

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

EscapeX IP LLC,

Patent Owner.

IPR2025-00337
Patent No. 10,474,687

PATENT OWNER'S RESPONSE

UNDER 37 C.F.R. § 42.120

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE ‘687 PATENT (EX. 1001).....	1
A.	Overview	1
B.	Claim Construction	3
III.	LEVEL OF ORDINARY SKILL IN THE ART	4
IV.	THE ASSERTED PRIOR ART	5
A.	Fuloria.....	5
B.	Andler	9
C.	WO ’100.....	7
D.	Bartholomew	7
E.	Kirk	8
F.	Cheung	8
V.	The Petition Fails to Demonstrate That There Is a Reasonable Likelihood That Any Challenged Claim is Unpatentable	9
A.	Petitioner Fails to Establish in Ground 1 that Challenged Claims 1-3, 5- 6, 13-15, and 17-18 Are Obvious Over Fuloria in View of Andler	9
1.	Claim 1.....	9
a.	Element [1e]	10
b.	Element [1f].....	21
c.	Element [1h]	22
d.	Element [1i].....	23
e.	Fuloria in view of Andler does not render claim 1 obvious.....	25
2.	Claims 2-3,5-6	26
3.	Claim 13.....	26
4.	Claims 14-15, 17-18.....	26
B.	Petitioner Fails to Establish in Ground 2 that Challenged Claims 11 and 23 are Obvious Over Fuloria in view of Andler, and WO ’100	26
1.	Claim 11	26
a.	Element [11d].....	28
b.	Element [11f].....	29
c.	Element [11i]	29

d. Fuloria in view of Andler and WO '100 Does Not Render Claim 11 Obvious	30
2. Claim 23	30
C. Petitioner Fails to Establish in Ground 3 that Challenged Claims 12 and 24 are Obvious Over Fuloria in view of Andler, and Bartholomew.....	30
1. Claim 12	30
a. Element [12d]	32
b. Element [12f].....	33
c. Fuloria in view of Andler and Bartholomew Does Not Render Claim 12 Obvious	33
2. Claim 24	33
D. Petitioner Fails to Establish in Ground 4 that Challenged Claims 4 and 16 are Obvious Over Fuloria in view of Andler, and Kirk.....	34
E. Petitioner Fails to Establish in Ground 5 that Challenged Claims 7-10 and 19-22 are Obvious Over Fuloria in view of Andler, and Cheung.....	35
 VI. CONCLUSION- CLAIMS 1-24 ARE PATENTABLY DISTINCT FROM THE PETITION PRIOR ART.....	35

I. INTRODUCTION

The Board should not cancel any Challenged claims 1-24 of U.S. Patent No. 10,474,687 (“the ’687 Patent”) because Petitioner does not demonstrate that any claim is unpatentable. Petitioner does not adequately explain how a person of ordinary skill in the art (“POSITA”) would approach the problems in the art solved by the ’687 Patent. Additionally, Petitioner has failed to demonstrate that the cited references render obvious every element of the challenged claims, including the requirements for “a display option configured to receive a request to obtain a number of engagements with respect to the networked content item.”

Accordingly, Patent Owner requests that the Board find Petitioner has failed to demonstrate that the Challenged Claims are unpatentable.

II. THE ’687 PATENT (EX. 1001)

A. Overview

The ’687 Patent relates to aggregating networked content and allowing user to obtain an unlimited number of engagements relating to networked content. Ex.1001, Abstract.

The ’687 patent describes “[A] user engagement with content refers to an indication that a user should be distinguished with respect to the content over another user. Such engagement may indicate an interest in the content or may simply indicate that the user wishes to be distinguished with respect to the content from other users

(e.g., other users who may have not engaged with the content or have engaged less with the content than the user). Each engagement may be awarded in exchange for user resources and may be graphically represented alongside the content (and/or in other user interfaces). In this manner, a first user who has more engagements than a second user may be differentiated by the system over the second user and may therefore be noticed by other users more so than the second user. Ex. 1001, 5:53–66.

Figure 4 of the '687 patent, reproduced below, illustrates a screenshot of a user interface 400 for uncapped engagement in a networked virtual environment, UI 400 may include a resource quantity indicator 402, a content portion 404, an engagement ranking 410, an option to initiate obtaining an engagement 420, an indication of the number of engagements 430, an option to view comments 440 relating to posted content. Ex. 1001, 13:27–32.

