

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, LLC.

Petitioner

v.

EscapeX IP LLC

(record) Patent Owner

IPR2025-00337

Patent No. 10,474,687

**PETITION FOR INTER PARTES REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET. SEQ**

TABLE OF CONTENTS

I.	INTRODUCTION	8
A.	The '687 Patent Disclosure	8
B.	Overview of Challenged Claims	9
C.	Overview of Prosecution History	9
D.	Prior Litigation Against Google	10
II.	CLAIM CONSTRUCTION	11
A.	“Engagement”	11
III.	DETAILED EXPLANATION OF THE REASONS FOR UNPATENTABILITY	11
	Ground 1. Claims 1-3, 5-6, 13-15, and 17-18 are obvious over Fuloria in view of Andler	11
A.	Overview of the Ground	12
	1. Overview of Fuloria	12
	2. Overview of Andler	14
	3. Overview of the Combination	15
B.	Rationale (Motivation) Supporting Obviousness	16
C.	Reasonable Expectation of Success	20
D.	Graham Factors	20
E.	Analogous Art	21
F.	Claim Mapping	21
	Ground 2. Claims 11 and 23 are obvious over Fuloria in view of Andler, further in view of WO '100	47

A.	Overview of the Ground and Rationale (Motivation) Supporting Obviousness.....	48
B.	Reasonable Expectation of Success	49
C.	Analogous Art	49
D.	Claim Mapping.....	50
Ground 3. Claims 12 and 24 are obvious over Fuloria in view of Andler, further in view of Bartholomew.....		55
A.	Overview of the Ground and Rationale (Motivation) Supporting Obviousness.....	55
B.	Reasonable Expectation of Success	56
C.	Analogous Art	57
D.	Claim Mapping.....	57
Ground 4. Claims 4 and 16 are obvious over Fuloria and Andler, further in view of Kirk.....		60
A.	Overview of the Ground and Rationale (Motivation) Supporting Obviousness.....	61
B.	Reasonable Expectation of Success	62
C.	Analogous Art	62
D.	Claim Mapping.....	63
Ground 5. Claims 7-10 and 19-22 are obvious in view of Fuloria and Andler, further in view of Cheung		64
A.	Overview of the Ground and Rationale (Motivation) Supporting Obviousness.....	65
B.	Reasonable Expectation of Success	67
C.	Analogous Art	67
D.	Claim Mapping.....	68

IV.	DISCRETIONARY INSTITUTION.....	71
V.	CONCLUSION.....	72

TABLE OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 10,474,687 B2 (“ the ’687 patent ”).
1002	Declaration of Dr. Benjamin Bederson.
1003	C.V. of Dr. Benjamin Bederson.
1004	U.S. Pat. App. Pub. 2013/0030905 A1 (“ Fuloria ”).
1005	U.S. Pat. App. Pub. 2014/0025688 A1 (“ Andler ”).
1006	U.S. Pat. App. Pub. 2012/0203831 A1 (“ Schoen ”).
1007	U.S. Pat. App. Pub. 2012/0233009 A1 (“ Fougner ”).
1008	U.S. Pat. App. Pub. 2015/0058103 A1 (“ Kirk ”).
1009	U.S. Patent No. 7,835,943 B2 (“ Cheung ”).
1010	File History of U.S. Application No. 15/368,972.
1011	WO 2015/089100 A1 (“ WO ’100 ”).
1012	U.S. Pat. App. Pub. 2016/0314501 A1 (“ Bartholomew ”).
1013	Provisional application No. 62/137,701.
1014	Assignment Abstract of Title for Application No. 13/194,507.
1015	<i>EscapeX IP, LLC v. Google LLC</i> , Civil Action No. 1:23-cv-10839, Complaint and Exhibit B (S.D.N.Y., Dec.13, 2023).
1016	<i>EscapeX IP, LLC v. Google LLC</i> , Civil Action No. 1:23-cv-10839, Exhibit 5 to Declaration of Jeff M. Barron in support of Motion to Dismiss (S.D.N.Y., March 11, 2024).

Petitioner respectfully requests *inter partes* review under 35 U.S.C. § 311 of claims 1-24 of U.S. Pat. No. US 10,474,687 (“the ’687 patent”).

NOTICE OF LEAD AND BACKUP COUNSEL

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NOTICE OF THE REAL-PARTIES-IN-INTEREST

The real-party-in-interest for this petition is Google LLC (“Google”).¹

NOTICE OF RELATED MATTERS

The ’687 patent is not at-issue in any current litigation.

The ’687 patent was previously asserted against *Google in EscapeX IP, LLC v. Google LLC*, 1-23-cv-10839 (S.D.N.Y.)(Filed December 13, 2023), which was voluntarily dismissed. Google was served with the complaint in that action on December 19, 2023.

¹ Google LLC is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc. XXVI Holdings Inc. and Alphabet Inc. are not real parties-in-interest to this proceeding.

NOTICE OF SERVICE INFORMATION

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GROUND FOR STANDING

Petitioner hereby certifies that the '687 patent is available for *inter partes* review, and that Petitioner is not barred or estopped from requesting an *inter partes* review on the grounds identified in the petition.

STATEMENT OF PRECISE RELIEF REQUESTED

Petitioner respectfully requests that claims 1-24 of the '687 patent be canceled based on the following grounds:

Ground 1: Claims 1-3, 5-6, 13-15, and 17-18 are obvious over Fuloria in view of Andler;

Ground 2: Claims 11 and 23 are obvious over Fuloria in view of Andler, further in view of WO '100;

Ground 3: Claims 12 and 24 are obvious over Fuloria in view of Andler, further in view of Bartholomew;

Ground 4: Claims 4 and 16 are obvious over Fuloria and Andler, further in view of Kirk; and

Ground 5: Claims 7-10 and 19-22 are obvious in view of Fuloria and Andler, further in view of Cheung.

THRESHOLD REQUIREMENT FOR INTER PARTES REVIEW

This petition presents “a reasonable likelihood that the Petitioners would prevail with respect to at least one of the claims challenged in the petition,” 35 U.S.C. § 314(a), as shown in the Grounds below.

I. INTRODUCTION

A. The ’687 Patent Disclosure

The ’687 patent is directed to business methods for social media platforms. (Ex. 1002, ¶32). Social media platforms, such as Twitter and Facebook, were already widespread when the first application leading to the ’687 patent was filed (May 2016). (Ex. 1001, 1:27-31, 7:15-25)(Ex. 1002, ¶32). At that time, these platforms provided a “vast amount of content,” and allowed users to interact with that content by commenting on and “liking” posts. (Ex. 1001, 1:27-44)(Ex. 1002, ¶32). “Liking”, however, was limited (according to the ’687 patent) because each user could only “like” a content item once. (Ex. 1001, 1:33-44)(Ex. 1002, ¶32). To address this purported limitation, the ’687 patent suggested allowing users to like content an unlimited number of times, and to pay for that ability. (Ex. 1001, 2:1-11)(Ex. 1002, ¶32). The ’687 patent also discusses publishing rankings of users by the number of times they have engaged with content. (Ex. 1001, Abstract, 3:1-20)(Ex. 1002, ¶32). Beyond these basic business notions, however, the ’687 patent provides only generic technical disclosure. (Ex. 1001, Figs. 1-2, 6:4-8:10, 15:34-16:20)(Ex. 1002, ¶32).

B. Overview of Challenged Claims

The '687 patent issued with 24 claims, with claims 1, 11-13, 23, and 24 being independent. Claims 1-12 are system claims and claims 13-24 are corresponding method claims. (Ex. 1001). The claims relate to a standard social-media environment. Users are given the option to spend “resources” to request “engagements” (where engagements are defined broadly in the specification as “an indication that a user should be distinguished with respect to the content over another user,” Ex. 1001, 5:53-55). The engagements are said to be “uncapped.” The claims further require the number of engagements to be displayed for certain users. The claims do not require that the displayed engagements actually be performed by a particular user—rather, the claims state more broadly that they need merely be “obtained by” a user. (Ex. 1002, ¶33).

C. Overview of Prosecution History

The '687 patent issued from Application Ser. No. 15/368,972, filed on December 5, 2016 and claiming the benefit of an application filed on May 26, 2016. During prosecution, the Examiner rejected the pending claims as anticipated by or obvious over the “Bullock”² prior art (Ex. 1010, pp. 186-196), but indicated that certain dependent claims would be allowable. (Ex. 1010, p. 196). In response,

² U.S. Pat. App. Pub. 2010/0312702 A1.

Applicant amended the claims and argued that they were patentable, because Bullock was directed to users paying to highlight *comments*. (Ex. 1010, pp. 175-176). The Examiner then finally rejected the claims. (Ex. 1010, pp. 103-113). In response, Applicant further amended the claims and purported to distinguish Bullock. (Ex. 1010, pp. 94-96). The Examiner ultimately allowed the claims, stating that “the cited prior art references do not teach all of the limitations amended on 8/20/18.” (Ex. 1010, pp. 18-19). The Examiner did not, however, have the benefit of the prior art cited herein, which renders obvious the challenged claims. (Ex. 1002, ¶¶34-36).

D. Prior Litigation Against Google

EscapeX previously asserted the '687 patent against Google. Despite having distinguished its claims during prosecution from systems where users pay to highlight comments, EscapeX alleged infringement by the “Super Chat” feature on YouTube’s livestreaming video platform. (Ex. 1015, ¶12). “Super Chat” allows viewers of a YouTube livestream to pay a fee to pin a comment made during a livestream. That way, the comment remains visible during the stream, instead of disappearing amidst the flood of other comments from other viewers. (See Ex. 1016). After significant correspondence with EscapeX’s counsel pointing out the deficiencies in EscapeX’s infringement allegations, Google moved to dismiss EscapeX’s complaint, contending that EscapeX failed to adequately plead either

direct or indirect infringement. In response, EscapeX voluntarily dismissed its complaint without prejudice. To date, EscapeX has not provided Google a covenant not to sue.

II. CLAIM CONSTRUCTION

No claim construction proceedings took place in the dismissed prior action.

A. “Engagement”

The independent claims use the term “engagement.” To the extent that this term requires construction, it should be construed as “an indication that a user should be distinguished with respect to the content over another user,” according to the definition in the specification. (Ex. 1001, 5:53-55)(Ex. 1002, ¶41).

No other terms need construction for purposes of this proceeding, and Google reserves the right to seek other constructions in litigation.

III. DETAILED EXPLANATION OF THE REASONS FOR UNPATENTABILITY

Ground 1. Claims 1-3, 5-6, 13-15, and 17-18 are obvious over Fuloria in view of Andler

Claims 1-3, 5-6, 13-15, and 17-18 are obvious under AIA 35 U.S.C. § 103(a) over U.S. Pat. App. Pub. 2013/0030905 A1 (“**Fuloria**”)(Ex. 1004) in view of U.S. Pat. App. Pub. 2014/0025688 A1 (“**Andler**”)(Ex. 1005)(Ex. 1002, ¶42).

Fuloria is a U.S. patent application publication that published on January 31, 2013. (Ex. 1004).

Andler is a U.S. patent application publication that published on January 23,

2014. (Ex. 1005).

Fuloria and Ander are both prior art under post-AIA 35 U.S.C. §§102(a)(1) and (2) even to the earliest possible priority date for the '687 patent (May 2016). (Ex. 1002, ¶¶44-45).

Neither Fuloria nor Andler was cited during prosecution of any application leading to the '687 patent. (Ex. 1002, ¶43).

A. Overview of the Ground

The challenged claims are obvious over the combination of Fuloria and Andler. (Ex. 1002, ¶46).

