '068 PO Resp. (Paper 28) at 31-34, 50-53.

Dasgupta is a set-top-box channel-guide GUI—not a live multi-source master webpage.

'658 PO Resp. (Paper 26) at 30-33, 58-60; '068 PO Resp. (Paper 28) at 31-34, 50-53.

Petitioner never keeps “content data and content applications” straight (‘658 Patent Claims 1, 7, 12; ‘068 Patent Claim 1)

Claim element	Petitioner says the “content” is …
1[b1] / organizing	channel icons + advertisements ’658 Petition (Paper 1) at 64-65; ’068 Petition (Paper 1) at 50.
1[b2] / streamed in real time	media content / media content channels / channels ’658 Petition (Paper 1) at 68-69; ’068 Petition (Paper 1) at 53-55.
1[b3] / scrolling or paging	channels + advertisements ’658 Petition (Paper 1) at 70; ’068 Petition (Paper 1) at 55.
1[c1] / remote tool box	channel icons representing media content and interactive portals ’658 Petition (Paper 1) at 72; ’068 Petition (Paper 1) at 58.

The same claimed “content data and content applications” cannot keep changing from limitation to limitation.

’658 PO Resp. (Paper 26) at 55–57; ’068 Patent Owner Response (Paper 28) at 48–49; ’658 PO Sur-Reply (Paper 37) at 20–21; ’068 Sur-Reply (Paper 41) at 19–20.

The Petition never proved a "master web-page" ('658 Patent Claims 1[b2], 7, 12; '068 Patent Claim 1)

Petition's theory

"POSITAs would have understood subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master web-page)."

'658 Petition (Paper 1) at 67–69; '068 Petition (Paper 1) at 53–55.

Why that does not work

- HTTP is a communication protocol
- using HTTP does not prove that webpages are sent
- and it still does not prove the claimed master web-page

'658 Inst. Dec. (Paper 21), Dissent at 9–10; '068 Inst. Dec. (Paper 23), Dissent at 9–10; '658 PO Resp. (Paper 26) at 57–58; '068 PO Resp. (Paper 28) at 49–50.

A protocol reference is not a master webpage.

Reply pivot: disclosure in the Petition became "obviousness" in Reply

Petition

"POSITAs would have understood subsystem 202 sends webpages to subsystem 204 using the HTTP (*on a master web-page*)."

"As explained above, POSITAs would have understood Dasgupta discloses transmitting the channel guide as a webpage from subsystem 202 to subsystem 204 using HTTP."

'658 Petition (Paper 1) at 67–69; '068 Petition (Paper 1) at 53–55.

→

Reply

"Petitioner is not relying on inherency. Rather, the Petition explains that it would have been obvious to use a web-page as Dasgupta's channel guide because it is transferred using HTTP."

'658 Pet. Reply (Paper 32) at 21-22; '068 Pet. Reply (Paper 34) at 21-22.

That is a different theory. The Reply only highlights the gap in the Petition.

'658 PO Sur-Reply (Paper 37) at 21–22; '068 PO Sur-Reply (Paper 41) at 20–21.

Dasgupta's GUI does not satisfy 1[b2]

Claim 1[b2]

"content data and content applications from multiple content sources or service providers…streamed to the master server simultaneously in real time from their respective servers on a master web-page"

'658 Patent, cl. 1; *see also* '068 Patent, cl. 1.

Petitioner's 1[b2] mapping

"Dasgupta's provider subsystem 208 'provide[s] media content to delivery subsystem 202 for distribution over network 206.'"

"Each provider subsystem 208 in the system may be 'operated by a media content provider (e.g., HBO)…configured to provide data representative of media content.'"

"Thus, content items are streamed to subsystem 202 (streamed to the master server) from each provider subsystem 208 (from their respective servers)."

"Furthermore, Dasgupta's media content channels include 'streams…or…frequency bands to which media content access facility may tune to access media content carried over the frequency bands' …so POSITAs would have understood the content is streamed…simultaneously in real time because each channel is available at the same time."

'658 Petition (Paper 1) at 67-69; *see also* '068 Petition (Paper 1) at 53-55.

Petitioner maps 1[b2] to displaying channel icons and ads on Dasgupta's GUI. That is not "real time."