Resource quantity indicator 402 may display a number of resources available to a user for obtaining engagements (and other uses of the resources). Content portion 404 may display content that is posted by a user. Engagement ranking 410 may display the ranking of users based on the number of engagements they have obtained with respect to the content. Indication of the number of engagements 430 may display a number of engagements by all users relating to the content displayed in content portion 404. Ex. 1001, 13:33–52.

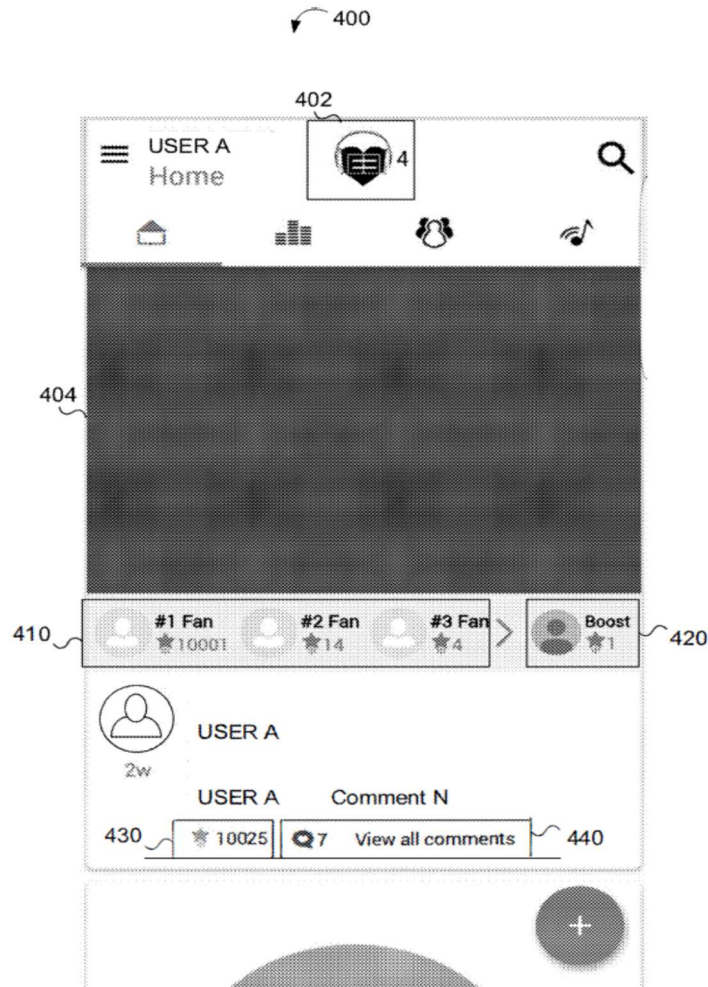


Fig. 4 of EX. 1001

B. Claim Construction

According to 37 C.F.R. §42.100(b), in an *inter partes* review, claim terms are construed using the same standard used in a civil action under 35 U.S.C. 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.

The ordinary and customary meaning of a term may be evidenced by a variety of sources, including the words of the claims themselves, the specification, drawings, and prior art. However, the best source for determining the meaning of a claim term is the specification – the greatest clarity is obtained when the specification serves as a glossary for the claim terms. The words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir.2004)

In accordance with these principles, Patent Owner submits that the terms of the '687 Patent are clear on their face. Patent Owner reserves the right to propose further construction if necessary.

III. LEVEL OF ORDINARY SKILL IN THE ART

For purposes of this Response, Patent Owner adopts Petitioner's proffered level of ordinary skill in the art because it comports with the technology and claims of the '687 Patent as well as the asserted prior art.

IV. THE ASSERTED PRIOR ART

A. Fuloria (Ex. 1004)

Fuloria relates to allowing users of a social networking system to promote specific social networking objects in exchange for payment. Ex.1004, Abstract.

In particular embodiments, promoted social networking objects may be called “super liked” social networking objects. In particular embodiments, social networking system 100 provides users a button for each story or piece of content allowing the user to “like” or “super-like” a given story or piece of content. Ex.1004, ¶ [0037]. 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].