1. Overview of Fuloria

Fuloria discloses a social media system, depicted below in Figure 1:

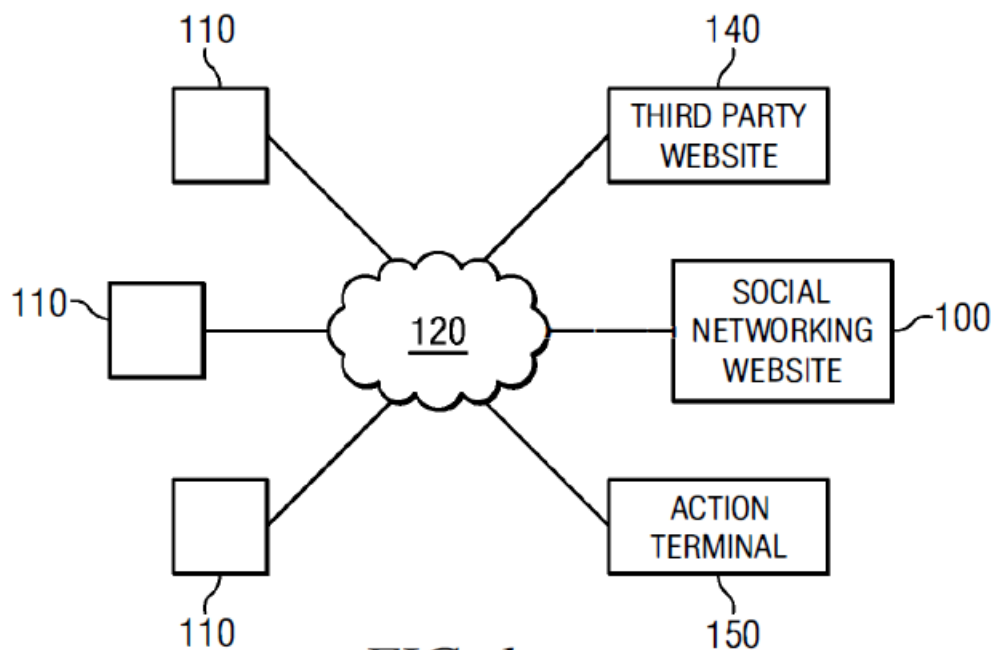
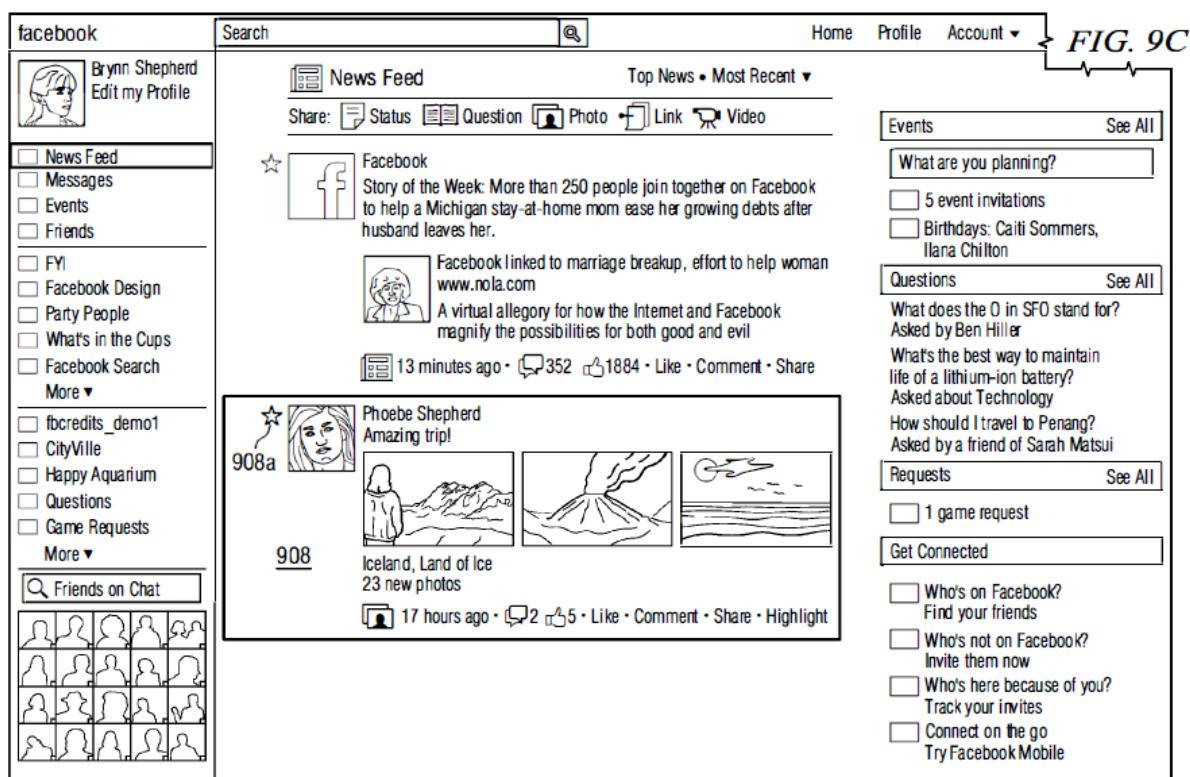


FIG. 1

(Ex. 1004, Fig. 2, ¶¶0011, 0028)(*See also id.*, Fig. 6). Fuloria’s social media system can be, for example, Facebook. (Ex. 1004, Figs. 8-9)(Ex. 1002, ¶47).

Fuloria’s system displays social media content items to users via a website, using for example, a “news feed.” (Ex. 1004, Abstract, ¶¶0004, 0006, 0008, 0027, 0036-0037, Figs. 4, 8-9). An exemplary news feed is depicted below:



(Ex. 1004, Fig. 9C)(Ex. 1002, ¶48).

Like the '687 patent, Fuloria recognizes the difficulty users might have in distinguishing themselves by “liking” content “in the unending stream of their newsfeed.” (Ex. 1004, ¶0009)(Ex. 1002, ¶49). Fuloria’s system thus provides users with the option to sponsor posts (their own or other users’), including by means of

what Fuloria calls a “super-like,” which allows a user to feature particular content by clicking a button. (Ex. 1004, ¶¶0062-0066, 0037-0038). A user can exchange “credits” to super-like a content item. (Ex. 1004, ¶¶0037-0038, 0057-0067)(Ex. 1002, ¶49). The “super-liked” content item “may be displayed to other members by pinning the story or content to the top of each other member’s news feed.” (Ex. 1004, ¶¶0010, 0038, Abstract, ¶0057). An example can be seen above, where a “star” indicates that the content has been “super-liked.” (Ex. 1004, Fig. 9C, ¶0067)(Ex. 1002, ¶49). Super-liking increases the visibility of content as well as the likelihood that other users will engage with the content. (Ex. 1004, ¶¶0037-0039, 0057-0059, 0061-0067, 0008, 0027, Figs. 8-9)(Ex. 1002, ¶49).

In Fuloria, “super-likes” are *uncapped* engagements. (Ex. 1002, ¶50). A user can “super-like” a piece of content and can pay more to increase the scope of the super-like, *e.g.* to present it for more time, to more people, to present it more often, or to present it such that the super-like produces engagements by others. (Ex. 1004, ¶¶0057, 0038-0039)(Ex. 1002, ¶50). Fuloria places no upper limit on these actions. (Ex. 1002, ¶50).

2. Overview of Andler

Andler teaches a social media system that can be, for example, Facebook. (Ex. 1005, ¶0049). Andler’s system seeks to encourage engagement with content, and to identify and reward users with the most engagements. (Ex. 1005, ¶¶0022,

0201, 0196, 0188-0190, 0161-0162)(Ex. 1002, ¶51). To that end, the system calculates what it refers to as “engagement scores” for each user. (Ex. 1005, ¶¶0163-0164, 0206)(Ex. 1002, ¶51). An “engagement score” “is based on interactions of each of the one or more first users with [a] selected item of content.” (Ex. 1005, Abstract, ¶¶0164, 0206)(*See also id.*, ¶0057)(describing “connecting to an object/piece of content (e.g., song, photograph, video, album, or mix)”). Andler explains that a “user’s engagement score identifies a user’s level of engagement/interaction with [a] . . . resource.” (Ex. 1005, ¶0164)(*See also id.*, ¶¶0157, 0022, 0200)(resources can be content items such as “songs, videos, pictures, etc.”)(Ex. 1002, ¶51).

Andler also teaches that a first user’s engagement score can be based on whether *other users* have engaged with an item of content due to a first user’s actions. (Ex. 1005, ¶¶0206, 0162)(*see id.*, ¶0062)(describing user engagements)(Ex. 1002, ¶52). Andler further describes *displaying* a list of users, where the users are ranked by their engagement scores with respect to an item of content. (Ex. 1005, ¶¶0206-0208, 0053, claims 6, 8)(Ex. 1002, ¶53).

3. Overview of the Combination

Fuloria teaches a standard social media system that additionally offers users the ability to super-like content in an uncapped manner. Andler teaches calculating engagement scores for each user in a variety of ways, and providing a user interface

that displays a ranking of users by engagement. (Ex. 1002, ¶54).

B. Rationale (Motivation) Supporting Obviousness

It would have been obvious to incorporate Andler's engagement scores and rankings into Fuloria, such that Fuloria would display a ranking of top users and numbers reflecting engagements obtained by each user. (Ex. 1002, ¶55).

Both Fuloria and Andler relate to social media systems and are similar in many respects. Fuloria is a patent application filed by Facebook (Ex. 1014), and both references indicate that Facebook is a possible underlying social media platform for their respective methods. (Ex. 1004, Figs. 8A-9C (upper left corner, e.g.))(Ex. 1005, ¶0049)(Ex. 1002, ¶56). The express suggestion that both references are appropriate for the same commercial system provides motivation to combine them. *See Actifio, Inc. v. Delphix*, IPR2015-00025 and IPR2015-00026, FWD, Paper 69, pp. 67-69 (PTAB April 12, 2016)(the fact that prior art references relate to the same product provides a motivation to combine)(Ex. 1002, ¶56).

Furthermore, a person of ordinary skill in the art ("PHOSITA") would have been motivated to use the concepts of Andler's engagement scores and rankings in Fuloria in order to obtain the advantages taught by Andler. (Ex. 1002, ¶57). Andler teaches first that the use of engagement scores and rankings allows content authors and social media site managers to identify, understand, and reward "top fans," which encourages engagement with a content creator's content (Ex. 1005, ¶¶0022, 0201,

0196, 0188-0190, 0161-0162)(Ex. 1002, ¶57), thus furthering a content creator's promotional efforts. (Ex. 1002, ¶57). Andler also teaches that the use of engagement scores and rankings provides an incentive to fans to increase their own status, and thus to have more engagement with particular content. (Ex. 1005, ¶0201)(Ex. 1002, ¶57). A PHOSITA would have also found the use of Andler's concepts in conjunction with Fuloria's "super-like" obvious and appropriate, because Andler, like Fuloria, contemplates the ability to exchange resources (called "points" in Andler) to boost content. (Ex. 1005, ¶0198)(Ex. 1002, ¶57).

A PHOSITA would specifically have found it obvious to display a ranking by engagement of top users with respect to particular content, as suggested by Andler (Ex. 1005, ¶¶0206-0208), together with a number indicating the level of engagement for each user. For example, it would have been obvious to display each of the top users' engagements scores, the number of engagements obtained, the credits used to obtain them, or the real-world value of such credits. (Ex. 1002, ¶58). These data were already determined and stored by Fuloria and Andler, and thus readily available (Ex. 1004, ¶¶0005, 0031 (discussing storage of data in general), 0038 (discussing tracking of credits and user accounts, as well as charging by cost per click or cost per action), 0057 (real-world value of credits))(Ex. 1005, Abstract, ¶¶0206 (discussing engagement scores based on engagements by the user or third parties based on the user's actions), 0163-0164 (discussing engagement scores))(Ex. 1002,

¶58). Furthermore, it was already well-known from Fuloria—and in the social media arts in general—to display a number of engagements obtained for a given piece of content. (*e.g.*, Ex. 1004, Fig. 9A, showing 1884 likes for the top news story, Fig. 8A, showing that two users liked a photo album)(Ex. 1002, ¶58).

Display of any of the engagements scores, the number of engagements obtained, or the credits used to obtain them, or the real-world value of such credits for each of several top users would have been obvious based on Andler’s teaching that ranking top users and showing a quantification (score, engagements, credits or money) incentivizes them to further engagement and distinguishes them with higher visibility (“bragging rights”). (Ex. 1005, ¶¶0201, 0196)(Ex. 1002, ¶59). Presenting specific data about engagement would have furthered the users’ “bragging rights” and allowed users to determine how much engagement would be needed to increase their rank. (Ex. 1002, ¶59). The presentation of such data together with user rankings thus amounts to no more than displaying already-available data on a screen, in a manner that was generally well-known in the art, and in a way that would obviously have incentivized further engagement—per Andler’s express teachings. (Ex. 1002, ¶59).

The combination further would have been obvious as the application of known techniques (Andler’s) to a known system (Fuloria’s) with predictable results. *See KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 417-21 (2007). The claims of the ’687

patent recite essentially no technical matter, nor does the description provide any new means for implementing the business practices of the '687 patent, which relies on their predictable implementation by software. (Ex. 1002, ¶60).

This Ground proposes a number of other minor obviousness modifications (relating to, e.g., storing information in a database and multiplying cost per engagement times engagements) that will be explained under the claim-mapping section. (Ex. 1002, ¶61).