'658 PO Resp. (Paper 26) at 35-43; '068 PO Resp. (Paper 28) at 36-43; Edwards Declaration (Ex.2010) ¶¶112-127.

Channel icons are not the claimed real-time content

static logos / icons

not the actual media content

Dasgupta (Ex.1006) Fig. 7, 13:5–40, 18:33–38; ’658 PO Resp. (Paper 26) at 58–60; ’068 PO Resp. (Paper 28) at 51–53.

→

launching point

for an interactive portal

Dasgupta (Ex.1006) Fig. 7, 13:5–40, 18:33–38; ’658 PO Resp. (Paper 26) at 58–60; ’068 PO Resp. (Paper 28) at 51–53.

→

separate portal

where actual content is accessed

Dasgupta (Ex.1006) Fig. 7, 13:5–40, 18:33–38; ’658 PO Resp. (Paper 26) at 58–60; ’068 PO Resp. (Paper 28) at 51–53.

That is click-through navigation—not real-time content on the guide itself.

’658 PO Resp. (Paper 26) at 58–60; ’068 PO Resp. (Paper 28) at 51–53; Martin Deposition (Ex.2012) 208:14–209:19, 210:14–19; ’658 PO Sur-Reply (Paper 37) at 22–24; ’068 PO Sur-Reply (Paper 41) at 21–22.

Advertisements are not "content data or content applications"

Patents

"The dynamic master web-page preferably includes an icon-based interface and is capable delivering a broad spectrum of ***content data such as 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***."

"The user history analytics can then be used select ***promotions, advertisement***, news and other information that targets the user based on the operations performed and/or the content data sources or service providers that are used."

'658 Patent (Ex.1001) at 6:41–48, 3:13–23; *see also* '068 Patent at 3:23–33, 6:52–59; '658 Patent Owner Response (Paper 26) at 60–61; '068 Patent Owner Response (Paper 28) at 53–54.

Dasgupta ads

"GUI 700 may include one or more ***visual prompts 708*** (e.g., visual prompts 708-1 and 708-2), which may be associated with advertisements 704 and/or with a virtual store through which products and/or services may be acquired by a user."

Dasgupta (Ex.1006) at 13:41-60; '658 Patent Owner Response (Paper 26) at 60–61; '068 Patent Owner Response (Paper 28) at 53–54.

A prompt to buy is not the claimed real-time content.

Streaming to subsystem 202 is not streaming content on the channel guide

Petitioner's Argument

provider subsystem → subsystem 202

'658 Petition (Paper 1) at 68–69; '068 Petition (Paper 1) at 54–55; Dasgupta (Ex.1006) at 7:44–55, 13:5–40.

What the user still gets

channel guide with
- channel icons
- advertisements
- separate interactive portals only after a click

Dasgupta (Ex.1006) at 7:44–55, 13:5–40; '658 PO Resp. (Paper 26) at 62–64; '068 PO Resp. (Paper 28) at 54–56; '658 PO Sur-Reply (Paper 37) at 23–24; '068 PO Sur-Reply (Paper 41) at 22–23; Edwards Declaration (Ex.2010) ¶171.

Server-side receipt is not user-side real-time display on the alleged master web-page.

1[b3] fails too: scrolling icons / ads is not scrolling the claimed content in real time

Claim 1[b3]

"scrolling or paging through the content data or the content applications … in real time from the master web-page"

'658 Patent, cl. 1; *see also* '068 Patent, cl. 1.

Petition's 1[b3] theory

- "Dasgupta's channel guide 104 and advertisement facility 106 allow users to scroll through channels and advertisements."

"Similarly, channel guide 1602 in Figure 16 (below) of Dasgupta's media content system "may detect the user navigation event and respond by directionally scrolling the three-dimensional grid matrix of channel icons relative to stage 1604."

- But the Petition never actually explains real-time scrolling of the claimed content from the master web-page

'658 Petition (Paper 1) at 69-71; '068 Petition (Paper 1) at 55-57.

If the guide never contains the right real-time content, scrolling the guide cannot satisfy 1[b3].

Dasgupta (Ex.1006) at 14:3–30, 18:49–19:16; '658 PO Resp. (Paper 26) at 64; '068 PO Resp. (Paper 28) at 57; '658 PO Sur-Reply (Paper 37) at 24–25; '068 PO Sur-Reply (Paper 41) at 22–23; Edwards Declaration (Ex.2010) ¶172.