B. Andler (Ex. 1005)

Andler discloses a “A method for displaying top fan status information relating to selected content in a social network. An item of content is selected in a social network application. An engagement score is determined for each of one or more first users. Each engagement score is based on interactions of each of the one or more first users with the selected item of content.” Ex.1005, Abstract.

[A] user's engagement score identifies a user's level of engagement/interaction with another user, website, resource, etc. To enable the engagement score to have some meaning, various different methods may be used to place the engagement score into the appropriate context. Ex.1005, ¶ [0164].

To add context/meaning to a user's engagement score, a user may be provided with a percentile ranking against some or all of a social network site. To provide such a context/comparison with respect to a social network site, statistical models may be used, e.g., Standard Score/Z-Score, Standard Deviation, and Percentile Ranking. Ex.1005, ¶ [0166].

A logical flow for displaying top fan status information relating to selected content in a social network includes an item of content is selected in a social network application; an engagement score for each of one or more first users is determined. Each engagement score is based on interactions of each of the first users with the selected item of content. The engagement score may further based on whether additional users have accessed the item of content based on the interaction of one of the first users, interaction other than consumption of the content (e.g., the creation of a mix that includes or is associated with the item of content), etc. Alternatively or in addition, the engagement score may increase more when additional users have accessed the item of content based on such an interaction compared to an increase of the engagement score resulting from other types of interactions with the item of content. Ex.1005, ¶¶ [0204]-[0206].

C. WO '100 (Ex. 1011)

WO '100 describes a “system for facilitating user engagement with a high profile person or brand including program logic defining a content message service

that facilitates engagement of a user with a high profile person.” (Ex. 1011, Abstract).

WO ’100 describes “a plurality of users can join forces to elevate a content message to [a high profile person (“HPP”)]. In some embodiments, this is done by ‘tapping’ other fans in an HPP community who have created similar content messages.” Ex. 1011, ¶ 60.

D. Bartholomew (Ex. 1012)

Bartholomew, titled “Scalable Networked Computing System for Scoring User Influence in an Internet-Based Social Network.” Bartholomew describes allowing “users within a community [to] come together for a common cause, topic or subject matter, such as friends like Facebook, profession[s] like doctors or contractors, social causes like giving, health, community, etc.” Ex. 1012, ¶ 300. “Users can transfer credits to their friends (other users) to help them out as socially responsible and gifting within the network.” Ex. 1012, ¶ 312. “Users may be incented to gift and system credits can be transferred to the user that creates the gift as a way to encourage social responsibilities. Social initiatives can be launched within the social network in which user can donate credits to a cause.” Ex. 1012, ¶ 312.

E. Kirk (Ex. 1008)

Kirk relates to a computerized incentive system. Ex. 1008, ¶ 3. Kirk described “individuals with social media accounts (users) can earn points for interacting with various social media sites according to parameters set by a sponsor.” Ex. 1008, Abstract. “The systems can employ different point scales based on multiple factors and use complex interdependent methods for assigning point valuations for different social media activities.” Ex. 1008. ¶ 8. “Types of points can include those awarded based on a user’s actual posting (‘direct points’), and those awarded based on subsequent engagement by another user (‘indirect points’), and those awarded based on a series of engagements (‘conversational points’).” Ex. 1008. ¶ 34.

F. Cheung (Ex. 1009)

Cheung relates to method and apparatus for managing search listings in a search database include storing one or more search listings for an advertiser. Cheung’s “system receives from the advertiser identification information for a search listing and a desired rank for the identified search listing, a maximum cost per click for the search listing, or both” Ex. 1009, Abstract. Advertisers can instruct their agent to “Keep me in the top-ranked position, unless the cost per click (CPC) required is more than \$1.00 to do so.” Ex. 1009, 5:38–40.

V. The Petition Fails to Demonstrate That There Is a Reasonable Likelihood That Any Challenged Claim is Unpatentable

Petitioner has failed to carry its burden to show a *prima facie* case of obviousness under 35 U.S.C. § 103 by not properly addressing the *Graham* factors: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of non-obviousness, i.e., secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

The Board has held that a failure to identify the differences between the claimed subject matter and the prior art is fatal to an obviousness challenge. See, *Apple, Inc. v. Contentguard Holdings, Inc.*, IPR2015-00355, Decision Denying Institution of *Inter Partes* Review, Paper 9 at 9-10 (P.T.A.B. June 26, 2015 (denying institution for failure to identify the differences between the claimed subject matter and the prior art)).