The Ground refers to, as evidence to support certain points, patent specifications incorporated into Fuloria, specifically U.S. patent application Ser. No. 13/020,745, which published on August 9, 2012 as “**Schoen**” (Ex. 1006) and U.S. patent application Ser. No. 13/044,506, which published as “**Fougner**” (Ex. 1007). (Ex. 1004, ¶¶0002-0003). Schoen and Fougner each respectively describes similar social networking systems as set forth in Fuloria and contains overlapping subject matter. (Ex. 1006, Abstract, Figs., 1-3, 8)(Ex. 1007, Abstract, Figs. 1-2, 6). To the extent Patent Owner argues that these specifications are not properly deemed a part of Fuloria’s disclosure, a PHOSITA would have found it obvious to incorporate aspects of the systems described in Schoen and Fougner, respectively, into Fuloria, in view of this incorporation by reference and the references’ similar teachings. A PHOSITA would have recognized that both Schoen and Fougner describe functionality which is compatible with and easily integrable with Fuloria’s systems.

(Ex. 1002, ¶62).

C. Reasonable Expectation of Success

A PHOSITA in the relevant timeframe would have had a reasonable expectation of success combining and using aspects of Fuloria's and Andler's social networking systems and methods as set forth in the manner proposed in the present Ground. (Ex. 1002, ¶64). A "reasonable expectation of success" is required only for the limitations actually recited in the claims. *See Intelligent Bio Systems v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1367 (Fed. Cir. 2016).

The art in the relevant timeframe was predictable. (Ex. 1002, ¶64). Specifically, in the relevant timeframe (no earlier than 2016), the basic components that made up systems like social network systems had been well-known in the art. (Ex. 1002, ¶64). In particular, the '687 patent's general and high-level disclosures support this understanding of the relevant art. *See In re Epstein*, 32 F.3d 1559, 1568 (Fed. Cir. 2004)(Ex. 1002, ¶64).

D. Graham Factors

The **level of ordinary skill** in the art was equal to a bachelor's degree in computer science or a similar field and three years of professional computer programming experience, including experience with networked media and databases, where additional education can substitute for experience or vice versa. (Ex. 1002, ¶¶27-31).

The **scope and content of the prior art** are discussed throughout the Ground.

The **differences between the prior art and the claims** are discussed throughout the Ground.

Petitioner is not aware of any **secondary considerations** that would make an inference of non-obviousness more likely. (Ex. 1002, ¶69).

This discussion of Graham factors applies to all Grounds. (Ex. 1002, ¶70).

E. Analogous Art

Fuloria and Andler are analogous art because they are in the same field as the '687 patent (social networks), and their methods would have been reasonably pertinent to the problems facing the named inventors, because both references concern social networking and the management and promotion of content on social networks. (Ex. 1004, Title, Abstract, ¶¶0001-0024)(Ex. 1005, Title, Abstract)(Ex. 1001, Title, Abstract)(Ex. 1002, ¶71). *See Wyers v. Master Lock Co.*, 616 F.3d 1231, 1238 (Fed. Cir. 2010).

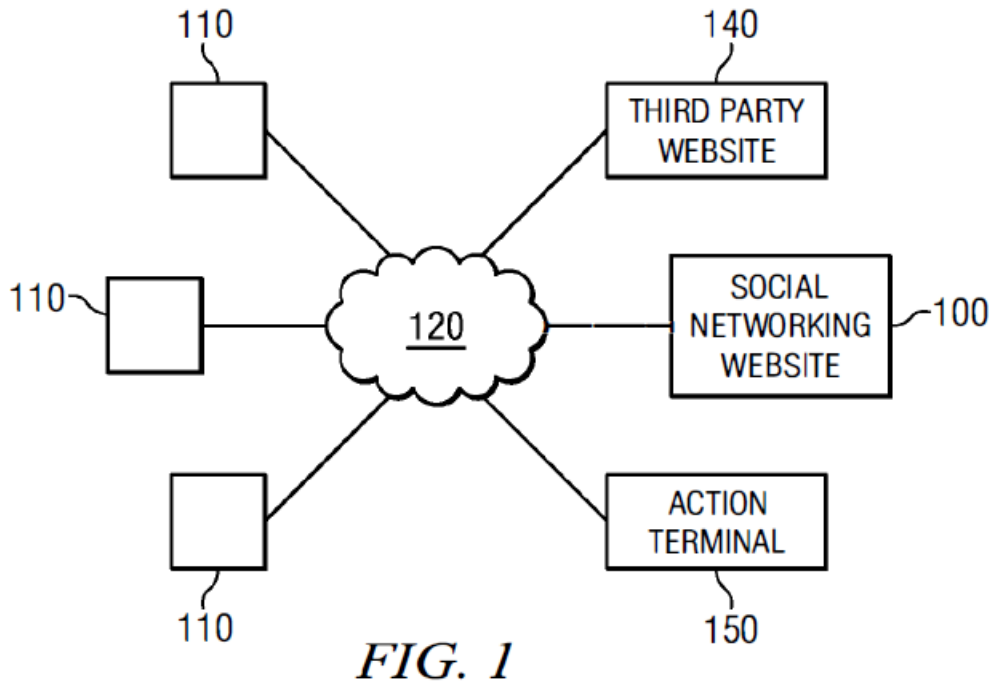
F. Claim Mapping

This section maps the challenged claims to the relevant disclosures of Fuloria and Andler, where the claim text appears in bold-italics, and the relevant mapping follows.

CLAIM 1

“1[a]. A system for aggregating content and facilitating uncapped engagement of the content, the system comprising:”

Fuloria in view of Andler renders obvious the claimed system. (Ex. 1002, ¶73).³ Fuloria discloses a “**system environment**” which hosts a “**social networking system.**” (Ex. 1004, ¶0028)(Ex. 1002, ¶73). Fuloria’s system is depicted in Figure 1, reproduced here:

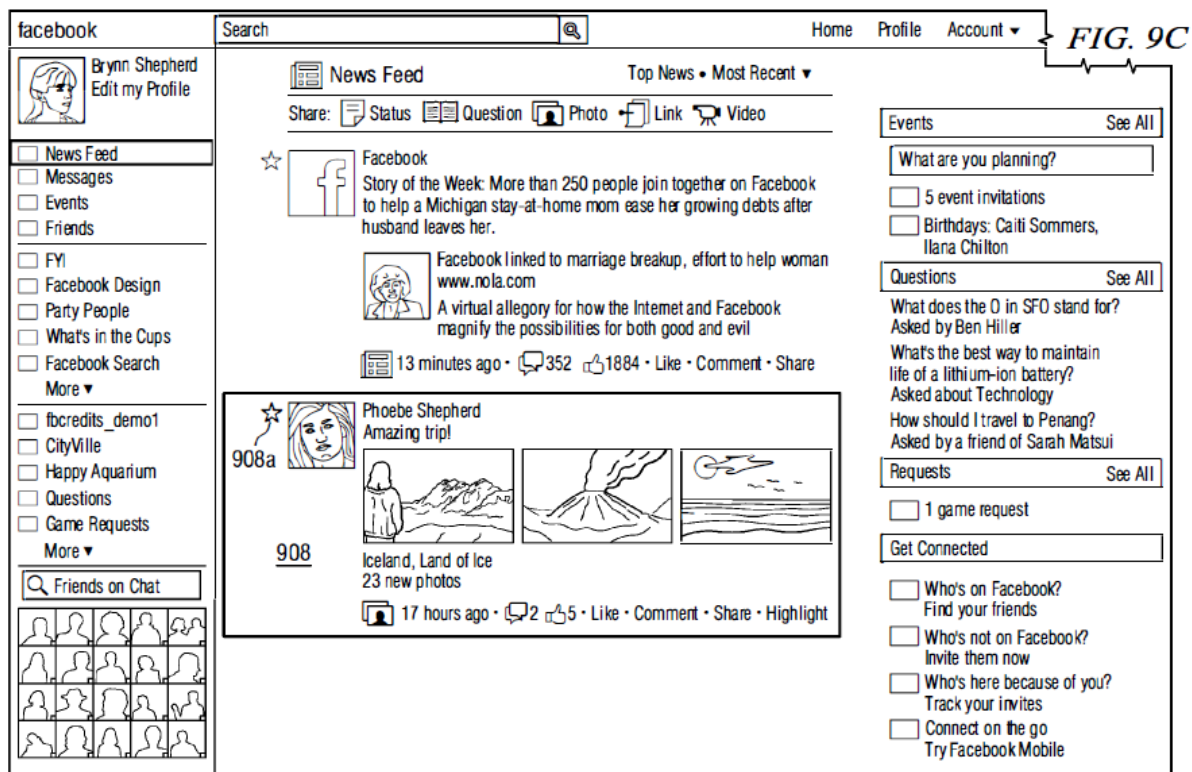


(Ex. 1004, Fig. 2, ¶¶0011, 0028)(*See also id.*, Fig. 6). As Fuloria states, “[t]he system environment comprises one or more client devices 110, one or more third-party websites 140, a social networking system 100, and a network 120.” (Ex. 1004, ¶0028)(Ex. 1002, ¶73). Fuloria’s social networking system can be, for example,

³ To the extent that the preamble is limiting, it is rendered obvious by the combination.

Facebook. (Ex. 1004, Figs. 8-9)(Ex. 1002, ¶73).

Fuloria's system is further **for aggregating content**. (Ex. 1002, ¶74). Aggregation occurs because Fuloria's system displays social media content items to users via a social networking website, using for example, a "news feed." (Ex. 1004, Abstract, ¶¶0004, 0006, 0008, 0027, 0036-0037, Fig. 4, Figs. 8-9). An exemplary news feed is depicted below:



(Ex. 1004, Fig. 9C)(Ex. 1002, ¶74). Fuloria teaches that "[v]arious pieces of **content** may be **aggregated** into a single news feed." (Ex. 1004, ¶0006)(*see also* Ex. 1004, ¶0035)("Activity stream 302 comprises the **aggregate stream of status updates and news stories** for all users of a social network.")). These **content** items can be

authored by users, or can be, for example, advertising content. (*See, e.g.*, Ex. 1004, ¶0062)(Ex. 1002, ¶74).

Fuloria's system also **facilitates uncapped engagement** with content. (Ex. 1002, ¶75). Regarding the **facilitation** of engagement, Fuloria's social networking system can provide a user with the option to feature or promote a content item in return for credits including by means of what it refers to as "super-like." A user can request to feature a content item by clicking a button, which Fuloria describes can be a "'super-like' or promotion button," "'highlight' button" or a "'feature' button." (Ex. 1004, ¶¶0063, 0062, 0065, 0066, 0037, 0038)(*see id.*, ¶0065)("In particular embodiments, 'highlight' button 903a is interchangeable with 'Feature' button 803a or a 'super-like' button."). "[T]he user-promoted social networking objects or content may be displayed to other members by pinning the story or content to the top of each other member's news feed." (Ex. 1004, ¶¶0010, 0038, 0057, Abstract). An example of a "super-liked" content item can be seen in Figure 9C, reproduced above, where a "star" indicates that the content has been "super-liked" and the content is highlighted and pinned to the top of a news feed. (Ex. 1004, Fig. 9C, ¶0067)(Ex. 1002, ¶75); *see also* claim element [1f].

This functionality represents **uncapped engagement** for multiple reasons. First, a user super-liking content is an **engagement** with that content by that user

because the user interacts with the content via the super-like.⁴ The engagement is **uncapped** because Fuloria places *no limitation* on how many times a user can super-like a piece of content (the super-likes expire, Ex. 1004, ¶¶0060-0061), and thus engagement via a super-like is **uncapped**. (Ex. 1002, ¶76). Nor does it place any limitation on how many credits a user can spend to increase the reach of the content. *See* claim elements [1e] and [1f] (discussing exchange of resources for promotion of content). (Ex. 1002, ¶76).

Second, when a user “super-like[s]” or promotes a content item in return for an amount of resources, such as credits, this **facilitate[s] other users engaging** (e.g., interacting) with that content item by, for example, liking or commenting⁵ on the content. (*See, e.g.*, Ex. 1004, ¶¶0062-0067, 0037-0038, 0008)(Ex. 1002, ¶77).

⁴ Super-liking is also an indication that a user should be distinguished with respect to the content over another user because it specifically associates the user with the content and correspondingly promotes the content and that association. (Ex. 1001, 5:53-60)(Ex. 1002, ¶76).

⁵ Other users ‘liking’ or commenting on content is also an indication that a user should be distinguished with respect to the content over another user because it specifically associates the user with the content and correspondingly displays that association. (Ex. 1001, 5:53-60)(Ex. 1002, ¶77).