Conclusion

1. Claim construction

The intrinsic and extrinsic evidence require "real time" to be satisfied at the master web-page

2. Darnell

retrieve / merge / store / serve-on-request is not real-time content on a master web-page

3. Dasgupta

channel-guide icons and ads are not a master web-page with real-time content

4. Conclusion

The challenged independent claims are not unpatentable.

'658 Patent Owner Response (Paper 26) at 66; '068 Patent Owner Response (Paper 28) at 57.

'658 Patent Owner Response (Paper 26) at 19–20, 35, 43, 46–51, 54–65; '068 Patent Owner Response (Paper 28) at 15–18, 35–46, 47–57.

Patent Owner Should Prevail on Both IPRs

The claims require user-facing "real time."

Darnell does not meet that requirement.
Darnell stores content items in a database and provides additional items after request/fetch.

Dasgupta does not meet that requirement.
Dasgupta provides channel-guide icons and ads, not a master webpage with real-time content.

'658 POR (Paper 26) at 35–45, 57–65; '068 POR (Paper 28) at 36–46, 49–57; Darnell (Ex. 1004) [0040], [0106], [0109], [0112]; Dasgupta (Ex. 1006) 13:9–30.

The institution dissent identified the same issue

"[M]erely streaming to the server is not enough, because the claim requires streaming to the master server 'on a master webpage.'"

'658 Inst. Dec. (Paper 21), Dissent at 5; '068 Inst. Dec. (Paper 23), Dissent at 5.

The Board should find all challenged claims not unpatentable.

Additional Slides

Email and social-media sources fit Patent Owner's construction

Petitioner's criticism

"PO apparently seeks to narrow the claims to fit a live-streaming paradigm….PO never explains now its proposed requirements could apply to those other types of content (e.g., emails, social media posts) or to content *applications*." '658 Reply (Paper 32) at 10; '068 Reply (Paper 34) at 11.

Patent Owner's actual position

"PO has never argued the claims are limited to 'live' content."

PO's interpretation is "streaming content in real time on a master web-page." ''658 Sur-Reply at 11–12; '068 Sur-Reply at 11–12.

Edwards explains:

"These dependent claims describe the system's capability to integrate and display authenticated email content belonging to the user through the master server, in real time, on the master web-page"

— Edwards Decl. ¶137

Patent Owner has not proposed "live-streaming." The requirement is real-time integration/display of claimed account content on the master web-page.

Edwards Decl. (Ex.2010) ¶¶133, 137; '658 Patent, 2:40–46, cls. 2, 3, 11; '658 Reply at 10; '068 Reply at 10–11.

Edwards did not add requirements to the claims

Petitioner's attack

"PO and Dr. Edwards add numerous requirements to the claims…under the guise of plain-and-ordinary-meaning for 'real-time streaming' and 'on a master webpage.'"

"PO apparently seeks to narrow the claims to fit a live-streaming paradigm."

'658 Reply at 8–10; '068 Reply at 8–10.

Why that fails:

The cited statements are *"instances in which PO and Dr. Edwards attempted to explain the claim language and prior art."* '658 Sur-Reply at 10–11.

Example: Darnell

Darnell shows *"stored, itemized entries that are delivered periodically or on demand,"* not content *"streamed or displayed incrementally in real time on a master web-page."*

— Edwards Decl. ¶96

Dr. Edwards was applying the claims to Darnell's stored-item architecture, not adding limitations.

'658 Reply (Paper 32) at 8–10; '068 Reply (Paper 34) at 9–11; '658 Sur-Reply (Paper 35) at 10–11; '068 Sur-Reply (Paper 37) at 10–11; .Edwards Decl. (Ex.2010) ¶¶70, 96.

Darnell's "stream" is a stored list—not the claim-required streaming

Petitioner's theory	Darnell's disclosure	Dr. Edwards explains the distinction
"feed items from a content feed source can be considered to be a stream of items" Darnell [0031] "Darnell thus streams content from multiple hosts 120…when they send updates...to the server system 104" '658 Pet. At 28–29.	"a flow diagram illustrating process 900 for retrieving and storing content items **for subsequent transmission** to client computer 400." "The merged content items are **stored in a database** (906), such as feed content database 520." Darnell [0106]	"Darnell uses the word 'stream' only in the sense of a logical sequence of discrete, completed feed content items…delivered in batches after being retrieved, merged, and stored in a database." "In Darnell, a 'stream' is simply a chronological list of atomic content items, each of which must be fully retrieved and stored before any portion is delivered or displayed." Edwards Decl. ¶97

Darnell's "stream" is a sequence of completed feed items. It is not content streamed in real time on the master web-page.

