

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 SUR-REPLY TO

PETITIONER’S REPLY

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

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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, Petitioners have 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.”

Petitioner, challenging claims 1-24 of the ’687 patent, takes a somewhat scattered approach to obviousness without attempting to explain how a person of ordinary skill in the art (“POSITA”) would approach the problems in the art solved by the ’687 patent. Petitioner utilizes hindsight to combine prior art references without regard for their field of study but makes no mention of the significant hurdles to be overcome by doing so. Petitioner fails to meet its threshold burden of obviousness, that a POSITA would have been motivated to combine two or more references with a reasonable expectation of success. Petitioner’s arguments must fail.

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,” “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,” “receiving an indication from a user of the mobile device that at least one stored value item should be applied against the transaction,” and “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; 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.”

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

II. The Petition Fails to Demonstrate That Any Challenged Claim is Unpatentable

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

a. Petitioner fails to rebut PO's showing that the combination of *Fuloria* and *Andler* does not render obvious element [1e].

Element [1e] recites: a display option configured to receive a request to obtain a number of engagements with respect to the networked content item.

In POR, patent owner states that:

“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. POR,17.

The reply argues the Petition argued that when a user super-likes content in a social network, the user can target a certain number of engagements (e.g., regular likes or comments) by other users, and these engagements by other users are the “number of engagements” that are requested to be obtained. The Petition explains that the super-liked content item is prominently displayed—allowing other users to like it or comment on it. A user can pay more to increase the scope of the super-like, e.g., to present it for more time, to present it to more people, to present it more often, or to present it such that the super-like produces more engagements by others. (See, e.g., Ex-1004, ¶¶0057, 0038-0039). For example, under a “cost per click” payment model, a user may request to feature the content item until it receives 10 “likes” and then be charged per like. See Pet., 34-37; (Ex-1002, ¶¶90-93). As the Petition makes

clear, the interactions by other users—whether they be likes or comments or other interactions—are the claimed “engagements” under claim element [1e]. Reply, 6-7.

Under the Petition’s theory for claim element [1e], the amount of resources is what is paid for the super-like, but the engagements are the interactions (e.g., likes or comments) of other users obtained via the super-like. Reply, 8-9.

Patent Owner respectfully submits, that Petitioner construes the term “engagement” 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; Pet. 11). Under this construction, “engagement” refers to an indication of a user’s relationship to a content. Each user may have an engagement with respect to the content, and different engagements among different users reflect different relationships between the content and those users. Consequently, the aggregate or “sum” of engagements across multiple users is meaningless because it does not indicate that any particular user is distinguished with respect to the content relative to other users. Therefore, “number of engagements” in element [1e] is a user’s engagement number, not the sum of engagements across multiple users, other users can have different engagement numbers, such that the user is distinguished with respect to the content relative to other users.

Although in *Fuloria*, a user can pay more to increase the scope of the super-like, e.g., to present it for more time, to present it to more people, to present it more

often, a user can only obtain an unquantified “super-like” through spending resource, *Fuloria* does not teach that the interactions (e.g., likes or comments) of other users obtained via the super-like should be added to the “super-like” to get “a number of super-likes.”

Second, the phrase “**a display option configured to receive a request to obtain** a number of engagements” in Element [1e] indicates that the system provides a display option allowing a user to select a desired number of engagements. When the user makes this selection, the system receives a corresponding request to retrieve that specified number of engagements. which means the desired number of engagements is equal to the number of engagements the system provides. On the contrary, In *Fuloria*, a user cannot **select** a desired number of “super-likes” since there is only one “super-like” button the user can select, further, even according to Petition’s theory for claim element [1e], “the amount of resources is what is paid for the super-like, but the engagements are the interactions (e.g., likes or comments) of other users obtained via the super-like.” since the interactions (e.g., likes or comments) of other users are beyond the user’s control, the user cannot get a desired number of “super-likes.” the display option would be meaningless.

The reply further argues that:

Patent Owner also does not dispute that *Fuloria* in view of *Andler* renders obvious displaying a “first number of engagements” and a “second number of

engagements” as required under claim element [1d]. Thus, Patent Owner both (1) admits that *Fuloria* discloses a display option configured to receive a request to obtain an engagement, and (2) does not dispute under claim element [1d] that *Fuloria* in view of *Andler* renders obvious displaying a “first number of engagements” and a “second number of engagements.” Reply, 5.