Fuloria places *no limitation* on the degree to which a content item can be promoted—i.e., the amount of resources that can be paid or the possible reach sought for the content item. (Ex. 1004, ¶¶0038, 0058). Multiple different users can also promote the same content item. (Ex. 1002, ¶77). By allowing users to promote or “super-like” content which also increases engagement with that content by *other users*, Fuloria’s system also **facilitat[es] uncapped engagement** with that content. (Ex. 1002, ¶77).

“[1b] a computer system comprising one or more physical processors programmed by computer program instructions to:”

Fuloria discloses and renders obvious a **computer system comprising one or more physical processors programmed by a computer program to carry out instructions**. (Ex. 1002, ¶78). Fuloria’s system includes a “**computer system**” which provides the functionality described in Fuloria, and which includes “a **processor**” having “hardware for executing **instructions**, such as those making up a **computer program**.” (Ex. 1004, ¶¶0068-0073, 0078, Fig. 10)(Emphases added). Fuloria’s system also contains a “web server” (**computer having physical processors**) which “links social networking system 100 via network 220 to one or more client devices 210.” (Ex. 1004, ¶¶0031-0032, 0029, Fig. 2, Fig. 1, 0035-0036, 0046)(Ex. 1002, ¶78).

It would be obvious for Fuloria’s **computer system** to be **programmed** to

execute the claimed steps recited below. (*See also* Ex. 1004, ¶¶0068-0078)(Ex. 1002, ¶79). Fuloria expressly discloses that its methods can be carried out using software (Ex. 1004, ¶¶0035, 0058, 0068, 0074, 0078), and in the relevant timeframe, this was, in fact, the most obvious way to carry out methods in a social media system. (Ex. 1002, ¶79).

“[1c] obtain a networked content item authored by a user;”

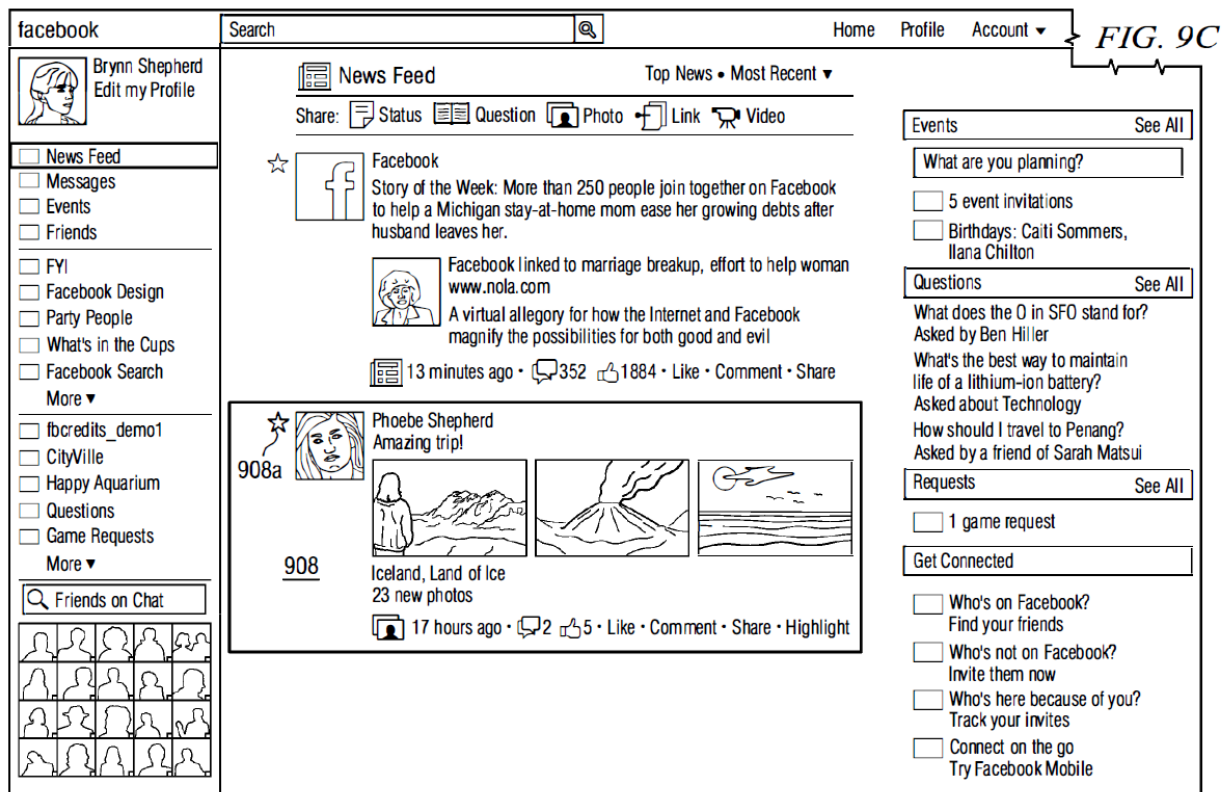
Fuloria’s social networking system **obtain[s] a networked content item authored by a user**. (Ex. 1002, ¶80). Fuloria explains that its users can generate a **“piece of content or story on the social networking system**, including but not limited to individual photos, photo albums, videos, status messages, shared links, notes, and comments by users on other content.” (Ex. 1004, ¶0008). Fuloria states that “any object which may be liked or otherwise interacted with by a user on the social networking system is herein referred to as a **‘social networking object.’”** (*Id.*)(*see also id.*, Abstract, ¶¶0027, 0036-0037, Fig. 4, 0004). Such social networking objects (**networked content items**) can be **authored by a user**. (Ex. 1004, ¶¶0006, 0036, 0037, 0057, 0062-0067, 0029, Figs. 8-9). For example, a user may “post stories or status updates to a live activity stream, such as a ‘news feed.’” (Ex. 1004, ¶0006)(Ex. 1002, ¶80).

“[1d] generate a user interface that displays a first number of

engagements with the networked content item obtained by a first user, a second number of engagements with the networked content item obtained by a second user,”

Fuloria in view of Andler renders obvious this claim element. (Ex. 1002, ¶81).

Fuloria teaches **generat[ing] a user interface that displays networked content items**. (Ex. 1004, ¶¶0037, 0006-0008, 0070)(*see also id.*, Figs. 8-9)(depicting exemplary user interfaces)(Ex. 1002, ¶81). “Users interacting with the social network may post stories or status updates [**e.g., networked content items**] to a live activity stream, such as a ‘news feed.’” (Ex. 1004, ¶0006). An exemplary **user interface** depicting a user’s “news feed” on which **networked content items** are **display[ed]** is depicted below:



(Ex. 1004, Fig. 9C, ¶0058)(*see also id.*, Figs. 8-9)(Ex. 1002, ¶81).

Users can **engage** with content posted to a news feed by, for example, super liking, liking, or commenting on the content. (Ex. 1004, ¶¶0037-0039, 0057-0058, 0062-0067, 0008, 0026-0027, Figs. 8-9); *see also* claim element 1[a] (discussing engagements). For example, Fuloria explains that “[u]sers may express an affinity for essentially any piece of content or story on the social networking system.” (Ex. 1004, ¶0008)(Ex. 1002, ¶82). Fuloria also **display[s] a [] number of engagements with a networked content item obtained by a [] user**. (*E.g.*, Ex. 1004, Fig. 9A, showing 1884 likes for the top news story, Fig. 8A, showing that two users each liked a photo album one time, Fig. 9C showing one super-like); *see also* claim element 1[l]. (Ex. 1002, ¶82).

As discussed above under the “Rationale” section, it would have been obvious to display a ranking of top users, with each user having a number reflecting engagements obtained by the user. It would have been obvious, as discussed above, to use any of engagement scores, number of engagements, the credits used to obtain them, or the real-world value of such credits. In this manner, the combination displays **a first number of engagements with the networked content item obtained by a first user, [and] a second number of engagements with the networked content item obtained by a second user**. (Ex. 1002, ¶83).

Regarding the phrase “number of engagements,” Petitioner notes the ’687

patent's statement that "[a]s used herein throughout, although the term 'number' of resources or 'number' of engagements is used, resources and engagements may be quantified in ways other than a 'number.'" (Ex. 1001, 13:35-38). Thus, according to the Patent Owner, a "number" need only be some quantification of engagements. (Ex. 1002, ¶83).

Any of engagement scores, number of engagements, the credits used to obtain them, or the real-world value of such credits are **a first number of engagements with the networked content item obtained by a first user**. Specifically regarding the "engagement score," Andler teaches that:

"Each engagement score is based on interactions of each of the first users with the selected item of content. The engagement score may further [be] based on whether additional users have accessed the item of content based on the interaction of one of the first users..."

(Ex. 1005, ¶0206)(Ex. 1002, ¶84). The engagement score thus reflects a quantification of engagements "obtained by" a user. (Ex. 1002, ¶84). Petitioner notes that the engagements *of other users* are "obtained by" a first user in the combination because they result from the first user's super-like of a news story, per Fuloria. (Ex. 1004, ¶0038). And because engagements by other users factor into a first user's engagement score, they further serve as "an indication that [the first] user should be distinguished with respect to the content over another user." (Ex. 1001, 5:53-55)(Ex. 1002, ¶84).

Similarly, regarding the “**number of engagements**,” when a first user super-likes a content item on a cost-per-click or cost-per-action model (Ex. 1004, ¶0038), the first user **obtains** a number of engagements of other users, which can be displayed directly. (Ex. 1002, ¶85).

Regarding the number of credits or the real-world value of those credits, Fuloria teaches that a first user can opt to spend more or less on a super-like, depending on the result that the first user hopes to achieve. (Ex. 1004, ¶¶0038-0039, 0057)(Ex. 1002, ¶86). Furthermore, the effect of super-likes is temporary (Ex. 1004, ¶¶0057, 0060-0061), and there is no restriction on second and further super-likes. (Ex. 1002, ¶86). Thus, under the Patent Owner’s understanding of the claim language, the number of credits or the real-world value of those credits spent on super-likes would reflect a quantification of engagements obtained by a first user, where the engagements are the super-likes themselves. (*See, e.g.*, Ex. 1015, p. 11)(Ex. 1002, ¶86).

Regarding the **second user**, Fuloria teaches that “super-likes” are available to users in general (and thus to first, second, third, etc. users). (Ex. 1004, ¶¶0037-0039)(Ex. 1002, ¶87). Furthermore, as discussed above under the “Rationale” section, it would have been obvious based on Andler to provide a ranking of top users (so at least first and second users). The reasoning relating to the “first user” above thus applies equally to a second user. (Ex. 1002, ¶87).

“[1e] and a display option configured to receive a request to obtain a number of engagements with respect to the networked content item,”

Fuloria discloses and renders obvious this claim element. (Ex. 1002, ¶88).

As explained above under claim elements 1[a] and [1d], a user can request to “super-like” a networked content item. (Ex. 1004, ¶¶0063, 0062, 0065, 0066, 0037, 0038)(*see id.*, ¶0065). As Fuloria explains,

“After clicking ‘Feature’ button 803a, social networking system 100 displays dialog box 805 to the user. Dialog box 805 prompts the user as to whether he or she would like to feature the post for 10 credits. Dialog box 805 also includes credit balance 806 and confirmation button 809. The user may click confirmation button 809 to promote the social networking object, in this case photo story 803.”

(Ex. 1004, ¶0063). The button and associated dialog boxes and confirmation buttons are **a display option**. Using this functionality, the system can **receive a request to** super-like a content item. (Ex. 1002, ¶89).

This request to “feature” or “super-like” a content item is **a request to obtain a number of engagements with respect to the networked content item**. (Ex. 1002, ¶90). This is first because when a user seeks to promote a content item in this manner, the user is not only engaging with the content item herself, the user is also seeking to increase engagement *by other users* with respect to that content item. (Ex. 1004, ¶¶0037-0039, 0057-0058, 0062-0067, 0008, 0027, Figs. 8-9); *see also* claim element 1[a] (discussing engagements). The super-liked item is prominently

displayed to a user's connections, who may then engage with the item by, for example, liking it or commenting on it. (*Id.*). As Fuloria explains, for example, "the present invention allows users to promote their own or their friends['] stories to a sponsored story space, or pin the story to the top of the news feed." (Ex. 1004, ¶0067). Second, Fuloria teaches that a user can adjust the scope of the "super-like" to last longer or reach more users, thus changing the price (Ex. 1004, ¶¶0038-0039, 0057), and affecting the "number" (quantification) of offered engagements, according to the Patent Owner's understanding of the claims. (Ex. 1001, 13:35-38)(Ex. 1002, ¶90).

