**CERTIFICATION AND REQUEST FOR CONSIDERATION OF AN INFORMATION DISCLOSURE STATEMENT FILED AFTER PAYMENT OF THE ISSUE FEE UNDER THE QPIDS PROGRAM**

| | |
|---|---|
| Non-Provisional Application Number: 13/364,950 | Filing Date: 02-02-2012 |
| First Named Inventor: David Walker Harper | Title of Invention: Managment of Information Content for Enhanced Accessibility Over Wireless Network |

**THE UNDERSIGNED HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION.**

1. Consideration is requested of the information disclosure statement (IDS) submitted herewith, which is being filed after payment of the issue fee.
2. Check the box next to the appropriate selection:

   ☐ Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS. See 37 CFR 1.97(e)(1).

   **OR**

   ☐ No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the IDS. See 37 CFR 1.97(e)(2).

   **OR**

   ☐ See attached certification statement in compliance with 37 CFR 1.97(e).
3. Please charge the IDS fee set forth in 37 CFR 1.17(p) to Deposit Account No. 50-6990.
4. A Petition to Withdraw from Issue After Payment of the Issue Fee (37 CFR 1.313(c)(2)), including the petition fee set forth in 37 CFR 1.17(h), is submitted herewith as a **Web-based ePetition**.
   **WARNING:** Do not submit the petition as a follow-on paper via EFS-Web. Submit the petition as a Web-based ePetition by signing on to EFS-Web as a registered user, selecting the radio button next to "Existing application/patent," and then selecting the radio button next to "ePetition (for automatic processing and immediate grant, if all petitions requirements are met)." Failure to use the Web-based ePetition interface will result in automatic entry of the RCE.
5. A request for continued examination (RCE) under 37 CFR 1.114 and the RCE fee under 37 CFR 1.17(e) are submitted herewith.
6. The RCE will be treated as a "conditional" RCE. In the event the examiner determines that any item of information contained in the IDS necessitates the reopening of prosecution in the application, the undersigned understands that (i) the RCE will be processed and treated as an RCE under 37 CFR 1.114 and therefore (ii) the IDS fee under 37 CFR 1.17(p) will be returned in accordance with 37 CFR 1.97(b)(4). In the event that no item of information in the IDS necessitates reopening prosecution, the undersigned understands that the RCE will not be processed and the RCE fee under 37 CFR 1.17(e) will be returned.
7. This certification and request is being filed as a **Web-based ePetition** and is not accompanied by an amendment to the application. Inclusion of an amendment will result in automatic entry of the RCE.

| | |
|---|---|
| Signature /s/Cono A. Carrano | Date 06-09-2023 |
| Name (Print/Typed) Cono A. Carrano | Practitioner Registration Number (If applicable) 39,623 |

***Note:*** *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.**

☐ *Total of _____ forms are submitted.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

# Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | |
|---|---|
| *In re* patent of David W. Harper, et al. | § Attorney Docket No.: 698162.0018 |
| U.S. Patent No. 8,793,336 | § |
| Issue date: July 29, 2014 | § Customer No.: 119831 |
| Filing Date: February 2, 2012 | § |
| For: Method, Apparatus And System For Management Of Information Content For Enhanced Accessibility Over Wireless Communication Networks | § § § § |

**REQUEST FOR *EX PARTE* REEXAMINATION**

Mail Stop *"Ex Parte* Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 35 U.S.C. §§ 301-307, Unified Patents, LLC ("Requester") hereby requests an *ex parte* reexamination of claims 1, 11, 15, and 27 (the "Challenged Claims") of U.S. Patent No. 8,793,336 ("the '336 Patent"), which issued on July 29, 2014 and expires on June 18, 2023.[1]

The '336 Patent matured from U.S. Patent Application No. 13/364,950 ("the '950 Application"), filed on February 2, 2012. The '336 Patent is a continuation of U.S. Patent No. 8,135,801 and has an earliest claim of priority to

[1] The '336 Patent is subject to a terminal disclaimer to its parent, U.S. Patent No. 8,135,801 ("the '801 Patent"), disclaiming any term of the '336 Patent (including any additional days of Patent Term Adjustment) beyond the statutory expiration date of the '801 Patent. EX1002 at 342.

Provisional Application 60/389,430, filed on June 18, 2002.[2] The '336 Patent is presently assigned to Mobile Data Technologies, LLC ("Mobile Data"). The assignment to Mobile Data is recorded in the U.S. Patent and Trademark Office ("USPTO" or "the Office") at reel/frame 061439/0690.

None of the primary references applied in this Request were before the Office during the prosecution of the '336 Patent.[3] Nor are these references cumulative of the prior art of record. Further, the presented invalidity grounds presented do not address any questions of patentability considered by the Office.

The Challenged Claims are invalid in view of the invalidity grounds presented below. Accordingly, Requester respectfully submits that an order for reexamination and an Office Action rejecting the Challenged Claims is warranted.

***Ex Parte Patent Reexamination Filing Requirements***

Pursuant to 37 C.F.R. § 1.510(b)(1), statements pointing out at least one substantial new question of patentability ("SNQ") based on material, non-cumulative reference patents and printed publications are provided in Section V of this Request.

Pursuant to 37 C.F.R. §§ 1.510(b)(2)—(3), reexamination of the Challenged Claims is requested, and a detailed explanation of the pertinence and manner of applying the applied references to the Challenged Claims is provided in Section V

---

[2] Because the '336 Patent has an earliest effective filing date before March 16, 2013, the pre-AIA provisions of Title 35 apply.

[3] While one secondary reference applied in this Request, U.S. Patent No. 7,802,207 *("Agboatwalla")* (EX1012), is cited on the face of the '336 Patent, this reference was neither cited by the Examiner nor applied during the '336 Patent's prosecution. *Agboatwalla* was instead among hundreds of other references submitted by the Applicant in numerous Information Disclosure Statements. EX1016. Further, the Office never considered the invalidity grounds presented herein, including *Agboatwalla* in combination with the other art applied herein.

and Exhibits AA-CC of this Request. Copies of every patent or printed publication relied upon or referred to in the statement pointing out each SNQ and/or in the detailed explanation of the pertinence and manner of applying the applied references are provided as Exhibits 1009-1012 of this Request.

Pursuant to 37 C.F.R. §1.510(b)(4), a copy of the '336 Patent is provided as Exhibit 1001, along with a copy of any disclaimer, certificate of correction, and reexamination certificate issued corresponding to the patent.

Pursuant to 37 C.F.R. § 1.510(b)(5), the attached Certificate of Service indicates that a copy of this Request, in its entirety, has been served on Patent Owner at the following correspondence address of record, in accordance with 37 C.F.R. § 1.33(c):

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

Requester hereby certifies that the statutory estoppel provisions of 35 U.S.C. § 315(e)(1) and 35 U.S.C. § 325(e)(1) do not prohibit Requester from filing this *ex parte* patent reexamination request. *See* 37 C.F.R. § 1.510(b)(6).

Also submitted herewith is the fee set forth in 37 C.F.R. § 1.20(c)(1).

## TABLE OF CONTENTS

Request For *Ex Parte* Reexamination ..... i
Table of Exhibits ..... vi
I. Introduction ..... 1
II. Legal Standard ..... 2
III. U.S. Patent 8,793,336 ..... 3
A. Overview ..... 3
B. '336 Patent Specification ..... 10
C. The Challenged Claims ..... 15
D. Prosecution History ..... 18
IV. Claim Construction ..... 20
A. *"mobile information channel"* ..... 21
V. Substantial New Questions of Patentability ..... 22
A. The Prior Applied Below Art Is Not Cumulative with the Prior Art of Record ..... 22
B. Identification of the Prior Art Patents and Printed Publications and Invalidity Grounds ..... 23
C. Grounds 1-2: Weiden Anticipates and/or Renders Obvious in view of the Knowledge of a POSITA Challenged Claims 1, 11, 15, and 27 ..... 27
1. Overview of Weiden ..... 27
2. Weiden is Analogous Art ..... 32
3. Weiden Presents Substantial New Questions of Patentability ..... 33
**D.** Ground 3: Alcorn in view of Read Renders Obvious the Challenged Claims ..... 35
1. Overview of Alcorn ..... 35
2. Alcorn is Analogous Art ..... 43
3. Overview of Read ..... 43
4. Read is Analogous Art ..... 50
5. Motivation to Combine Alcorn and Read ..... 51
6. Alcorn in View of Read Provides a Substantial New Question of

Patentability 55

E. Ground 4-5: Read Anticipates and/or Renders Obvious the Challenged Claims ..... 56

1. Overview of Read/Read is Analogous Art ..... 56

2. Read Presents a Substantial New Question of Patentability ..... 57

F. Ground 6: Read in view of Agboatwalla Renders Obvious the Challenged Claims ..... 58

1. Overview of Read/Read is Analogous ..... 58

2. Overview of Agboatwalla ..... 58

3. Agboatwalla is Analogous Art ..... 64

4. Motivation to Combine Read and Agboatwalla ..... 65

5. Read in view of Agboatwalla Present a Substantial New Question 70

VI. Detailed Application of the Prior Art to Every Claim for Which Reexamination Is Requested71

A. Proposed Rejection of the Challenged Claims .....71

1. Proposed Rejections 1 and 2.....73

2. Proposed Rejection 3 .....84

3. Proposed Rejections 4-5 .....99

4. Proposed Rejection 6 .....113

**B.** Secondary Considerations.....128

VII. Disclosure of Concurrent Litigation and Reexamination Proceedings.....128

VIII. Conclusion.....129

## TABLE OF EXHIBITS

| Exhibit | Descri ' tion |
|---|---|
| | |
| EX1001 | U.S. Patent No. 8,793,336 ("the '336 Patent") |
| EX1002 | File History of the '336 Patent |
| EX1003 | Declaration of Dr. Andrew Wolfe ("Wolfe Decl.") |
| EX1004 | U.S. Patent No. 8,135,801 ("the '801 Patent") |
| EX1005 | File History of the '801 Patent |
| EX1006 | File History of *Inter Partes* Reexamination of the '801 Patent |
| EX1007 | U.S. Patent No. 7,908,342 ("the '342 Patent") |
| EX1008 | File History of the '342 Patent |
| EX1009 | PCT App. Pub. No. WO 01/72002 *("Weiden")* |
| EX1010 | PCT App. Pub. No. WO 01/93069 *("Read")* |
| EX1011 | PCT App. Pub. No. WO 01/01372 *("Alcorn")* |
| EX1012 | U.S. Patent No. 7,802,207 *("Agboatwalla")* |
| EX1013 | Complaint, *Mobile Data Technologies LLC,* Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022) |
| EX1014 | *Mobile Data Technologies LLC,* Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022), Plaintiff's Claim Chart for Asserted U.S. Patent No. 8,793,336 |
| EX1015 | U.S. Provisional Application 60/340,405 ("Agboatwalla") |
| EX1016 | Final Written Decision in IPR2018-01131 |
| EX1017 | Final Written Decision in IPR2018-01132 |
| Ex. AA | Claim Charts for Grounds 1-2 |
| Ex. **BB** | Claim Charts for Grounds 4-6 |

| Exhibit | Descri ' tion |
|---|---|
| | |
| Ex. CC | Claim Charts for Ground 3 |

## I. INTRODUCTION

The '336 Patent is part of a family of nine patents. Two family members -U.S. Patent Nos. 8,135,801 ("the '801 Patent") and 7,908,342 ("the '342 Patent") —have been the subject ofpost-grant challenges before the Office. EX1001, Title Page; *see also* EX1006, EX1008. As a result of the challenges, all issued claims of the '801 and '342 Patents have been canceled.[4]

The '801 Patent (the direct parent of the '336 Patent) was the subject of *inter partes* reexamination number 95/001,989, filed on May 14, 2012. *See* EX1006. The Examiner's determination that all 20 claims of the '801 Patent were invalid was upheld on appeal by both the Board of Patent Appeals and Interferences and the Federal Circuit. *Id.* The reexamination certificate canceling all claims issued on June 15, 2018. EX1006.

The similarities between the '336 Patent Challenged Claims and the '801 Patent claims are instructive to this Request. *See generally* EX1001, EX1004. During the '336 Patent's prosecution, the Examiner issued an obviousness-type double patent rejection, finding all pending claims to be obvious over the now-canceled claims of the '801 Patent. EX1002 at 54-58. The Applicant overcame the double patenting rejection via terminal disclaimer to the '801 Patent. EX1002 at 48.

In the '336 Patent Notice of Allowance, the Examiner identified the following three limitations as allegedly not disclosed in the "closest prior art of record":

---

[4] The '342 Patent (the direct parent of the '801 Patent) was the subject of two *inter partes* reviews ("IPRs"), IPR2018-01131 and -01131, which together challenged all of the claims of the '342 patent. The Patent Trial and Appeal Board ("PTAB") found all challenged claims invalid and the Federal Circuit affirmed the PTAB's Final Written Decisions. EX1019.

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

EX1002 at 14.

However, as discussed herein, each and every limitation of the Challenge Claims, including the limitations identified above, are anticipated and/or rendered obvious in view of the prior art applied in this Request.

## II. LEGAL STANDARD

In general, a "substantial question of patentability" exists when:

> [...] there is a substantial likelihood that **a reasonable examiner would consider the prior art** patent or printed publication **important** in deciding whether or not the claim is patentable.

MPEP § 2242 (emphasis added).

A SNQ exists when a reasonable examiner would consider the prior art "important" and "the same question of patentability" has not already been decided by: (1) the Office in an earlier examination, reexamination, or supplemental

examination or (2) a federal court in a final holding of invalidity (after all appeals). *Id.*

A request only needs to identify an SNQ with respect to one challenged claim for reexamination to be ordered. *Id.* Further, it is not necessary that a request for reexamination establish a *prima facie* case of unpatentability with respect to the challenged claims. *Id.* An SNQ can exist, "even if the examiner would not necessarily reject the claim as either fully anticipated by, or obvious in view of the prior art applied in a request. *Id.* (emphasis added) (citing *In re Etter,* 756 F.2d 852, 857 n.5 (Fed. Cir. 1985)).

## III. U.S. PATENT 8,793,336

### A. Overview

The '336 Patent is generally directed to "creating, publishing, distributing or otherwise managing information content." EX1001 at 1:23-25, 1:31-40.[5]

In general, the '336 Patent discloses systems and methods for generating "mobile websites" that can be viewed by existing internet-enabled mobile devices *(e.g.,* mobile telephones, personal digital assistants, PDAs, etc.). *Id.* In particular, these "mobile websites" permit "messaging" and/or "collaboration" between users. *Id.*

The '336 Patent alleges that conventional "techniques for information content management" in "network-based communication systems" suffered from drawbacks such has the "failure to provide suitable integration of messaging, collaboration . . . or other wireless networking functionality with the generation of shared information content." *Id.,* 1:41-53; 1:54-67. According to the '336 Patent, "it [was] generally not

[5] Copies of the '336 Patent and its file history are provided as Exhibits 1001 and 1002, respectively.

possible for different mobile device users to link to and take further action on a persistent version of a given set of shared information content." *Id.,* 1:54-67.

The '336 Patent purports to address these alleged shortcomings via "content management and mobile websites" that are accessible via a "a network-based communication system 10."[6] *See id.,* 2:13-31, 5:11-34; Fig. 1A-D, 6-17.

Specifically, the '336 Patent provides a "content management site" comprising a series of web pages that allow the user to identify the information and/or content that the user wants to be displayed on a "mobile website." *Id.* 5:1830, 13:40-50; Fig. 1D, 2, 3, 6-17.[7] The organization of the various pages of the "content management site" is shown in Figures 2-3. *See* EX1001, 11:24-39, Fig. 23. Examples of these "pages" are illustrated in Figures 6-17.

Figure 8 below illustrates "an example of a main menu page" of a "content management site." As shown below the "main menu page" *(i.e.,* the figure as a whole) that includes, *inter alia,* "information 802" identifying user account information,

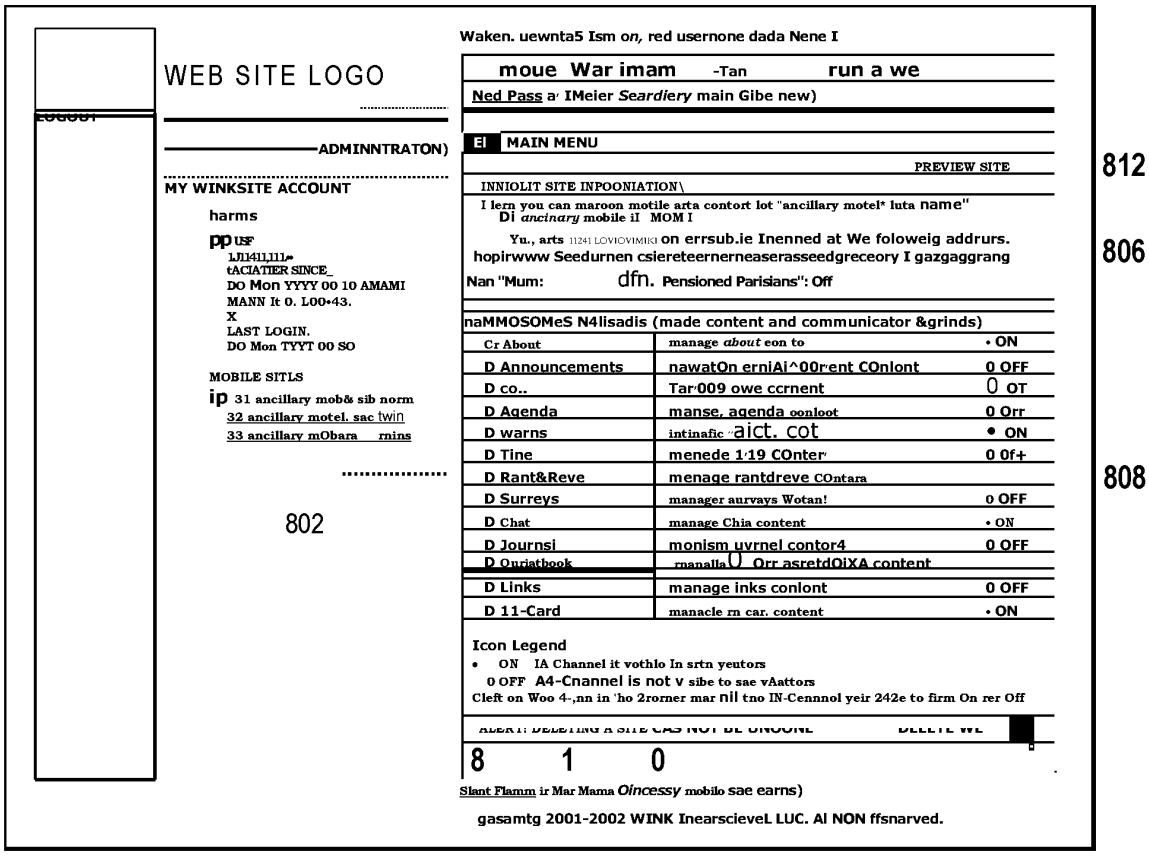
[6] Generally, the "content management site" is stored on one or more "servers 16" of the "network-based communication system 10" depicted in Figure 1A. A more detailed discussion of the structure, function, and operation of the "network-based communication system 10" and its components is provided below in Section **III.B.**

[7]

"page navigational links 804," "mobile website information 806," "mobile information 808," and a "delete site field 810." EX1001, 13:40-50.

*FIG. 8*

804



As shown above, Figure 8 includes a list of "mobile information channels 808" (also referred to as "M-Channels") that a user can turn "on" or "off." *Id.*

| **username's M-Channels** (mobile content and communication channels) | | |
|---|---|---|
| D About | manage about content | U ON |
| D Announcements | manage announcement content | . OFF |
| D Core | manage core content | • OFF |
| D Agenda | manage agenda content | El OFF |
| D Notes | manage notes content | ON |
| D Zino | manage zine content | • OFF |
| D Rant&Reve | manage rant&rave content | --Z1—CIF.6" |
| D Surveys | manage surveys content | . OFF |
| D Chat | manage chat content | El ON |
| D Journal | manage journal content | • OFF |
| D Guestbook | manage guestbook content | • OFF |
| D Links | manage links content | . OFF |
| D M-Card | manage m-card content | U ON |

Icon Legend:
ON : M-Channel is visible to site visitors.
El OFF : M-Channel is not visible to site visitors.
Click on the icxvi in the same row as the M-Channel you wish to turn On or Off

The '336 Patent broadly refers to these "mobile information channels" as the communication of information or content that can be displayed on a "mobile website." *Id. 5:10-30.* Disclosed examples of "mobile information channel" include:

> mobile ID/business card . . . announcements, chat, events, guest book, diary/journal, bookmarks/links, discussion forum, survey/poll, newsletter/zine, notes, email, address book,

> contribute/donate, mobile volunteer management, company directory, in/out board, field reports, feedback, form builder, live data/in-out syndication, mobile document library, products catalog/shopping cart, services catalog/shopping cart, appointments, task list/assignments, promotions, offers, coupons, sweepstakes, contests, photo blog, etc.

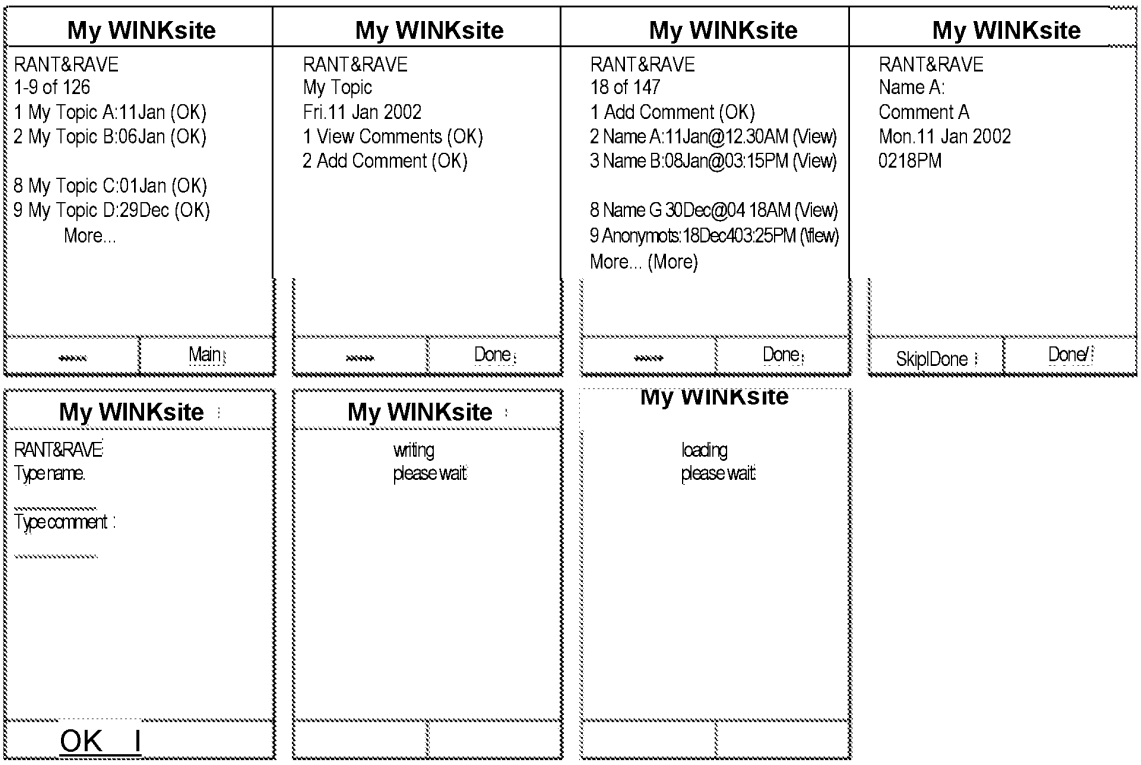
EX1001, 8:27-41.

The user can then specify the information for a given "M-channel" by clicking the corresponding "manage" link displayed above. *Id.*

Once a user has entered all of the pertinent information into the various web pages of the "content management site" *(e.g.,* the "main menu" page of Figure 8) the system generates a "mobile website" or "Winksite" to display the information.[8] EX1001, 5:16-30, 10:18-24, 16:5-18:7.

An exemplary "mobile website" displaying a "Rant&Rave" "M-Channel" is shown below in FIG. 25h.

*FIG. 25h*




As disclosed, the "mobile websites" may allow for content to be "distributed, collaborated with or acted upon by users of mobile devices." For example, Figure

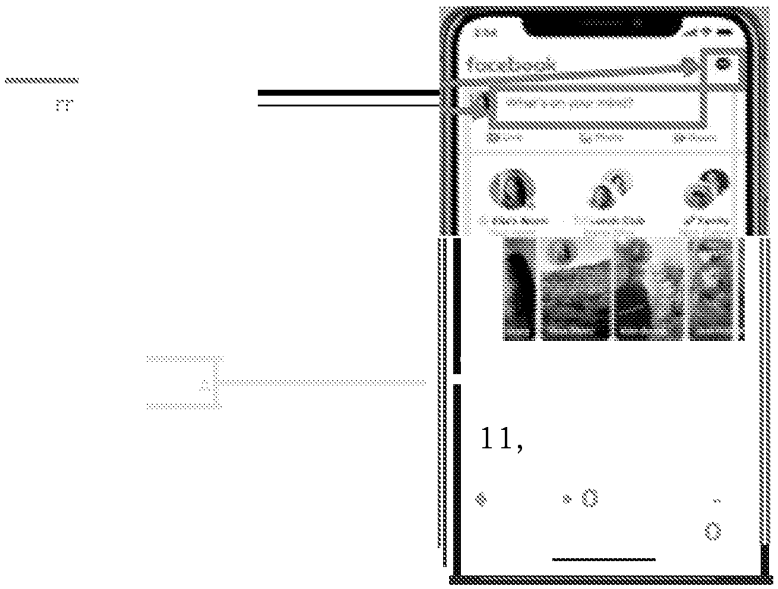
---

Throughout, the '336 Patent refers to these "mobile websites" interchangeably as "Winksites," where "Wink," "may be viewed generally as a shortened form of the term "wireless ink," reflecting the wireless content management aspects of the invention." *Id.,* 9:51-65.

25h above allows visitors to "mobile website" to view and add comments. *See, e.g.,* EX1001, Figure 25h.

In its pending district court litigation, Patent Owner asserts Challenged Claims 1 and 15 against Meta's Facebook social media applications and software, including Facebook's mobile app and in-app browser. EX1013 at ¶¶ 86, 88. In particular, Patent Owner alleges that the accused social media functionality "allow[s] users to share user-created content with other users via mobile devices through a computerized network." EX1013 at ¶ 87.