A. Petitioner Fails to Establish in Ground 1 that Challenged Claims 1-3, 5-6, 13-15, and 17-18 Are Obvious Over Fuloria in View of Andler

1. Claim 1

Independent claim 1 has been divided into elements for consideration by the Petitioner as follows:

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

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

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

[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,

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

[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;

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

[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;

[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;

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

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

[1l] provide, in the user interface, an indication of the third number of engagements.

a. Element [1e]

Fuloria in View of Andler does not teach the element [1e].

To argue that Fuloria discloses element [1e], Petitioner proffers that:

Regarding the term engagement, 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. (Citing Ex. 1001, 5:53-55 and Ex. 1002, ¶41). Pet. 11.

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. (Citing Ex. 1002, ¶83). Pet.29-30.

Petitioner contends that “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.” Pet. 32.

To explain that “super-like” is “a number of engagements,” Petitioner explains: 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); 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). Pet. 33.

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).

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). Pet. 33-34.

Petitioner then concludes: 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). Pet., 34.

Patent owner respectfully submits that Petitioner errs on confusing “a number of resources” with “a number of engagements.”

The ’687 Patent defines “engagement” as “**an indication** that a user should be distinguished with respect to the content over another user. Such engagement may indicate an interest in the content or may simply indicate that the user wishes to be distinguished with respect to the content from other users (e.g., other users who may

have not engaged with the content or have engaged less with the content than the user).” Ex. 1001, 5:53-60.

Regarding resources, the ’687 Patent describes that “A user resource may include a system-provided resource (e.g., virtual currency) or other types of resources (e.g., real currency such as fiat money, commodity money, digital currency, etc.). A user may acquire resources in various ways such as, without limitation, purchasing a resource using real currency, earning resources by performing certain actions with respect to the system, receiving resources from another user (e.g., as a donation or gift), and/or other ways.” Ex. 1001, 7:63- 8:2.

The ’687 Patent describes the relationship between resource and engagement as “each engagement may be awarded in exchange for user resources and may be graphically represented alongside the content (and/or in other user interfaces). In this manner, a first user who has more engagements than a second user may be differentiated by the system over the second user and may therefore be noticed by other users more so than the second user.” Ex. 1001, 5:60-66.

An embodiment of the ’687 Patent depicts “a display option configured to receive a request to obtain a number of engagements with respect to the networked content item” as follows:

FIG. 5 (reproduced below) depicts a screenshot of a user interface **500** for uncapped engagement in a networked virtual environment. For example, option **510**

is an objective-based engagement option that, as illustrated, when selected causes a number of engagements to be obtained by the user that results in the user being the top ranked user. For example, if the user must obtain 1000 engagements to be the number one (or other top N) user, option **510**, when selected, may cause the user to obtain 1000 engagements. Option 520 is an example of a single engagement option. Option 520, when selected, causes a single engagement to be obtained by the user. Other types and numbers of engagement options may be provided as well. Ex,1001, 13:57-14:4.