As explained in detail under claim element [1f], a user can super-like content in exchange for payment of resources such as credits. (Ex. 1002, ¶91). Fuloria explains:

"In particular embodiments, the credits are deducted after the promoted social networking object is delivered to various users, based on the delivery. For example, the social networking system may deduct the credits based on a cost per impression (CPM), effective cost per impression (eCPM), cost per click (CPC), or cost per action (CPA) pricing model. This disclosure contemplates any suitable payment system for promoting social networking objects."

(Ex. 1004, ¶0038)(*see also id.*, Abstract, ¶0057)("The promoted social networking objects may be pinned for a predetermined amount of time, clicks, or impressions at

the top of the news feeds for the first degree connections of the promoting user.”). In other words, Fuloria explains that payment can be based on the number of users that ultimately engage with (e.g., view, click on, or take an action with respect to) a social networking object and contemplates any suitable payment system. (Ex. 1002, ¶91).

Fuloria thus discloses and renders obvious a system wherein a user **request(s) to obtain a number of engagements with respect to** the piece of featured content. (Ex. 1004, ¶¶0038-0039)(Ex. 1002, ¶92).⁶ For example, a user may request to feature the content item until it receives 10 “likes” and then be charged per like. Alternatively, a user may request to feature the content item for a certain length of time, and then be charged based on how many users ultimately like or comment on the content. (Ex. 1002, ¶92).

“[1f] wherein a single engagement requires an amount of resources and the first number of engagements was obtained in exchange for a first amount of resource from the first user, and the second number of engagement was obtained in exchange for a second amount of resources from the second user;”

See claim element [1e]. (Ex. 1002, ¶93). Fuloria discloses and renders

⁶ A request to obtain x number of engagements is also a request to obtain “at least” x number of engagements. (Ex. 1002, ¶92).

obvious this claim element. As explained under claim element [1e], a user can feature or “super-like” a content item in order to promote that content item to other users in order to facilitate their engaging with that content item. This functionality is provided in return for **resources** such as “credits.” (Ex. 1004, ¶¶0037-0038, 0057-0067)(Ex. 1002, ¶93). As Fuloria explains:

“When a user clicks the ‘super-like’ or promotion button, the account associated with the user may be debited a predetermined number of credits. In particular embodiments, credits are equivalent to real-world currency. In particular embodiments, credits are valueless electronic currency that may only be used on the social networking system.”

(Ex. 1004, ¶0038)(Ex. 1002, ¶93).

For the reasons set forth in the “Rationale” section above, as well as for the reasons explained under claim element [1e], it would be obvious for a user to feature or “super-like” a content item **in exchange for a first amount of resource[s] from the user** where each engagement (e.g., like, comment) the user seeks to obtain **requires an amount of resources** (e.g., 10 credits per like). (Ex. 1004, ¶0038)(*see also id.*, Abstract, ¶0057). It was further obvious for multiple different users (**a first user and a second user**) to feature or “super-like” the *same* content item (the content item will be promoted to different sets of users, Ex. 1004, ¶0057), such that **the first number of engagements was obtained in exchange for a first amount of resource**

from the first user, and the second number of engagement was obtained in exchange for a second amount of resources from the second user. (Ex. 1002, ¶94).

“[1g] provide, via a network, the user interface;”

Fuloria discloses and renders obvious this claim element. (Ex. 1002, ¶95). Fuloria’s social networking system uses a **network** such as the Internet to provide its social network functionality. (Ex. 1004, ¶¶0046, 0075, Fig. 6). Fuloria’s social networking system uses a network to provide a **user interface**. (Ex. 1004, ¶¶0037, 0006-0008)(*see also id.*, Figs. 8-9)(Ex. 1002, ¶95).

“[1h] receive, via the user interface, an indication to obtain a third number of engagements relating to the networked content item from a third user different from the user that authored the networked content item, the first user, and the second user;”

See claim element [1e]. As set forth under claim element [1e], Fuloria’s system can **receive** a request to obtain a **number of engagements relating to a networked content item**. (Ex. 1002, ¶96). The super-like functionality is available to users of the system generally, including a third user. (Ex. 1004, ¶¶0037-0038, 0057)(Ex. 1002, ¶96). When a third user elects to feature or super-like the content and confirms the terms of payment, this is **an indication to obtain a third number of engagements**. The request is **receive[d] via the user interface**. (Ex. 1004,

¶¶0037, 0006-0008)(*see also* Ex. 1004, Figs. 8-9)(depicting exemplary user interfaces, including options to feature or highlight content in exchange for credits); *see also* claim element 1[a] (discussing engagements)(Ex. 1002, ¶96).

Fuloria teaches that a **user (third user)** can feature or super-like a **networked content item authored** by a **different user**, and provides an example of how to do so. (Ex. 1004, ¶¶0036, 0064-0067, 0057, Fig. 9)(Ex. 1002, ¶97)(*see* Ex. 1004, ¶0036)(“[T]he user may sponsor content objects created by that user or **other users.**”)(Emphasis added). Fuloria thus discloses and renders obvious a request to **obtain a third number of engagements relating to the networked content item from a third user different from the user that authored the networked content item, the first user, and the second user.** (Ex. 1002, ¶97).

“[1i] determine a third amount of resources required to obtain the third number of engagements by multiplying the amount of resources required for a single engagement with the third number;”

See claim elements [1e] and [1f]. (Ex. 1002, ¶98). Fuloria discloses and renders obvious this claim element. As explained under claim elements [1e] and [1f], a user can feature or “super-like” a content item in order to promote that content item to other users and functionality is provided in return for **resources** such as “credits.” (Ex. 1004, ¶¶0037-0038, 0057-0067)(Ex. 1002, ¶98). As set forth under claim elements [1e] and [1f], it would be obvious for a user to feature or “super-like” a content item in exchange for an amount of resources from the user where each

engagement (e.g., like, comment) the user seeks to obtain requires an amount of resources (e.g., 10 credits per like). (Ex. 1004, ¶0038)(*see also* Ex. 1004, Abstract). Fuloria teaches to price super-likes in terms of cost per unit (e.g. CPM or CPA), which would require and render obvious multiplication by the “units” to calculate a total cost. (Ex. 1004, ¶0038)(Ex. 1002, ¶98). When a user seeks to obtain a particular number of engagements, it would be obvious for the system to **determine an amount of resources required to obtain a number of engagements by multiplying the amount of resources required for a single engagement with the number** of engagements the user seeks to obtain, so that the system can determine the amount of resources (credits) to charge the user. For example, if a user seeks to obtain 20 likes and 1 like is 10 credits, the system can determine the total number of credits required by multiplying 20 x 10 to arrive at a cost of 200 credits. (Ex. 1002, ¶99).

“[1j] debit the third amount of resources from a user account balance associated with the third user;”

Fuloria teaches that when a user “super-likes” content in exchange for **resources** (credits), “the **account associated with the user** may be **debited** a predetermined number of credits.” (Ex. 1004, ¶¶0038, 0059, 0066, claim 1)(*See also* Ex. 1004, Figs. 8b and 9b)(showing the number of credits a user has in their user account balance). Fuloria further explains that “[i]n particular embodiments, the

credits are deducted after the promoted social networking object is delivered to various users, based on the delivery.” (Ex. 1004, ¶0038). Fuloria thus discloses and renders obvious that the system **debit[s] the third amount of resources from a user account balance associated with the third user.** (Ex. 1002, ¶100). It would also be obvious for the system to debit the user account balance the amount of credits determined under claim element [1i] in order to charge the user. (Ex. 1002, ¶100).

“[1k] store, in a database accessible to the computer system, an association between the third number of engagements and the third user; and”

Fuloria and Andler render obvious this claim element. (Ex. 1002, ¶101). Fuloria discloses tracking a “user’s prior credit or spending history.” (Ex. 1004, ¶0037). Fuloria also discloses “action store 650 [which] stores actions that have been performed by the users of the social networking system 100, along with an indication of the time associated with those actions and references to any objects related to the actions.” (Ex. 1004, ¶0047). It would be obvious to store, in connection with a user’s account history or history of a user’s actions, a record of purchases made using the user’s account balance as a matter of accurate record keeping and to permit all parties to review prior account transactions. (Ex. 1002, ¶101). It would also be obvious to track and store such information in order to allow the system to customize future interactions with the user, targeting them based on the user’s prior activity. (See, e.g., Ex. 1004, ¶¶0005, 0037)(Ex. 1002, ¶101). Here,

that record would obviously contain the number of credits paid, the number of engagements obtained (the **third number of engagements**), and the identity of the user, and would contain an **association** between the user's history and the user in order to ensure that the correct data is associated with the correct user. (Ex. 1002, ¶101).

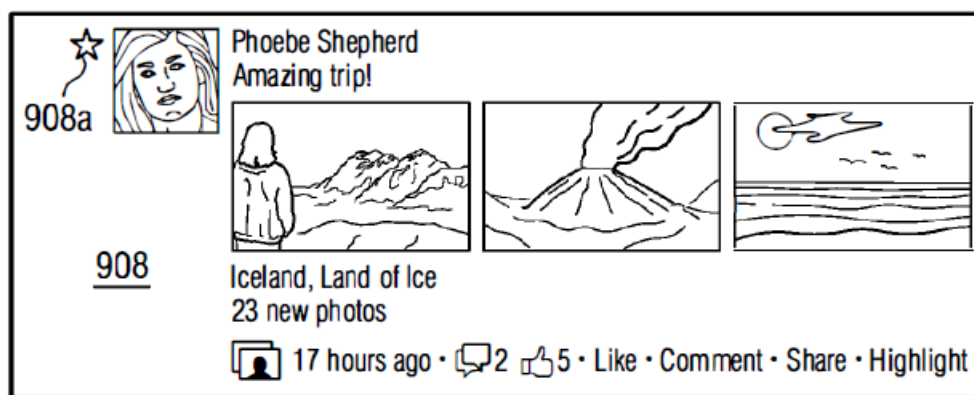
It would be further obvious in view of Fuloria and Andler to track and store this information in order to use it to calculate user engagement scores and associated rankings, as explained under claim element [1d]. (Ex. 1002, ¶102). For example, Fougner, which is incorporated into Fuloria, teaches generating reports which track, for a sponsored content item, “basic statistics, such as the number of users reached, the number of impressions, the number of clicks, and the number of inline actions, such as playing a video, liking the post, etc.” (Ex. 1007, ¶0051)(Ex. 1002, ¶102).

Fuloria teaches the use of various storage capabilities, including the use of “**database[s]**,” data stores, and data logs. (Ex. 1004, ¶¶0005, 0034, 0035, 0031, 0033, 0036, 0037, 0047, 0070, Figs. 2, 3, 10). Schoen, which is incorporated into Fuloria, similarly describes the use of databases for organized data storage. (Ex. 1006, ¶¶0027, 0030, 0048, 0063-0064). For example, Shoen refers to a “**database**” used to store “user privacy preferences.” (Ex. 1006, ¶0048). Andler discloses the use of a “**database**” which can be used to store “user profiles.” (Ex. 1005, ¶¶0174-0175, 0052, 0032, 0043, Fig. 3)(Ex. 1002, ¶103). It would be obvious to use one of

these **database[s]** to store a user’s account history, including engagements obtained with respect to a particular content item, an associated payment record, in order to facilitate the organized storage and tracking of user data. (Ex. 1002, ¶103); *see also* “Rationale” section above.

“[11] provide, in the user interface, an indication of the third number of engagements.”

Fuloria and Andler render obvious this claim element. (Ex. 1002, ¶104). Fuloria teaches that once a user “super-likes” a content item, other users who view the content item can engage with it by, e.g., liking or commenting on the content item. (Ex. 1004, ¶¶0037-0039, 0057-0059, 0061-0067, 0008, 0027, Figs. 8-9). For example, Figure 9C (a portion of which is excerpted below) illustrates a news feed (**user interface**) where “photo story 903” is super-liked (as can be seen by the ‘star’ 908a associated with the post) and **indicates** where other users have liked and commented (**engaged** with) on the story:



(Ex. 1004, Fig. 9C, ¶0067)(Ex. 1002, ¶104). Fuloria shows that the system displays

indications of how many of different types of engagements in general there have been with a content item (e.g., 2 comments and 5 likes). (*see also e.g.*, Ex. 1004, Fig. 9A, showing 1884 likes for the top news story, Fig. 8A, showing that two users each liked a photo album one time, Fig. 9C showing one super-like). Schoen, which is incorporated into Fuloria, states that sponsored stories can be displayed with what it calls a “bling indicator” “which provides a **visual indication** as to how many members of the social networking site have commented or liked the sponsored story.” (Ex. 1006, ¶0049, Fig. 7C)(Emphasis added)(Ex. 1002, ¶104).