By way of example, for Challenged Claims 1 and 15, Patent Owner identified the home screen of a first user's Facebook account as the claimed *'first web-based user interface"* (annotated as "area A" in the figure below).[9]




Screen capture from mottle deuce using the Facebook app

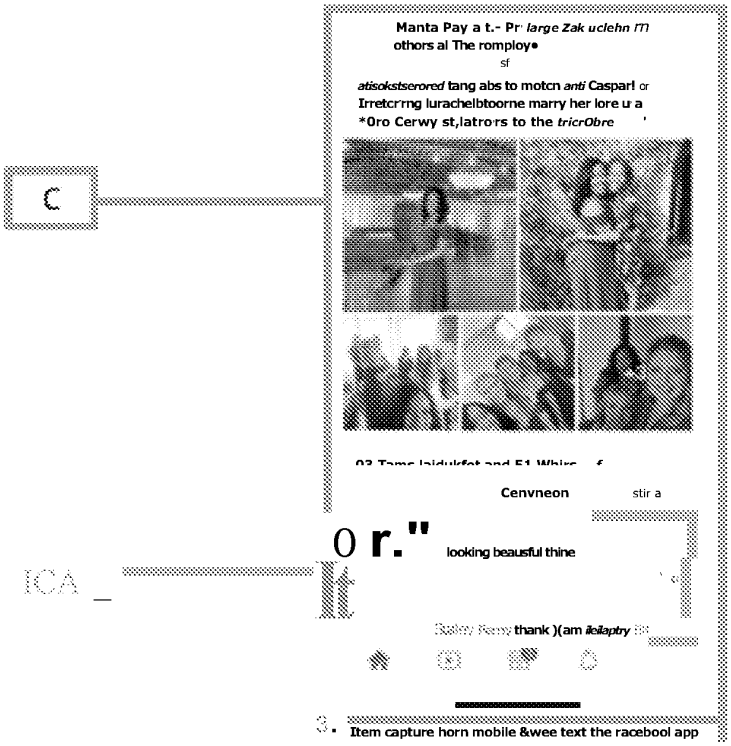
EX1014.

---

'Unless otherwise indicated, all language *"italicized and quoted"* represents recited limitations of the Challenged Claims.

The *'first web-based interface"* allows a user to *"activate a given mobile information channel"* by, for example, "activat[ing] messenger" (annotated as "area **B"** below) or "post[ing] a photo" to *"shar[e] content between one or more additional users."* EX1014.

Patent Owner identifies an additional user's Facebook feed on the Facebook application (as annotated as "area C" in the mobile device screen capture below) as *"a second web-based interface decent than the first web-based interface"* that *"provides additional users access to at least a portion of the shared content."* EX1014.




EX1014. With respect to the *"given mobile information channel support[ingJ messaging between the first user and one or more additional users over a wireless network,"* the Patent Owner identifies additional users' ability to write comments on

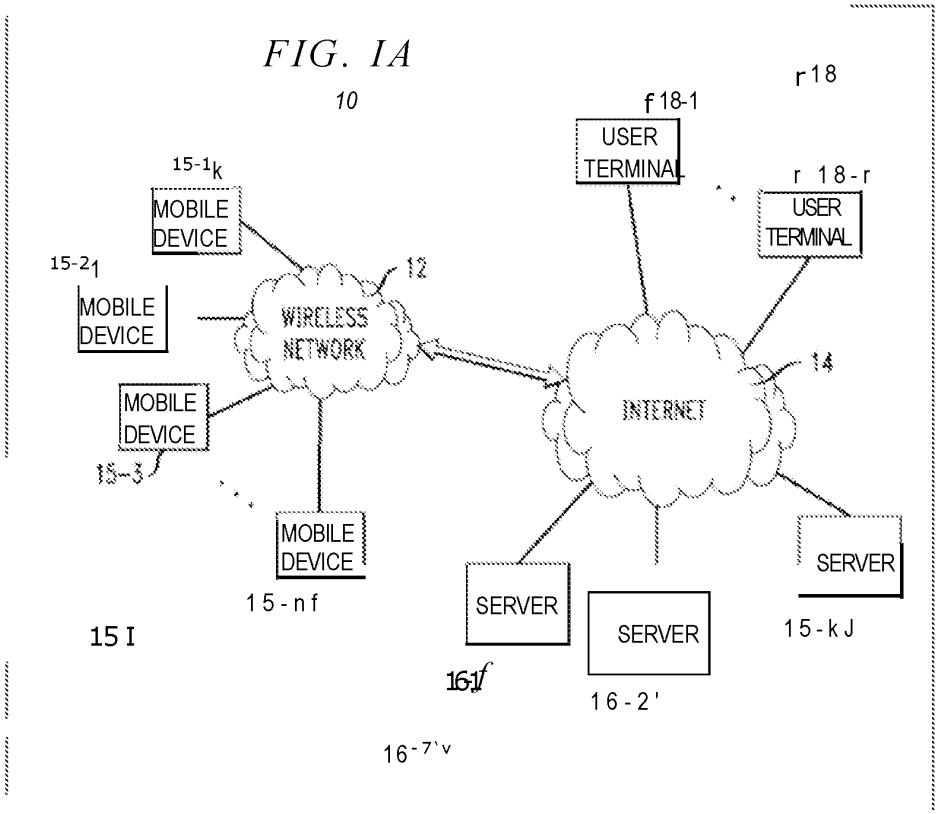
a first user's particular post and the first user's ability to respond to those same comments, which is annotated in "area D" in the figure above. EX1014.

**B. '336 Patent Specification**

The following table summarizes the overall organization of the '336 Patent specification:

| **U.S. Patent 8,793,336** | |
|---|---|
| **1:1-62** | Background |
| **2:6-2:58** | Summary |
| **2:60-3:30** | Brief description of the figures |
| **3:33-4:51** | Network-based communication system |
| **4:52-5:9; 8:58-9:50** | Processing elements |
| **5:10-6:22, 8:49-57; 9:60-10:7, 13:1-4** | Content Management Website |
| **9:51-59; 10:8 11:23; 12:5-19** | Content Management Website — Examples |
| **11:24-11:31; 12:20-39** | Content Management Website — Start page |
| **11:32-39; 12:40-50** | Content Management Website — Menu page |
| **11:40-12:50** | Content Management Website — Features |
| **12:51-14:6** | Content Management Website — Mobile information channel pages |
| **15:4-35** | Content Management Website — Registration Process |
| **15:36-16:4** | Content Management Website — Login Process |
| **14:3-67; 16:5-49** | Method of managing content through Mobile Information Channels ("M-Channels") |
| **16:5-49** | M-Channels — Mobile website Generation Process |
| **16:50-17:39** | M-Channels — Authoring Content Process |
| **17:40-18:7** | M-Channels — Content Management Directory Process |
| **18:8-50** | Further embodiments |

As discussed above, the '336 Patent purports to disclose a technique for the creation and management of mobile websites via a network-based communication system 15. *Id.,* Abstract, 2:1-12, 3:46-48; Fig. 1A.




The "network-based communication system 10" in Figure 1A includes a "wireless network 12" coupled to the "Internet 14," "mobile devices 15-1 to 15-n" connected to the "wireless network 12," and "user terminals 18-1 to 18-r" connected to the "Internet 14." EX1001, 3:46-61. "System 10" also includes a plurality of "servers 16-1 to 16-k." *Id.,* 48-57.[10]

The "servers 16" are disclosed as network computers or other types of computers capable of being configured for the maintenance, storage, delivery or

10 As discussed below with respect to Figure 1B, the '336 Patent uses the term "processing element" to refer to any individual mobile device 15, user terminal 18, or server 16. Id., 4:52-5:2.

other processing of information received or delivered over the Internet or other type of network. EX1001, 4:41-45.

The '336 Patent discloses that "mobile devices 15" are "any type of portable information processing device capable of being configured for communication over a network," including a mobile telephone, personal digital assistant (PDA), palmtop computer, etc. *Id.,* 4:28-40. Likewise, "User terminals 18" are either "mobile devices 15" or non-mobile devices, including, *e.g.,* a desktop personal computer, a workstation, minicomputer, mainframe computer, television, set-top box, kiosk, etc. *Id.,* 4:41-45.

As discussed above, with respect to Figure 8, the disclosed "content management site" generates a "mobile website" that includes the "M-Channels" (the claimed *"mobile information channels")* selected *("activated")* by the *'first user." Id.* 1:23-26, 2:6-59, 5:10-37, 8:38-41.

808

| **username's M-Channels** (mobile content and communication channels) | | |
|---|---|---|
| D About | manage about content | • ON |
| **D Announcements** | manage announcement content | • OFF |
| **D** Core | manage core content | • OFF |
| D Agenda | manage agenda content | • OFF |
| D Notes | manage notes content | ON |
| **D** Zine | manage zine content | • OFF |
| D Rent&Reve | manage rant&rave content | --Q-Caret' |
| D Surveys | manage surveys content | • OFF |

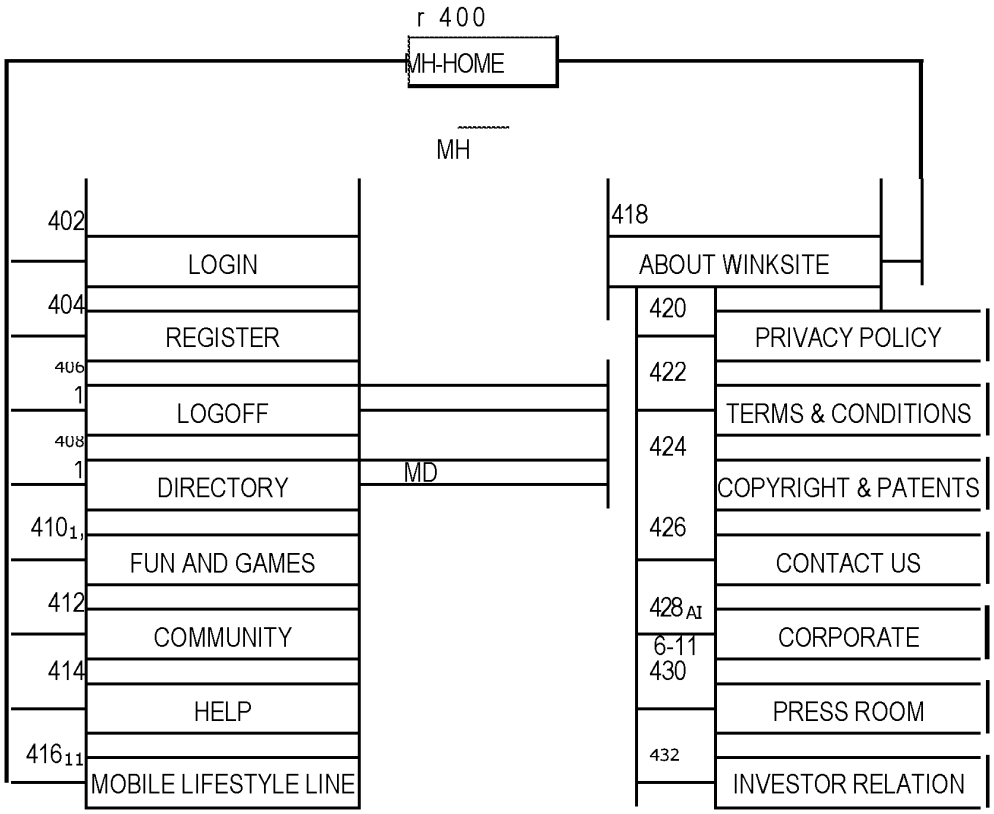
| | | |
|---|---|---|
| D Chat | manage chat content | • ON |
| D Journal | manage journal content | • OFF |
| D Guestbook | manage guestbook content | M OFF |
| D Links | manage links content | • OFF |
| D M-Card | manage m-card content | U ON |

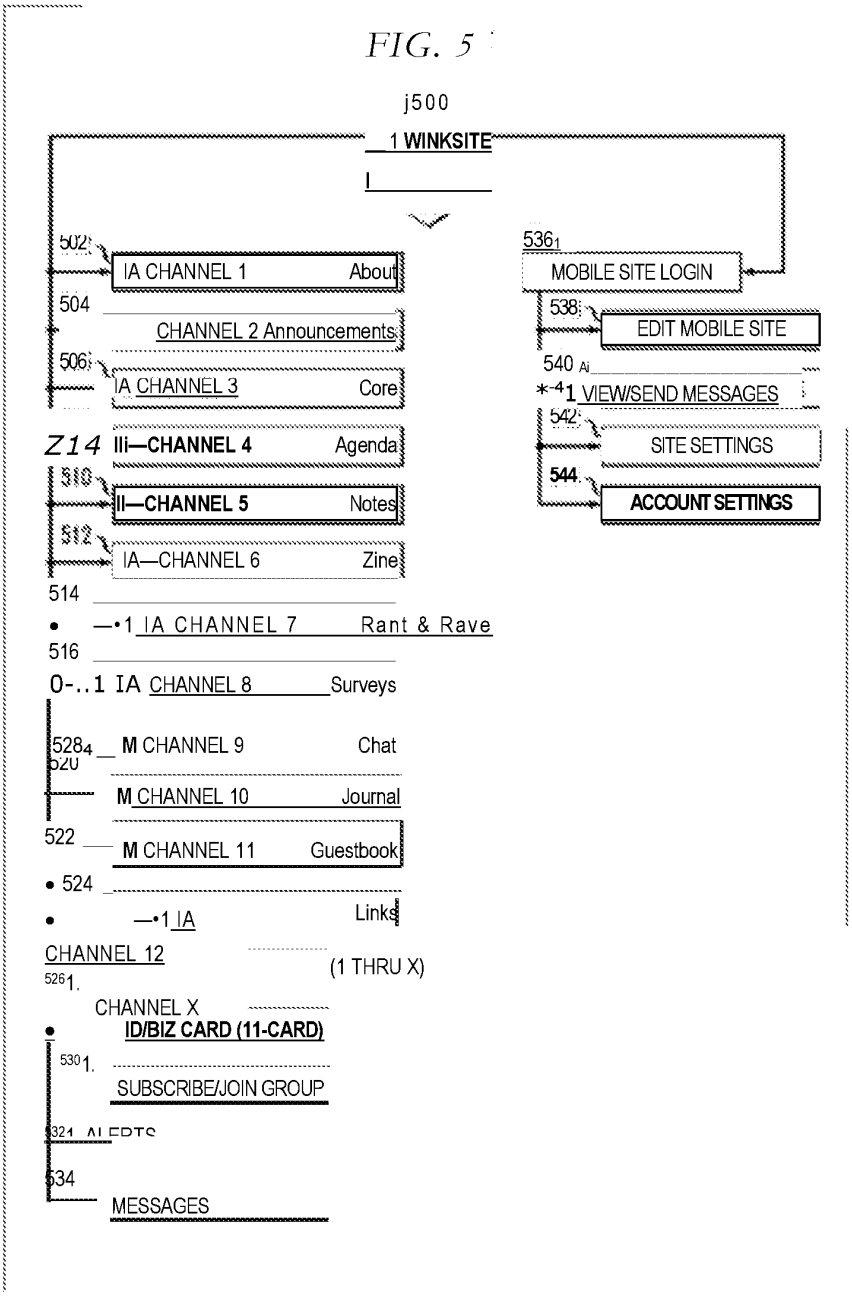
Icon Legend:
ON : M-Channel is visible to site visitors.
❑ OFF : M-Channel is not visible to site visitors.
Click on the icon in the same row as the M-Channel you wish to turn On or Off

As shown above, a user *(first user")* can select *("activate")* a particular "M-Channel" *("a given mobile information channel")* using the "on/off" buttons shown above. *See* EX1001, 5:10-30, 13:40-14:18; FIGS. 9a, 10.

Exemplary "mobile website" home pages (the claimed *"second web-based interface")* are reproduced as "mobile website home pages (M-home)" 400 and 500 in Figures 4 and 5 below. EX1001, 12:54-67.

*FIG. 4*






EX1001, FIGS. 4-5.

As shown above, the "mobile website" provides user interfaces *("second web-based user interface")* that are accessed by both the "first user" and "additional users" to access the "content" and "communications" *("mobile information channels")*

provided by the "mobile website" via blocks 402 through 432 and blocks 502 through 544, respectively. *Id.,* 12:54-57-60.

The blocks shown correspond to a user-activatable hypertext link or other control mechanism. *Id.,* 12:57-67. "Mobile website 400" may be accessed by entering the URL corresponding to the "mobile website" into a web browser. EX1001, 12:62-64. Alternatively, activating the link associated with block 402 of Figure 4 also allows a user to access the "WINKSite" page 500 *(i.e.,* a given mobile website) shown in Figure 5. EX1001, 9:55-59, 12:64-67.

As disclosed, a given "mobile website may be generated for a group comprising multiple members having a common interest, such as a group of friends, a club, sports team, a business, a sales force, a civic group, a fan group, political party, a campaign, a charity, or other type of multi-member organization. EX1001, 6:23-29; *see also* EX1001, 6:30-8:6. By way of further example, a given "mobile website" may even be associated with a user of a type of messaging service, such as an email. EX1001, 7:36-49.

Once created *("generated"),* a "mobile website" allows a first user and one or more additional users to exchange relevant information to group members over a wireless network. EX1001, 6:29-42. In addition, a first user and one or more additional users have the ability to post messages to a "community bulletin board" that is accessible to users. EX1001, 12:19-25.

### C. The Challenged Claims

The Challenged Claims are generally directed to methods for *"managing information content"* and *"sharing content authored by a first user" (Claim* 1 and 27, respectively) and a corresponding *"network-based system"* (Claim 15) and *"apparatus comprising a processing element" (Claim 11). See generally* EX1001.

Challenged Claims 1, 11, and 15 are directed to a method, apparatus, and system, respectively, but otherwise recite substantially identical limitations:

| Claim 1 | Claim 11 | Claim 15 |
|---|---|---|
| 1. *A method for managing information content in a network-based communication system, the method comprising the steps of* | 11. *An apparatus for use in managing information content in a network-based communication system, the apparatus comprising:* | 15. *A network-based communication system, comprising:* |
| | [11.a] *a processing element comprising a processor coupled to a memory;* | *[15.a] a plurality of servers configured to communicate over a network;* |
| *[1.a] providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;* | [11.b] *the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;* | [15.b] *at least one of the servers providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;* |
| [1.b] *generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction* | [11.c] *the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby* | [15.c] *wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby* |

| Claim 1 | Claim 11 | Claim 15 |
|---|---|---|
| *between the first user and the one or more additional users;* | *facilitate interaction between the first user and the one or more additional users;* | *facilitate interaction between the first user and the one or more additional users;* |
| *[1.c] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network;* and | [11.d] *wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and* | [15.d] *wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and* |
| *[1.d] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.* | [11.e] *wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.* | [15.e] *wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.* |

While Challenged Claim 27 does not recite the *"first"* and *"second web-based interface[s]"* recited in Challenged Claims 1, 11, and 15, this is the only difference between the Challenged Claim 27 and the remaining Challenged Claims.

For example, limitations [1.a], [11.b], [15.b], and [27.a] all require *a "mobile information channel for sharing content between the first user and one or more additional users."* The scope of the remaining limitations of Challenged Claim 27 are also co-extensive with the corresponding limitations of Challenged Claims 1, 11, and 15.

27. *A method comprising:*

*[27.a] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and*

[27.b] *providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional users;*

[27.c] *wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and*

[27.d] *wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.*

**D. Prosecution History**

The '336 Patent did not undergo an extensive prosecution. All pending claims were allowed after a single Office Action asserting a double patenting rejection. *See generally* EX1002.

The application of the `336 patent was filed on February 2, 2012 with 20 original claims. EX1002 at 287-293, 319-322.

On November 7, 2013, the Applicant filed a Preliminary Amendment that amended claims 1, 2, 4, 5, 9, 14, 16, 17, and 20, cancelled claims 7, 8, and 10-12, and added new claims 21-31. EX1002 at 175-192. The Preliminary Amendment did not include any substantive arguments regarding the patentability of the new claims over the prior art of record. *Id.*

The original claims (as amended by Preliminary Amendment) correspond to the Challenged Claims of the '336 Patent as shown below:

| **'950 Application Claims** | **'336 Patent Challenged Claims** |
|---|---|
| Claim 1 | Claim 1 |
| Claim 16 | Claim 11 |
| Claim 20 | Claim 15 |
| Claim 31 | Claim 27 |

On May 28, 2014, the Examiner issued a Non-Final Rejection (the only rejection in the '336 Patent's prosecution) that rejected all pending claims based on a single ground: nonstatutory *(i.e.,* "obviousness-type") double patenting over claims 1-20 of the '801 Patent. EX1002 at 54-58.

In response to the Non-Final Rejection, the Applicant both filed a Terminal Disclaimer and submitted arguments that certain limitations of the rejected claims related to *"messaging"* were patentably distinct from the '801 Patent claims. EX1002 at 45-48. Notably, the Applicant did not distinguish the Challenged Claims over the '801 Patent claims with respect to the recited *"mobile information channel"* (which was not recited in the '801 Patent claims). *Id.*

On June 23, 2014, following the Terminal Disclaimer filing, the Examiner issued the Notice of Allowance allowing all pending claims. EX1002 at 9-16. In the Notice of Allowance, the Examiner distinguished the Challenged Claims from the prior art of record based on the following limitations:

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

EX1002 at 14.

## IV. CLAIM CONSTRUCTION

The '336 Patent will expire on June 18, 2023, during this requested reexamination. Accordingly, the USPTO should apply the *Phillips* standard for claim construction. *In re CSB-System Int'l, Inc.,* 832 F.3d 1335, 1341 (Fed. Cir. 2016).

Under the *Phillips* standard, claims terms are generally given their "ordinary and customary meaning," which is "the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Phillips v. AWH Corp.,* 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (en Banc). A person of ordinary skill ("POSITA") is deemed to read the claim terms not only in the context of the claim where the term appears, but also in the context of the specification, the prosecution history, and extrinsic evidence. *Id.,* 1315-1319. In particular, the specification "is the single best guide to the meaning of a disputed term." Id., 1315 (citing *Vitronics Corp. v. Conceptronic,* 90 F.3d 1576, 1582 (Fed. Cir. 1996)).

As shown below, the Challenged Claims are unpatentable under their plain and ordinary meaning. Requester reserves the right to advocate a different claim interpretation in any other forum or proceeding if necessary."

**A. *"mobile information channel'***

The term *"mobile information channel"* should be given its "ordinary and customary meaning." *See* Wolfe Decl. at ¶¶ 31-33.

As discussed above, a POSITA would have understood that the '336 Patent discloses the claimed *"mobile information channels"* to broadly include "information categories" or content that may be displayed on a "mobile website."[12] *See* EX1001, 5:18-21; 8:38-41. Illustrative *"mobile information channels"* (or "M-channels") include:

> mobile ID/business card . . . announcements, chat, events, guest book, diary/journal, bookmarks/links, discussion forum, survey/poll, newsletter/zine, notes, email, address book, contribute/donate, mobile volunteer management, company directory, in/out board, field reports, feedback, form builder, live data/in-out syndication, mobile document library, products catalog/shopping cart, services catalog/shopping cart, appointments, task list/assignments, promotions, offers, coupons, sweepstakes, contests, photo blog, etc.

EX1001, 8:27-41.

Accordingly, a POSITA would have understood the ordinary and customary meaning of *"mobile information channel"* to broadly include different categories of

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[11] While the '336 Patent has been asserted in four district court actions, no claim constructions have been proposed or adjudicated as of the filing date of this Request.

[12] As noted above, the '336 Patent specification also interchangeably refers to *"mobile information channels"* as "M-channels."

information and content communicated with various types of devices.[13] *See* Wolfe Decl. at ¶¶ 31-33.

## V. SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

For at least the reasons discussed below, each of the grounds presented below raises an SNQ with respect to the Challenged Claims.

### A. The Prior Applied Below Art Is Not Cumulative with the Prior Art of Record

As noted above, an SNQ exists when: (1) a reasonable examiner would consider the prior art "important in deciding whether or not the claim is patentable" and (2) "the same question of patentability" has not already been decided by the Office or a federal court. MPEP § 2242.[14]

Both are true here.

**First,** a reasonable examiner would find the prior art applied herein to be "important" because, as shown in detail in Exhibits AA—CC and discussed below, the prior art references clearly discloses each and every limitation of the Challenged Claims.

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[13] While the '801 Patent claims do not recite a *"mobile information channel,"* the Applicant's description of the '801 Patent specification in its Appeal Brief to the BPAI included a discussion of the disclosed *"mobile information channels"* that is wholly consistent with Requester's position. *See* EX1005, EX1006 (Appeal Brief).

[14] To the extent Patent Owner argues that reexamination should be denied based on 35 U.S.C. §§ 315(d), 325(d), and/or *Becton, Dickinson & Co. v. B. Braun Melsungen AG,* IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017), this argument would be unavailing because the '336 Patent has not been subject to any previous challenges before the Office (including the PTAB). *In re Vivint, No. 20-1992,* slip op. at 3 (Fed. Cir. Sept. 29, 2021) (holding that § 325(d) only applies to requests for *ex parte* reexamination when the requester "has repeatedly tried to use another pathway, IPR, to forward the same arguments"). In any event, since prior art asserted herein was not before the Office during prosecution and the Challenged Claims were allowed without any prior art rejections. *See Becton,* IPR2017-01586, Paper 8 at 17-18.

**Second,** the prior art grounds presented below are new and non-cumulative and do not raise any "questions of patentability" previously considered by the Office." As discussed above, the '336 Patent was subject to only one Non-Final Rejection on the basis of nonstatutory double patenting over the claims of its parent, the '801 Patent. *See supra §* III.E. Further, none of the primary prior art references applied below were previously before the Office. Accordingly, the Request presents substantial new questions of patentability and reexamination should therefore be ordered.

### B. Identification of the Prior Art Patents and Printed Publications and Invalidity Grounds

Reexamination of the Challenged Claims is requested in view of the following references.[16]

- **EX1009 *("Weiden"):*** PCT App. Pub. No. WO 01/72002 was published in English on September 27, 2001 from PCT Application No. PCT/US01/08552, filed on March 19, 2001 (designating the U.S.). Weiden is prior art under at least pre-AIA §§ 102(a) and/or (e).
- **EX1010 *("Read"):*** PCT App. Pub. No. WO 01/93069 was published in English on December 6, 2001 from PCT Application No. PCT/GB01/02318,

[15] While the '336 Patent is currently being asserted in a federal court actions *(see infra* Section § VII), including at least Challenged Claim 1, there have not yet been any substantive rulings regarding the invalidity of the Challenged Claims (or any other claims of the '336 Patent).

[16] A Form SB-08 and copies of the applied references are submitted herewith. As noted above, none of the primary references were before the Office during the prosecution of the '336 Patent, and the sole secondary reference previously cited has never been considered in combination with the other art applied herein.

filed on May 25, 2001 (designating the U.S.). Read is prior art under at least pre-AIA §§ 102(a) and/or (e).

- **EX1011 *("Alcorn"):*** PCT App. Pub. No. WO 01/01372 was published in English on January 4, 2001 from PCT Application No. PCT/US00/17979, filed on June, 30 2000 (designating the U.S.). Alcorn is prior art under at least pre-AIA §§ 102(a), (b), and/or (e).
- **EX1012 *("Agboatwalla"):*** U.S. Patent No. 7,802,207 (issued on September 21, 2010) was filed on June 6, 2002 and claims priority to U.S. Provisional Application 60/340,405, filed on December 13, 2001. *Agboatwalla* is prior art under at least pre-AIA § 102(e).

While *Agboatwalla* qualifies as prior art under pre-AIA § 102(e) as of the June 6, 2002 filing date ***alone,*** it is <u>also</u> entitled to the December 13, 2001 priority date of the provisional application to which it claims priority. As required by the prevailing case law, *Agboatwalla's* provisional application provides support for both: (1) the invalidating disclosures of *Agboatwalla* applied herein *(see* EX1015, 4:1-17, 35:12-38:5, FIG. 8, FIG. 10, FIG 11, FIG. 12) and (2) at least one issued claim of *Agboatwalla. See Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.,* 800 F.3d 1375, 1379-81 (Fed. Cir. 2015) ("[a] reference patent is only entitled to claim the benefit of the filing date of its provisional application if the disclosure of the

provisional application provides support for the claims in the reference patent in compliance with § 112, ¶ 1.").