Darnell (Ex.1004) ¶¶11, 106–112, Figs. 9A–9C; Edwards Decl. (Ex.2010) ¶¶96–98, 114–122; '658 PO Response (Paper 26) at 28–29, 35–43; '068 PO Response (Paper 28) at 28–30, 36–43.

Server-side storage is not user-facing

The claims require using-facing action:

"scrolling or paging through the content data or content applications…**in real time from the master web-page**" Claim 1

"a user navigates through the content data or content applications…**through master web-page in real time**" Claim 12

"streamed…over the internet **in real time to an account belonging to the user**" Claim 7

Petitioner tries to reduce the dispute to the word "display":

PO allegedly *"conflates scrolling or paging through the content data…in real time…with 'displayed on the master web-page in real time,' which does not appear in the claims."* '658 Reply at 4.

BUT:

"even if 'displayed' is not in the claims, a POSA would recognize that in order to 'scroll[] or pag[e] through the content data…in real time from the master web-page,' the content would need to appear (i.e., be displayed) on the master web-page. '658 Reply at 7.

The issue is not importing "display." The issue is that content stored and subsequently transmitted is not content the user can scroll, navigate, or access in real time from/through the master web-page.

'658 Reply (Paper 32) at 4; '068 Reply (Paper 34) at 5; '658 Sur-Reply (Paper 35) at 6 –7; '068 Sur-Reply (Paper 37) at 6–7; '658 Patent, cls. 1, 7, 12, '068 Patent, cl 1; Edwards Decl, (Ex. 2010) ¶81; Martin Dep. (Ex. 2012), 193:2–9. .

Dasgupta: HTTP does not prove a "master web-page"

Petitioner's theory:

"POSITAs would have understood subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master webpage)"

Institution Decision Dissent

"I am not persuaded that the fact that subsystem 202 and subsystem 204 can communicate using, among many other methods, HTTP, means that subsystem 202 is 'sending webpages' to subsystem 204.'"

"Because HTTP is used to transmit data other than web pages, even Dasgupta embodiments that might use HTTP are not necessarily doing so with 'web pages.'"
'658 Inst. Dec. (Paper 21), Dissent at 10.

The fact that Dasgupta discloses that subsystems can communicate via HTTP does not mean Dapgupta discloses a web-page. *See Pers. Web Techs. LLV v. Apple, Inc.* 917 F.3rd 1376, 1382 (Fed. Cir. 2019).

Dasgupta (Ex.1006) 7:20–35; '658 Petition (Paper 1) at 68–69; '068 Petition (Paper 1) at 53–55; '658 PO Response (Paper 26) at 57–58; '068 PO Response (Paper 28) at 49–50; '658 Inst. Dec. dissent at 9–10; '068 Inst. Dec. dissent at 9–10.

Dasgupta: Petitioner cannot cure the Petition with a reply pivot

Petition: Disclosure Theory

"POSITA's would have understood [Dasgupta] subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master web-page)." '658 Petition at 69.

"POSITAs would have understood Dasgupta discloses transmitting the channel guide as a webpage from subsystem 204 using HTTP." Id.

Reply: New Obviousness Theory

"The Petition explains that it ***would have been obvious*** *to use a web-page as Dasgupta's channel guide because it is transferred using HTTP."* '658 Reply at 21.

The Petition never mentioned obviousness for the 'master web page' limitation. '658 Sur-Reply at 22.

'658 Petition (Paper 1) at 68–69; '658 Reply at 21–22; '658 Surreply at 21–22; '068 Petition (Paper 1) at 53–55; '068 Reply at 21–22; '068 Surreply at 20–21; *Intelligent Bio-Systems*, 821 F.3d at 1370.

Dasgupta's channel guide does not meet the patent's "master web-page."

"A dynamic user web-page or master web-page … displays a slide tool that scrolls or pages through content data and/or content application from multiple content data sources and/or service providers in real time."