As set forth under claim elements [1e] and [1f], the system is already tracking the number of engagements obtained by each user who super-liked a content item in order to charge the user the appropriate number of credits. (Ex. 1002, ¶105). It would further be obvious to **display** the results of this tracking. Doing so involves **provid[ing], in the user interface, an indication of the third number of engagements**—i.e., how many engagements were obtained as a result of the user super-liking the content item—in order to show the source of the engagements. Doing so would better enable users who have authored content items to see which other users are driving engagement with their content. (Ex. 1002, ¶105). For example, Fougner, which is incorporated into Fuloria, teaches generating reports which track, for a sponsored content item, “basic statistics, such as the number of users reached, the number of impressions, the number of clicks, and the number of

inline actions, such as playing a video, liking the post, etc.” (Ex. 1007, ¶0051)(Ex. 1002, ¶105).

This claim element is also obvious in view of Andler. For similar reasons as set forth under claim element [1d], it would be obvious to calculate an engagement score and for such a score to be or to reflect (for a **third user**) **an indication of the third number of engagements**. For similar reasons as set forth under claim element [1d], it would further be obvious to **provide, in the user interface**, this engagement score. Doing so would allow the engagement score to be visualized by the third user, or by other users. (Ex. 1002, ¶106).

CLAIM 2

“2. The system of claim 1, wherein to obtain the networked content item, the computer system is further programmed to: obtain a social media content item authored by the first user.”

See claim element [1c]. Fuloria discloses that its social networking system can **obtain social media content items authored by** various different **users**. (Ex. 1004, ¶¶0006, 0008, 0027, 0036-0037, Fig. 4, 0057, 0062-0067, Figs. 8-9, Abstract)(Ex. 1002, ¶107).

CLAIM 3

“3. The system of claim 2, wherein to obtain the social media content item, the computer system is further programmed to:

aggregate a plurality of social media content items, authored by the user, from one or more third party social media platforms, wherein

the plurality of social media content items includes the social media content item.”

See claim 2. This claim is further obvious over Fuloria and Andler. (Ex. 1002, ¶108). Fuloria teaches that its system interacts with third-party websites (Ex. 1004, ¶¶0028-0029, Fig. 1). Schoen, which is incorporated into Fuloria, similarly teaches that its system interacts with third-party websites. (Ex. 1006, ¶¶0024, 0025, Fig. 1). Schoen further teaches that a “sponsored story [a **content item**] may be displayed on a third-party website integrated with the social network” and that a user can “shar[e] a link [a **content item**] from a third-party website.” (Ex. 1006, ¶¶0038, 0043, 0045, Fig. 6B, Fig. 7, Figs. 7A-E)(Ex. 1002, ¶108).

Andler teaches that a “social network site,” which can be, for example, Facebook, can be in communication with another “social network site,” which can be, for example, Twitter. (Ex. 1005, ¶¶0049, 0051-0052, 0054). Andler further describes permitting a user to share (“broadcast”) content between **social media platforms**. (Ex. 1005, ¶0063). Andler states that, “[f]or example, upon connection to a resource, the dialog may prompt the user whether he/she’d like this connection to be broadcasted to FacebookTM/YoutubeTM, etc. (depending on that user’s connect/privacy settings).” (*Id.*). It would be obvious in view of these teachings for the system to **obtain a social media content item** by allowing a user to share or link to **social media content items authored by the user (aggregate a plurality of social media content items, authored by the user)** from one or more third party

social media platforms. (Ex. 1002, ¶109).

CLAIM 5

“5. The system of claim 1, the computer system is further programmed to:

receive a request to obtain additional resources used to exchange for engagements;

determine a fiat currency amount required to obtain the third amount of resources;

cause a financial account to be debited based on the fiat currency amount; and

increment the user account balance based on the requested additional resources.”

Fuloria renders obvious this claim. (Ex. 1002, ¶110). Fuloria teaches that “[i]n particular embodiments, credits are equivalent to real-world currency” (Ex. 1004, ¶0038), and already teaches the elements of a transaction (the exchange of credits for super-likes and subsequent debiting of an account). (Ex. 1004, ¶¶0038, 0059, 0066, claim 1) This renders obvious the provision of a standard mechanism to permit a user to spend real world currency (**fiat currency**) to purchase credits for use within the system. (Ex. 1002, ¶110). It would thus be obvious to program the system to **receive a request to obtain credits; determine a fiat currency amount required to obtain an amount of credits; cause a user’s financial account to be debited based on the fiat currency amount; and increment the user account**

credit **balance based on the requested additional** credits. (Ex. 1002, ¶110).

CLAIM 6

“6. The system of claim 1, wherein the computer system is further programmed to:

rank the first user with respect to the second user based on the first number of engagements and the second number of engagements; and

display, in the user interface, an indication of the rank.”

See claim element [1d]. Fuloria and Andler render obvious this claim element. (Ex. 1002, ¶111). As explained under claim element [1d], Andler describes **displaying** a list of users, **ranked** by their engagement scores with respect to an item of content:

“At step 708, the identified subset is **displayed**. Such a subset may include an identification of a **predefined number of first users sorted by highest-to-lowest engagements score** (e.g., a list of top fans based on the engagement score). In addition to displaying the identified subset, the **logged-in user’s ranking amongst all of the first users (based on engagement score) may be displayed.**”

(Ex. 1005, ¶0208)(*see also* Ex. 1005, ¶0053). As set forth under claim element [1d] and the “Rationale” section above, and it would be obvious to, **generate a user interface that displays** engagement scores, in order for users to see their relative ranking—in other words, to **display, in the user interface, an indication of the**

rank in terms of obtaining engagements in promoting a particular content item. (Ex. 1005, ¶0208)(*see also* Ex. 1005, ¶0053)(Ex. 1002, ¶111).

CLAIM 13

Claim 13 is a method claim which corresponds to system claim 1. *See* claim 1. Fuloria in view of Andler also renders obvious a corresponding **method being implemented on the computer system**. (Ex. 1004, Abstract, ¶¶0037-0039, 0058, 0068, claims 1-8)(Ex. 1005, Abstract, ¶0164, claims 1-7)(Ex. 1002, ¶¶112-123).

CLAIMS 14, 15, 17 and 18

Claims 14, 15, 17 and 18 are method claims which correspond to claims 2, 3, 5, and 6, respectively. *See* analyses for these claims and claim 13 (method claim). (Ex. 1002, ¶¶124-127).

Ground 2. Claims 11 and 23 are obvious over Fuloria in view of Andler, further in view of WO '100

Claims 11 and 23 are obvious under AIA 35 U.S.C. § 103(a) over Fuloria (Ex. 1004) in view of Andler (Ex. 1005), further in view of WO 2015/089100 A1)("WO '100")(Ex. 1011). (Ex. 1002, ¶128).

Fuloria and Andler are discussed in Ground 1, the entirety of which is incorporated herein. (Ex. 1002, ¶129).

WO '100 is a PCT application publication that published on June 18, 2015. (Ex. 1011). WO '100 is prior art under post-AIA 35 U.S.C. §§102(a)(1) and (2) even to the earliest possible priority date for the '687 patent (May 2016). (Ex. 1002,

¶131).

WO '100 was not cited during prosecution of any application leading to the '687 patent. (Ex. 1002, ¶130).

A. Overview of the Ground and Rationale (Motivation) Supporting Obviousness

Fuloria and Andler are as applied in Ground 1. (Ex. 1002, ¶132). Independent claims 11 and 23 are similar to claims 1 and 13 in several respects, but require that the system require that the indication to obtain engagements is joint—i.e., that it involves at least two users. (Ex. 1002, ¶132).

WO '100 describes a “system for facilitating user engagement with a high profile person or brand.” (Ex. 1011, Abstract). This system can be implemented in the context of a social network. (Ex. 1011, Title, Abstract, ¶¶0002-0003, 0013, 0061, 0069, 0088, 0091)(Ex. 1002, ¶133). WO '100 teaches that multiple users can “join forces” or “team up” to elevate a particular piece of content so that it will be more likely to be interacted with by a high profile user (an HPP). (Ex. 1011, ¶¶0057-0060)(“[A] plurality of users can join forces to elevate a content message to an HPP.”). (Ex. 1002, ¶133).

It would be obvious to incorporate this functionality into the system of the combination thus allowing multiple users (a **first user** and a **third user**) to jointly seek to obtain engagements with respect to a piece of content (**indication to obtain the first plurality of engagements together with at least a third user**). It would

be obvious to do so in order to allow users to combine resources and their respective influence in order to increase engagement with respect to a piece of content. Doing so, would, as WO '100 teaches, “increase their probability of being noticed as their status and trending can be exponentially stronger depending on how many users team up.” (Ex. 1011, ¶0060)(Ex. 1002, ¶134).

Further reasoning concerning the motivation to combine is provided below in the claim mapping section, where appropriate. (Ex. 1002, ¶135).

B. Reasonable Expectation of Success

See Ground 1. For similar reasons as set forth under Ground 1, a PHOSITA in the relevant timeframe would have had a reasonable expectation of success combining and using aspects of Fuloria’s and Andler’s social networking systems and methods as set forth in Ground 1 and as further set forth under the present Ground with those of WO '100. (Ex. 1002, ¶136).

C. Analogous Art

Fuloria, Andler, and WO '100 are analogous art because they are in the same field as the '687 patent (social networks), and their methods would have been reasonably pertinent to the problems facing the named inventors, because all three references concern social networking and the management and promotion of content on social networks. (Ex. 1004, Title, Abstract, ¶¶0001-0024)(Ex. 1005, Title, Abstract)(Ex. 1001, Title, Abstract)(Ex. 1011, Title, Abstract, ¶¶0002-0003, 0013,

0061, 0069, 0088, 0091)(Ex. 1002, ¶137). *See Wyers*, 616 F.3d at 1238.

D. Claim Mapping

This section maps the challenged claims to the relevant disclosures of Fuloria, Andler, and WO '100, where the claim text appears in bold-italics, and the relevant mapping follows.

CLAIM 11

“11[a]. A system for aggregating content and facilitating uncapped engagement of the content, the system comprising:”

See Ground 1, claim element 1[a] analysis. (Ex. 1002, ¶139).

“[11b] a computer system comprising one or more physical processors programmed by computer program instructions to:”

See Ground 1, claim element [1b] analysis. (Ex. 1002, ¶140).

“[11c] obtain a networked content item authored by a user”

See Ground 1, claim element [1c] analysis. (Ex. 1002, ¶141).

“[11d] generate a user interface comprising the networked content item and a display option configured to receive a request to obtain engagements with respect to the networked content item;”

See Ground 1, claim element [1d] and [1e] analysis. (Ex. 1002, ¶142). The **user interface comprises the networked content item.** (Ex. 1004, ¶¶0037, 0006-0008)(*see also id.*, Figs. 8-9)(depicting exemplary user interfaces)(Ex. 1002, ¶142).

The user interface also comprises **a display option configured to receive a request to obtain engagements with respect to the networked content item.** (Ex. 1004, ¶¶0037-0039, 0057-0058, 0062-0067, 0008, 0027, Figs. 8-9)(Ex. 1002, ¶142).

“[11e] provide, via a network, the user interface;”

See Ground 1, claim element [1g] analysis. (Ex. 1002, ¶143).

“[11f] receive, via the user interface, an indication to obtain a first plurality of engagements relating to the networked content item from a first user different from the user that authored the networked content item,”

See Ground 1, claim element [1h] analysis. (Ex. 1002, ¶144). As explained under claim element [1h], Fuloria teaches and renders obvious requests from users to obtain **a first plurality of engagements relating to the networked content item** and these users can be **different from the user that authored the networked content item.** (Ex. 1002, ¶144).

“[11g] wherein the indication to obtain the first plurality of engagements comprises an indication to obtain the first plurality of engagements together with at least a third user, different from the user, the first user, and the second user”

See Ground 1, claim element [1d], [1e], and [1h] analysis. (Ex. 1002, ¶145).

The combination of Fuloria, Andler, and WO '100 renders obvious this claim element. (Ex. 1002, ¶145). Under claim element [11f], the **first user** submits the

claimed **indication**. Claim element [11g] requires that this indication be an **indication to obtain the first plurality of engagements together with at least a third user**. (Ex. 1002, ¶145).

As set forth in the “Overview” and “Rationale” sections above, WO ’100 teaches that multiple users can “join forces” or “team up” to elevate a particular piece of content so that it will be more likely to be interacted with by a high profile user (an HPP). (Ex. 1011, ¶¶0057-0060). It would be obvious to incorporate this functionality into the system of the combination thus allowing multiple users (a **first user** and a **third user**) to jointly seek to obtain engagements with respect to a piece of content (**indication to obtain the first plurality of engagements together with at least a third user**). (Ex. 1002, ¶146).