For example:

| *Agboatwalla Claim 1* (EX1012) | *Provisional Support* (EX1015) |
|---|---|
| *1. A method for generating a user-sharable network user interface, comprising:* | 4:1-14, 6:23-7:2, 36:12-37:21, FIG. 10. |
| *displaying a management interface for allowing a first end user to select and manage information displayed on an information screen of a habitat, wherein the management interface includes information of at least one content source;* | 4:1-14, 6:1-14, 6:23-7:12, FIG. 8, 32:16-33:14, FIGS. 11-12, FIG. 14., 37:1-40:4, 25:11-27:26. |
| *allowing the first end user to select portions of the information available in the at least one content source;* | 27:5-26 |
| *marking the selected information of the content source by determining an invariant descriptor of the selected information, the invariant descriptor including a description of a location of the selected information within the content source and distinguishing attributes of sub-sections of the content source that contain the selected information, wherein the description of the location includes a unique identifier of a table in the content source that contains the selected information and a position of the selected information within the table, the position including a specified row and column of the table, and wherein the distinguishing attributes include headers of the table, a number of columns in the table, fonts used in the table, and a border width* | 4:1-14, 6:21-7:17, 23:12-25:9, FIG. 2, 28:1-29:11, FIG. 6 |

| | |
|---|---|
| *of the table;* | |
| *storing the marked information by storing the invariant descriptor;* | 24:25-25:9, 28:1-29:11, FIG. 6 |
| *retrieving the marked information using the invariant descriptor;* | 28:1-29:11, FIG. 6 |
| *displaying the marked information on the information screen, wherein the information screen includes at least one view, wherein each view contains at least one window for displaying the marked information;* | 4:1-14, FIG, 11-12, FIG. 14, 24:9-24. |
| *checking a permission status of a second end user for determining whether the second end user is authorized to see a window containing information selected by the first end user; and* | 4:1-19, 35:27-36:15, 69:10-19 |
| *allowing the second user to view a window of the information screen if the second user is authorized;* | 4:1-19, 35:27-36:15, 69:10-19 |
| *wherein the invariant descriptor is converted into a hyperlink that contains the selected information and the invariant descriptor or a hyperlink to the selected information and the invariant descriptor.* | 29:4-11 |

- This request is also supported by the declaration of Dr. Andrew Wolfe (EX1003, "Wolfe Decl.").

Reexamination of the Challenged Claims is requested in view of the following grounds:

| Ground | Exhibit | Challenged Claims | Basis |
|---|---|---|---|
| 1 | AA | 1, 11, 15, 27 | Anticipated by *Weiden (§* 102) |
| 2 | AA | 1, 11, 15, 27 | Obvious over *Weiden (§* 103) |
| 3 | CC | 1, 11, 15, 27 | Obvious over *Alcorn* in view of *Read (§* 103) |
| 4 | CC | 1, 11, 15, 27 | Anticipated by *Read (§* 102) |
| 5 | CC | 1, 11, 15, 27 | Obvious over *Read (§* 103) |
| 6 | **BB** | 1, 11, 15, 27 | Obvious over *Read* in view of *Agboatwalla (§103)* |

### C. Grounds 1-2: Weiden Anticipates and/or Renders Obvious in view of the Knowledge of a POSITA Challenged Claims 1, 11, 15, and 27

#### 1. Overview of Weiden

*Weiden* was filed by America On-Line and is titled "Shared Groups Rostering System." *Weiden* generally discloses a system for online service providers to offer subscribers the ability to create their own interest groups *(e.g.,* for family, friends, co-workers, classmates, or teammates) to share information as well as the ability to transmit electronic messages in discussion groups. EX1009, 1:11-17.

Similar to the '336 Patent, *Weiden,* relates to "transferring data between subscribers of a communications system and more particularly to sharing information among members of a group." EX1009, Abstract, 1:5-7. *Weiden* explains that the disclosed "communication system" improved on existing systems by allowing subscribers to more easily share information with other groups of subscribers. EX1009, 1:24-2:3.

In particular, *Weiden* discloses "a communication system 200" that allows members of a group to "share[] information" and "send[] instant messages." *See, e.g.,* EX1009, 2:11-3:2; 19:17-23. A "founder" creates a "group" by "enter[ing] attributes of the group . . . through a user interface displayed on a client device." EX1009, 20:13-21; *see also id.,* 19:24-20:26. Specifically, *Weiden* discloses:

> To create a group, a subscriber enters attributes of the group to the host 704 through a user interface displayed on a client device. The group attributes may include, but are not limited to, a unique group name, a description of the group, a time zone so that events are properly timed, a group theme (e.g., Family, Friends, Activity Group), and a design style having a certain color schemes images that represent members.

*Id.*

Once created, the "group" provides various "services" that enable the group members to share information or content and exchange messages. *See* EX1009, 22:3-23:26. Like the disclosed examples of *'mobile information channel"* in the '336 Patent, *Weiden's* exemplary "services" include, *e.g.,* a "private group website" displaying audio and video content, a "shared buddy list" enabling instant messaging between the members, a "shared address book," "shared calendar," "shared map," "shared message board," "shared photo gallery," and "shared favorite sites." *Id.* The "founder" can also send "administrative emails" to the group. EX1009, 20:3-12.

Once a "founder" has finished entering the group information into the "user interface", *Weiden's* system generates a "private group website" for all current group members. EX1009, 19:25-28, 22:3-11. One example of this "private group website" is shown below in Figure 8:

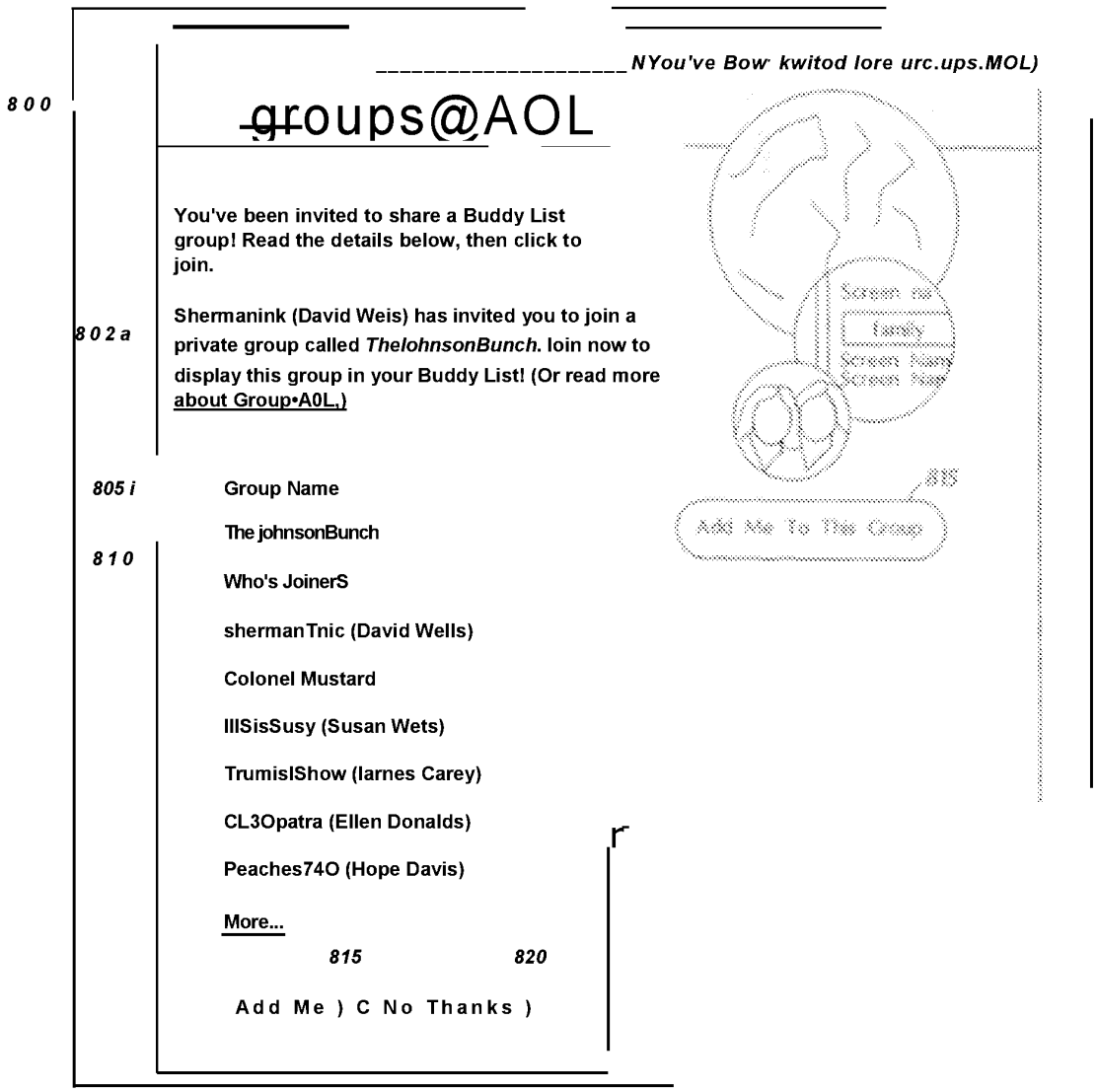


FIG. 8

The "private group website" shown above is the website that a "prospective group member" sees when they are invited to join a group. EX1009, 20:23-22:2, Fig. 7; EX1003, ¶¶ 66-86. The new member accepts the invitation to join the group by clicking the "add me" button 815 on the "private group website" shown above. *Id.* The new "member" is then able to access the content and "services" available to group members.

 An exemplary "communication system 200" is illustrated in Figure 2, below.

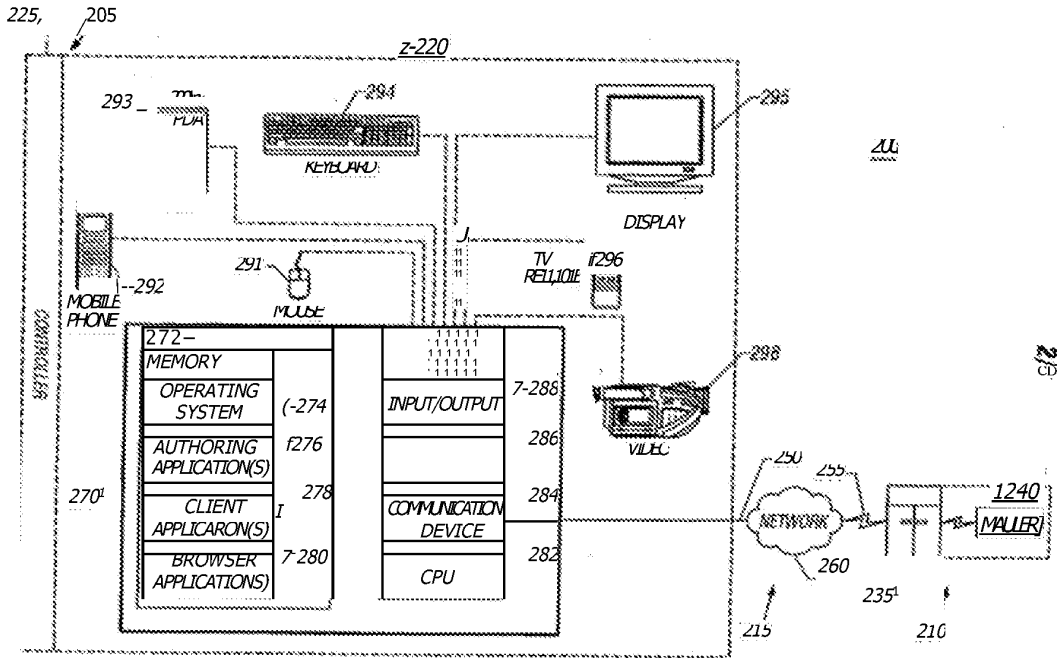


FIG. 2

As shown above, "communication system 200" includes "communications link 215," a "client system 205," and a "host system 210." EX1009, 4:11-13, 6:1112. "Client system 205" further comprises at least one "client device 220" and at least one "client controller 225" for controlling the "client devices 220." EX1009, 6:11-17. "Communications link 215" enables communication between "client system 205" and "host system 210" via one or more "delivery networks 260," such as the Internet, World Wide Web, LANs, analog or digital wired and wireless telephone networks, or any other delivery mechanism for carrying data. EX1009, 5:8-16. "Client device 220" includes one or more application programs, such as "client applications 278 *(e.g.,* AOL client CompuServe client, AIM client, AOL TV client, or an ISP client) capable of communicating with other computer users accessing various computer resources, and viewing, creating, or otherwise

manipulating electronic content."[17] EX1009, 6:27-7:2. *Weiden* explains that various mobile devices such as a "mobile telephone" and "PDA" may be used as a "client device 220" in its system and that the group creation process described by procedure 700 can be "implement[ed] by any type of hardware, software, device, computer, computer system, equipment, component" which would have therefore included such mobile devices. EX1009, 7:26-8:2 ("devices such as mobile telephone 292 [] [and] a PDA 293...may themselves include the functionality of the general-purpose computer 270 and operate as the client device 220"), 19:6-17 ("procedure 700 may be implement by any type of hardware, software, device, computer, computer system, equipment, component,..."); EX1003 at ¶ 80. Moreover, *Weiden* explains that a "founder" is considered a "member" of the created group, and that members "typically have attributes comparable to those described above with respect to client device[]...220," where the client device can be a "mobile telephone 292" or "PDA 293" as noted. EX1009, 19:6-17, 20:22-26.

In the embodiment of Figure 6, the "host system 610" further includes a "host device 635" and "a host controller 64Cr.[18]

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[17] *Weiden* discloses that "mobile phone 292" may function as a "client device" and communicate with "host system 210." EX1009, 7:20-8:1.

[18] *Weiden* discloses that the "client system 605" and "communications link 615," "typically have attributes comparable to those described with respect to client systems 105, 205, 305, 405, and 505 and communications links 115, 215, 315, 415, and 515 of Figs. 1-5." EX1009.

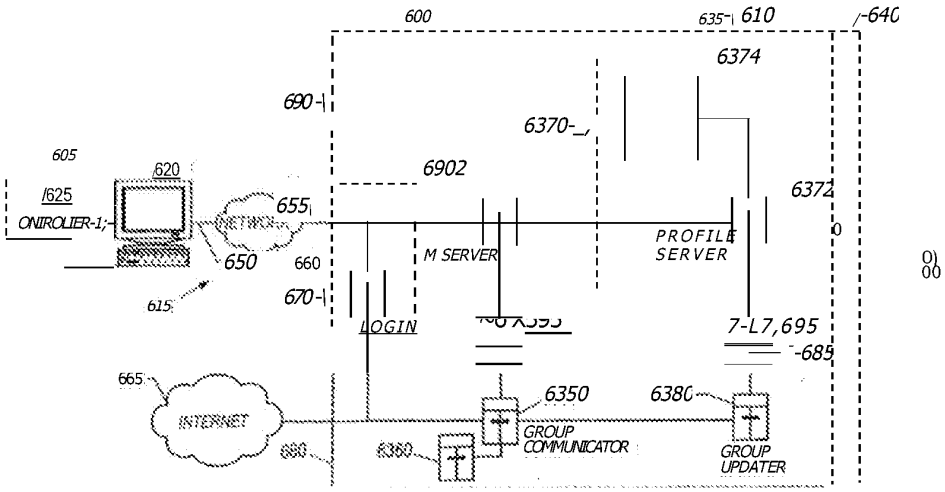



***FIG. 6***

*See, e.g.,* EX1009, 17:6-22, FIG. 6.

More specifically, a "host system 605" may include the following servers: at least one "group administrator 6370," at least one "group communicator 6350," and at least one "group information updater 6380." EX1009, 17:23-32. *Weiden* further discloses that these servers support web-based user interfaces. *See, e.g.,* EX1009, 3:15-18, 18:10-15. "Group information updater 6350" includes "a user interface configured to interact with client devices of group members and facilitate information exchange." EX1009, 3:15-18, 18:10-15. "The user interface .... may reside ... **on the Internet."** *(i.e.,* the claimed *'first web-based interface").* EX1009, 3:15-18, 18:10-15.

### 2. Weiden is Analogous Art

*Weiden* is analogous art to the '336 Patent. "Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the

particular problem with which the inventor is involved." *In re Bigio,* 381 F.3d 1320, 1325 (Fed. Cir. 2004).

*Weiden* is within the field of endeavor of the '336 Patent, and particularly relevant to the Challenged Claims of the '336 Patent, because it relates to a network-based communication system that facilitates both content sharing and messaging between subscribers. EX1009, 2:5-3:25; EX1003, ¶¶ 58-59. Further, *Weiden* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the challenged claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. *Weiden* identifies similar problems, such as difficulties by users to share information content among one or more additional users through an instant messaging service. EX1009, 1:9-2:3. However, to solve these problems, *Weiden* discloses functionality that offers a solution to these difficulties and can be entirely carried out on mobile device. EX1009, EX1009, 6:12-14, 7:20-8:1; EX1003 ¶¶ 58-59.

**3. Weiden Presents Substantial New Questions of Patentability**

For the reasons discussed above in Section C.1, as well as those discussed below, in the Proposed Rejection (Section VI.A.1), and in Exhibit AA, *Weiden* is not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.1) and Exhibit AAprovides a detailed analysis demonstrating that *Weiden* anticipates and/or renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, Weiden presents substantial new questions of patentability. EX1003, ¶¶ 58-59, 68-86.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.1) and in Exhibit AA, Weiden anticipates and also renders obvious the Challenged Claims

because it teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

*See* Section III.D.

Weiden therefore presents a substantial new question of patentability, and a reasonable examiner would consider the reference important in determining whether the Challenged Claims are patentable, because Weiden was not cited by the examiner. A detailed explanation of the pertinence and manner of applying Weiden to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.1., below, as well as in Exhibit AA.

## D. Ground 3: Alcorn in view of Read Renders Obvious the Challenged Claims

### 1. Overview of Alcorn

*Alcorn* was filed by education provider Blackboard and is titled "Internet-Based Education Support System and Methods." *Alcorn* is generally directed to a system for instructors to share course content with students and conduct participatory discussions over an "electronic network." EX1011, Abstract, 1:11-25. In particular, *Alcorn* discloses a system and methods for providing an instructor with a web-based user interface that enables the instructor to transmit course materials and interact with students in diverse locations. EX1011, 1:11-2:15.

An illustrative embodiment of *Akorn's* education support system is shown by the overall system block diagram in Figure 39 below.

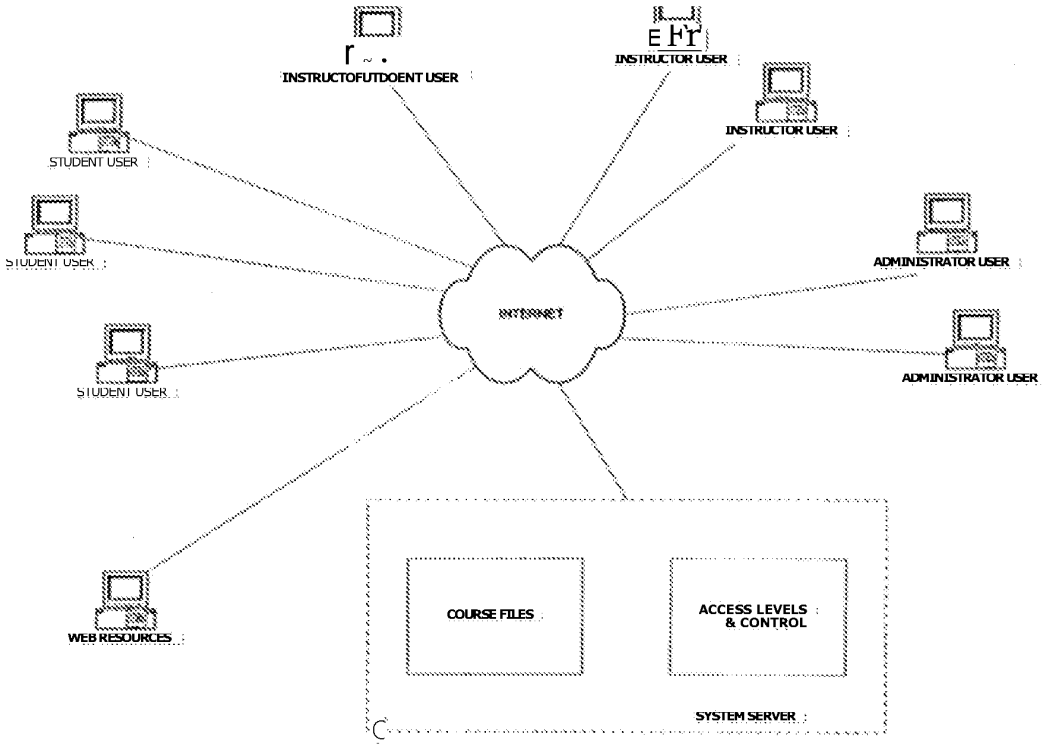
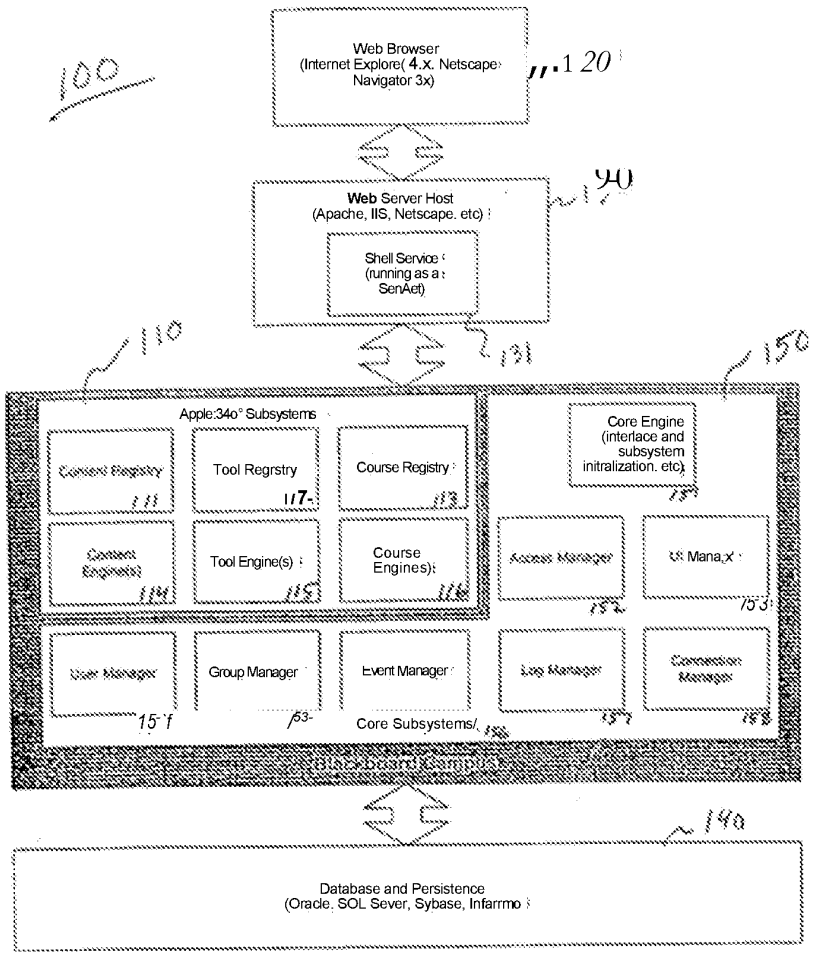



FIG. 39

EX1011, FIG. 39.

As shown in Figure 39, "education support system 100" is implemented in a "client-server network topology" that includes a plurality of "student users," "instructor users," "administrator users," (collectively, "clients"), "web resources," and a "system server" that contains "course files" and "control" software. EX1011, 16:25-27.

Figure 1 provides an exemplary system architecture.




*Frpu* PE J

As illustrated in Figure 1, the system architecture of "education support system 100" primarily consists of a "web browser 120," "web host server 130," "database system 140," and a "Blackboard campus" comprising "application subsystems 110" and "core subsystems 150." EX1011, 16:8-24.

"Applications subsystem 110" further comprises a "content registry 111," "a tool registry 112," a "course registry 113," "one or more content engines 114," "one or more tool engines 115," and "one or more course engines 116." EX1011, 16:1619. "Web host server 130" further comprises "shell service 131." EX1011, 16:14-15. Users access and interact with "education support system 100" through "web browser 120." EX1011, 16:25-17:9.

Using the "education support system 100," *Alcorn* discloses a means for the creation of courses to be taken by students online. EX1011 Abstract. In doing so, the users on the network have predefined roles within the framework, including student, instructor, or administrator (as depicted in Figure 39 above). EX16, 7:1-6, FIG. 39. A user's role *(i.e., as* a student, instructor, or administrator) provides differing levels of access and control over data files associated with a course. EX1011, 7:26-28.

An "instructor" is provided with a "web browser interface" including a "Course Control Panel" (also referred to as "control panel 1602") for course management. EX1011, 26:1-19, 38:19-23, FIG. 16. By using these provided course management tools, instructors can "monitor, control, and customize their course web sites." EX1011, 26:1-4. The "control panel 1602" provides "a set of links to course management and development tools that are available to an instructor." EX1011, 38:28-31. By way of example, Figure 16 (highlight added) below shows an exemplary "course control panel 1602." *See* EX1011, FIG. 16.

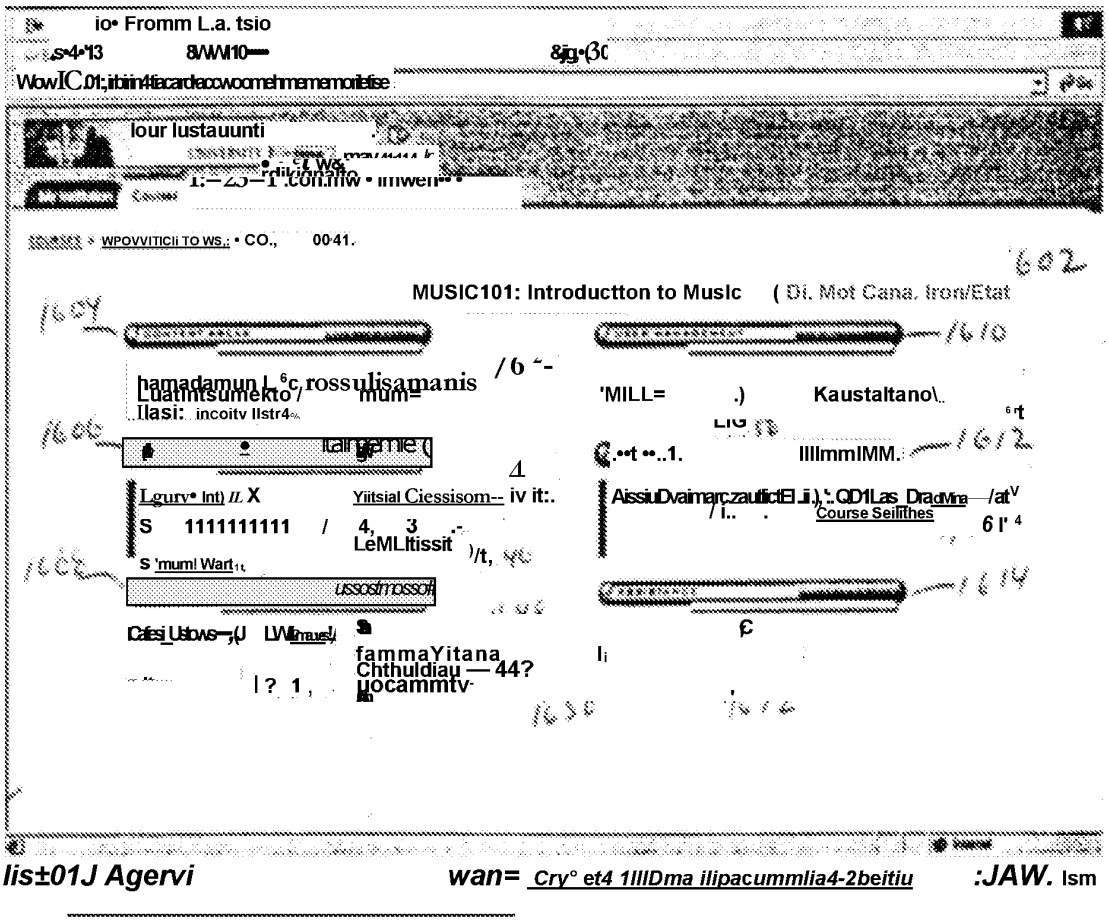



FIG.