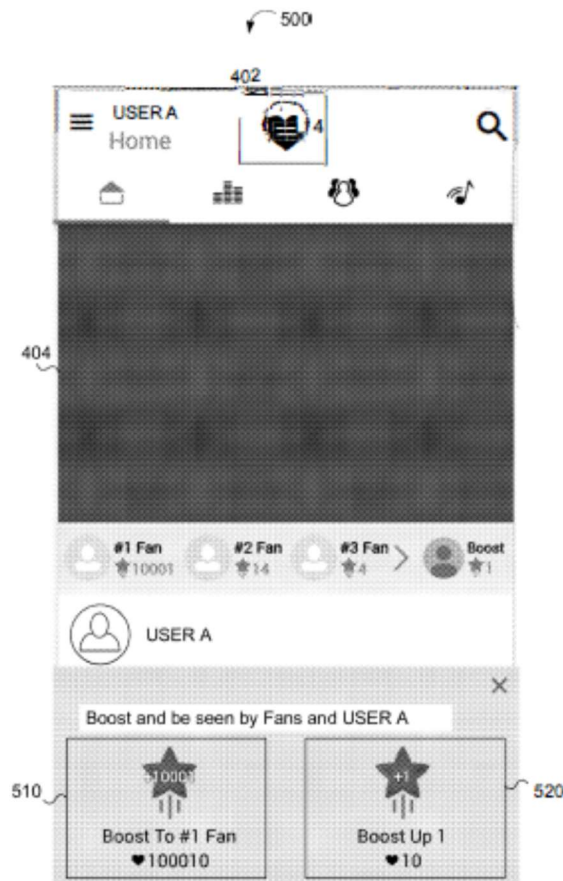


FIG. 5
Fig. 5 of Ex.1001

Regarding “a single engagement option” and “a multi engagement option,” the ’687 Patent depicts “A single engagement option may include an option to engage one time (in exchange for an amount of resources for the single engagement). A multi engagement option may include an option to engage a number of times greater than one (in exchange for an amount of resources for the multi engagement, which may be an integer multiple of the cost of a single engagement or be offered at a discount)” Ex1001, 2:26-32.

The cited portions of the ’687 Patent show that engagement can be awarded in exchange for user resources, an amount of resources can be paid for a single engagement, a number of engagements may be an integer multiple of the cost of a single engagement or be offered at a discount. The difference in quantity of engagements can indicate that the user wishes to be distinguished with respect to the content from other users. For example, in Figure 5, #1 fan obtains 10001 engagements while #2 fan obtains 14 engagements.

Patent owner admits that Fuloria discloses “a display option configured to receive a request to obtain engagement with respect to the networked content item, but not a request to obtain a number of engagements.

First, Fuloria discloses that a user can request to “super-like” a networked content item. 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.

Second, Fuloria discloses that a user can super-like content in exchange for payment of resources such as credits.

“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.

Although the cited portion of Fuloria shows that “super-like”(can be regarded as engagement) can be awarded in exchange for a mount of resources. Fuloria quantizes the resource, but does not quantize the “super-like,” that is, although the “super-like” can spend same number of resource (“a predetermined number of credits,” Ex. 1004, ¶0038) or different number of resource (“based on the delivery,” Ex. 1004, ¶0038), a user can only obtain unquantified “super-like,” that is, there is no “single super-like” and “a number of super-likes.”

Thus, Fuloria does not disclose “a number of engagements.”

The rationale that “super-like” cannot be equated with “a number of engagements” is that they have different functions.

The ‘687 Patent depicts several functions of engagement, (see Ex.1001, 2:58-4:51). Wherein, the functions of quantified engagements are not only facilitating the given user being noticed by other users, but also spurring competition among the users to achieve higher numbers of engagements through expending more resources. As the ‘687 Patent depicts as:

[P]ublishing the engagement information may publicize a given user's engagements to other users, which may not only facilitate the given user being noticed by other users, but also spur competition among the users to achieve higher numbers of engagements. Publishing the engagement information may also indicate a level of user interest in a given social media content item in an uncapped manner. Thus, a given user who expends more resources to engage with respect to a given social media content item may not only get noticed by other users (including by the posting user who posted the social media content item if the posting user is different than the given user), but also express a level of interest in the given social media content item. Ex.1001, 3:1-13.

On the other hand, the function of Fuloria’s “super-like” is to promote the engaged networked content item. As Fuloria explains, in particular embodiments,

promoted social networking objects may be called “super liked” social networking objects. Ex. 1004, ¶0037.

In step 402 the “super-liked” or promoted social networking object is transmitted to sponsored story system 304. The “super-liked” story is priced and directed toward users in a similar manner as a social ad. Ex. 1004, ¶0039.

In particular embodiments, the advertisement system adjusts the display of the “super-liked” story based upon social factors as well as the real-world value of the credits paid. Ex. 1004, ¶0057.

The cited portion of Fuloria shows that when “super-liked” is engaged to a networked content item, the networked content item is promoted (directed toward users in a similar manner as a social ad), the purpose of “super-liked” is to promote networked content item, not to promote a user (facilitating the given user being noticed by other users), nor to spur competition among the users to achieve higher numbers of engagements, so there is no need to show difference in quantity of “super-liked.” Although different promotion of “super liked” social networking objects can be based on different amount of resource (such as real-world value of the credits paid), the difference should only be known between the user who initial “super-liked” and the promotion system, other users need not know different amount of resource on “super liked” social networking objects.