“[11h] determine an amount of resources required to obtain the first plurality of engagements;”

See Ground 1, claim element [1i] analysis. (Ex. 1002, ¶147). For the same reasons, Fuloria discloses and renders obvious **determin[ing] an amount of resources required to obtain the first plurality of engagements**. (Ex. 1002, ¶147).

“[11i] debit the amount of resources from a user account balance associated with the first user and/or from another user account balance associated with the third user, wherein the user account balance stores an amount of resources available to the first user;”

See Ground 1, claim element [1j] and [11g] analysis. (Ex. 1002, ¶148). As set forth under claim element [1j], Fuloria discloses and renders obvious **debit[ing] an amount of resources from a user account balance associated with** a user requesting to promote or “super-like” a content item in exchange for credits and that **the user account balance stores an amount of resources available to** that user. (Ex. 1002, ¶148). Where two users (the **first user** and the **third user**) have jointly requested to super-like or promote a content item in exchange for credits (See claim element [11g]), it would further be obvious to **debit** the credits from the user account balances associated with either one or both users, which are the two most readily apparent options for payment. (Ex. 1002, ¶148).

“[11j] store, in a database accessible to the computer system, an association between the first plurality of engagements and the first user;”

See Ground 1, claim element [1k] analysis. (Ex. 1002, ¶149). For the same reasons, Fuloria and Andler disclose and render obvious **stor[ing], in a database accessible to the computer system, an association between the first plurality of engagements and the first user**. (Ex. 1002, ¶149).

“[11k] obtain, from the database, information indicating a second plurality of engagements with respect to the networked content item from at least a second user different from both the user and the first user; and”

See Ground 1, claim element [1k] analysis. (Ex. 1002, ¶150). As set forth under claim element [1k], it would be obvious to use a database to store an association between a number of engagements and a user. (Ex. 1002, ¶150). This also renders obvious **storing information indicating a second plurality of engagements with respect to a networked content item.** (Ex. 1002, ¶150). It would further be obvious to access the database and **obtain** this information. For example, it would be obvious to do so for the reasons set forth under claim element [1k] and further in order to calculate and display user rankings, as discussed under claim element Ground 1, claim element [1d] and claim 6. (Ex. 1002, ¶150).

“[11l] provide, via the user interface, an indication of the first plurality of engagements from the first user and the second plurality of engagements from the second user.”

See Ground 1, claim element [1d] and [11] analysis. (Ex. 1002, ¶151). For the same reasons, Fuloria alone or in view of Andler discloses and renders obvious **provid[ing], via the user interface, an indication of the first plurality of engagements from the first user and the second plurality of engagements from the second user.”** (Ex. 1002, ¶151).

CLAIM 23

Claim 23 is a method claim which corresponds to system claim 11. See analysis for claim 11 and for Ground 1, claim 13 (method claim) and claim 1. (Ex. 1002, ¶¶152-163).

Ground 3. Claims 12 and 24 are obvious over Fuloria in view of Andler, further in view of Bartholomew

Claims 12 and 24 are obvious under AIA 35 U.S.C. § 103(a) over Fuloria (Ex. 1004) in view of Andler (Ex. 1005), further in view of U.S. Pat. App. Pub. 2016/0314501 A1 (“Bartholomew”)(Ex. 1012). (Ex. 1002, ¶164).

Fuloria and Andler are discussed in Grounds 1 and 2, the entirety of which are incorporated herein. (Ex. 1002, ¶165).

Bartholomew is a U.S. patent application publication that published on October 17, 2016. (Ex. 1012). It claims priority to an application filed March 23, 2016 and to a provisional application filed on March 24, 2015. (Ex. 1013).⁷ Bartholomew is prior art under post-AIA 35 U.S.C. §§102(a)(2) even to the earliest possible priority date for the ’687 patent (May 2016). (Ex. 1002, ¶167).

Bartholomew was not cited during prosecution of any application leading to the ’687 patent. (Ex. 1002, ¶166).

A. Overview of the Ground and Rationale (Motivation) Supporting Obviousness

Fuloria and Andler are as applied in Grounds 1 and 2. (Ex. 1002, ¶168). Claims 12 and 24 are directed to functionality which allows one user to “donate” resources to another user. (Ex. 1002, ¶168). These claim elements are obvious over

⁷ (See, e.g., Ex. 1013, 41:21-28)(Ex. 1002, ¶167).

Fuloria further in view of Bartholomew. (Ex. 1002, ¶168).

As explained under Ground 1, claim element [1j], Fuloria teaches and renders obvious that users have **account balances** that can store **resources** (credits). Bartholomew teaches a system that can be used with or as a part of a social network (Ex. 1012, ¶¶0300-0301) in which a user can transfer credits (**resources**) to other users. (Ex. 1012, ¶0312)(*see also id.*, ¶0309). Bartholomew specifically teaches that “credits may be gifted for free” from one user to another (**donat[ion]** of an **amount of resources**). (Ex. 1012, ¶0312)(Ex. 1002, ¶169). It would be obvious to incorporate this functionality into the combined system of Fuloria and Andler for numerous reasons, including in order to permit users to help their friends, to allow a user closing down an account to make use of accumulated credits by transferring them to a friend, to allow a user to transfer credits between his or her multiple accounts, or to allow one use to encourage another user to make donations by gifting them with resources to be able to do so. (Ex. 1012, ¶0312)(Ex. 1002, ¶169).

Further reasoning concerning the motivation to combine is provided below in the claim mapping section, where appropriate. (Ex. 1002, ¶170).

B. Reasonable Expectation of Success

See Ground 1. For similar reasons as set forth under Ground 1, a PHOSITA in the relevant timeframe would have had a reasonable expectation of success combining and using aspects of Fuloria’s and Andler’s social networking systems

and methods as set forth in Ground 1 and as further set forth under the present Ground with those of Bartholomew. (Ex. 1002, ¶171).

C. Analogous Art

Fuloria, Andler, and Bartholomew are analogous art because they are in the same field as the '687 patent (social networks), and their methods would have been reasonably pertinent to the problems facing the named inventors, because all three references concern social networking and the management and promotion of content on social networks. (Ex. 1004, Title, Abstract, ¶¶0001-0024)(Ex. 1005, Title, Abstract)(Ex. 1001, Title, Abstract)(Ex. 1012, Title, Abstract, ¶¶0002, 0004, 007, 0300-0301)(Ex. 1002, ¶172). *See Wyers*, 616 F.3d at 1238.

D. Claim Mapping

This section maps the challenged claims to the relevant disclosures of Fuloria, Andler, and Bartholomew, where the claim text appears in bold-italics, and the relevant mapping follows.

CLAIM 12

“12[a]. A system for aggregating content and facilitating uncapped engagement of the content, the system comprising:”

See Ground 1, claim element 1[a] analysis. (Ex. 1002, ¶173).

“[12b] a computer system comprising one or more physical processors programmed by computer program instructions to:”

See Ground 1, claim element [1b] analysis. (Ex. 1002, ¶174).

“[12c] obtain a networked content item authored by a user;”

See Ground 1, claim element [1c] analysis. (Ex. 1002, ¶175).

“[12d] generate a user interface comprising the networked content item and a display option configured to receive a request to obtain engagements with respect to the networked content item;”

See Ground 2, claim element [11d] analysis. (Ex. 1002, ¶176).

“[12e] provide, via a network, the user interface;”

See Ground 1, claim element [1g] analysis. (Ex. 1002, ¶177).

“[12f] receive, via the user interface, an indication to obtain a first plurality of engagements relating to the networked content item from a first user different from the user that authored the networked content item;”

See Ground 2, claim element [11f] analysis. (Ex. 1002, ¶178).

“[12g] determine an amount of resources required to obtain the first plurality of engagements;”

See Ground 2, claim element [11h] analysis. (Ex. 1002, ¶179).

“[12h] debit the amount of resources from a user account balance associated with the first user, wherein the user account balance stores an amount of resources available to the first user;”

See Ground 1, claim element [11] analysis and Ground 2, claim element [11i] analysis. (Ex. 1002, ¶180).

“[12i] store, in a database accessible to the computer system, an association between the first plurality of engagements and the first user;”

See Ground 2, claim element [11j] analysis. (Ex. 1002, ¶181).

“[12j] obtain, from the database, information indicating a second plurality of engagements with respect to the networked content item from at least a second user different from both the user and the first user; and”

See Ground 2, claim element [11k] analysis. (Ex. 1002, ¶182).

“[12k] provide, via the user interface, an indication of the first plurality of engagements from the first user and the second plurality of engagements from the second user;”

See Ground 2, claim element [11l] analysis. (Ex. 1002, ¶183).

“[12l] obtain a request from at least a third user to donate an amount of resources from a second user account balance associated with the third user to the user account balance; and”

See Ground 1, claim element [1j] analysis. (Ex. 1002, ¶184). This claim element is obvious in over Fuloria further in view of Bartholomew. As explained under claim element [1j], Fuloria teaches and renders obvious that users have **account balances** that can store **resources** (credits). Bartholomew teaches a system that can be used with or as a part of a social network (Ex. 1012, ¶¶0300-0301) in which a user can transfer credits (resources) to other users. (Ex. 1012, ¶0312)(see also *id.*, ¶0309). Bartholomew specifically teaches that “credits may be gifted for

free” from one user to another (**donat[ion]** of an **amount of resources**). (Ex. 1012, ¶0312)(Ex. 1002, ¶184). It would be obvious to incorporate this functionality into the combined system of Fuloria and Andler (Ex. 1012, ¶0312)(Ex. 1002, ¶184). It would accordingly be obvious to allow a user (a **third user**) to **request to donate an amount of resources from a second user account balance associated with the third user to the user account balance (associated with the first user)**. (Ex. 1002, ¶184).

“[12m] increment the user account balance based on the request from the third user to donate the amount of resources from the second user account balance.”

See claim element [1j] and [12l] analysis. (Ex. 1002, ¶185). It would be further obvious to **increment the user account balance based on the request from the third user to donate the amount of resources from the second user account balance** in order to effect the donation of resources described under claim element [12l]. (Ex. 1002, ¶185).

CLAIM 24

Claims 24 is a method claim which corresponds to system claim 12. See analysis for claim 12 and for Ground 1, claim 13 (method claim), claim 1, and Ground 2, claim 23. (Ex. 1002, ¶¶186-198).

Ground 4. Claims 4 and 16 are obvious over Fuloria and Andler, further in view of Kirk

Claims 4 and 16 are obvious under AIA 35 U.S.C. § 103(a) over Fuloria in view of Andler, further in view of U.S. Pat. App. Pub. 2015/0058103 A1 (“**Kirk**”)(Ex. 1008). (Ex. 1002, ¶199).

Fuloria and Andler are discussed in Ground 1, the entirety of which is incorporated herein. (Ex. 1002, ¶200).

Kirk is a U.S. patent application publication that published on February 26, 2015. (Ex. 1008).

Kirk is prior art under post-AIA 35 U.S.C. §§102(a)(1) and (2) even to the earliest possible priority date for the ’687 patent (May 2016). (Ex. 1002, ¶202).

Kirk was not cited during prosecution of any application leading to the ’687 patent. (Ex. 1002, ¶201).

A. Overview of the Ground and Rationale (Motivation) Supporting Obviousness

Claims 4 and 16 are dependent claims which depend from claims 1 and 13, respectively. These claims are directed to awarding resources to a user (a first user) based on a different user’s (**a third user**) **level of activity with** the application. These claims are obvious over Fuloria in view of Andler, further in view of Kirk. (Ex. 1002, ¶203).

Kirk is directed to users earning points in connection with social media networks. (Ex. 1008, Abstract, ¶¶0007-0009, 0031). Like Fuloria and Andler, Kirk discloses that a social media network can be, for example, Facebook. (Ex. 1008,

¶¶0012, 0053, 0056-0057, 0109). Kirk explains that “the system can be configured so that a user is awarded points based on the activity of others.” (Ex. 1008, ¶¶0037-0038, 0034). Kirk provides different examples of ways in which points can be awarded to one user based on the actions of another user with respect to a social media content item. (Ex. 1008, ¶¶0038-0047). (Ex. 1002, ¶204).

It would be obvious in view of Kirk’s teachings to award credits (**resources**) to a first user based on a third user interacting with content posted by a first user in the context of the combined system. (Ex. 1002, ¶205). Doing so rewards a user posting engaging content for generating engagement by other users, and permits a user to promote more content, thereby generating further engagements. (Ex. 1002, ¶205).