— '658 Patent, 4:21–26

Dasgupta provides instead

"a graphical representation of a channel guide 702 and one or more graphical representations of one of more advertisements (704) … displayed together with channel guide 702 in GUI 700." Dasgupta 13:9–14.

"channel guide 702 may include a two-dimensional grid matrix view of a plurality of channel icons." Id. 13:15–17.

channel icons *"function as a launching point for an interactive portal associated with the corresponding media content channel."* Id. 13:24–30.

A guide or launcher is not a master webpage including a slide tool for scrolling through and real-time content from multiple sources.

'658 Patent, 4:21–26; '068 Patent, 4:32–37; Dasgupta (Ex.1006) 13:5–60, Figs. 7, 16; '658 PO Response (Paper 26) at 25–26, 57–60; '068 PO Response (Paper 28) at 26, 49–53.

Claim 10's "icon-based" language does not save Dasgupta

Petitioner's Claim 10 argument:

PO *"ignores its own position earlier in the POR that 'an "icon-based master webpage" refers to the dynamic graphical user interface generated and maintained by the master server, which displays streaming content represented by selectable icons.'"* '658 Reply at 23.

What Dasgupta's icons do:

Channel icons *"function as a lunching point for an interactive portal associated with the corresponding media content channel."* Dasgupta, 13:24–30.

What Claim 10 says:

"The computer system of claim 7, wherein the user interface is an icon-based master web-page."

Dr. Edwards explains:

Dasgupta's icons are "*graphical identifiers—typically logos of media providers—and function as static links, not as dynamically updated content.*" Edwards Decl. ¶169

Icons can exist on the master web-page; they do not eliminate the steaming content in real-time on a master-webpage requirement.

'658 Patent, cls. 7, 10; Dasgupta (Ex.1006) 13:5–40, 18:33–38; '658 PO Response (Paper 26) at 58–60, 64–65; '658 Surreply at 22–25.

Claim 7 also places "real time" in a user-facing context

Claim 7: "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**"

"An account belong[ing] to the user" is an account through which the user accesses a master webpage." '658 PO Response at 46 –47 (citing '658 at 6:7–18)

"Thus, in order to stream content in real time to an account belonging to the user, the content must be accessible on the master webpage in real time" Edwards Decl. ¶145

Petitioner offered *"no analysis of the cited portion of the patent and no evidence in response to the testimony of PO's expert."* '658 Sur-Reply at 18–19.

Claim 7 includes the same user-facing master web-page architecture

'658 Patent, cl. 7; Edwards Decl. (Ex.2010) ¶¶141–150; '658 PO Response (Paper 26) at 46–49.

The "remote toolbox" allowance point does not answer these IPR grounds

Petitioner's argument:

"the patent's alleged novelty thus derives from a limitation PO does not even address in the POR." '658 Reply at 6.

The Notice of Allowance expressly stated:

"*the main reasons for allowance*" included the remote-toolbox feature "***in conjunction with all the other limitation [sic]***." ''658 Sur-Reply at 8; Ex. 1003, 430–31.

Petitioner is relying on different references in these IPRs.

"*Petitioner does not rely on the same art that was cited during prosecution, so the fact that the Examiner determined a limitation was taught by a reference during prosecution says nothing about what the references* ***now cited by Petition in this proceeding*** *disclose*."

'658 Sur-Reply at 9.

'658 File History (Ex.1003) at 134–35, 179; '658 PO Response (Paper 26) at 11–14, 21–22; '068 PO Response (Paper 28) at 11–14.

The Board need not address the dependent limitations

Darnell grounds:

"*Because claims 2–6, 8–11, and 13–18 all depend from claims 1, 7, and 12, Petitioner's challenged to these claims likewise fall short for the exact same reasons*." '658 PO Response at 34.

Dasgupta grounds:

"*Because claims 2–6, 8–11, and 13–18 all depend from claims 1, 7, and 12, Petitioner's challenged to these claims likewise fall short for the exact same reasons.*" '658 PO Response at 54.

Patent Owner preserved additional dependent claim arguments, but the Board need not reach them if it agrees Darnell and Dasgupta do not disclose the independent limitations.

'658 PO Response (Paper 26) at 46–66; '068 PO Response (Paper 28) at 35–57; Edwards Decl. (Ex.2010) ¶¶132–140, 176–178.