Petitioner’s argument that in Fuloria, “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,” only show that “super-liked” promotion may increase other users engagement with respect to that content item (through promote the content item to reach to other users so that they have chance to engage with it). The argument has no nexus with “a number of engagements.”

Petitioner’s argument that Fuloria teaches a user can adjust the scope of the “super-like” to last longer or reach more users, thus changing the price and affecting the “number” (quantification) of offered engagements. As set forth above, since Fuloria quantizes the resource, but does not quantize the “super-like,” changing the price can only affecting the “number” of resources, not the “number” of offered engagements.

Petitioner does not assert that Andler teaches the element [1e].

Therefore, Fuloria in view of Andler does not teach the element 1[e].

b. Element [1f]

Fuloria in view of Andler does not teach the element [1f].

Element [1f] recites “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.”

As set forth in element [1e], since Fuloria quantizes the resource, but does not quantize the “super-like,” a user can not obtain a number of engagements in exchange for a amount of resource, therefore, Fuloria does not teach element [1f].

Petitioner is aware that a user cannot obtain a number of engagements in exchange for an amount of resource, and argues that 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. (Citing Ex. 1002, ¶94). Pet, Pages 35-36. But even in the case for multiple different users (a first user and a second user) to feature or “super-like” the same content item, each user can only obtain an unquantized “super-like,” Fuloria still does not teach element [1f].

Petitioner does not assert that Andler teaches the element [1f].

Therefore, Fuloria in view of Andler does not teach the element [1f].

c. Element [1h]

Fuloria in View of Andler does not teach the element [1h].

Element [1h] recites “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.”

As set forth under claim element [1e], Fuloria’s system cannot receive a request to obtain **a number of engagements** relating to a networked content item. the user interface only shows an unquantized “super-like,” Fuloria’s thus does not teach “an indication to obtain a third number of engagements,” Fuloria thus does not teach element [1h].

Petitioner does not contend that Andler teaches the element [1h].

Therefore, Fuloria in view of Andler does not teach the element [1h].

d. Element [1i]

Element [1i] recites “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.”

Petitioner asserts that “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.” 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). (Citing Ex. 1004, ¶0038), Pet., 37-38.

As set forth under claim element [1e], “super-like” can be awarded in exchange for a mount of resources. Fuloria quantizes the resource, but does not quantize the “super-like,” although the “super-like” can spend different number of resource, a user can only obtain unquantified “super-like,” that is, Fuloria does not disclose “obtain the third number of engagements by multiplying the amount of resources required for a single engagement with the third number.”

Petitioner also provides an example to support the argument, “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.” (Citing Ex. 1002, ¶99). Pet., 38.

Patent owner respectively submits that Petitioner errs on confusing “super-like” with “like.”

Fuloria depicts “like” and “super-like” as,

In particular embodiments, social networking system 100 provides users a button for each story or piece of content allowing the user to “like” or “super-like” a given story or piece of content. In particular embodiments, the “super like” button is a pop-up dialog box that appears after a user has “liked” a social networking object prompting the user as to whether he or she would like to feature or “super like” the content for a given price. Ex.1004, ¶0037. When a user clicks the “super-like” or

promotion button, the account associated with the user may be debited a predetermined number of credits. Ex.1004, ¶0038.

The cited portion of Fuloria shows that obtaining “super like” need resource to exchange, but obtaining “like” need no resource, thus Fuloria does not teach the example about “like” provided by Petitioner.

Fuloria thus does not teach element [1i].

Petitioner does not assert that Andler teaches the element [1i].

Therefore, Fuloria in view of Andler does not teach the element [1i].

e. Fuloria in view of Andler does not render claim 1 obvious.

Petitioner fails to undertake a Graham analysis, because Petitioner’s combination of Fuloria and Andler lacks evidence of crucial limitations of claim 1, such as the elements [1.e], [1.f], [1.h] and [1.i], Although Petitioner asserts “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.” Pet., 16, since Petitioner fails to undertake a Graham analysis, the motivation of combination is problematic. Therefore, combination of Fuloria and Andler does not render claim 1 obvious because it has not established its *prima facie* case, since “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003).

2. Claims 2-3, 5-6

Claims 2-3, 5-6 depend from claim 1 and are not obvious over Fuloria in view of Andler for at least the same reasons.