B. Reasonable Expectation of Success

See Ground 1. A PHOSITA in the relevant timeframe would have had a reasonable expectation of success in using point systems as described in Kirk in the combined system of Fuloria and Andler as described in this Ground and in Ground 1. (Ex. 1002, ¶206).

C. Analogous Art

Fuloria, Andler, and Kirk are analogous art because they are in the same field as the ’687 patent (social networks), and their methods would have been reasonably pertinent to the problems facing the named inventors, because all three references

concern social networking and the management and promotion of content on social networks. (Ex. 1004, Title, Abstract, ¶¶0001-0024)(Ex. 1005, Title, Abstract)(Ex. 1008, Title, Abstract, ¶0002)(Ex. 1001, Title, Abstract)(Ex. 1002, ¶207). *See Wyers*, 616 F.3d at 1238.

D. Claim Mapping

This section maps the challenged claims to the relevant disclosures of Fuloria, Andler, and Kirk where the claim text appears in bold-italics, and the relevant mapping follows.

CLAIMS 4 and 16

“4. The system of claim 1, wherein the computer system is further programmed to:

obtain a level of user activity by the third user with an application executing at a remote user device, the application displaying the user interface;

determine an amount of resources to award the first user based on the level of user activity; and

increment the user account balance based on the amount of resources.”

Claims 4 and 16 (whose claim language is similar) are obvious over Fuloria in view of Andler, further in view of Kirk. (Ex. 1002, ¶209).

Kirk is directed to users earning points in connection with social media networks. (Ex. 1008, Abstract, ¶¶0007-0009, 0031). Kirk discloses that a social

media network can be, for example, Facebook. (Ex. 1008, ¶¶0012, 0053, 0056-0057, 0109). Kirk explains that “the system can be configured so that a user is awarded points based on the activity of others.” (Ex. 1008, ¶¶0037-0038, 0034). Kirk explains:

“For example, a first user can be awarded points when other users take an action in response [to] the first user. In this configuration, a user can post, but will not receive points until some one else interacts with that post (by for example, commenting or liking that post).”

(Ex. 1008, ¶¶0038-0047). It would be obvious in view of Kirk’s teachings to award credits (**resources**) to a first user based on a third user interacting with content posted by a first user in the context of the combined system. (Ex. 1002, ¶210).

Ground 5. Claims 7-10 and 19-22 are obvious in view of Fuloria and Andler, further in view of Cheung

Claims 7-10 and 19-22 are obvious under AIA 35 U.S.C. § 103(a) over Fuloria in view of Andler, further in view of U.S. Patent No. 7,835,943 B2 (“**Cheung**”)(Ex. 1009). (Ex. 1002, ¶211).

Fuloria and Andler are discussed in Ground 1, the entirety of which is incorporated herein. (Ex. 1002, ¶212).

Cheung is a U.S. patent that issued on November 16, 2010. (Ex. 1009).

Cheung is prior art under post-AIA 35 U.S.C. §§102(a)(1) and (2) even to the earliest possible priority date for the ’687 patent (May 2016). (Ex. 1002, ¶214).

Cheung was not cited during prosecution of any application leading to the '687 patent. (Ex. 1002, ¶213).

A. Overview of the Ground and Rationale (Motivation) Supporting Obviousness

Claims 7-10 and 19-22 are claims which depend from claims 1 and 13, respectively. These claims are directed to functionality relating to user rankings, obtaining of engagements to achieve a particular ranking, as well as maintaining a desired ranking. These claims are obvious over Fuloria in view of Andler, further in view of Cheung. (Ex. 1002, ¶215).

Cheung is generally directed to advertiser bidding for placement of search results in an online environment. (Ex. 1009, Abstract, 5:34-10:18). Cheung describes a system in which an advertiser can “specify a desired rank in the search results displayed to the searcher” (i.e., the “ordinal positioning of the search listing”) and the system can automatically bid on behalf of the advertiser in order to achieve or maintain that ranking. (Ex. 1009, 6:16-7:7, 8:18-9:15). Cheung explains that bids can be monetary or in the form of “credit points.” (Ex. 1009, 6:16-26). Cheung discloses a system in which “an advertiser can specify a desired rank without specifying a bid” and refers to this functionality as “Place Protection.” Cheung explains that “[i]n this case, the advertiser wishes to be at the desired rank no matter what CPC [cost per click] is required to maintain that rank.” (Ex. 1009, 4:59-64, 6:1-6, 6:38-52, 8:61-9:16, 10:3-13)(Ex. 1002, ¶216). If an advertiser elects to

participate in Place Protection, the system automatically “implement[s] the following instructions on behalf of the advertiser:

1. Adjust the CPC of my listing to maintain my desired rank.
2. Set my CPC no higher than necessary to satisfy these instructions.”

(Ex. 1009, 8:61-9:16)(Ex. 1002, ¶216).

While Cheung is specifically directed to bidding resources to obtain a ranking in the context of online advertising, a PHOSITA would recognize that its teachings can be applied in the context of users expending resources to maintain other kinds of rankings. Indeed, Fuloria itself treats the promotion of content by a user using a “super-like” as similar to promotion of content by advertisers. (Ex. 1004, ¶¶0035-0039, 0057, 0062)(“The ‘super-liked’ story is priced and directed toward users in a similar manner as a social ad.”)(Ex. 1002, ¶217). It would be obvious in view of Cheung’s teachings to implement comparable functionality in the context of the combined system in order to allow the system to achieve or maintain a user’s desired ranking in the context of an engagement score with respect to a content item. (Ex. 1002, ¶217). Doing so allows the system to provide the benefits identified in Cheung, namely allowing for the automatic and dynamic execution of a user’s instructions to maintain a particular online ranking in exchange for resources. (Ex. 1002, ¶217).

B. Reasonable Expectation of Success

See Ground 1. A PHOSITA in the relevant timeframe would have had a reasonable expectation of success in incorporating Cheung’s automatic bidding and ranking functionality as described in this Ground into the combined system as described in Ground 1. (Ex. 1002, ¶218). Not only were the software systems involved predictable, but it would have been well within ordinary skill to incorporate appropriate algorithms to achieve the claimed functionality into the combined system, particularly in view of Cheung’s detailed teachings and exemplary algorithms. (Ex. 1009, 26:22-49:55)(Ex. 1002, ¶218).

C. Analogous Art

Fuloria and Andler are analogous art as described in Ground 1. (Ex. 1002, ¶219). Cheung is also analogous art because its methods would have been reasonably pertinent to the problems facing the named inventors, including providing systems which facilitate users expending resources in order to “get noticed by or otherwise be distinguished from other users.” (Ex. 1001, 1:42-44). While Cheung is specifically directed to bidding resources to obtain a ranking in the context of online advertising, a PHOSITA would recognize that its teachings can be applied in the context of users expending resources to maintain other kinds of rankings. Indeed, Fuloria itself treats the promotion of content by a user by means of a “super-like” as similar to promotion of content by advertisers. (Ex. 1004, ¶¶0035-0039,

0057, 0062)(“The ‘super-liked’ story is priced and directed toward users in a similar manner as a social ad.”)(Ex. 1002, ¶219). *See Wyers*, 616 F.3d at 1238.

D. Claim Mapping

This section maps the challenged claims to the relevant disclosures of Fuloria, Andler, and Cheung where the claim text appears in bold-italics, and the relevant mapping follows.

CLAIM 7

“7. The system of claim 6, wherein the computer system is further programmed to:

determine a number of engagements with respect to the networked content item required to achieve a certain rank, wherein the certain rank is associated with a certain number of engagements with respect to the networked content item relative to other numbers of engagements from other users; and

provide, in the user interface, an option to obtain the determined number of engagements to achieve the certain rank.”

See Ground 1, claims 1 and 6. This claim was obvious over Fuloria and Andler, further in view of Cheung. (Ex. 1002, ¶220). As set forth under Ground 1, a user can exchange resources in exchange for engagements, and the combined system displays a ranking of users based on engagement scores with respect to a piece of content. It was further obvious in view of Cheung to allow a user to indicate a desire to obtain a particular engagement score ranking (e.g., the highest or “top” ranking)(*see, e.g.*, Ex. 1009, 8:61-65, 22:38-55), and for the system to determine the

number of engagements necessary to obtain the ranking and to provide an option for the user to authorize the system to obtain the required engagements (in exchange for resources). (Ex. 1009, 9:4-15)(Ex. 1002, ¶220); *see* “Rationale” section above. (Ex. 1002, ¶220).

CLAIM 8

“8. The system of claim 7, wherein the certain rank comprises a top rank, and wherein the number of engagements with respect to the networked content item required to achieve the certain rank comprises a highest number of engagements with respect to the networked content item relative to other numbers of engagements from other users.”

See claim 7. Cheung teaches that the rank can be a highest (**top**) rank. (*see, e.g.,* Ex. 1009, 8:61-9:15, 22:38-55)(Ex. 1002, ¶221). In the combination, the **highest number of engagements with respect to the networked content item relative to other numbers of engagements from other users** results in a “**top**” ranking in terms of engagement score as compared to other users who have “super-liked” or promoted the content item. (Ex. 1002, ¶221).

CLAIM 9

“9. The system of claim 8, wherein the computer system is further programmed to:

determine an amount of resources required to obtain the required number of engagements to achieve the top rank;

determine that an available balance of resources in the user account balance associated with the third user is less than the amount of

resources required to obtain the required number of engagements to achieve the top rank; and

provide, in the user interface, an option to obtain additional resources.”

Cheung teaches providing in a Web interface the opportunity to replenish funds, and providing a warning when funds are likely to be insufficient. (Ex. 1009, 17:39-18:41). It was obvious for the Fuloria system to provide similar functionality that allows a user to **obtain additional resources** (credits) in case the user’s account balance was insufficient to carry out the user’s instructions to obtain a top ranking. (Ex. 1002, ¶222). Doing so would merely involve the incorporation of standard online business functionality (account replenishment) into the combined system, and would be obvious to provide in order to allow a user to obtain sufficient system resources in order to carry out desired actions. (Ex. 1002, ¶222).

CLAIM 10

“10. The system of claim 7, wherein computer system is further programmed to:

obtain an instruction to maintain the certain rank, wherein the instruction causes the certain number of engagements to be obtained on behalf of the third user without intervention by the third user and without respect to whether or not a user device used by the third user is connected to a network.”

See claim 7. Cheung discloses a system in which “an advertiser can specify a desired rank without specifying a bid” and refers to this as “Place Protection.”

Cheung explains that “[i]n this case, the advertiser wishes to be at the desired rank no matter what CPC [cost per click] is required to maintain that rank” and the system automatically “implement[s] [this] instructions on behalf of the advertiser” without further user intervention and when the user is not logged in (in which case they are notified of alerts by email). (Ex. 1009, 4:59-64, 6:1-6, 6:38-52, 8:61-9:16, 10:3-13, 17:39-62)(Ex. 1002, ¶223). It would be obvious to implement corresponding functionality in the combined system in order to allow the system to automatically **(without intervention)** expend resources to obtain the engagements necessary to obtain a user’s desired ranking **without respect to whether or not a user device used by the third user is connected to a network**, because otherwise the user would need to monitor the ranking, defeating the purpose of an automatic system (Ex. 1002, ¶223).

CLAIMS 19-22

See claims 7-10 analyses, respectively. (Ex. 1002, ¶¶224-228).

IV. DISCRETIONARY INSTITUTION

The Board should not exercise its discretion to deny the petition under 35 U.S.C. §325(d). None of the references at issue in the above-recited Grounds was of record during the prosecution of any application leading to the ’687 patent; see *also* §I.D. Nor should the Board deny the petition under 35 U.S.C. §314(a). There is no currently pending parallel litigation involving the ’687 patent.

V. CONCLUSION

Petitioner respectfully requests that claims 1-24 of the '687 patent be canceled.

Date: <u>December 18, 2024</u>	<u>/Matthew A. Smith/ (RN 49,003)</u> Matthew A. Smith SMITH BALUCH LLP 700 Pennsylvania Ave SE Ste. 2060 Washington, DC 20003 (202) 669-6207 smith@smithbaluch.com <i>Counsel for Petitioner Google LLC</i>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing petition for *inter partes* review, together with all exhibits and other documents filed therewith, was served by Priority Mail Express on December 18, 2024, on the Patent Owner's counsel of record at the United States Patent & Trademark Office having the following address:

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Date: December 18, 2024

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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the foregoing petition for *inter partes* review contains 13,999 words according to the word processing program used to prepare it.

Date: December 18, 2024

/Matthew A. Smith/ (RN 49,003)