Figure 16 shows a "course control panel 1602" that is provided to an instructor, Dr. Tim Cane, for his course "MUSIC 101: Introduction to Music." *See* EX1011, FIG. 16. "Course control panel 1602" provides the following features to an instructor: "Content Areas 1604," "Course Tools 1606," "Course Options 1608," "User Management 1610," "Assessment 1612," and "Assistance 1614." EX1011, 38:2839:7, FIG. 16. Within the "course control panel 1602", each these "features" allows the instructor to customize the content *(e.g.,* "announcements," "assignments," etc.)

and communication *(e.g.,* "virtual classroom," "discussion board," etc.) provided on the course website that will be created by the course control panel 1602." *See generally* EX1011, 39:1-53:30. For example, within the "Course Tools section 1606," provides "links" to the following "features": "Course Calendar 1628," "Course Tasks 1630," "Send E-mail 1632," "Instructor Library 1634," "Discussion Board 1638," "Virtual Classroom 1636," and "Digital Dropbox 1640." *See* EX1011, 41:2046:7.

The "course options 1608" area includes a "course options link 1642" that will "display a web page to the instructor that has," among other links, a link to "Tool Availability," and "[s]election of the Tool Availability link will display a web page that will allow the instructor to enable or disable the student tools and communication functions for that course" that include "email, discussion board, virtual chat, student roster, [and] group pages." EX1011, 46:11-47:17. Thus, an instructor can enable or disable (activate or de-activate) various channels of communication between the instructor and students, as well as between students themselves. *Id.* These teachings of *Alcorn are* just like one of the '336 patent's example techniques of activating or de-activating mobile information channels, shown in Figure 8 of the '336 patent, where mobile information channels can be turned on or off. EX1001, 5:10-30, 10:34-47, 13:40-14:22.

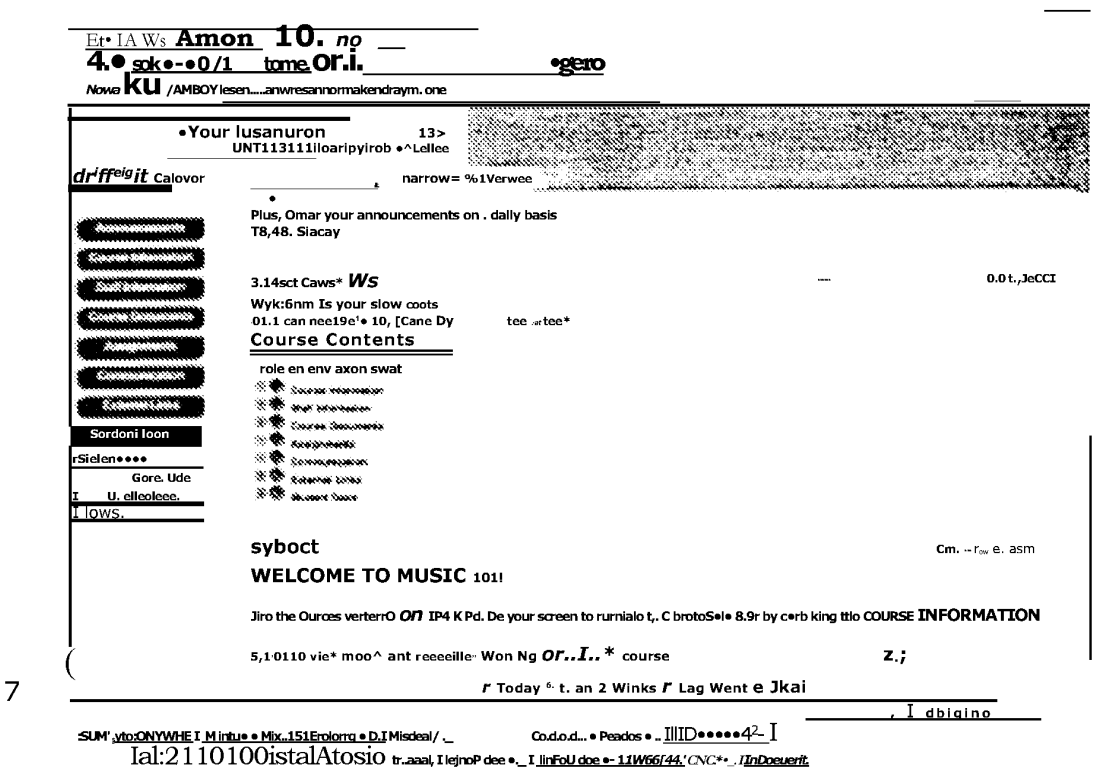
| **username's M-Channels** (mobile content and communication channels) | | |
|---|---|---|
| D About | manage about content | • ON |
| D Announcements | manage announcement content | ■ OFF |
| D Core | manage core content | ■ OFF |
| D Agenda | manage agenda content | ■ OFF |
| D Notes | manage notes content | U ON |
| D Zine | manage zine content | ■ OFF |
| D Rant&Rave | manage rant&rave content | .....EI |
| D Surveys | manage surveys content | ■ OFF |
| D Chat | manage chat content | • ON |
| D Journal | manage journal content | ■ OFF |
| D Guestbook | manage guestbook content | ■ OFF |
| D Links | manage links content | ■ OFF |
| D M-Card | manage m-card content | • ON |

Icon Legend:
ON : M-Channel is visible to site visitors.
❑ OFF : M-Channel is not visible to site visitors.
Click on the icon in the same row as the M-Channel you wish to turn On or Off

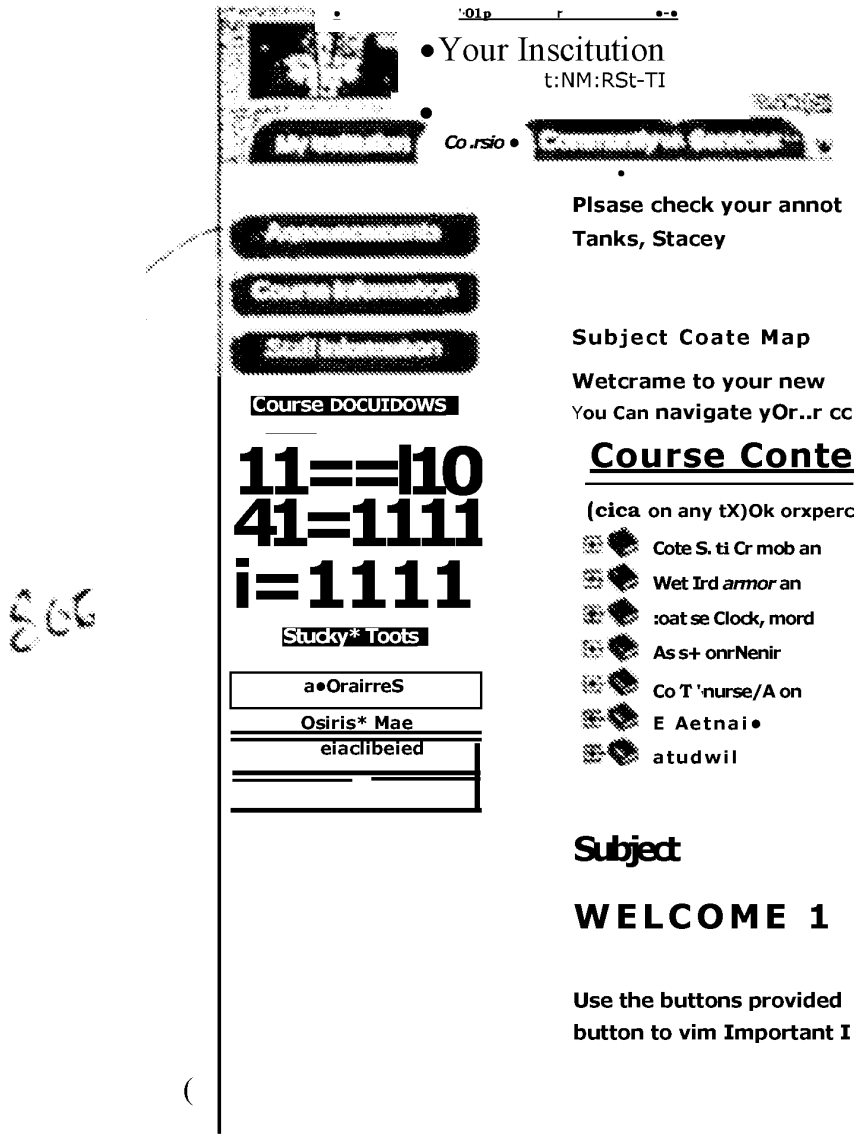
EX1001, Fig. 8

When students access the "course website", the "course website" provides "links" to the "features" enabled by the "instructor." EX1011, 9:24-31, 10:21-24. The students are then able to use these links to access the content and/or communications provided by each "feature." *Id.*

An exemplary course website is shown below in Figure 8:




As shown above, the "course website" includes "features" that allow an instructor to interact and exchange messages with the students. EX1011, 2:16-29. The instructor user can post "announcements" or exchange messages via the "communication" feature. EX1011, 39:11-20.




For instance, an "instructor" can use **"discussion board 1208"** to **"interact []** with one or more . . . student users ... **[to]** receive **student questions and input, and conduct participatory class discussions** using an electronic network such as the Internet or World Wide Web." EX1011, 15:24-16:6 (emphasis added); *see also id.*, 43:6-45:12, FIG. 12-13; EX1003, ¶¶ 61, 94.

### 2. Alcorn is Analogous Art

*Alcorn* is analogous art to the '336 Patent. "Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved." *In re Bigio,* 381 F.3d 1320, 1325 (Fed. Cir. 2004).

*Alcorn* is within the field of endeavor of the '336 Patent, and particularly relevant to Challenged Claimsof the '336 Patent, because it relates to a network-based communication system that facilitates both sharing of educational content sharing and messaging between users enrolled in a given course. EX1011, 1:11-13:9. Further, *Alcorn* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the challenged claims, such as the integration of shared information content with messaging, collaboration and other wireless networking functionality. EX1001, 1:54-67. *Alcorn* identifies and addresses similar problems, such as by providing a web-based user interface that facilitate the exchange of educational content and messages between an instructor user and one or more additional student users through an "electronic network." *Id.;* EX1003, ¶¶ 61, 94.

### 3. Overview of Read

*Read* is titled, "Internet Communication," is directed to an "Internet communication system" comprising a "Web site" hosted by a "web server" that allows a first user to send "electronic communications" (also referred to as "messages") to a "second user". EX1010, Abstract, p.1.

An exemplary embodiment of *Read's* communication system is shown in Figure 1, below.

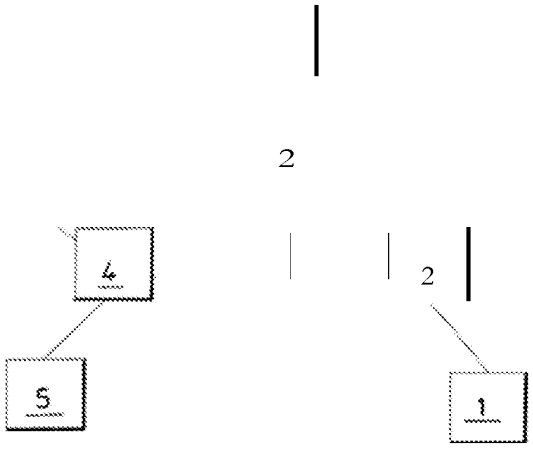



FIG.1

*Read's* "communication system" includes "Web site server 6," "server 4," and "server 2." EX1010, p.6-7. "Web site server 6" is connected to the Internet, and runs a "Web site" to which users, such as the disclosed "first and second users," may subscribe. EX1010, p.7.

The "first user" accesses the various "pages" of the "Web site" using a Web browser on "computer 1." EX1010, p.6-7. Once logged into the "Web site," the "first user" can author an "electronic communication" to the "second user," which is retained on "Web server 6." EX1010, p.7. When the "second user" wants to read their mail, the second user can access the web site via his "computer 5" and a "server 4." EX1010, p. *7*.

*Read's* communication system facilitates "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (LP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. More specifically, these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user

has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) then he may access the web site using the telephone." EX1010, p.10.

The first user's message is retained on "Web site server 6." EX1010, p.7. The Web server also retains "status information indicating whether the electronic communication has been opened by the second user." EX1010, p.2. The Web server is also configured to specify other users that are authorized to open messages that have been previously opened by the "first user." EX1010, p.5. As such, "additional predetermined users" are allowed "to access the status information or to *[sic]* the electronic communication." EX1010, p.4.

*Read* discloses an exemplary "Web site" as an e-payroll website. EX1010, p.12. A first user, "Mr. First," is a subscriber of the payroll website, where his role is as a "payroll administrator." EX1010, p.12. An exemplary first Web-based interface *(e.g.,* an e-payroll website) accessed by the first user *(e.g.,* "Mr. First") is shown in Figure 2 below:

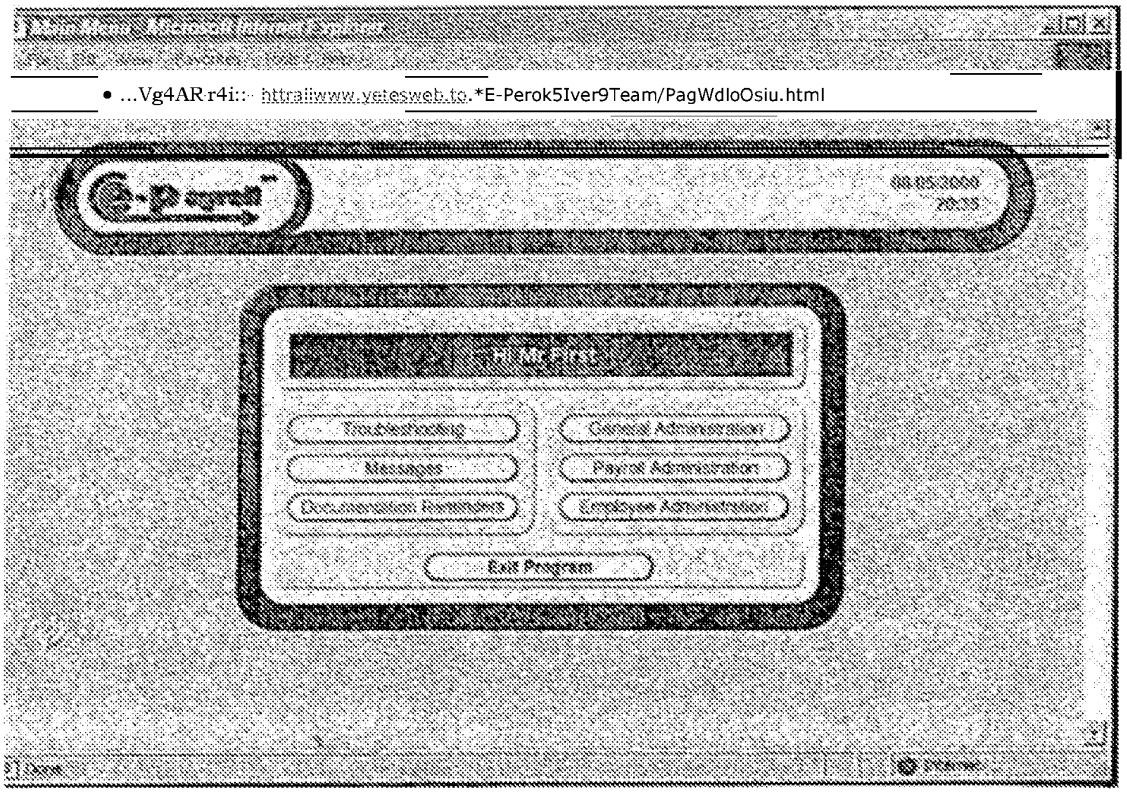


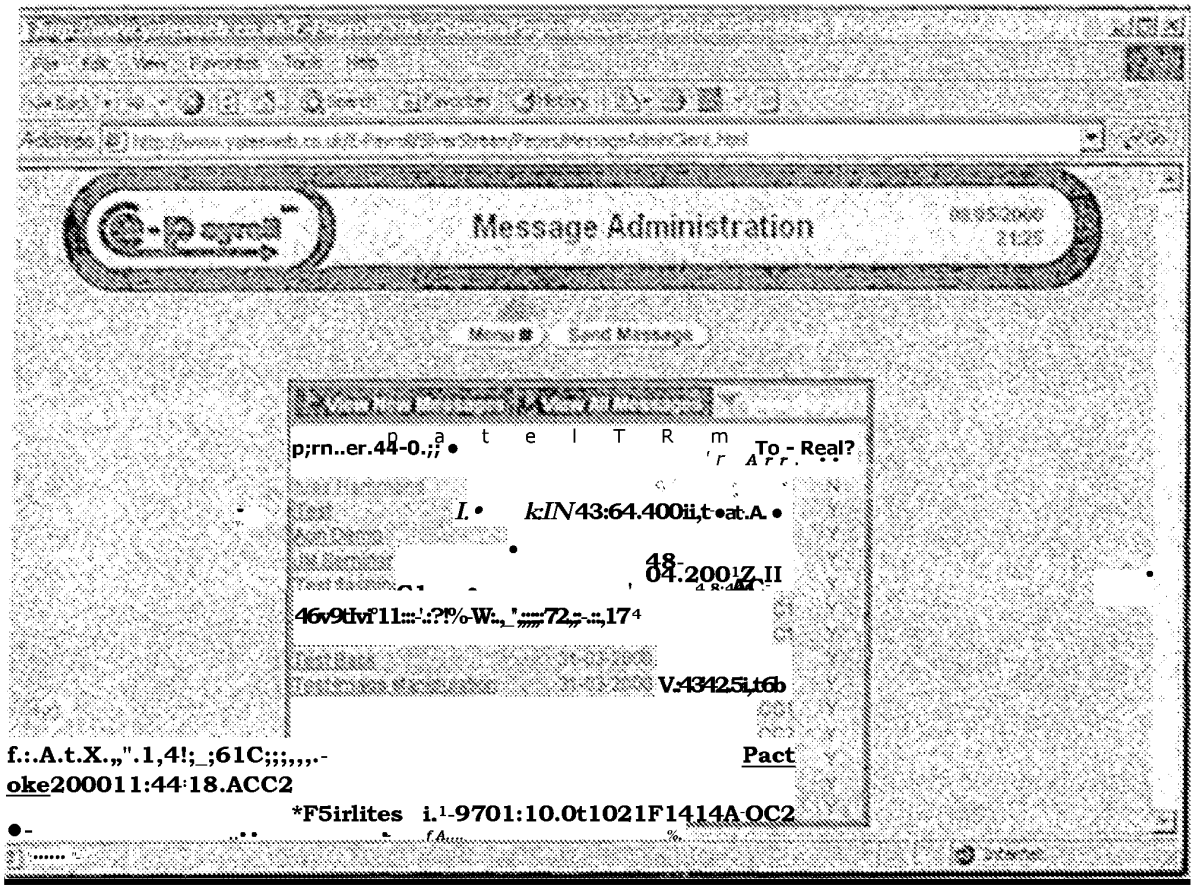

FIG.2

EX1010, FIG. 2, p.12. When Mr. First logs on to the e-payroll website, a menu of services is displayed (as shown in Figure 2). EX1010, p.13.

From the first web-based interface, Mr. First can compose a message to a second user *(e.g.,* the company accountant Julie) by selecting first selecting the "Messages" button followed by the "Send Message" button (which is pictured in Figure 7 below). EX1010, p.13. The sending of a message to Julie establishes an electronic communications session between Mr. First and Julie since messages can now be exchanged between these users, i.e., an email message sent by Mr. First to

Julie, a responsive email sent by Julie to Mr. First, a responsive email sent by Mr. First to Julie, etc. *Id.;* EX1003, ¶¶98-117.

To view the status of the message sent to Julie, Mr. First can select the "View Outbox" option from the "Message Administration" screen (shown in Figure 7 below). EX1010, p.13-14.




F10.7

EX1010, FIG. 7. The "Outbox" keeps a log of all messages sent by Mr. First, and indicates whether the message has been opened by the "second user." EX1010, p.13-14. As shown above, the "Read?" column depicted in Figure 7 uses the following

notations for "status information": "Y" (indicating that the recipient has opened the message) and "N" (indicating the recipient has not yet opened the message). EX1010, FIG. 7.

A "second user," such as "Julie," is also a subscriber to the same "Web site" run on "Web site server 6." EX1010, p.6. When the second user checks their mail, the second user accesses the "messages pages of the "Web site" on their "computer 5" via "web server 4." EX1010, p.7.

"Web site server 6" keeps a "record" of messages sent by subscribers to each other, allowing "first and second users" to view when a given message was sent, when a given message was opened, and the contents of the messages. EX1010, p.78. "The main menu presented to [the second user] once she has logged on to the Web site is slightly different from the main menu presented to [the first user]". EX1010, p.14.

As noted, *Read* discloses, for example, a "second user" *(e.g.,* Julie) is a subscriber to the same e-payroll Web site as Mr. First, which was previously discussed. EX1010, p.12. When accountant Julie logs onto the "Web site," a different main menu is presented to Julie, which is shown in Figure 9 below. EX1010, p.14.

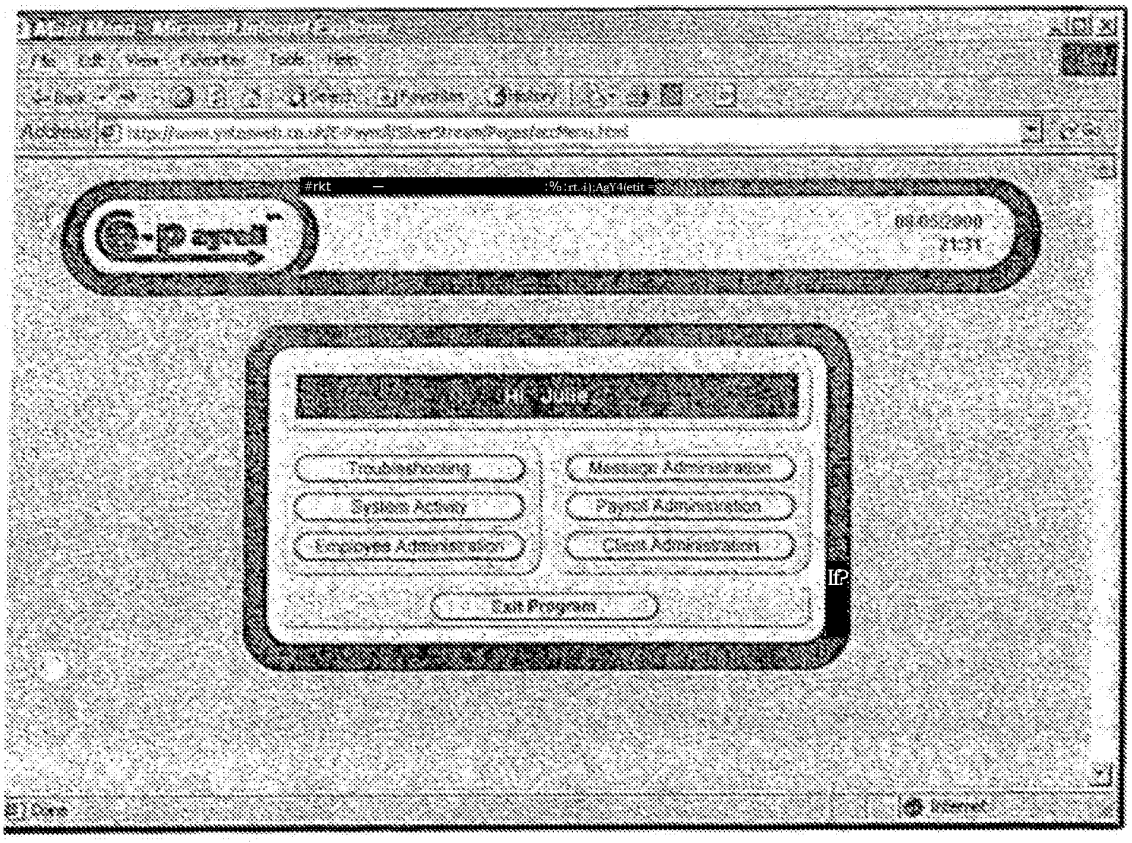



FIG.9

The "Message Administration" button is flashing red because Julie has unread messages for her from Mr. First. EX1010, p.14. Once Julie opens the message (in the same manner as Mr. First above), the "Message Administration" button no longer illuminates red because the message has now been viewed. EX1010, p. 14.

As discussed, the first user uses the Web site's "Write Message page" to send "messages" or "electronic communications" to a second user where "a message [is] sent via the Internet." EX1010, p.2, p.11-12. These "first and second users," who are subscribers to the "Web site," may configure which users are authorized to send them messages on the "Web site." EX1010, p.4-6. For example, the second user Julie may

send messages to Mr. First. EX1010, p.14. Thus, where a user is authorized, the user can send messages in accordance with *Read's* disclosure, *i.e.,* the user is permitted to use the "Write Message" page to send "messages" and "electronic communications" to "second users." EX1010, p.4-7.

**4. Read is Analogous Art**

*Read* is analogous art to the '336 Patent. *Read* is within the field of endeavor of the '336 Patent, and particularly relevant to the Challenged Claims of the '336 Patent, because it relates to an Internet-based communication system that facilitates both content sharing and messaging between a first user and additional users. EX1010, Abstract.

Further, *Read* is reasonably pertinent to the problems identified by the '336 Patent and addressed by the Challenged Claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. With respect to the first identified problem, *Read* discloses that its Web server retains both status information and electronic communications that is accessible the first user and additional users, and moreover, the communication (which may include content such as a drafted document) may be modified such that a hierarchy of the content and its modifications is saved by the server. EX1010, p.3-4. With respect to the second identified problem, *Read* discloses that users are able to take action on the shared information described through the use of a mobile phone with Internet connection capabilities. EX1010, pp. 3, 10.

### 5. Motivation to Combine Alcorn and Read

To the extent *Alcorn* is found not to teach a *mobile information channel,* the combination of *Alcorn* and *Read* teaches this. EX1003, ¶¶ 87-97.

*Alcorn* discloses accessing education support system via web browser 120 to view various webpages of the system and interact with other users. EX1011, 16:9-17:9, 46:11-47:17; *see also id.,* 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. *Read* discloses that the electronic communications in its Internet-based communication system encompasses "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (LP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. *Read* further discloses that these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) **then he may access the web site using the telephone."** EX1010, p.10. Thus, the combination of *Alcorn* and *Read* would have allowed *Alcorn's* web pages to be accessed using a mobile device — i.e., both the instructor and student would have been able to access via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless mobile devices. EX1003, ¶¶ 87-97.