3. Claim 13

Claim 13 is a method claim which corresponds to system claim 1. Fuloria in view of Andler does not render obvious a corresponding method being implemented on the computer system.

4. Claims 14-15, 17-18

Claims 14-15, 17-18 depend from claim 13 and are not obvious over Fuloria in view of Andler for at least the same reasons.

B. Petitioner Fails to Establish in Ground 2 that Challenged Claims 11 and 23 are Obvious Over Fuloria in view of Andler, and WO '100

1. Claim 11

Independent claim 11 has been divided into elements for consideration by the Petitioner as follows:

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

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

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

[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;

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

[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,

[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

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

[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;

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

[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

[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.

a. Element [11d]

See Ground 1, claim element [1e] analysis, Fuloria in view of Andler does not teach “a display option configured to receive a request to obtain a number of engagements with respect to the networked content item” in element [1e], similarly, Fuloria in view of Andler does not teach “a display option configured to receive a request to obtain **engagements** with respect to the networked content item” in Element [11d].

Petitioner does not contend that WO '100 teaches the element [11d].

Therefore, Fuloria in view of Andler and WO '100 does not teach the element [11d].

b.Element [11f]

See Ground 1, claim element [1h] analysis, Fuloria in view of Andler does not teach Fuloria's “an indication to obtain a third number of engagements,” similarly,

Fuloria in view of Andler does not teach “an indication to obtain a first plurality of engagements” in element [11f].

Petitioner does not contend that WO '100 teaches the “an indication to obtain a first plurality of engagements” in Element [11d].

Therefore, Fuloria in view of Andler and WO '100 does not teach the element [11f].

c.Element [11g]

Similar to analysis of claim element [11f], Fuloria in view of Andler does not teach “an indication to obtain a first plurality of engagements” in element [11g].

Petitioner does not contend that WO '100 teaches the “an indication to obtain a first plurality of engagements” in Element [11d]. WO '100 is employed to teach “together with at least a third user, different from the user, the first user, and the second user” in element [11g]. Pet., 51-52.

Therefore, Fuloria in view of Andler and WO '100 does not teach the element [11g].

d. Fuloria in view of Andler and WO '100 Does Not Render Claim 11 Obvious

Petitioner's combination of Fuloria, Andler and WO '100 lacks evidence of crucial limitations of claim 11, such as the elements [11d], [11f] and [11g].

Therefore, the combination of Fuloria, Andler and WO '100 does not render claim 11 obvious.

2. Claim 23

Claim 23 is a method claim which corresponds to system claim 11. Fuloria in view of Andler and WO '100 does not render obvious a corresponding method being implemented on the computer system.

C. Petitioner Fails to Establish in Ground 3 that Challenged Claims 12 and 24 are Obvious Over Fuloria in view of Andler, and Bartholomew

1. Claim 12

Independent claim 12 has been divided into elements for consideration by the Petitioner as follows:

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

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

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

[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;

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

[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;

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

[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;

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

[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

[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;

[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

[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.

a. Element [12d]

Regarding element [12d], Petitioner asserts “[S]ee Ground 2, claim element [11d] analysis.” Pet., 58.

See Ground 2, claim element [11d] analysis, Fuloria in view of Andler does not teach “a display option configured to receive a request to obtain engagements” in element [11d]. similarly, Fuloria in view of Andler does not teach “a display option configured to receive a request to obtain engagements” in Element [12d].

Petitioner does not contend that Bartholomew teaching Element [12d]. Therefore, Fuloria in view of Andler and Bartholomew does not teach the element [12d].

b. Element [12f]

Regarding element [12f], Petitioner indicates “[S]ee Ground 2, claim element [11f] analysis.” Pet., 58.

See Ground 2, claim element [11f] analysis, Fuloria in view of Andler does not teach “an indication to obtain a first plurality of engagements” in Element [11f]. similarly, Fuloria in view of Andler does not teach “an indication to obtain a first plurality of engagements” in Element [12f].

Petitioner does not assert that Bartholomew teaches the ““a display option configured to receive a request to obtain engagements with respect to the networked content item.”