Patent owner respectfully submits that although Patent owner admits that *Fuloria* in view of *Andler* renders obvious displaying a “first number of engagements” and a “second number of engagements” as required under claim element [1d], since *Andler* (not *Fuloria*) disclose displaying an engagement score (corresponding to number of engagements). ¶¶ [0163], [0164]. Patent owner does not admit that *Fuloria* discloses a display option configured to receive a request to obtain an engagement, because “a display option configured to receive a request to obtain an engagement” is different from “displaying a number of engagements.”

Andler discloses “displaying a number of engagements.” But “a display option configured to receive a request to obtain number of engagements” is a way to obtain the number of engagements. *Andler* discloses obtaining the number of engagements with other ways (based on interactions of each of the users with the selected item of content), not by “display option configured to receive a request to obtain a number of engagements.” Therefore, the Petition points to *Fuloria*.

As set forth above, *Fuloria* does not teach “a display option configured to receive a request to obtain a number of engagements with respect to the networked content item” either.

Therefore, the combination of *Fuloria* and *Andler* does not teach element [1e].

b. Petitioner fails to rebut PO’s showing that the combination of *Fuloria* and *Andler* does not render obvious 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* does not quantize the “super-like.” a user cannot obtain a number of engagements in exchange for a amount of resource, therefore, *Fuloria* does not disclose element [1f]. The reply does not argue that *Andler* teaches element [1f].

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

c. Petitioner fails to rebut PO’s showing that the combination of *Fuloria* and *Andler* does not render obvious 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].

The reply does not argue that *Andler* teaches element [1h].

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

d. Petitioner fails to rebut PO's showing that the combination of *Fuloria* and *Andler* does not render obvious 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.

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* thus does not teach "the third number of engagements." let alone "multiplying the amount of resources required for a single engagement with the third number."

The reply does not argue that *Andler* teaches 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.

Obviousness requires at least a suggestion of all limitations in a claim. See *In re Wada and Murphy*, citing *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) and *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

Fuloria in view of *Andler* does not render claim 1 obvious because the combination of *Fuloria* and *Andler* does not teach at least the elements [1e], [1f], [1h] and [1i].

The reply further argues that:

The Petition explains how 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. The Petition explicitly contends that "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." Pet., 17. The Petition explains that doing so would have incentivized users to further engagement and would distinguish them with higher visibility. See Pet., 18. Thus, the system of the proposed combination displays information regarding engagements obtained, and facilitates a given user being noticed by other users as well as spurs competition

among the users to achieve higher numbers of engagements through expending more resources. Reply, 10.

Patent owner respectfully submits that *Fuloria- Andler* combination does not disclose elements [1e], [1f], [1h] and [1i]. of the 687 Patent, particularly the element “obtain a number of engagements.” in order to bridge the gap, the Reply creates a theory for claim element [1e]—“the amount of resources is what is paid for the super-like, but the engagements are the interactions (e.g., likes or comments) of other users obtained via the super-like” Reply 8-9. But first, *Fuloria* does not disclose that “interactions (e.g., likes or comments) of other users obtained via the super-like” should be added to the user’s super-like. Second, as set forth above, to the extent that “interactions (e.g., likes or comments) of other users obtained via the super-like” can be added to the user’s super-like, *Fuloria* still does not disclose “a display option configured to receive a request to obtain a number of engagements” in element [1e]. Although *Fuloria* and *Andler* do not disclose elements [1e], [1f], [1h] and [1i], Reply uses claim 1 of the ‘687 Patent as a roadmap that the elements would have fit into the *Fuloria- Andler* combination, which is an exercise in impermissible hindsight analysis.

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

Similar to claim 1, the combination *Fuloria* and *Andler* does not teach claim elements [11d], [11f], and [11g]. The reply does not argue that *WO '100* teach the element [11d], [11f], and [11g] and only argues that that claims 11 and 23 do not include the claim language “number of engagements.” But in fact, claims 11 and 23 includes similar language such as “obtain engagements.” “a first plurality of engagements.” “a second plurality of engagements.”

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

Similar to ground 2 the combination *Fuloria* and *Andler* does not teach claim elements [12d] and [12f], The reply does not argue that *Bartholomew* teaches the element [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.

Reply 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 fundamentally false assertion that the proposed combination of *Fuloria* and *Andler* can teach or suggest all of Patent Owner's independent claim features.

Reply does not assert 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*.

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

Claims 1-24 are patentably distinct over the prior art of record. As explained herein, the Petition Prior Art does not describe all of the elements of claims 1-24.

Dated: December 22, 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 3004 words as calculated using the word count function of Microsoft Word.

Dated: December 22, 2025

/Jacob B. Henry/
Jacob B. Henry

CERTIFICATE OF SERVICE

I certify that on December 22, 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
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Dated: December 22, 2025

/Jacob B. Henry/
Jacob B. Henry