A POSITA would have been motivated to combine *Alcorn* and *Read* based on the teachings within the prior art references themselves and the knowledge of

POSITA. Given the widespread proliferation of mobile devices (including web-enabled mobile devices), a POSITA would have been motivated to modify *Alcorn's* **"website environment** [wherein] the user is able to access all of the relevant course material and communication features" such that the website was optimized to be accessible via mobile devices. EX1012, 31:5-7 (emphasis added). As an additional example, *Alcorn* provides "synchronous communication tool(s) and asynchronous communication tool(s)" through its education support system, a POSITA would have been motivated to combine *Alcorn's* communication tools with *Read's* ability to conduct Internet communication via mobile devices. *See* EX1011, 10:19-23; *see also* EX1010, p.3, 10. In the combination, both the instructor and student would have been able to access content and communicate via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless mobile devices. EX1003, ¶¶ 87-97.

A POSITA would have been motivated based on the knowledge generally available to a POSITA to modify *Alcorn* in view of *Read.* EX1003, ¶¶ 87-97. In particular, web-based content management integrating network functionality was widely known prior to June 18, 2002 (the '336 Patent's earliest effective filing date). For instance, America Online (AOL) was a known web portal and online service provider. By October 2000, AOL had already launched a service that provided its subscribers with the ability to not only use their email (messaging user network functionality), but also view customized Webpages (web-based content management) accessible from any wireless phone or mobile device.[19] AOL's

[19] *AOL Launches New Service,* CNNMONEY (Oct. 25, 2000), https://money.cnn.com/2000/10/25/technology/aol/("America Online Inc., the world's No. 1 Internet service provider, on Wednesday launched a new service allowing subscribers to read e-mail, news and stock quotes on customized Web pages accessible from any computer, wireless phone or mobile device.")

provision of these types of services is described with greater detail herein with respect to *Weiden.* EX1009; *see also supra §* V.C. In particular, *Weiden* describes a purported improvement on AOL's well-known instant messaging functionality that further incorporates web-based content sharing. *See generally* EX1009. Additionally, prior to June 2002, other online service providers were competing with AOL and providing similar services. Yahoo provided a similar type of functionality. Similar to AOL and the '336 Patent, *Yahoo! Clubs* provided a group for members who shared a common interest. Each club was provided with its own "places to share photographs, news, addresses, and links" along with a "message board and chat room.[20] Furthermore,

Yahoo! Also allowed user to "set up [their] mobile device and Yahoo! So that they will work together, as well as specify the content that will be sent to your device."[21]

Based, in part, on the commercial success of AOL and Yahoo in the 1990's and the early 2000's, a POSITA would have been motivated to modify *Alcorn's* online content in view of *Read* to make it accessible via a mobile device, where both the instructor and student would have been able to access content and communicate via mobile devices, making the *Read* and *Alcorn* combination implementable using only wireless devices. EX1003, ¶¶98-117.

A POSITA would have also been motivated to combine *Alcorn* and *Read* based on the teachings in *Alcorn. Alcorn* describes that "education support system 100" is designed to "give[] students **quick, easy access" to** its features. EX1011, 33:16-17 (emphasis added); *see also, id.,* 28:25-29:6. A POSITA would have understood that such "quick, easy access" to *Alcorn's* online courses could be even further achieved through incorporating *Read's* mobile device functionality with

[20] Alan Neibauer, *How to Do Everything With Yahoo!* at 473 (2000).

[21] Alan Neibauer, *How to Do Everything With Yahoo!* at 167 (2000).

*Alcorn.* A POSITA would have been motivated to combine's *Read's* web-enabled mobile device with *Alcorn's* Internet-based education support system because this would apply a known technique to a known method (ready for improvement) to yield predictable results. *Alcorn* discloses a "base" method. *See generally* EX1011. As discussed, *Alcorn* discloses "education online," whereby instructors can transmit content like "course materials" and conduct "participatory class discussions using an electronic network." EX1011, 1:11-25. *Read* contains a known technique—enabling mobile devices to access web-based content—that is applicable to *Alcorn's* online courses. *See* EX1010, p.3, 10. A POSITA would have recognize that applying optimization of the display of web-based content for mobile devices would have yield predictable results-a student user would be able to view *Alcorn's* online education via a mobile device, and an instructor would have similarly been able to access required functionality via a mobile device. EX1003, EX1003, ¶¶ 87-97..

A POSITA would have been further motivated to enhance *Alcorn's* functionality in view of *Read* because both references are directed to the same field of endeavor. Both references are directed to the use of Internet-based communications to facilitate interactions between multiple users through systems configured to allow users to share content and send messages to one another. EX1011, EX1011. Moreover, there are market forces that would have prompted adaption of *Alcorn's* content sharing system and method's with *Read's* ability to access websites containing shared content through a mobile device. In particular, such adaptation would have been prompted by the widespread proliferation of mobile devices and their corresponding utilization to access the Internet-based content like that disclosed in *Alcorn.* In view of these design and market forces, POSITA could have implemented the claimed variation of *Alcorn* in view of *Read* as incorporating *Read's* disclosure into *Alcorn* using well-known and routine techniques, which would have led to predictable results. EX1003, ¶¶ 87-97..

A POSITA would have further had a reasonable expectation of success in modifying *Alcorn* in view of *Read.* At most, incorporating *Alcorn* in view of *Read* would have required minor software modifications to *Alcorn* using well-known and routine techniques: the optimization of the display of a website on the screen of a mobile device. *Alcorn* even notes that a **"general object** of [its disclosure] is to **provide a system** that can easily be integrated with existing computer network and backend systems **with minimal disruption to existing operations and systems."** EX1011, 6:17-21 (emphasis added). EX1003, ¶¶ 87-97.

#### 6. Alcorn in View of Read Provides a Substantial New Question of Patentability

For the reasons discussed above in Sections V.D.1-V.D.5, as well as those discussed below, in the Proposed Rejection (Section VI.A.2), and in Exhibit CC, *Alcorn* and *Read* are not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.2) and Exhibit CC provides a detailed analysis demonstrating that *Alcorn* in view of *Read* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Alcorn* in view of *Read* presents substantial new questions of patentability. EX1003, ¶¶ 87-97

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.2) and in Exhibit CC, *Alcorn* in view *of Read* renders obvious the Challenged Claims because the combination teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby*

*facilitate interaction between the first user and the one or more additional users"*

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

*See* Section III.D.

*Alcorn* in view of *Read* therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Alcorn* and *Read* were not cited by the examiner. *Alcorn* in view of *Read* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242. A detailed explanation of the pertinence and manner of applying *Alcorn* in view *of Read* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.2., below, as well as in Exhibit CC.

### E. Ground 4-5: Read Anticipates and/or Renders Obvious the Challenged Claims

#### 1. Overview of Read/Read is Analogous Art

Sections V.D.3. and V.D.4 provide an overview of Read and explain how Read is analogous art to the '336 patent.

### 2. Read Presents a Substantial New Question of Patentability

For the reasons discussed above in Sections V.D.3-D.4, as well as those discussed below, in the Proposed Rejection (Section VI.A.3), and in Exhibit **BB,** *Read* is not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. The Proposed Rejection (Section VI.A.3) and Exhibit **BB** provides a detailed analysis demonstrating that *Read* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* presents substantial new questions of patentability. EX1003, ¶¶ 62-63, 98-117.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.3) and in Exhibit **BB,** *Read* discloses or renders obvious the Challenged Claims because it teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"*
- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

*See* Section III.D.

*Read* therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Read* was not cited by the examiner. *Read* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242. A detailed explanation of the pertinence and manner of applying *Read* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.3., below, as well as in Exhibit **BB.**

### F. Ground 6: Read in view of Agboatwalla Renders Obvious the Challenged Claims

#### 1. Overview of Read/Read is Analogous

Sections V.D.3. and V.D.4 provide an overview of Read and explain how Read is analogous art to the '336 patent.

#### 2. Overview of Agboatwalla

*Agboatwalla,* titled "System, Method, and Article of Manufacture for Generating a Customizable Network User Interface," is directed to a "method for generating a user-sharable network user interface." EX1012, Abstract, 1:30-4:21. *Agboatwalla* describes custom Internet portals for displaying web-centric information. EX1012, 1:60-65. "These portals aggregate information from different HTML sources into one interface where it can be accessed through one interface." *Id.* However, *Agboatwalla* also describes how typical portals do not provide users with control over which web sites are used content sources for aggregating information. EX1012, 149-2:4. As such, *Agboatwalla* purports to provides users the ability to "completely configure both the source and content that he/she wants on his/her own portal." EX1012, 2:22-29.

*Agboatwalla* is generally directed **"management interface"** "that allows a user" to select and manage information displayed on **an information screen of a habitat"** (where the habitat information screen corresponds to the aforementioned "portal"). EX1012, 2:30-35 (emphasis added). *Agboatwalla* further describes the habitat as an **"Internet** habitat." EX1012, 4:47-48 (emphasis added). The management interface includes **"information from one or more content sources."** EX1012, 2:30-63 (emphasis added). A user may select portions of information available from "content sources." *Id.* The selected information is "marked" and stored. *Id.* Then, the "marked information" is displayed on the "habitat information screen." *Id.* "The aggregated content may be displayed in a customized **web-based habitat."** EX1012, 18:39-52 (emphasis added).

The "habitat information screen" is comprised of "windows" and "views." Ex. 2:41-43. The "habitat information screen" "includes at least one view." EX1012, 2:41-42. "Each view contains at least **one window"** "for displaying the marked information." EX1012, 2:41-43.

*Agboatwalla* further discloses "a method for generating a **user-sharable** network user interface." EX1012, 2:31-32. More specifically, "[t]he **first user"** "may set permissions for **other users** to view view(s) and/or window(s)." EX1012, 2:48-49. Because the "window [is] for displaying **at least a portion of the marked content,"** the "window" enables shares "marked content" with "other users." *Id.* (emphasis added); *see also* EX1012, 2:66-67.

An exemplary embodiment of a "habitat" is reproduced in Figure 8 below. EX1012, 4:47-48.

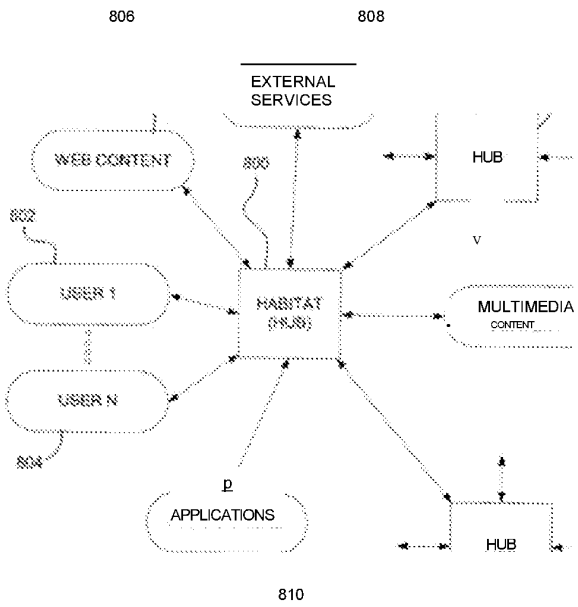



Fig. 8

EX1012, FIG. 8. The Internet habitat is in communication, *inter alia,* with users 802 and 804 and content 806. EX1012, 16:25-28. "Habitat 800" also allows the user to create an information portable whose content is customizable. EX1012, 16:28-32. For example, customization may be carried out using "an intuitive drag and drop capability," which allows a user to "select[] the source or headlines of choice and drag[] and drop[] them into the windows and views of choice." EX1012, 16:53-59. As such, a user can quickly compile and manage their preferred content. *Id.*

As shown by Figures 11 and 12 below, an exemplary "Enterprise Habitat" organizes content according to a series of views, windows, and categories. EX18:55-57.

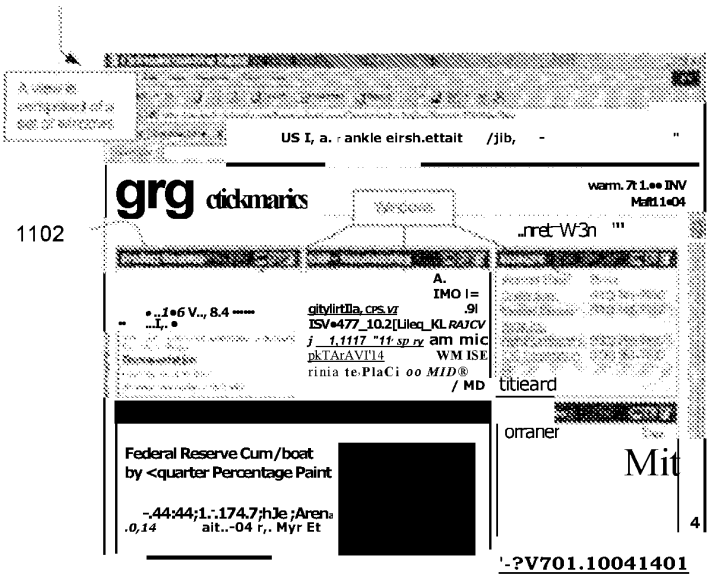



**Fig. 11**

More specifically, "windows" and "views" are containers for holding and organizing content, while categories are used to further organize content within each window. EX1012, 18:55-60, 19:1-7, FIG. 11. As such, a user is able to categorize related information within individual "windows" and "views," providing the user one place to access all of their favorite information and content from the web. EX1012, 13:31-43. *Agboatwalla's* specification further specifies that the "content includes (but is not limited to): (a) News and Information headlines (of all sorts) (b) Information about email, bank and other accounts (c) Information about shopping and comparison of rates and prices (d) Graphs, Images, Sounds, or any other media." EX1012, 13:39-43.

**Fig. 12**

EX1012, FIG. 12. "Windows" *(i.e.,* the claimed *"mobile information channel[s]")* may communicate content from a single source *(e.g.,* a single Web site or a single document) or multiple sources *(e.g.,* news headlines or sales statistics). EX1012, 19:8-32, FIG. 12.

*Agboatwalla* discloses "a process 1000 for **generating a user-sharable network user interface."** that containing "aggregated content may be displayed in a customized **web-based habitat."** EX1012, 18:39-52 (emphasis added). Figure 10, which is reproduced below, illustrates process 1000. EX1012, 17:58-59.

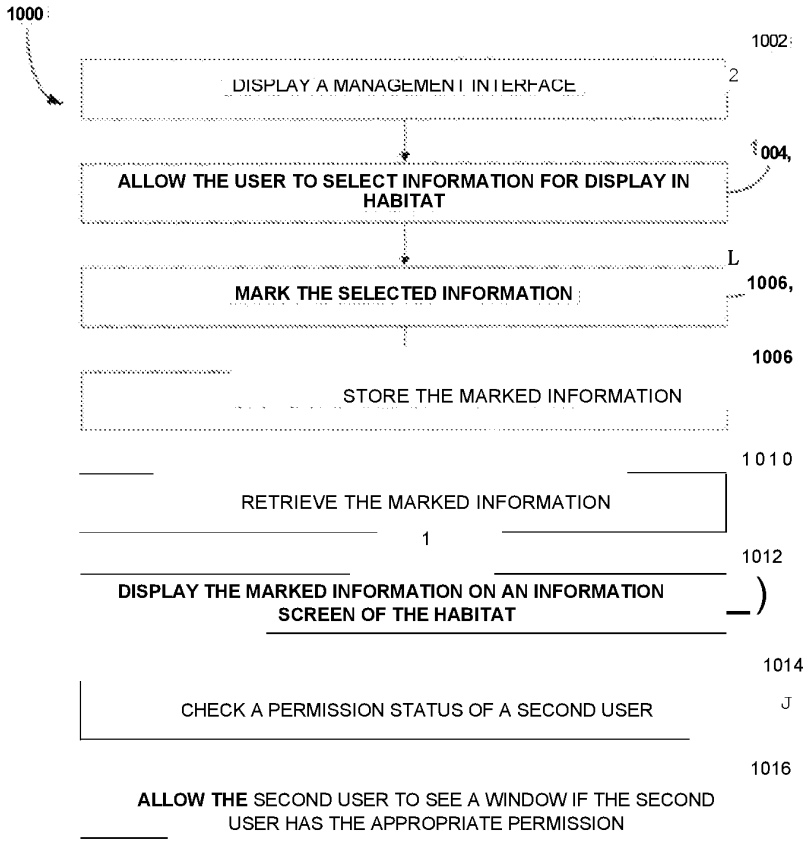



**Fig. 10**

EX1012, FIG. 10. In step 1002, a "management interface" is displayed, enabling a "first user" to select and manage the information that will be displayed on the screen of a "habitat." EX1012, 17:58-64. In step 1004, the first user is further able to select portions of information that will be available from the "content sources." EX1012, 17:64-65. In steps 1006 and 1008, the "content" is marked and stored. EX1012, 17:66-67. When the user desires to view the selected information, the user can retrieve the content in step 1010 such that the content is displayed in step 1012. EX1012, 17:66-18:5.

A "second user" may be able to view this content. EX1012, 18:5-52. At step 1014 of the process for generating a "user-sharable network" (depicted in Figure 10

above), the "permission status of a second user is checked ... to determine whether the second user is authorized to see a window." EX1012, 18: 5-8. "The first user may set permissions for allowing other users to view view(s) and/or window(s), at the first user's option." EX1012, 18:11-12. The first user may **"only allow access to certain windows."** EX18:23-24 (emphasis added). If the "second user" is authorized, the "second user" can view the shared content in the window of the information screen. EX1012, 18:8-10. Thus, the "second user" is only able to view particular authorized windows of the "habitation information screen" via the "user sharable network interface." *Id.* The "window" is "for displaying **at least a portion of the marked content,"** and these windows of the "user-shareable network interface" "can be shared on a **group basis."** *Id.; see also* EX1012, 2:66-67, 18:29.

The sharable content is accessible through various devices. EX1012, 19:1632. "By default, all windows are **wireless enabled."** EX1012, 19:8-32 (emphasis added). Once an Enterprise Habitat (EH) "has been **set up with the browser,** the user can **access the content from a Personal Digital Assistant (PDA), handheld computer,** etc." EX1012, 27:6-18 (emphasis added). The information in a habitat can be accessed by a variety of client devices, including a PDA, wire web phone, wireless telephone, or any other device capable of storing and/or outputting information by direct connection or via wireless transmission. EX1012, 16:35-41.

**3. Agboatwalla is Analogous Art**

*Agboatwalla is* analogous art to the '336 Patent. Like the '336 Patent, *Agboatwalla* is within the same field of endeavor, and particularly relevant to Challenged Claims, because it relates to generating a network-based user interface with sharable data. EX1012, 2:30-4:21. *Agboatwalla* is also reasonably pertinent to the problems identified by the '336 Patent and addressed by the Challenged Claims, such as: (1) the integration of shared information content with messaging, collaboration and other wireless networking functionality, and (2) the allowance of

mobile devices to link to and take further action on shared information content. EX1001, 1:54-67. EX1003, ¶¶ 62-63.

#### 4. Motivation to Combine Read and Agboatwalla

To the extent Read is found not to teach a *mobile information channel,* the combination of *Read* and *Agboatwalla* teaches this. EX1003, ¶¶ 62-63.

*Read* discloses that the electronic communications in its Internet-based communication system encompasses "any communication capable of being sent via the Internet," including Transmission Control Protocol (TCP), Internet Protocol (LP) and/or the Wireless Application Protocol (WAP) or other mobile Internet connection technologies. EX1010, p.3. *Read* further discloses that these "electronic communications" can be sent by a "first user" and viewed by "second users" via any suitable device, including mobile telephones. EX1010, p.3. As such, "[i]f the user has a Wireless Application Protocol (WAP) telephone (or other mobile telephone Internet connection technologies) **then he may access the web site using the telephone."** EX1010, p.10.

*Agboatwalla's* describes a "management interface allows a user to select and manage information displayed on an information screen of a habitat." EX1012, 2:34-35. The habitat is organized by, *inter alia,* windows, whereby windows are configured to display at least a portion of content marked by a first user. EX1012, 2:64-67, 18:55-60. "A second user is allowed to see the window of the information screen of the first user if the second user is authorized." EX1012, Abstract. The habitat "allows users to aggregate content of their choice from any website and share that content with others." EX1012, 18:38-42. *Agboatwalla* discloses that there is a wide array of potential shared content:

> text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying,

> selling, trading, auctions, barters, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services.

EX1012, 18:38-52(emphasis added).

Thus, the combination of *Read* and *Agboatwalla* would have allowed *Read* to share expanded types of content using "windows" as taught by *Agoboatwalla.* EX1003, ¶¶ 118-123.

A POSITA would have been motivated to combine the windows and expansive categories of shared content contemplated by *Agboatwalla* with *Read's* "Internet Communication System." EX1003, ¶¶ 118-123. In particular, a POSITA would have been motivated by the knowledge generally available to POSITA and the teachings of the references themselves to modify *Read* in view of *Agboatwalla* such that *Read's* system provides the sharing of expanded types of content such as "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barters, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services" between devices, including mobile devices, using *Agboatwalla's* display windows. EX1012, 18:38-52; EX1003, ¶¶ 118-123. A POSITA would have recognized that there is a vast amount of web-based content available online as described by *Agboatwalla,* and making additional categories of content available (in addition to "electronic communications" and "status information") within *Read's* "Internet Communication" system would be advantageous to carry out *Read's* purported invention, "facilitating communication between the first and second users via ... a Web site" by allowing users to share and exchange additional categories of content. EX1011, p.5. By sharing expanded types or categories of content, Read's intranet

system would have had increased flexibility, allowing users to have shared additional types of content that is not limited to simply email or status information. Indeed, *Read's* own disclosures also strongly motivate the combination. For example, *Read* already proposes that among the "electronic communications ... retained by the Web server," certain configurations of the communication system will result in "a hierarchy of documents retained at the Website." EX1010, p.4. "The communication could be ... a legal document that is amended in turn by several lawyers, each amendment resulting in the creation of a new document." EX1010, p.4. Thus, *Read* strongly suggests that the shared content may expanded beyond mere "electronic communications," and *Agboatwalla* simply provides examples of such expanded content—i.e., "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barters, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services." *Id.;* EX1012, 18:38-52. As such, a POSITA would have been motivated to enhance *Read's* functionality by incorporating *Agboatwalla's* ability to share expanded types of content using "windows" *(i.e.,* the claimed *"mobile information channel(s)").* EX1003, ¶¶ 118-123.

The combination would have been straightforward with predictable results; indeed, a POSITA would have combined *Read's* system with *Agboatwalla's* teachings using minor software modifications that were known in the art, which would not change the functions that both *Read* and *Agboatwalla* perform separately, such that *Read's* system would have simply presented *Agboatwalla's* expanded content for sharing between users via *Agboatwalla's* display windows and recipients of such content would have simply viewed the shared content via windows on their respective webpage. EX1003, ¶¶ 118-123. *Agboatwalla* describes that "email"

(shared content already described by *Read)* is included as part of *Agboatwalla's* expanded content, so as combined *Read's* system would still have provided the same functionality of sending and receiving email communications. EX1003, ¶¶ 118-123. But rather than merely providing this functionality, *Read's* "Write Message" page would have been adjusted to display *Agboatwalla's* windows that provide a conduit for sharing emails as well as expanded types of content. EX1003, ¶¶ 118-123. And rather than simply displaying a "message" button to effectuate sharing content (i.e., via email communication specifically) and tracking/displaying message status (EX1010, p.13-14, Figs. 2, 7), the minor software modifications would have simply resulted in *Read's* interface instead displaying a "share content" button or an equivalent, reflecting the expanded categories of content that would have been available for sharing as taught by *Agboatwalla,* and the capability to track which types of content have been shared. EX1003, ¶¶ 118-123. These adjustments would have been straightforward and predictable, and well within the knowledge of a POSITA. *Id.* Moreover, both *Read* and *Agboatwalla's* systems can be implemented using WAP protocols, which further provides that the combination would have been straightforward and predictable and only required minimal adjustment. EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1003, ¶¶ 118-123.

A POSITA would have further had a reasonable expectation of success in modifying *Read* in view *of Agboatwalla. Read's* communications system is provided by a "Web site" accessible "via the Internet." EX1010, p.2. More specifically, *Read* provides for content sharing via a specified page of the "Web site," the "Write Message" page. EX1010, p.7. *Agboatwalla*'s "method for generating a user-sharable network user interface" utilizes a customized **web-based habitat."** EX1012, 18:3952 (emphasis added). *Agboatwalla's* habitat comprises "windows" which are "containers for holding and organizing content," including expanded types of

content such as "text (i.e. news headlines, hyperlinks in web-pages), secure account information (i.e. email, bank accounts, utilities, and stock portfolios), services (i.e. maps, directions, weather, web searches), financial transactions (i.e. online shopping, buying, selling, trading, auctions, barters, comparisons) and other dynamic tasks that involve interaction of the users with other web-based (client and server side) services." EX1012, 18:38-60. A POSITA would have had a reasonable expectation of success in modifying the "Write Message" button and page of *Read's* Website to incorporate *Agboatwalla's* web-based "windows" for holding such expanded content because only minor software modifications to *Read* using well-known and routine techniques would have been needed. EX1003, ¶¶ 118-123. As noted above, the combination would have merely provided that *Read's* system would have presented *Agboatwalla's* expanded content for sharing between users via *Agboatwalla's* display windows and adjusted tangential implementation details associated with *Read's* system such as the "message" button and tracking functionality. EX1003, ¶¶ 118-123. Moreover, both *Read* and *Agboatwalla's* systems can be implemented using WAP protocols, which further provides that the combination would have had a reasonable expectation of success. EX1012, 29:3330:18 ("the user can access the content from a WAP-enabled phone"); EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10. A POSITA therefore would have been motivated to combine *Read* and *Agboatwalla* as discussed. EX1003, ¶¶ 118-123.

Thus, for at least the foregoing reasons, *Read* in view *of Agboatwalla* presents an SNQ because neither reference was before the Office (or otherwise considered during prosecution) and their combined teachings disclose each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* in view of *Agboatwalla* presents substantial new questions of patentability. Ex1003, ¶¶ 118-123.

### 5. Read in view of Agboatwalla Present a Substantial New Question

For the reasons discussed above in Sections V.D.3-D.4, V.E.1-V.E.2, and V.F.1-4, as well as those discussed below, in the Proposed Rejection (Section VI.A.4), and in Exhibit **BB,** *Read* and *Agboatwalla* are not cumulative with the prior art of record and/or any "questions of patentability" previously considered by the Office. *Read is* a new reference that was not previously considered. Although *Agboatwalla* was previously cited, it has never applied or considered as a secondary reference in combination with *Read* as this Request proposes. Accordingly, *Read* in view of *Agboatwalla* raises new issues of patentability of the Challenged Claims and does not present the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." See MPEP § 2242.

The Proposed Rejection (Section VI.A.4) and Exhibit **BB** provides a detailed analysis demonstrating that *Read* in view of *Agboatwalla* renders obvious each and every limitation of the Challenged Claims, including the elements that allegedly rendered the '336 patent's claims allowable. Thus, *Read* in view of *Agboatwalla* presents substantial new questions of patentability. EX1003, ¶¶118-123.

Indeed, as demonstrated in the Proposed Rejection (Section VI.A.4) and in Exhibit **BB,** *Read* in view of *Agboatwalla* renders obvious the Challenged Claims because the combination teaches the below elements of the challenged claims that resulted in allowance the during prosecution (as well as the other recited elements).

- *"generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby*

*facilitate interaction between the first user and the one or more additional users"*

- *"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"*
- *"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."*

*See* Section III.D.