Therefore, Fuloria in view of Andler and Bartholomew does not teach the element [12f].

c. Fuloria in view of Andler and Bartholomew Does Not Render Claim 12 Obvious

Petitioner’s combination of Fuloria, Andler and Bartholomew lacks evidence of crucial limitations of claim 12, such as the elements [12d] and [12f]. Therefore, the combination of Fuloria, Andler and Bartholomew does not render claim 12 obvious.

2. Claim 24

Claim 24 is a method claim which corresponds to system claim 12. Fuloria in view of Andler and Bartholomew does not render obvious a corresponding method being implemented on the computer system.

D. Petitioner Fails to Establish in Ground 4 that Challenged Claims 4 and 16 are Obvious Over Fuloria in view of Andler, and Kirk

Claim 4 depends from claim 1, claim 16 depends from claim 13, claims 4 and 16 have similar language.

In Ground 4, Petitioner challenges claims 4 and 16 using the combination of Fuloria, Andler, and Kirk. Petitioner's position in Ground 4 turns on the fundamentally false assertion that the proposed combination of Fuloria and Andler can teach or suggest all of Patent Owner's independent claim features.

Petitioner does not argue that Kirk cures the deficiencies noted above with respect to Fuloria and Andler regarding claims 1 and 13. Instead, Kirk is cited for teaching additional elements in claims 4 and 16 (see, e.g., Petition, 63-64).

Thus, the combination of Fuloria and Andler and Kirk does not teach [1.e], [1.f], [1.h] and [1.i] as required by claim 1, claim 4 depends from claim 1 and is not obvious over Fuloria in view of Andler and Kirk for at least the same reasons.

Similarly, claim 16 is not obvious over Fuloria in view of Andler and Kirk.

E. Petitioner Fails to Establish in Ground 5 that Challenged Claims 7-10 and 19-22 are Obvious Over Fuloria in view of Andler, and Cheung

Claims 7-10 depends from claim 1, claims 19-22 depends from claim 13.

In Ground 5, Petitioner challenges claims 7-10 and 19-22 using the combination of Fuloria, Andler, and Cheung. Petitioner's position in Ground 5 turns

on the incorrect assertion that the proposed combination of Fuloria and Andler can teach or suggest all of Patent Owner's independent claim features.

Petitioner does not argue that Cheung cures the deficiencies noted above with respect to Fuloria and Andler regarding claims 1 and 13. Instead, Cheung is cited for teaching additional elements in claims 7-10 and 19-22 (see, e.g., Petition, 68-71).

Thus, the combination of Fuloria and Andler and Cheung does not teach [1.e], [1.f], [1.h] and [1.i] as required by claim 1, claims 7-10 depend from claim 1 and are not obvious over Fuloria in view of Andler and Cheung for at least the same reasons.

Similarly, claims 19-22 are not obvious over Fuloria in view of Andler and Cheung.

VI. CONCLUSION - CLAIMS 1-24 ARE PATENTABLY DISTINCT FROM THE PETITION PRIOR ART

Claims 1-24 are therefore patentably distinct over the prior art of record.

Dated: August 20, 2025

Respectfully submitted,

/Jacob B. Henry/
Registration No.: 61,093
5020 Montrose Blvd, Suite 800
Houston TX 77006
Telephone: (832) 454-1456
Fax: (832) 900-4941
jhenry@rameyfirm.com
uspto@rameyfirm.com

Attorney for Patent Owner

CERTIFICATE OF WORD COUNT

Counsel for Patent Owner hereby certifies that the foregoing document -- not including material excluded under 37 C.F.R. 42.24(a)(1) -- contains 7324 words as calculated using the word count function of Microsoft Word.

Dated: August 20, 2025

/Jacob B. Henry/
Jacob B. Henry

CERTIFICATE OF SERVICE

I certify that on August 20, 2025, a true and correct copy of the foregoing document was served via email to the Petitioner by serving the correspondence email addresses of record as follows:

Lead Counsel Matthew A. Smith SMITH BALUCH LLP 700 Pennsylvania Ave SE Ste. 2060 Washington, DC 20003 (202) 669-6207 smith@smithbaluch.com	Back-Up Counsel Elizabeth Laughton SMITH BALUCH LLP 700 Pennsylvania Ave SE Ste. 2060 Washington, DC 20003 (202) 669-6207 laughton@smithbaluch.com
--	--

Dated: August 20, 2025

/Jacob B. Henry/
Jacob B. Henry