*Read* in view of *Agboatwalla* therefore presents a substantial new question of patentability, and a reasonable examiner would consider the references important in determining whether the Challenged Claims are patentable, because *Read* was not cited by the examiner. A detailed explanation of the pertinence and manner of applying *Read* in view of *Agboatwalla* to the Challenged Claims for which reexamination is requested is set forth in Section VI.A.3., below, as well as in Exhibit **BB.**

## VI. DETAILED APPLICATION OF THE PRIOR ART TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

### A. Proposed Rejection of the Challenged Claims

The present request presents multiple proposed rejections based on the *Weiden, Read, Alcorn, Agboatwalla,* POSITA knowledge, and combinations thereof.

Requester notes that the proposed rejections below are based on anticipation under 35 U.S.C. § 102(b) and obviousness under 35 U.S.C. § 103(a). Requester further notes that, even if there are minor differences between cited disclosures of the prior art applied herein and the claimed concepts, the Challenged Claims are still obvious, as a POSITA would not have appreciated some new synergy or unexpected

results from the limitations of the Challenged Claims, given the disclosures of the prior art and the general knowledge of a POSITA. When compared with the prior art described below and in light of the knowledge of a POSITA, any "differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. § 103 (pre-AIA).

The proposed rejections are listed below and are described in further detail in the attached claim charts. *See* Exhibits AA—CC.

| | |
|---|---|
| Proposed Rejection 1 | Claims 1, 11, 15, and 27 are anticipated by *Weiden* |
| Proposed Rejection 2 | Claims 1, 11, 15, and 27 are obvious over *Weiden* |
| Proposed Rejection 3 | Claims 1, 11, 15, and 27 are obvious over *Alcorn* in view of *Read* |
| Proposed Rejection 4 | Claims 1, 11, 15, and 27 are anticipated by *Read* |
| Proposed Rejection 5 | Claims 1, 11, 15, and 27 are obvious over *Read* |
| Proposed Rejection 6 | Claims 1, 11, 15, and 27 are obvious over *Read* in view of *Agboatwalla* |

The claim charts provided in Exhibits AA—CC provide a detailed analysis mapping each and every element of the above-listed claims to the prior art. Below, Requester summarizes the proposed grounds.

### 1. Proposed Rejections 1 and 2

***Claim 1***

Regarding Claim 1, *Weiden* discloses or at least renders obvious, **a method for managing information content** *(Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract.) **in a network-based communication system** *(Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 816, 4:12-21, 1:6-7, FIG. 1), **the method comprising the steps of:**

a. **providing a first web-based interface accessible to a first user** *(Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:6-20:21, 3:15-18, Fig. 7), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** *(Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that facilitates the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; thus, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **for sharing content between the first user and one or more additional users** *(Weiden* describes the generated private group website is used to share information among group members, including

files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7); **and**

b. **generating a second web-based interface** *(Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11) **different than the first web-based interface** ***(Weiden*** describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:2-19, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** ***(Weiden*** describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; as noted, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** *(Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** ***(Weiden*** describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; as noted, the private group

website that facilitates sharing information via mobile devices provides a *mobile information channel.* EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-10); **and**

**d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (** *Weiden* describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; as noted, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel.* EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

***Claim 11***

Regarding Claim 11, *Weiden* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** *(Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract. *Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 8-16, 4:12-21, 1:6-7, FIG. 1. *Weiden* describes host system 210 provides "updated services" to group members, including a means of sharing information *(e.g.,* shared data files) among group member client devices, by operating within Local Area

Networks and/or Wide Area Networks . EX1009, 4:12-21, 5:8-16, 6:11-23, 8:259:10, 17:23-18:32, 19:1-22:30, FIGS. 1, 6.), **the apparatus comprising:**

a. **a processing element comprising a processor coupled to a memory** *(Weiden* describes host system 210 includes a host device 235 having a database as memory. EX1009, 4:17-20. The host system 210 also includes a host controller 240 coupled to the host device 235 (and correspondingly its database). EX1009, Abstract, 2:6-11, 3:3-5, 4:1720 5:17-28, 6:11-23, 23:27-24:29, FIGS. 1, 2, 6);

b. **the processing element providing at least a portion of a first web-based interface accessible to a first user** *(Weiden* describes the host system includes a host device capable of executing the host controller's instructions. The host device further includes a group communicator server that has an OSP host complex. The group communicator's OSP host complex provides a "user interface displayed on a client device" that may reside on the Internet to a "founder." EX1009, 19:24-20:12, 20:13-21, 3:15-18, 3:11-14, 5:17-20. Indeed, *Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:620:21, 3:15-18, Fig. 7), **the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users** *(Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and

another subscriber, using mobile devices (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17). *Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files; thus, the private group website that facilitates sharing information via mobile devices provides a *mobile information channel* EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7);

**c. the processing element generating a second web-based interface** (The host system's OSP host complex receives data requests from client devices. OSP complex, then, converts data from the Internet into a web-based interface, a "private group website," delivered to the client device of a group members, where an interface of the "private group website" is viewed by the group members; EX1009, 22:3-11 EX1009, 12:1-7. Indeed, *Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11.) **different than the first web-based interface** *(Weiden* describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:219, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; as noted, the private group website that facilitates sharing information via

mobile devices provides the *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** *(Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** ***(Weiden*** describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; as noted, the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* EX1009,20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-1); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** ***(Weiden*** describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; as noted, the private group website that facilitates sharing information via mobile devices provides the *mobile information channel* EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

***Claim 15***

Regarding Claim 15, *Weiden* discloses or at least renders obvious, **an network-based communication system** *(Weiden* describes "techniques for sharing information among members of a group." EX1008, Abstract. *Weiden's* techniques are performed within "communications system 100" that operates using delivery network 160, which include Local Area Networks and/or Wide Area Networks. EX1009, Abstract, 5: 8-16, 4:12-21, 1:6-7, FIG. 1), **comprising:**

a. **plurality of servers *(Weiden*** describes its host system has an OSP host complex 380 (comprising one or more servers, such as group communicator 6350) and an IM host complex (which includes an IM server). EX1009, 9:3-31, 17:23-32) **configured to communicate over a network** *(Weiden* describes the host system includes gateways that connect the OSP host complex and IM complex, and their corresponding servers, to enable the servers to communicate via networks; EX1009, 3:3-14, 9:3-31, 17:23-32);

b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** *(Weiden* describes the host system includes a host device capable of executing the host controller's instructions. The host device further includes a group communicator server that has an OSP host complex. The group communicator's OSP host complex provides a "user interface displayed on a client device" that may reside on the Internet to a "founder." EX1009, 19:24-20:12, 20:13-21, 3:15-18, 3:11-14, 5:17-20. Indeed, *Weiden* describes a "user interface" that is "displayed on a client device" and accessible to a founder of a private group, where the user interface is web-based because it is a webpage used to set up the private group. EX1009, 19:620:21, 3:15-18, Fig. 7), **the first web-based interface being**

**configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users** *(Weiden* describes the founder uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17). *Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7);

c. **wherein said at least one server generates a second web-based interface** (The host system's OSP host complex receives data requests from client devices. OSP complex, then, converts data from the Internet into a web-based interface, a "private group website," delivered to the client device of a group members, where an interface of the "private group website" is viewed by the group members; EX1009, 22:3-11 EX1009, 12:1-7. Indeed, *Weiden* describes that a "private group website" interface is generated for viewing by a group member. EX1009, 22:3-11.) **different than the first web-based interface *(Weiden*** describes the private group website interface viewed by a group member is different from the interface a founder uses to create a group. EX1009, 20:13-21, 22:2-19, FIGS. 8, 7:26-31, 2:6-11), **wherein the second web-based interface provides each of the one**

**or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **to thereby facilitate interaction between the first user and the one or more additional users** *(Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:611);

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Weiden* describes the private group website supports messaging between the founder and group members via a wireless network using group communicator 6350; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* EX1009,20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-1); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Weiden* describes the private group website creates a group that permits the founder to message group members

over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

***Claim 27***

Regarding Claim 27, *Weiden* discloses or at least renders obvious, **a method** *(Weiden* describes "techniques for sharing information among members of a group" that include associated methods. EX1008, Abstract.) **comprising:**

**a. generating a given mobile information channel** *(Weiden* describes the founder uses the user interface to enter attributes and generate a private group website that permits the sharing of information between group members including the founder and other group members (EX1009, 20:13-21); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides a *mobile information channel.* (EX1009, 4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17)) **for sharing content authored by a first user** *(Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7. Client devices include authoring applications 276 *(e.g.,* word processing or graphics programs) that enable group members, including a "founder" to generate

electronic content. Once a user interface is used to create a group, the "founder" can share information, such as the generated electronic content through the created group (EX1009, 6:24-32, 1:5-3:36); indeed, the generated private group website is used to share information among group members, including share data files like photographs, text files, or multimedia files (EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7)) **with one or more additional users** *(Weiden* describes the generated private group website is used to share information among group members, including files like photographs, text files, or multimedia files. EX1009, 1:9-15, 2:12-3:2, 7:26-31, 19: 6-20:23, 18:10-20, FIGS. 2, 7); **and**

b. **providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Weiden* describes the private group website interface allows group members to access the shared information, e.g., content such as text, images, audio, and video via the created private group (EX1009, 2:12-28); content can be shared between subscribers, including the founder and another subscriber, using mobile devices; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* (EX1009, 4:12-5:16, 6:11-23, 7:268:2, 19:6-17)) **to facilitate interaction between the first and additional users** *(Weiden* describes using the private group website interface, the founder and the group members can share information. EX1009, 20:13-21, 22:12-19, FIGS. 2, 8, 7:26-31, 2:6-11);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network (** *Weiden* describes the private group website supports

messaging between the founder and group members via a wireless network using group communicator 6350; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.*. EX1009, 20:27-21:3, 5:8-16, 7:26-8:2, FIGS. 1-3, 6, 8:3-10); **and**

**d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users (** *Weiden* describes the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. In particular, the created group provides services for messaging, including a shared message board and a shared buddy list to facilitate instant messaging; the private group website that facilitates sharing information via mobile devices provides the *mobile information channel.* EX1009, 5:8-16, 7:26-8:2, 8:3-10, 20:27-21:3, 22:12-19, 23:13-19, FIGS. 1-3, 6).

### 2. <u>Proposed Rejection 3</u>

***Claim 1***

Regarding Claim 1, *Alcorn* in view of *Read* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** *(Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an

electronic network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39), **the method comprising the steps of:**

a. **providing a first web-based interface accessible to a first user** *(Alcorn* describes a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** *(Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:1147:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel. Id.)* **for sharing content between the first user and one or more additional users** *(Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for

out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17.); **and**

**b. generating a second web-based interface** *(Alcorn* describes course engines 116 generate an online course webpage based on the educational materials accessible to a particular student user. EX1011, 16:9-23, 17:1126) **different than the first web-based interface** *(Alcorn's* online course webpage based on the educational materials accessible to a particular student user is different than the instructor accesible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:11-47:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:1-10, 26:3127:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and

communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** *(Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can... actively engage in discussions"), 45:2-12, 46:11-47:17);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.) **and**

d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional**

**users** *(Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination *of Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.).

***Claim 11***

Regarding Claim 11, *Alcorn* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** *(Alcorn* describes web server host 130 comprising an application subsystem 110, database subsystem 140, and core subsystem 150 implements a "computer network-based education support system" that allows an instructor to manage content associated with a student course. EX1011, Abstract, 1:13-25, Title Page, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, FIG. 39, 15:24-16:6, 16:25-17:9), **the apparatus comprising:**

**a. a processing element** *(Alcorn's* application subsystems 110) **comprising a processor** *(Alcorn's* application subsystems 110 comprises a "content registry 111, a tool registry 112, a course registry 113, one or more content engines 114, one or more tool engines 115, and one or more course engines 116") **coupled to a memory** *(Alcorn's* application subsystems 110 comprises a "content registry 111, a tool registry 112, a course registry 113, one or more content engines 114, one or more tool engines 115, and one or more course engines 116" is coupled to server 130's "means for storing

data files associated with a course") *(see* EX1011, 11:4-15, 7:19-8:3, 20:31-21:19, FIG. 1, 16:8-17:9, FIG. 3, 17:11-19:22);

b. **the processing element** *(Alcorn's* application subsystems 110) **providing at least a portion of a first web-based interface accessible to a first user** *(Alcorn's* server 130 receives an HTTP request from an instructor which will invoke the corresponding requested application subsystem 110 or core subsystem 150. Thus, the instructor will be provided with a first web-based interface, such as a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** *(Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel. Id.)* **for sharing content between the first user and one or more additional users** *(Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual

chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17);

c. **the processing element generating** *(Alcorn's* application subsystems 110 comprises a "one or more course engines 116" that generate an online course by associating together the materials to which a student has access. EX1011, 16:9-23, 17:11-26; EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3) **a second web-based interface different than the first web-based interface** *(Alcorn's* online course webpage based on the educational materials accessible to a particular student user is different than the instructor accessible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:11-47:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the

discussion board. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Akorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** *(Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can... actively engage in discussions"), 45:2-12, 46:11-47:17);

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011,

1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination *of Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.).

***Claim 15***

Regarding Claim 15, *Alcorn* discloses or at least renders obvious, **a network-based communication system** *("Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an electronic network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39), **comprising:**

a. **plurality of servers** *(Alcorn's* "web server hosts 130" and load balancing server 200. EX1011, 11:4-15, 7:19-8:3, 20:31-22:5, FIG. 1, 16:8-17:9, FIG.

3, 17:11-19:22) **configured to communicate over a network communicate** *(Alcorn's* load balancing server 200 communicates with web servers 130 over the wireless network to allocate web browser clients to the least busy server 130) *(see* EX1011, 21:21-22:5, FIG. 2, 16:9-24, FIG. 1, 16:25-17:9, 23:15-24, 2:16-29, 6:11-16, 7:7-11, 7:19-8:3);

**b. at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** *(Alcorn's* server 130 receives an HTTP request from an instructor which will invoke the corresponding requested application subsystem 110 or core subsystem 150. Thus, the instructor will be provided with a first web-based interface, such as a "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course," where the tools and communication functions include "email, discussion board, [and] virtual chat." EX1011, 46:11-47:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** *(Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.*

*Id.)* **for sharing content between the first user and one or more additional users** *(Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:212, 46:11-47:17);

**c. wherein said at least one server generates a second web-based interface different than the first web-based interface** *(Alcorn 's* server 130 receives an HTTP request which will invoke the corresponding requested application subsystem 110 or core subsystem 150 to generate an online course webpage for a student by associating together the materials to which a student has access. EX1011, 16:9-23, 17:11-26; EX1011, 46:1147:17; EX1011, 23:27-24:10, 26:1-19, 38:21-31, 43:18-44:9, 16:8-17:9, 17:11-19:30, FIGS. 1, 3. *Alcorn's* online course webpage for a student is different than the instructor accessible "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" (i.e. "activate") student tools and communication functions such as "email, discussion board, [and] virtual chat." EX1011, 16:9-23, 17:11-26, 45:2-12, 46:1147:17.), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared**

**content via the given mobile information channel** *(Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Akorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D) **to thereby facilitate interaction between the first user and the one or more additional users** *(Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board...can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can... actively engage in discussions"), 45:2-12, 46:11-47:17);

**d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a**

**wireless network** *(Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.); **and**

**e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination *of Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.).

***Claim 27***

Regarding Claim 27, *Alcorn* in view of *Read* discloses or at least renders obvious, **a method** *(Alcorn* describes "methods for the exchange of information between instructors and students in an educational context;" "education support system 100" allows an instructor to communicate with students using an electronic

network. EX1011, Abstract, 1:13-25, 2:16-29, 6:11-29, 7:7-11, 7:19-8:3, 10:25-11:2, 15:24-16:6, 16:25-17:9, FIG. 39) **comprising:**

a. **generating a given mobile information channel for sharing content authored by a first user with one or more additional users** *(Alcorn* describes the "webpage that will allow the instructor to enable or disable the student tools and communication functions for that course" permits the instructor to "enable" student tools and communication functions such as "email, discussion board, [and] virtual chat" that are used to share content, which generates such student tools and communication functions when used by an instructor or student for communication. EX1011, 46:11-47:17. *Read* teaches accessing content via the web using mobile wireless devices. EX1010, pp. 3, 10; *see* Section V.D. The combination of *Alcorn* and *Read* would have therefore provided that *Alcorn's* enabled student tools and communication functions such as "email, discussion board, [and] virtual chat" would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel. Id. Alcorn* describes the student tools and communication functions such as "email, discussion board, [and] virtual chat" are used to share content, including between an instructor and one or more student users. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17.); **and**

**b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Alcorn* discloses that the online course webpage provides student users with access to course files associated with a course, including access to content that is shared via the discussion board. EX1011, 18:12-30, 24:110, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:25-35:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D) **to facilitate interaction between the first and additional users** *(Alcorn* describes the discussion board provides interactions between the instructor and students of the course. EX1011, 18:12-30, 24:1-10, 26:31-27:8 ("communication and collaboration tools enhance the interactions between the students and instructors with asynchronous discussion boards"), 34:2535:15 ("using the discussion board... can also be used as an effective method for instructors...to use as a tutorial tool for out-of-class questions and discussions that need to be saved for the purpose of sharing with the rest of that class...the instructor can...actively engage in discussions"), 45:2-12, 46:11-47:17);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Alcorn* describes that the discussion board supports messaging between the instructor and one or more students over an "electronic network such as the Internet and World Wide Web." EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination of *Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.); **and**

d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Alcorn* describes that the discussion board permits the instructor to send messages to one or more students and receive messages from the one or more students. EX1011, 1:13-25, 2:16-29, 18:12-30, 21:1-12, 24:1-10, 26:31-27:8, 45:2-12, 46:11-47:17. As discussed, the combination *of Alcorn* and *Read* would have provided that *Alcorn's* student tools and communication functions, including the discussion board, would have been accessible by student and instructor mobile wireless devices, forming a *mobile information channel.* EX1010, pp. 3, 10; *see* Section V.D.).

### 3. <u>Proposed Rejections 4-5</u>

***<u>Claim 1</u>***

Regarding Claim 1, *Read* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** *(Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1), **the method comprising the steps of:**

a. **providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel** *(Read* describes that a first user "Mr. First" *(see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp.12-13, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; electronic communications in *Read* are Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** *(Read* describes the electronic communications session *(mobile*

*information channel)* where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

b. **generating a second web-based interface different than the first web-based interface** *(Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Read* describes the second-web based interface allows second user Julie to access the content of electronic communications sent by Mr First in the electronic communications session *(mobile information channel)* by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** *(Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communications can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **and**

d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 11***

Regarding Claim 11, *Read* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication**

**system** *(Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1), **the apparatus comprising:**

a. **a processing element comprising a processor coupled to a memory** *(Read* describes a "web site server," where servers are known to include processors coupled to memory such as the "hard drive of the Web server." Ex 1010, 3-4, 6, FIG. 1);

b. **the processing element providing at least a portion of a first web-based interface accessible to a first user** *(Read* describes web site server 6 runs the intranet website and sends "the `login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; specifically, first user "Mr. First" *(see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp. 6-7, 12-14, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or

other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface permits the first user "Mr. First" to activate a electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 24, 6-13, FIGS. 1-5, 7, 10);

**c. the processing element generating a second web-based interface different than the first web-based interface** *(Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. A second user "Julie" *(see* Fig. 9) logs on to the intranet web site and as shown in Figure 9 is presented with a second-web based

interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session *(mobile information channel)* by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** *("Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

**d. wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can

be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

**e. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 15***

Regarding Claim 15, *Read* discloses or at least renders obvious, **a network-based communication system** *(Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1) **comprising:**

a. **plurality of servers configured to communicate over a network** *(Read* describes servers 2, 4, and 6 that communicate over a network including Internet 3. EX1010, p. 6-7, 11, FIG. 1);

b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** *(Read* describes web site server 6 runs the intranet website and sends "the `login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; specifically, first user "Mr. First" *(see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp. 6-7, 12-14, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to activate an electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface permits the first user "Mr. First" to activate an electronic communications session *(mobile information channel)* where electronic

communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content between the first user and one or more additional users** *(Read* describes electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. **wherein said at least one server generates a second web-based interface different than the first web-based interface** *(Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. A second user "Julie" *(see* Fig. 9) logs on to the intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given**

**mobile information channel** *(Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session *(mobile information channel)* by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** *("Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2,

[9]) ;

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional**

**users and to receive messaging content from the one or more additional users** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 27***

Regarding Claim 27, *Read* discloses or at least renders obvious, **a method** *(Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1) **comprising:**

**a. generating a given mobile information channel** *(Read* describes that a first user "Mr. First" *(see* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a "messages" button, among other buttons. EX1010, pp.12-13, Fig. 2. The first-web based interface therefore permits the first user "Mr. First" to generate an electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users, because when the "messages" button is selected the first user "Mr. First" can then select the "send message" and/or "write message" button to prepare and send an electronic

communication to one or more other users; the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10) **for sharing content authored by a first user with one or more additional users** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. EX1010, pp. 24, 6-13, FIGS. 1-5, 7, 10); **and**

**b. providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** *(Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10. *Read* describes the second-web based interface allows second user Julie to access the content of the electronic communications sent by Mr First in the electronic communications session *(mobile information channel)* by selecting a "messages" button and viewing this "new message[]" that has been received. EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to facilitate interaction**

**between the first and additional users** *(Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as electronic communications sent by Mr. First to Julie can be viewed by accessing the interface. EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9. It should be noted that communications can be sent by Mr. First to additional users as well, for example by copying other users on messages as is known and/or would have been obvious. *Id.;* EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** *(Read* describes the electronic communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First to second user Julie includes messages, so therefore supports messaging between these users; the electronic communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** *(Read* describes the electronic

communications session *(mobile information channel)* where electronic communications are exchanged between first user Mr. First and second user Julie provides electronic communications that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

### 4. <u>Proposed Rejection 6</u>

***Claim 1***

Regarding Claim 1, *Read* in view *ofAgboatwalla* discloses or at least renders obvious, **a method for managing information content in a network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1), **the method comprising the steps of:**

a. **providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" *(see Read,* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using

*Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, Read explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies" (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4) **for sharing content between the first user and one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

**b. generating a second web-based interface different than the first web-based interface** (In the *Read Agboatwalla* combination *Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-

4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 1415, FIGS. 2, 9);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-

based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5) **and**

**d. wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 11***

Regarding Claim 11, *Read* in view *ofAgboatwalla* discloses or at least renders obvious, **an apparatus for use in managing information content in a network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1), **the apparatus comprising: a. a processing element comprising a processor coupled to a memory** (In the *Read-Agboatwalla* combination *Read* describes a

"web site server," where servers are known to include processors coupled to memory such as the "hard drive of the Web server." Ex 1010, 3-4, 6, FIG. 1);

**b. the processing element providing at least a portion of a first web-based interface accessible to a first user** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website and sends "the `login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who access the website; The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" *(see Read,* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr.

First" *(see Read,* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla,,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, Read explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4-5) **for sharing content between the first user and one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. **the processing element generating a second web-based interface different than the first web-based interface** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention

also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 15***

Regarding Claim 15, *Read* in view *ofAgboatwalla* discloses or at least renders obvious, **a network-based communication system** (In the *Read-Agboatwalla* combination *Read* describes a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-8, 11-12, FIG. 1) **comprising:**

a. **plurality of servers configured to communicate over a network** (In the *Read Agboatwalla* combination *Read* describes servers 2, 4, and 6 that communicate over a network including Internet 3. EX1010, p. 6-7, 11, FIG. 1);

b. **at least one of the servers providing at least a portion of a first web-based interface accessible to a first user** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website and sends "the `login' page of the Web site to the Web browser of the first computer 1 via the server 2;" the first computer belongs to a first user "Mr. First" who accesses the website; the *Read-Agboatwalla* combination would have provided that a first user "Mr. First" *(see Read,* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more

other users; as taught by *Read,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5), **the first web-based interface being configured to permit the first user to activate a given mobile information channel** (The first-web based interface therefore permits the first user "Mr. First" to activate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, Read explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:3330:18 ("the user can access the content from a WAP-enabled phone"); *See* Section V.F.4-5) **for sharing content between the first user and one or more additional users** (The *Read Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content

between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. **wherein said at least one server generates a second web-based interface different than the first web-based interface** (In the *Read-Agboatwalla* combination *Read* describes web site server 6 runs the intranet website. EX1010, pp. 6-7, 12-14, Fig. 2. In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10), **wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to thereby facilitate interaction between the first user and the one or more additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a

method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9);

d. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**

e. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

***Claim 27***

Regarding Claim 27, *Read* in view *ofAgboatwalla* discloses or at least renders obvious, **a method** (In the *Read-Agboatwalla* combination *Read* describes use of a communication system that keeps a record of "electronics communications" and "status information" accessible to authorized users, where the communication system allows the sending of messages via "TCP/IP networks" and the Internet. EX1010, Abstract, pp. 1-2, 5-8, 11-12, FIG. 1) **comprising:**

a. **generating a given mobile information channel** (The *Read-Agboatwalla* combination would have provided that a first user "Mr. First" *(see Read,* Fig. 2) logs on to an intranet web site and as shown in Figure 2 is presented with a first-web based interface of the web site that displays a button to share expanded types of content using *Agboatwalla's* display window. *See* Section V.F.4-5. The first-web based interface therefore permits the first user "Mr. First" to generate a mobile information channel that is formed by the display window of *Agboatwalla,* because when the button is selected the first user "Mr. First" would have activated a window to share content with one or more other users; as taught by *Read* and *Agboatwalla,* such sharing of content using the window would have been Internet-based and occur between users using mobile devices such as telephones that use wireless application protocol (WAP); indeed, Read explains its system uses "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) and *Agboatwalla* similarly explains that its system using windows is implemented using phones that use WAP. EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; EX1012, 29:33-30:18 ("the user can access the content from a WAP-enabled

phone"); *See* Section V.F.4-5) **for sharing content authored by a first user with one or more additional users** (The *Read-Agboatwalla* combination would have provided that the mobile information channel that is the display window to share expanded types of content between Mr. First and one or more other users allows for sharing message content between Mr. First and the one or more other users. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10); **and**

b. **providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel** (In the *Read-Agboatwalla* combination *Read* describes that a second user "Julie" *(see* Fig. 9) logs on to an intranet web site and as shown in Figure 9 is presented with a second-web based interface of the web site that is different from the Figure 2 interface displayed to first user "Mr. First." *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14 ("The main menu presented to Julie once she has logged on to the Web site is slightly different from the main menu presented to Mr First, and is shown as Figure 9"), FIGS. 1-5, 7, 9, 10. The *Read-Agboatwalla* combination would have provided that the second-web based interface allows second user Julie to access the content of the mobile information channel display window that is sent by Mr First by selecting an associated button to view new content and viewing this new content that has been received. *See* Section V.F.4-5; EX1010, pp. 2-4, 6-14, FIGS. 1-5, 7, 9, 10) **to facilitate interaction between the first and additional users** (In the *Read-Agboatwalla* combination *Read* describes the second-web based interface facilitates interaction between Mr. First

and Julie as content sent by Mr. First to Julie can be viewed by accessing the interface. *See* Section V.F.4-5; EX1010, p. 2-4, 5 ("[t]he invention also provides a method of facilitating communication between first and second users," 6-10, 14-15, FIGS. 2, 9. It should be noted that content can be sent by Mr. First to additional users as well, for example by copying other users on messages as is known and/or would have been obvious. *Id.;* EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10);

c. **wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First to second user Julie includes expanded content including email messages, so therefore supports messaging between these users; as taught by *Read* communication can be implemented via "TCP/IP networks" of an intranet; indeed, the electronic communication in *Read* is Internet-based and can occur between users using mobile devices such as telephones that use "TCP/IP and/or WAP (Wireless Application Protocol) or other mobile Internet connection technologies." (parenthetical added) EX1010, pp. 2-4, 6-13, FIGS. 1-5, 7, 10; *See* Section V.F.4-5); **and**

d. **wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users** (In the *Read-Agboatwalla* combination the mobile information channel display window between first user Mr. First and second user Julie includes expanded content including

emails that are messages sent from first user Mr. First to second user Julie, and messages received by first user Mr. First from second user Julie. *See* Section V.F.4-5; EX1010 at p. 1-2, 5-8, 10-11, 13 ("Mr. First sends a message titled `new test message' to Julie"), 14 ("Julie may send messages to Mr. First"), 15).

### B. Secondary Considerations

This Request demonstrates that the Challenged Claims of the '336 Patent are unpatentable in view of the foregoing grounds. The Applicant did not identify any evidence of secondary considerations during prosecution, and the clear disclosure in the prior art cannot be overcome by any supposed "secondary considerations."

## VII. DISCLOSURE OF CONCURRENT LITIGATION AND REEXAMINATION PROCEEDINGS

The '336 Patent is the subject of one pending litigation, as listed below. The '336 Patent has not been subject to any *inter partes* review proceedings, prior reexaminations, or other post-grant proceedings:

| Title | Civil Action # | Court | Filed On | Terminated |
|---|---|---|---|---|
| *Mobile Data Technologies LLC v. Meta Platforms, Inc. et al.* | 7:22-cv-00244 | W.D. Tex. | 11/23/2022 | pending |

## VIII. CONCLUSION

The Commissioner is hereby authorized to charge to Deposit Account No. 50-6990 the *Ex Parte* Reexamination fee of $12,000 under 37 C.F.R. § 1.20(c)(1). Requester believes no other fee is due with this submission, however the Commissioner is hereby authorized to charge any fee deficiency or credit any over-payment to Deposit Account No. 50-6990.

Please direct all correspondence in this matter to the undersigned.

Dated: June 9, 2023

Respectfully submitted,

By: *Cono A. Carrano*

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*Counsel for Requester Unified Patents, LLC*

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| Complete if Known | |
|---|---|
| Application Number | 13/364,950 |
| Filing Date | 2012-02-02 |
| First Named Inventor | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Document Number Number-Kind Code[2] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | | US- 8,793,336 | 05-29-2014 | David Walker Harper | |
| | | US- 8,135,801 | 06-09-2011 | David Walker Harper | |
| | | US- 7,908,342 | 02-18-2010 | David Walker Harper | |
| | | US- 7,802,207 | 06-26-2003 | Adnan M. Agboatwalla | |
| | | US- 60/340,405 | | Adnan M. Agboatwalla | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| | | WO-01/72002 | 09-27-2001 | America Online, Inc. | | |
| | | WO-01/93069 | 12-06-2001 | Simon Bargate | | |
| | | WO-01/01372 | 01-04-2001 | Blackboard, Inc. | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| | Complete if Known |
|---|---|
| **Application Number** | 13/364,950 |
| **Filing Date** | 2012-02-02 |
| **First Named Inventor** | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T[2] |
|---|---|---|---|
| | | File History of U.S. Patent No. 8,793,336 | |
| | | File History of U.S. Patent No. 8,135,801 | |
| | | File History of Inter Partes Reexamination of Patent No. 8,135,801 | |
| | | File History of U.S. Patent No. 7,908,342 | |
| | | Complaint, Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022) | |
| | | Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022), Plaintiff's Claim Chart for Asserted U.S. Patent No. 8,793,336 | |
| | | Final Written Decision in IPR2018-01131 | |
| | | Final Written Decision in IPR2018-01132 | |
| | | | |
| | | | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

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[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| *In re* patent of David W. Harper, et al. | § | Attorney Docket No.: 698162.0018 |
| U.S. Patent No. 8,793,336 | § | |
| Issue date: July 29, 2014 | § | Customer No.: 119831 |
| Filing Date: February 2, 2012 | § | |
| For: Method, Apparatus And System For | § | |
| Management Of Information Content For | § | |
| Enhanced Accessibility Over Wireless | § | |
| Communication Networks | § | |

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing **REQUEST FOR EX PARTE REEXAMINATION OF PATENT NO. 8,793,336,** Transmittal of New Application, Exhibits 1001-1017, AA, BB, and CC, Information Disclosure Statement and Certificate of Service were filed electronically in the United States Patent and Trademark Office on June 9, 2023. A copy of the REQUEST FOR EX PARTE REEXAMINATION OF U.S. PATENT NO. 8,793,336 and the foregoing attachments have been served in its entirety by overnight courier on the Patent Owner and Patent Owner's counsel at the correspondence address of record:

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747
UNITED STATES
Mobile Data Technologies, LLC

Respectfully submitted,
AKIN GUMP STRAUSS HAUER & FELD LLP

By: /Cono A. Carrano/
Cono A. Carrano
Reg. No. 39,623

Date: June 9, 2023

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2001 K Street N.W.
Washington, DC 20006
Telephone: (202) 887-4000

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

# ELECTRONIC ACKNOWLEDGEMENT RECEIPT

| APPLICATION # | RECEIPT DATE / TIME | ATTORNEY DOCKET # |
|---|---|---|
| **90/019,221** | **06/09/2023 07:24:00 PM ET** | **698162.0018** |

## Title of Invention

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Application Information

| | | | |
|---|---|---|---|
| APPLICATION TYPE | Utility / ex parte reexam | PATENT # | 8793336 |
| CONFIRMATION # | 9205 | FILED BY | Cono Carrano |
| PATENT CENTER # | 62243273 | FILING DATE | - |
| CUSTOMER # | 31825 | FIRST NAMED INVENTOR | David Walker Harper |
| CORRESPONDENCE ADDRESS | - | AUTHORIZED BY | - |

## Documents

**TOTAL DOCUMENTS: 24**

| DOCUMENT | PAGES | DESCRIPTION | SIZE (KB) |
|---|---|---|---|
| IDS SB0008a.pdf | 4 | Information Disclosure Statement (IDS) Form (SB08) | 744 KB |
| Warning: This is not a USPTO supplied IDS fillable form. Data in the form cannot be automatically loaded to other USPTO systems. | | | |
| sb0009.pdf | 2 | Transmittal of New Application | 196 KB |
| 2023-06-09 Request for Ex Parte Reexamination of US Patent 8793336.pdf | 139 | Receipt of Original Ex Parte Request by Third Party | 2622 KB |
| Warning: The attached file contains comments or annotations. Comments are not recommended and may cause processing problems with the document. | | | |

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|---|---|---|---|
| Certificate of Service..pdf | 2 | Reexam Certificate of Service | 130 KB |
| EX1017 IPR2018-01132 - FWD.pdf | 30 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 441 KB |

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| EX AA.pdf | 71 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 1396 KB |

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| EX BB.pdf | 193 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 2858 KB |

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| EX CC.pdf | 173 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 2800 KB |

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|---|---|---|---|
| EX1001 US8793336.pdf | 71 | Copy of patent for which reexamination is requested | 3666 KB |

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| EX1002 FH 336.pdf | 381 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 7188 KB |

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| EX1003 Wolfe Declaration.pdf | 78 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 522 KB |

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| EX1005 FH 801.pdf | 516 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 7973 KB |

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|---|---|---|---|
| EX1006.pdf | 13 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 265 KB |
| EX1007 US7908342.pdf | 66 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 4152 KB |

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| EX1015 PA 60-340,405.pdf | 158 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 2333 KB |

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| EX1013 Mobile Data v Meta Complaint.pdf | 72 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 542 KB |

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| EX1011 WO0101372.pdf | 138 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 3828 KB |

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| EX1010 WO0193069.pdf | 42 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 1917 KB |

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|---|---|---|---|
| EX1009 WO0172002.pdf | 58 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 1358 KB |

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| EX1008 FH 342.pdf | 614 | Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party | 6508 KB |

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|---|---|---|---|
| EX1014 Mobile Data v Meta Claim Chart.pdf | 15 | Claims | 713 KB |

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## Digest

| DOCUMENT | MESSAGE DIGEST(SHA-512) |
|---|---|
| IDS SB0008a.pdf | 78015D9232F2171807AE857189AB123650E4542F651C800E8E24AFFEE5BF3DD5749A39FB7C2711606C37CCB0B9ECF51F4E4E94CC78C1BD89178E76231448BF48 |
| sb0009.pdf | 562F8A9126BCBEE0645A89E504746F4EC03EEB7BFB99A4254962C89F4CCE0E543C7D4317CA354DD176CE9F1D820B4515EBBC06563CE09EB01FAE54DB2DECFC34 |
| 2023-06-09 Request for Ex Parte Reexamination of US Patent 8793336.pdf | 92764A39FF1BD80F9A61C487E7FD085841CF3A1E6B30E105539532A9AC18AEF19E7D4CEA95F4D0BD740A9CD588493884D27D556B30873D5817BCA19F0009E7B9 |
| Certificate of Service..pdf | 44723581288FC2BC3E632AFBC5029413E51D832D45E617EC2D6676D080A18792E8C1AB7284AD4BAD6836A3303354C5FC2588EDA7E5E66E20183E53053E032F2E |
| EX1017 IPR2018-01132 - FWD.pdf | 6A81C6E093480EC96A215B80D0F82F1BEA7DAD5F0DE0F0332ABFFBA436844712024CF3544EE2E0D600A8DF2570B039416BE8B5896BC0F416630D079E3FC30771 |
| EX AA.pdf | 921B6DFF8EF44D71F5689F1F8563EFC02EDB08BC5F6742168 |

| | |
|---|---|
| | 5B50AD653E3726E0FDF112002A5B6D3CA86271DFAB3C593F11C6E4217C0D86125A7A3DFDA9705CE |
| EX BB.pdf | 6FC53E865B920E0B0CB9425A6D33B21D344B0BE9FC210A6209ADA5F5DA9B7F16B9110CBF6BB63E6EC0892D7C81C95EE54D0BE08553073417C11277877308BB90 |
| EX CC.pdf | 84B72FC21F3CD45C591B3C49C34D37F7698AF82F56337AEC5B9354B21371AC633D7D562D88A95D860CD0A3C428210117646 79324A7E7D378FEDAEA5EC26E30A9 |
| EX1001 US8793336.pdf | CE2FD7ECF01E7BF18A6FAC57873FDCF67FD4FDD9CA9C7A7A13226DF1014F9B2D181F48F9D274F1094B3AA9D64AF0FE1CA2DAB141F6876D15EB1E5B0360C22EEF |
| EX1002 FH 336.pdf | EC4E95F1C7DF21144E141B4929305376946163 3A2C965B5C1CCC15A01CF6AC629EB2BB668BCFB2C611DADC486A0A08F6C29EB289DB850158673FEB240A4FE791 |
| EX1003 Wolfe Declaration.pdf | E24DFC895B38080DFE9A6FBE26E60D646271344C7354063F9D5B7EFCFACD2A6382A1F2FDF85538E9A0C1A6B7A1810C6FA87BC142B4770F9AA1D7FC7667118EDD |
| EX1004 US8135801.pdf | 69C7B1C5D1546DC75CCC89811B878690373DA338CFA8CDEACF0EB3FDF569ABCF6B205155CF6CD00C9B3DAD5F0E42795E5A8CF038EAC1A8C986F2CCC3CD6B5B2E |
| EX1005 FH 801.pdf | 08C3CE773829AC0DCFF198153E2B0C3625E8C963237FC15DCA85D756633CBFD7E19AA8355030D8DF27317C4D0CDDB9714FFF41656DAF56C2E67B1BAA59D803DD |
| EX1006.pdf | E7DD176CF538CEF6FAF6007589A4CA0C8D6A6E977037AABDDB1764ABEAEDF7EA90833BBACD20CD12B3AF1D47307C733BF52B5A5D2290F47663F79D2A5D585A91 |
| EX1007 US7908342.pdf | 71FADA47BAFCFC58FF3BF7DB505961848337FA1398A4A6B8D1193BA0EBDBF922B4269FE206896A464F27F638DF9FC054F0556897FBE3E7BB5BCC1A8A0A0E5B59 |
| EX1012 US7802207.pdf | 7DD8DD4EE2363FFEE46234A0A74EFBB0C7493B91452AB044 |

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| EX1015 PA 60-340,405.pdf | 71BA8D314733853B87773D021CD1E858191F8F6BCC206C6748 CFF58590A4B31AE19073ABD863E39EE8710FF4CE6604C2209 95D813376EA008793DB76FB584924 |
| EX1016 IPR2018-01131 - FWD.pdf | 8C8BDA0085257263A60C20092DC04DD76CADD6B24168EE606 F87EAA9DD3B09D9B458DD97B3DBAEF15577D0515D73EC09C 3A4A4E14C81968CADCEEB9F31861B04 |
| EX1013 Mobile Data v Meta Complaint.pdf | DD06DCE2D4F7A066556ED91E62D9080EF234651AB54361F18 10F23750731193A36C79488CFDB064E65E9AFD3EC710F074A1 B69C9D44935777E47BB99D641D065 |
| EX1011 WO0101372.pdf | E964A13D731AE6ED6A0D549302D0B83B7C10E840F75F57B1A 3074AFAAC697F97F4937D438AA865E82D7B7644F71F1EAB0A B96DD43E5B7C09546E5A8D205E3DDE |
| EX1010 WO0193069.pdf | 3A7F6EAB69569C14260A1719B675246F9414BBEBE932FB248E 71FFA6A2003064984765AE3DD1A9C778C8DAAEF99BE9A2540 CA712E61518CD012A5A7C32D17C6F |
| EX1009 WO0172002.pdf | E4D2B8075FD928B6B79AAB61FFEA7AF2DBEC6C709A98A537 1964EE8099F331285961136C661DBF5E1217223CADA4D6CE08 CA7CA0B828D88D658984502B0D978E |
| EX1008 FH 342.pdf | B1547DE828404E5550578E913A36A58251C090EBB37AE36BA2 55F4C3D1AE6D2C09C492320B7847B43FDBCF8469A66BA0698 1D10194395194C5CD56FCAA1E1B7F |
| EX1014 Mobile Data v Meta Claim Chart.pdf | 4125E05394387FD7486E67070C95624D8BAB31AE0FB1E99278 93DAD2C2043347DA29EFC2D554267C85B9FA6E93DA305C334 36C6F23475C19C11637603963 5DEF |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d)

and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

# ELECTRONIC PAYMENT RECEIPT

| APPLICATION # | RECEIPT DATE / TIME | ATTORNEY DOCKET # |
|---|---|---|
| 90/019,221 | 06/09/2023 07:24:00 PM ET | 698162.0018 |

## Title of Invention

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Application Information

| | | | |
|---|---|---|---|
| APPLICATION TYPE | Utility / ex parte reexam | PATENT # | 8793336 |
| CONFIRMATION # | 9205 | FILED BY | Cono Carrano |
| PATENT CENTER # | 62243273 | AUTHORIZED BY | - |
| CUSTOMER # | 31825 | FILING DATE | - |
| CORRESPONDENCE ADDRESS | - | FIRST NAMED INVENTOR | David Walker Harper |

## Payment Information

| PAYMENT METHOD | PAYMENT TRANSACTION ID | PAYMENT AUTHORIZED BY |
|---|---|---|
| DA / 506990 | E202369J25455601 | Cono Carrano |

| FEE CODE | DESCRIPTION | ITEM PRICE($) | QUANTITY | ITEM TOTAL($) |
|---|---|---|---|---|
| 1812 | REQUEST FOR EX PARTE REEXAM-NON-STREAMLINED | 12600.00 | 1 | 12600.00 |
| | | | TOTAL AMOUNT: | $12,600.00 |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

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**New International Application Filed with the USPTO as a Receiving Office**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| *In re* patent of David W. Harper, et al. | § | Attorney Docket No.: 698162.0018 |
| U.S. Patent No. 8,793,336 | § | |
| Issue date: July 29, 2014 | § | Customer No.: 119831 |
| Filing Date: February 2, 2012 | § | |
| For: Method, Apparatus And System For Management Of Information Content For Enhanced Accessibility Over Wireless Communication Networks | § | |

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing **REQUEST FOR EX PARTE REEXAMINATION OF PATENT NO. 8,793,336**, Transmittal of New Application, Exhibits 1001-1017, AA, BB, and CC, Information Disclosure Statement and Certificate of Service were filed electronically in the United States Patent and Trademark Office on June 9, 2023. A copy of the REQUEST FOR EX PARTE REEXAMINATION OF U.S. PATENT NO. 8,793,336 and the foregoing attachments have been served in its entirety by first class mail on the Patent Owner and Patent Owner's counsel at the correspondence address of record:

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747
UNITED STATES
Mobile Data Technologies, LLC

Respectfully submitted,
AKIN GUMP STRAUSS HAUER & FELD LLP

By: /Cono A. Carrano/
Cono A. Carrano
Reg. No. 39,623

Date: June 12, 2023

AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K Street N.W.
Washington, DC 20006
Telephone: (202) 887-4000

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also referred to as FORM PTO-1465)

# REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM

Address to:
**Mail Stop *Ex Parte* Reexam**
**Commissioner for Patents**
**P.O. Box 1450**
**Alexandria, VA 22313-1450**

**Attorney Docket No.:** 698162.0018

**Date:** June 12, 2023

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 8,793,336 issued 07/29/14. The request is made by:
   ☐ patent owner. ☒ third party requester.

2. ☒ The name and address of the person requesting reexamination is:
   Unified Patents, LLC
   P. O. Box 53345
   Washington, DC 20009

3. Requester ☐ asserts small entity status (37 CFR 1.27) or ☐ certifies micro entity status (37 CFR 1.29). Only a patent owner requester can certify micro entity status. Form PTO/SB/15A or B must be attached to certify micro entity status.

4. This request is accompanied by payment of the reexamination fee as set forth in:
   ☐ 37 CFR 1.20(c)(2); **or**
   ☐ 37 CFR 1.20(c)(1). **In checking this box for payment of the fee set forth in 37 CFR 1.20(c)(1), requester asserts that this request has forty (40) or fewer pages and complies with all other requirements of 37 CFR 1.20(c)(1).**

   Payment of the reexamination fee is made by the method set forth below.
   a. ☐ A check in the amount of $_____ is enclosed to cover the reexamination fee;
   b. ☒ The Director is hereby authorized to charge the reexamination fee to Deposit Account No. 50-6990;
   c. ☐ Payment by credit card. Form PTO-2038 is attached; **or**
   d. ☐ Payment made via EFS-Web.

   ☒ In addition, the Director is hereby authorized to charge any fee deficiencies to Deposit Account No. 50-6990.

5. ☒ Any refund should be made by ☐ check or ☒ credit to Deposit Account No. 50-6990. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.

6. ☒ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).

7. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
   ☐ Landscape Table on CD



A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0064. Public burden for this form is estimated to average 18 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **If filing this completed form by mail, send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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8. ☐ Nucleotide and/or Amino Acid Sequence Submission
*If applicable, items a. – c. are required.*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM (2 copies) or CD-R (2 copies) **or**
      ii. ☐ paper
   c. ☐ Statements verifying identity of above copies.

9. ☐ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.

10. ☒ Reexamination of claim(s) 1, 11, 15, 27 is requested.

11. ☒ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.

12. ☐ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is attached.

13. ☒ The attached detailed request includes at least the following items:
   a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1).
   b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR1.510(b)(2).

14. ☐ A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).

15. ☐ It is certified that the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) do not prohibit requester from filing this *ex parte* reexamination request. 37 CFR 1.510(b)(6).

16. Service
   a. ☒ It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).

      The name and address of the party served are:
      Joseph B. Ryan; Ryan, Mason & Lewis, LLP
      48 South Service Road, Suite 100
      Melville, NY 11747
      Date of Service: June 09, 2023

   **OR**

   b. ☐ A duplicate copy is enclosed since service on patent owner was not possible. An explanation of the efforts made to serve patent owner **is attached**. See MPEP 2220.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

17. Correspondence Address: Direct all communication about the reexamination to:

☐ The address associated with Customer Number:

**OR**

☒ Firm or Individual Name Akin Gump Strauss Hauer & Feld LLP
(at the address identified below)

Address
2001 K. Street N.W.

| City | State | Zip |
|---|---|---|
| Washington | DC | 20006 |

Country
USA

| Telephone | Email |
|---|---|
| 202-887-4000 | ccarrano@akingump.com |

18. ☐ The patent is currently the subject of the following concurrent proceeding(s):

a. ☐ Copending reissue Application No. _____

b. ☐ Copending reexamination Control No. _____

c. ☐ Copending Interference No. _____

d. ☐ Copending litigation styled:

_____

_____

**WARNING : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

| /s/ Cono A. Carrano | 06/12/2023 |
|---|---|
| Authorized Signature | Date |
| Cono A. Carrano | 39,623 |
| Typed/Printed Name | Registration No. |

☐ For Patent Owner Requester ☒ For Third Party Requester

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013). https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf

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Additional USPTO uses of the information in this record may include disclosure to: 1) the International Bureau of the World Intellectual Property Organization, if the record is related to an international application filed under the Patent Cooperation Treaty; 2) the public i) after publication of the application pursuant to 35 U.S.C. 122(b), ii) after issuance of a patent pursuant to 35 U.S.C. 151, iii) if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections, or an issued patent, or iv) without publication of the application or patent under the specific circumstances provided for by 37 CFR 1.14(a)(1)(v)-(vii); and/or 3) the National Archives and Records Administration, for inspection of records.

# Litigation Search Report CRU 3999

## Reexamination Control No. 90/019,221

| | | | |
|---|---|---|---|
| **To:** | EXAMINER | **From:** | MANUEL SALDANA |
| **Location:** | REM04C71 | **Location:** | REM04C71 |
| **Art Unit:** | 3999 | **Phone:** | 571-272-7740 |
| **Date:** | 12 June 2023 | **E-mail:** | MANUEL.SALDANA@USPTO.GOV |

## Search Notes

(OPEN) 7:22cv244, Mobile Data Technologies Llc V. Meta Platforms, Inc. Et Al

1. Performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
2. Performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
3. Performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
4. Performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
5. Performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Paper No. 202306121

**User Name:** Manuel Saldana
**Date and Time:** Monday, June 12, 2023 7:34:00PM EDT
**Job Number:** 199099020

## Document (1)

1. *7:22cv244, Mobile Data Technologies Llc V. Meta Platforms, Inc. Et Al*
   **Client/Matter:** -None-
   **Search Terms:** number(7:22CV244)
   **Search Type:** Natural Language
   **Narrowed by:**

| Content Type | Narrowed by |
|---|---|
| Dockets | Case Status: Open,Unknown,Closed |

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# 7:22cv244, Mobile Data Technologies Llc V. Meta Platforms, Inc. Et Al

US District Court Docket

United States District Court, Texas Western

(Midland)

**This case was retrieved on** 06/11/2023

## Header

**Case Number:** 7:22cv244
**Date Filed:** 11/23/2022
**Assigned To:** Judge Alan D Albright
**Referred To:** Judge Derek T. Gilliland
**Nature of Suit:** Patent (830)
**Cause:** Patent Infringement
**Lead Docket:** None
**Other Docket:** None
**Jurisdiction:** Federal Question

**Class Code:** Open
**Statute:** 35:271
**Jury Demand:** Both
**Demand Amount:** $0
**NOS Description:** Patent

## Participants

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**Plaintiff**

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Meta Platforms Technologies, LLC
[Terminated: 03/15/2023]
**Defendant**

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## Proceedings

| # | Date | Proceeding Text | Source |
|---|---|---|---|
| 1 | 11/23/2022 | COMPLAINT ( Filing fee $ 402 receipt number ATXWDC-16785806), filed by Mobile Data Technologies LLC. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L)(Robinson, Erick) (Entered: 11/23/2022) | |
| 2 | 11/23/2022 | REQUEST FOR ISSUANCE OF SUMMONS by Mobile Data Technologies LLC. (Robinson, Erick) (Entered: 11/23/2022) | |
| 3 | 11/23/2022 | Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Robinson, Erick) (Entered: 11/23/2022) | |
| | 11/23/2022 | Case assigned to Judge David Counts to the Order Assigning Business of the Court as it Relates to Patent Cases, filed 7/25/2022. CM WILL NOW REFLECT THE JUDGE INITIALS AS | |

| # | Date | Proceeding Text | Source |
|---|---|---|---|
| | | PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (sg) Modified on 12/2/2022 (sg). (Entered: 11/30/2022) | |
| 4 | 11/30/2022 | Summons Issued as to Meta Platforms Technologies, LLC, Meta Platforms, Inc. (sg) (Entered: 11/30/2022) | |
| 5 | 12/07/2022 | SUMMONS Returned Executed by Mobile Data Technologies LLC. All Defendants. (Robinson, Erick) (Entered: 12/07/2022) | |
| 6 | 12/21/2022 | Unopposed MOTION for Extension of Time to File Answer And/Or Respond to the Complaint by Meta Platforms Technologies, LLC, Meta Platforms, Inc.. (Attachments: # 1 Proposed Order)(Keefe, Heidi) (Entered: 12/21/2022) | |
| 7 | 12/21/2022 | RULE 7 DISCLOSURE STATEMENT filed by Meta Platforms Technologies, LLC, Meta Platforms, Inc.. (Keefe, Heidi) (Entered: 12/21/2022) | |
| 8 | 12/21/2022 | NOTICE of Attorney Appearance by Heidi L. Keefe on behalf of Meta Platforms Technologies, LLC, Meta Platforms, Inc.. Attorney Heidi L. Keefe added to party Meta Platforms Technologies, LLC(pty:dft), Attorney Heidi L. Keefe added to party Meta Platforms, Inc.(pty:dft) (Keefe, Heidi) (Entered: 12/21/2022) | |
| | 12/27/2022 | Text Order GRANTING 6 Defendants' Unopposed Motion for Extension of Time to File an Answer or Otherwise Plead to Plaintiff's Original Complaint. It is ORDERED that Defendants Meta Platforms, Inc., and Meta Platforms Technologies, LLC shall have until February 10, 2023, to respond to Plaintiffs Original Complaint. It is so ORDERED. Entered by Judge David Counts. (This is a text-only entry generated by the court. There is no document associated with this entry.) (db) (Entered: 12/27/2022) | |
| | 12/27/2022 | Reset Deadlines: Meta Platforms Technologies, LLC answer due 2/10/2023; Meta Platforms, Inc. answer due 2/10/2023. (sg) (Entered: 12/27/2022) | |
| 9 | 02/03/2023 | MOTION to Appear Pro Hac Vice by Erick Scott Robinson of Andrew Lester ( Filing fee $ 100 receipt number ATXWDC-17044566) by on behalf of Mobile Data Technologies LLC. (Robinson, Erick) (Entered: 02/03/2023) | |
| | 02/07/2023 | Text Order GRANTING 9 Andrew W. Lester's Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice Pro Hac Vice in this case must register for electronic filing with our Court within 10 days of this Order. Registration is managed by the PACER Service Center. It is further ORDERED that if Mr. Lester has not already done so, shall immediately tender the amount of $100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Court Rule AT-1(f)(2). Entered by Judge David Counts. (This is a text-only entry generated by the court. There is no document associated with this entry.) (db) (Entered: 02/07/2023) | |
| 10 | 02/09/2023 | MOTION to Appear Pro Hac Vice by Heidi L. Keefe on behalf of Phillip E. Morton ( Filing fee $ 100 receipt number ATXWDC-17065751) by on behalf of Meta Platforms Technologies, LLC, Meta Platforms, Inc.. (Keefe, Heidi) (Entered: 02/09/2023) | |
| | 02/09/2023 | Text Order GRANTING 10 Phillip E. Morton's Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our Court within 10 days of this Order. Registration is managed by the PACER Service Center. It is further ORDERED that if Mr. Morton has not already done so, shall immediately tender the amount of $100.00, made payable to: Clerk, U.S. | |

| # | Date | Proceeding Text | Source |
|---|---|---|---|
| | | District Court, in compliance with Local Court Rule AT-1(f)(2). Entered by Judge David Counts. (This is a text-only entry generated by the court. There is no document associated with this entry.) (db) (Entered: 02/09/2023) | |
| 11 | 02/10/2023 | ANSWER to 1 Complaint, with Jury Demand by Meta Platforms Technologies, LLC, Meta Platforms, Inc..(Keefe, Heidi) (Entered: 02/10/2023) | |
| 12 | 02/10/2023 | NOTICE of Attorney Appearance by Andrew Harper Estes on behalf of Mobile Data Technologies LLC. Attorney Andrew Harper Estes added to party Mobile Data Technologies LLC(pty:pla) (Estes, Andrew) (Entered: 02/10/2023) | |
| 13 | 02/13/2023 | Order for Scheduling Recommendations/Proposed Scheduling Order. Scheduling recommendations/proposed scheduling order due to the Court within sixty (60) days after the appearance of any defendant. Signed by Judge David Counts. (je3) (Entered: 02/14/2023) | |
| 14 | 03/14/2023 | Proposed Scheduling Order by Mobile Data Technologies LLC. (Robinson, Erick) (Entered: 03/14/2023) | |
| 15 | 03/14/2023 | STIPULATION of Dismissal WITHOUT PREJUDICE OF META PLATFORMS TECHNOLOGIES, LLC by Mobile Data Technologies LLC. (Robinson, Erick) (Entered: 03/14/2023) | |
| 16 | 03/15/2023 | SCHEDULING ORDER: Pretrial Conference set for 10/4/2024 01:30 PM in Midland before Judge David Counts, Jury Selection/Jury Trial set for 11/4/2024 08:00 AM in Midland before Judge David Counts, Markman Hearing set for 8/31/2023 01:30 PM in Midland before Judge David Counts, Amended Pleadings due by 12/20/2023, Joinder of Parties due by 10/11/2023. Signed by Judge David Counts. (je3) (Entered: 03/15/2023) | |
| 17 | 03/15/2023 | FINAL ORDER OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANT META PLATFORMS TECHNOLOGIES, LLC. Signed by Judge David Counts. (je3) (Entered: 03/17/2023) | |
| 18 | 04/12/2023 | MOTION to Appear Pro Hac Vice by Elizabeth L. Stameshkin ( Filing fee $ 100 receipt number ATXWDC-17308959) by on behalf of Meta Platforms, Inc.. (Stameshkin, Elizabeth) (Entered: 04/12/2023) | |
| | 04/13/2023 | Text Order GRANTING 18 Elizabeth L. Stameshkin's Motion to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice Pro Hac Vice in this case must register for electronic filing with our Court within 10 days of this Order. Registration is managed by the PACER Service Center. It is further ORDERED that if Ms. Stameshkin has not already done so, shall immediately tender the amount of $100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Court Rule AT-1(f)(2). Entered by Judge David Counts. (This is a text-only entry generated by the court. There is no document associated with this entry.) (db) (Entered: 04/13/2023) | |
| 19 | 04/13/2023 | Motion for leave to File Sealed Document (Attachments: # 1 Sealed Exhibit 1, # 2 Sealed Exhibit 2, # 3 Sealed Exhibit 3, # 4 Proposed Order) (Keefe, Heidi) (Entered: 04/13/2023) | |
| 20 | 04/13/2023 | Opposed MOTION to Transfer Case to the Northern District of California by Meta Platforms, Inc.. (Attachments: # 1 Affidavit Elizabeth L. Stameshkin, # 2 Exhibit 1, # 3 Exhibit 5, # 4 Exhibit 6, # 5 Exhibit 7, # 6 Exhibit 8, # 7 Exhibit 9, # 8 Exhibit 10, # 9 Exhibit 11, # 10 Exhibit 12, # 11 Exhibit 13, # 12 Exhibit 14, # 13 Exhibit 15, # 14 Exhibit 16, # 15 Exhibit 17, # 16 Exhibit 18, # 17 Exhibit 19, # 18 Exhibit 20, # 19 Exhibit 21, # 20 Exhibit 22, # 21 Exhibit 23, # 22 Exhibit 30, # 23 Exhibit 31, # 24 Exhibit 33, # 25 Exhibit 35, # 26 Exhibit 37, # 27 Exhibit 38, # 28 Exhibit 39, # 29 | |

| # | Date | Proceeding Text | Source |
|---|---|---|---|
| | | Exhibit 40, # 30 Exhibit 41, # 31 Exhibit 42, # 32 Exhibit 43, # 33 Exhibit 44, # 34 Exhibit 45, # 35 Exhibit 46, # 36 Exhibit 47, # 37 Exhibit 48, # 38 Exhibit 49, # 39 Exhibit 50, # 40 Exhibit 51, # 41 Exhibit 52, # 42 Exhibit 53, # 43 Exhibit 54, # 44 Exhibit 56, # 45 Exhibit 57, # 46 Exhibit 58, # 47 Exhibit 59, # 48 Exhibit 60, # 49 Exhibit 61, # 50 Exhibit 62, # 51 Exhibit 63, # 52 Exhibit 64, # 53 Exhibit 65, # 54 Proposed Order)(Keefe, Heidi) (Entered: 04/13/2023) | |
| | 04/14/2023 | Text Order GRANTING 19 Defendant's Unopposed Motion for Leave to File Sealed Document. It is ORDERED that the Transfer Motion, the Declaration of Nicholas Wong and Exhibits A-K thereto, and the Declaration of Elizabeth L. Stameshkin and Exhibits 2-4, 24-29, 32, 34, 36, 55, 66, and 67 thereto should remain under seaL. entered by Judge David Counts. (This is a text-only entry generated by the court. There is no document associated with this entry.) (db) (Entered: 04/14/2023) | |
| 21 | 04/17/2023 | NOTICE of Attorney Appearance by Elizabeth L. Stameshkin on behalf of Meta Platforms, Inc.. Attorney Elizabeth L. Stameshkin added to party Meta Platforms, Inc.(pty:dft) (Stameshkin, Elizabeth) (Entered: 04/17/2023) | |
| 22 | 04/25/2023 | MOTION for Discovery Motion to Enlarge Venue Discovery by Mobile Data Technologies LLC. (Attachments: # 1 Proposed Order)(Estes, Andrew) (Entered: 04/25/2023) | |
| 23 | 04/25/2023 | NOTICE of Attorney Appearance by Deron R Dacus on behalf of Meta Platforms, Inc.. Attorney Deron R Dacus added to party Meta Platforms, Inc.(pty:dft) (Dacus, Deron) (Entered: 04/25/2023) | |
| 24 | 04/26/2023 | ORDER and ADVISORY. Signed by Judge David Counts. (je3) (Entered: 04/26/2023) | |
| | 04/26/2023 | CASE REFERRED to Magistrate Judge Derek T. Gilliland. Referral Judge: Derek T. Gilliland. (je3) (Entered: 05/01/2023) | |
| 25 | 05/02/2023 | Response in Opposition to Motion, filed by Meta Platforms, Inc., re 22 MOTION for Discovery Motion to Enlarge Venue Discovery filed by Plaintiff Mobile Data Technologies LLC (Keefe, Heidi) (Entered: 05/02/2023) | |
| | 05/19/2023 | Text Order DENYING WITHOUT PREJUDICE 22 Motion for Discovery entered by Judge Derek T. Gilliland. After careful consideration, the Motion is DENIED without prejudice and the Parties are ORDERED to meet and confer regarding expansion of discovery limits.(This is a text-only entry generated by the court. If a dispute still exists, the parties may submit a dispute char to the law clerk. There is no document associated with this entry.) (msic) (Entered: 05/19/2023) | |
| 26 | 05/24/2023 | MOTION to Appear Pro Hac Vice by Erick Scott Robinson of BRIAN T. BEAR ( Filing fee $ 100 receipt number ATXWDC-17476895) by on behalf of Mobile Data Technologies LLC.. Motions referred to Judge Derek T. Gilliland. (Robinson, Erick) (Entered: 05/24/2023) | |
| 27 | 05/26/2023 | Joint MOTION to Extend Scheduling Order Deadlines by Mobile Data Technologies LLC. (Attachments: # 1 Exhibit Amended Scheduling Order). Motions referred to Judge Derek T. Gilliland. (Robinson, Erick) (Entered: 05/26/2023) | |
| | 05/30/2023 | Text Order GRANTING 26 Motion to Appear Pro Hac Vice for Brian T. Bear. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. It is further ORDERED that if Mr. Bear has not already done so, shall immediately tender the amount of $100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Court Rule AT-1(f)(2). Registration | |

| # | Date | Proceeding Text | Source |
|---|---|---|---|
| | | is managed by the PACER Service Center entered by Judge Derek T. Gilliland. (This is a text-only entry generated by the court. There is no document associated with this entry.) (msic) (Entered: 05/30/2023) | |
| 28 | 05/30/2023 | ORDER GRANTING 27 Motion to Extend Scheduling Order Deadlines Signed by Judge Derek T. Gilliland. (je3) (Entered: 05/30/2023) | |
| 29 | 06/09/2023 | ORDER REASSIGNING CASE. Case reassigned to Judge Alan D Albright for all proceedings. Judge David Counts no longer assigned to case. Signed by Judge David Counts. (je3) (Entered: 06/09/2023) | |

## Patents

| Number | Title | Issued | Class | Subclass |
|---|---|---|---|---|
| 7,599,983 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 10/06/2009 | 709 | 200 |
| 8,793,336 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 07/29/2014 | 709 | 217 |
| 8,825,801 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 09/02/2014 | 709 | 217 |
| 9,032,039 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 05/12/2015 | 709 | 206 |
| 9,619,578 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 04/11/2017 | 1 | 1 |
| 9,922,348 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 03/20/2018 | 1 | 1 |
| 10,839,427 | Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks | 11/17/2020 | 1 | 1 |

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End of Document

**User Name:** Manuel Saldana
**Date and Time:** Monday, June 12, 2023 7:32:00 PM EDT
**Job Number:** 199098920

## Documents (5)

1. *US Patent Issued to Wireless Ink on July 29 for "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks" ( New York , Florida Inventors)*

**Client/Matter:** -None-
**Search Terms:** 8793336 OR 8,793,336
**Search Type:** Terms and Connectors
**Narrowed by:**

| Content Type | Narrowed by |
|---|---|
| News | -None- |

2. *Wireless Ink Corporation Granted United States Patent for Method, Apparatus and System for Management of Information Content for Enhanced Accessibility Over Wireless Communication Networks*

**Client/Matter:** -None-
**Search Terms:** 8793336 OR 8,793,336
**Search Type:** Terms and Connectors
**Narrowed by:**

| Content Type | Narrowed by |
|---|---|
| News | -None- |

3. *Wireless Ink Corporation Granted United States Patent for Method, Apparatus and System for Management of Information Content for Enhanced Accessibility Over Wireless Communication Networks*

**Client/Matter:** -None-
**Search Terms:** 8793336 OR 8,793,336
**Search Type:** Terms and Connectors
**Narrowed by:**

| Content Type | Narrowed by |
|---|---|
| News | -None- |

4. *US Patent granted to Wireless Ink Corporation ( New York ) on July 29 titled as "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks"*

**Client/Matter:** -None-
**Search Terms:** 8793336 OR 8,793,336
**Search Type:** Terms and Connectors
**Narrowed by:**

| Content Type | Narrowed by |
|---|---|

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| | |
|---|---|
| News | -None- |

5. *U.S. Patents Awarded to Inventors in Florida (Aug. 4)*

**Client/Matter:** -None-

**Search Terms:** 8793336 OR 8,793,336

**Search Type:** Terms and Connectors

**Narrowed by:**

| Content Type | Narrowed by |
|---|---|
| News | -None- |

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Manuel Saldana

# US Patent Issued to Wireless Ink on July 29 for "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks" (New York, Florida Inventors)

US Fed News

July 29, 2014 Tuesday 11:26 PM EST

Copyright 2014 HT Media Ltd. All Rights Reserved

**Length:** 314 words

**Dateline:** ALEXANDRIA, Va.

## Body

ALEXANDRIA, Va., July 29 -- United States Patent no. ***8,793,336***, issued on July 29, was assigned to Wireless Ink Corp. (East Islip, N.Y.).

"Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks" was invented by David Walker Harper (Bay Shore, N.Y.), Jason James Sabella (Coram, N.Y.) and William Henry Munch (Tampa, Fla.). According to the abstract* released by the U.S. Patent & Trademark Office: "Information content is managed in a network-based communication system by providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate at least one data source that is external to the first web-based interface, maintaining persistent information content on behalf of the first user including content obtained from the data source designated by the first user, and generating a second web-based interface different than the first web-based interface, wherein access to at least a portion of the persistent information content is provided to each of one or more additional users via the second web-based interface in a manner controlled by the first user via the first web-based interface to thereby facilitate interaction between the first and additional users. The first and second web-based interfaces may comprise respective content management and mobile web sites." The patent was filed on Feb.

2, 2012, under Application No. 13/364,950. *For further information, including images, charts and tables, please visit: http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnetahtml%2FPTO%2Fsearch-bool.html&r=1&f=G&l=50&co1=AND&d=PTXT&s1=8793336&OS=8793336&RS=8793336 For any query with respect to this article or any other content requirement, please contact Editor at htsyndication@hindustantimes.com

**Load-Date:** July 29, 2014

End of Document

Manuel Saldana

# Wireless Ink Corporation Granted United States Patent for Method, Apparatus and System for Management of Information Content for Enhanced Accessibility Over Wireless Communication Networks

Global IP News. Broadband and Wireless Network News

July 31, 2014 Thursday

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**Length:** 287 words

## Body

Publication Name: Broadband &; Wireless Network Patent News Patent Application Number: 13/364,950 Patent Publication Number: ***8,793,336*** International Patent Classification Codes: G06F 15/16 (20060101) Patent Status: Granted

Alexandria, July 31 -- Wireless Ink Corporation has been granted a patent (***8,793,336***) for method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks. This invention was developed by Harper David Walker, Sabella Jason James and Munch William Henry. The patent application number is 13/364,950. The International Patent Classification code is G06F 15/16 (20060101).

According to the abstract released by the U.S. Patent and Trademark Office: "Information content is managed in a network-based communication system by providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate at least one data source that is external to the first web-based interface, maintaining persistent information content on behalf of the first user including content obtained from the data source designated by the first user, and generating a second web-based interface different than the first web-based interface, wherein access to at least a portion of the persistent information content is provided to each of one or more additional users via the second web-based interface in a manner controlled by the first user via the first web-based interface to thereby facilitate interaction between the first and additional users. The first and second web-based interfaces may comprise respective content management and mobile web sites."

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**Load-Date:** February 2, 2015

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Manuel Saldana

# Wireless Ink Corporation Granted United States Patent for Method, Apparatus and System for Management of Information Content for Enhanced Accessibility Over Wireless Communication Networks

Global IP News. Broadband and Wireless Network News

July 31, 2014 Thursday

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**Length:** 289 words

**Dateline:** New Delhi

## Body

**FULL TEXT**

**Publication Name:** Broadband & Wireless Network Patent News**Patent Application Number:** 13/364,950**Patent Publication Number:** ***8,793,336***International Patent Classification Codes:** G06F 15/16 (20060101)**Patent Status:** Granted

Alexandria, July 31 -- Wireless Ink Corporation has been granted a patent (***8,793,336***) for method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks. This invention was developed by Harper David Walker, Sabella Jason James and Munch William Henry. The patent application number is 13/364,950. The International Patent Classification code is G06F 15/16 (20060101).

According to the abstract released by the U.S. Patent and Trademark Office: "Information content is managed in a network-based communication system by providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate at least one data source that is external to the first web-based interface, maintaining persistent information content on behalf of the first user including content obtained from the data source designated by the first user, and generating a second web-based interface different than the first web-based interface, wherein access to at least a portion of the persistent information content is provided to each of one or more additional users via the second web-based interface in a manner controlled by the first user via the first web-based interface to thereby facilitate interaction between the first and additional users. The first and second web-based interfaces may comprise respective content management and mobile web sites."

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**Load-Date:** March 26, 2016

End of Document

Manuel Saldana

# US Patent granted to Wireless Ink Corporation (New York) on July 29 titled as "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks"

Plus Patent News

August 2, 2014 Saturday

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Plus Media Solutions

**Length:** 286 words

**Dateline:** ALEXANDRIA, Va

## Body

United States Patent and Trademark Office has granted patent no. ***8,793,336***, on July 29, 2014, to Wireless Ink Corporation (New York), titled as "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks"

Inventors: Harper; David Walker (Bay Shore, NY), Sabella; Jason James (Coram, NY), Munch; William Henry (Tampa, FL)

Assignee: Wireless Ink Corporation (East Islip, NY)

According to the abstract released by the U.S. Patent & Trademark Office: "Information content is managed in a network-based communication system by providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate at least one data source that is external to the first web-based interface, maintaining persistent information content on behalf of the first user including content obtained from the data source designated by the first user, and generating a second web-based interface different than the first web-based interface, wherein access to at least a portion of the persistent information content is provided to each of one or more additional users via the second web-based interface in a manner controlled by the first user via the first web-based interface to thereby facilitate interaction between the first and additional users. The first and second web-based interfaces may comprise respective content management and mobile web sites."

The patent was filed on February 2, 2012 Application no. 13/364,950

For more information please visit: http://www.uspto.gov/. In case of any query regarding this article or other content needs please contact: editorial@plusmediasolutions.com

**Load-Date:** August 4, 2014

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Manuel Saldana

# U.S. Patents Awarded to Inventors in Florida (Aug. 4)

Targeted News Service

August 4, 2014 Monday 2:03 PM EST

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**Length:** 1104 words

**Byline:** Targeted News Service Targeted News Service

**Dateline:** Alexandria, VA.

## Body

ALEXANDRIA, Va., Aug. 4 -- The following federal patents were awarded to inventors in Florida.

***

American Express Travel Related Services Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- American Express Travel Related Services, New York, has been assigned a patent (8,793,190) developed by Nicholas P. Johns, Tierra Verde, Florida, Jason J. Hogg, St. Petersburg, Florida, and Cory Moreira, St. Petersburg, Florida, for an "offsite financial account onboarding."

The patent application was filed on Oct. 2, 2012 (13/633,747). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,793,190.PN.&OS=PN/8,793,190&RS=PN/8,793,190

Written by Balkishan Dalai; edited by Jaya Anand.

***

International Business Machines Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- International Business Machines, Armonk, New York, has been assigned a patent (8,793,753) developed by five co-inventors for "transferring a broadcast transmission to a remote device." The co-inventors are Kulvir S. Bhogal, Pflugerville, Texas, Gregory J. Boss, Saginaw, Michigan, John J. Gontkof, Melbourne, Florida, Rick A. Hamilton II, Charlottesville, Virginia, and Brian M. O'Connell, Research Triangle Park, North Carolina.

The patent application was filed on Nov. 22, 2010 (12/951,629). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,793,753.PN.&OS=PN/8,793,753&RS=PN/8,793,753

Written by Kusum Sangma; edited by Jaya Anand.

***

Wireless Ink Assigned Patent

U.S. Patents Awarded to Inventors in Florida (Aug. 4)

ALEXANDRIA, Va., Aug. 4 -- Wireless Ink, East Islip, New York, has been assigned a patent (**8,793,336**) developed by David Walker Harper, Bay Shore, New York, Jason James Sabella, Coram, New York, and William Henry Munch, Tampa, Florida, for a "method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks."

The patent application was filed on Feb. 2, 2012 (13/364,950). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,793,336.PN.&OS=PN/8,793,336&RS=PN/8,793,336

Written by Balkishan Dalai; edited by Jaya Anand.

***

International Business Machines Assigned Patent for Identifying Services and Associated Capabilities in Networked Computing Environment

ALEXANDRIA, Va., Aug. 4 -- International Business Machines, Armonk, New York, has been assigned a patent (8,793,378) developed by four co-inventors for "identifying services and associated capabilities in a networked computing environment." The co-inventors are Abdul Allam, Raleigh, North Carolina, William A. Brown, Raleigh, North Carolina, Raman Harishankar, Blacklick, Ohio, and Siva P. Kantamneni, Largo, Florida.

The patent application was filed on Sept. 1, 2011 (13/223,462). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,793,378.PN.&OS=PN/8,793,378&RS=PN/8,793,378

Written by Balkishan Dalai; edited by Jaya Anand.

***

International Business Machines Assigned Patent for Aggregation of Constraints Across Profiles

ALEXANDRIA, Va., Aug. 4 -- International Business Machines, Armonk, New York, has been assigned a patent (8,793,646) developed by Raphael P. Chancey, Leander, Texas, and Eduardo T. Kahan, Longwood, Florida, for the "aggregation of constraints across profiles."

The patent application was filed on April 26, 2012 (13/457,060). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,793,646.PN.&OS=PN/8,793,646&RS=PN/8,793,646

Written by Balkishan Dalai; edited by Jaya Anand.

***

SPD Control Systems Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- SPD Control Systems, Stony Brook, New York, has been assigned a patent (8,792,154) developed by Jay Moskowitz, Boynton Beach, Florida, for the "electronic operations of a suspended particle device."

The patent application was filed on Dec. 27, 2011 (13/337,344). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,792,154.PN.&OS=PN/8,792,154&RS=PN/8,792,154

Manuel Saldana

Written by Deviprasad Jena; edited by Jaya Anand.

***

Shoreline Products Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- Shoreline Products, Sag Harbor, New York, has been assigned a patent (8,790,145) developed by Charles R. Reid, Wainscott, New York, Mark S. McNeil, Ocoee, Florida, and Theresa M. Cherry, Clermont, Florida, for an "emergency drive unit for water vessel."

The patent application was filed on May 2, 2012 (13/462,564). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,790,145.PN.&OS=PN/8,790,145&RS=PN/8,790,145

Written by Deviprasad Jena; edited by Jaya Anand.

***

Blair HSM Composites Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- Blair HSM Composites, Medford, New York, has been assigned a patent (8,789,278) developed by Vincent Padden, Stuart, Florida, for a "method of forming a composite link fitting."

The patent application was filed on Sept. 17, 2013 (14/028,650). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=87,89,278.PN.&OS=PN/87,89,278&RS=PN/87,89,278

Written by Sudarshan Harpal; edited by Jaya Anand.

***

Hipcricket Assigned Patent

ALEXANDRIA, Va., Aug. 4 -- Hipcricket, New York, New York, has been assigned a patent (8,792,479) developed by Douglas F. Bender, Scotts Valley, California, Anthony Zalenski, Boca Raton, Florida, and John M. Cooney, San Carlos, California, for the "system and methods to route calls over a voice and data network."

The patent application was filed on Nov. 27, 2012 (13/686,082). The full-text of the patent can be found at http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnetahtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=8,792,479.PN.&OS=PN/8,792,479&RS=PN/8,792,479

Written by Deviprasad Jena; edited by Jaya Anand.

For more information about Targeted News Service products and services, please contact: Myron Struck, editor, Targeted News Service LLC, Springfield, Va., 703/304-1897; editor@targetednews.com; http://targetednews.com.

-1171352

**Load-Date:** August 4, 2014

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End of Document

Manuel Saldana

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# BIB DATA SHEET

**CONFIRMATION NO. 9205**

| SERIAL NUMBER | FILING or 371(c) DATE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. |
|---|---|---|---|---|
| 90/019,221 | 06/12/2023<br>**RULE** | 709 | 3992 | 698162.0018 |

**APPLICANTS**

ENGAGELOGIC CIRPORATION, Residence Not Provided;
UNIFIED PATENTS , LLC, WASHINGTON,, DC;

**INVENTORS**

8793336, Residence Not Provided;
AKIN GUMP STRAUSS HAUER & FELD LLP, Residence Not Provided;

**** CONTINUING DATA ***************************

This application is a REX of 13/364,950 02/02/2012 PAT 8793336
which is a CON of 13/027,519 02/15/2011 PAT 8135801
which is a CON of 12/548,928 08/27/2009 PAT 7908342
which is a CON of 10/464,526 06/18/2003 PAT 7599983
which claims benefit of 60/389,430 06/18/2002

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

| | | STATE OR COUNTRY | SHEETS DRAWINGS | TOTAL CLAIMS | INDEPENDENT CLAIMS |
|---|---|---|---|---|---|
| Foreign Priority claimed ❑ Yes ❑ No<br>35 USC 119(a-d) conditions met ❑ Yes ❑ No<br>Verified and Acknowledged _____ Examiner's Signature | ❑ Met after Allowance<br>_____ Initials | | | 27 | 3 |

**ADDRESS**

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747
UNITED STATES

**TITLE**

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

| FILING FEE RECEIVED | | |
|---|---|---|
| 0.00 | FEES: Authority has been given in Paper<br>No._____ to charge/credit DEPOSIT ACCOUNT<br>No._____ for following: | ❑ All Fees<br>❑ 1.16 Fees (Filing)<br>❑ 1.17 Fees (Processing Ext. of time)<br>❑ 1.18 Fees (Issue)<br>❑ Other _____<br>❑ Credit |

BIB (Rev. 05/07).

# Assignment Query System

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## Patent Assignment Abstract of Title

**Total Assignments: 5**

**Application #:** 13364950 **Filing Dt:** 02/02/2012 **Patent #:** 8793336 **Issue Dt:** 07/29/2014
**PCT #:** NONE **Intl Reg #:** **Publication #:** US20140149874 **Pub Dt:** 05/29/2014
**Inventors:** David Walker Harper, Jason James Sabella, William Henry Munch
**Title:** METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

### Assignment: 1

| Reel/Frame: | Received: | Recorded: | Mailed: | Pages: |
|---|---|---|---|---|
| 031479 / 0171 | 10/23/2013 | 10/23/2013 | 10/28/2013 | 13 |

**Conveyance:** SECURITY AGREEMENT
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 10/21/2013
**Assignee:** ENGAGELOGIC CORPORATION
373 SMITHTOWN BYPASS
SUITE 361
HAUPPAUGE, NEW YORK 11788-2516
**Correspondent:** JOSEPH B. RYAN
48 SOUTH SERVICE ROAD, SUITE 100
RYAN, MASON & LEWIS, LLP
MELVILLE, NY 11747

### Assignment: 2

| Reel/Frame: | Received: | Recorded: | Mailed: | Pages: |
|---|---|---|---|---|
| 041233 / 0515 | 01/03/2017 | 01/03/2017 | 02/14/2017 | 6 |

**Conveyance:** FORECLOSURE
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 01/03/2017
**Assignee:** ENGAGELOGIC CORPORATION
34 E. MAIN STREET, SUITE 392
SMITHTOWN, NEW YORK 11787
**Correspondent:** RICHARD BAKER
291 MAIN STREET
WEST NEWBURY, MA 01985

### Assignment: 3

| Reel/Frame: | Received: | Recorded: | Mailed: | Pages: |
|---|---|---|---|---|
| 041711 / 0094 | 02/14/2017 | 02/14/2017 | 03/24/2017 | 3 |

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE THE STATEMENT HAS A MISSING WORD PREVIOUSLY RECORDED ON REEL 041233 FRAME 0515. ASSIGNOR(S) HEREBY CONFIRMS THE ...WERE LEGALLYFORECLOSED ON BASED UPON THE APPLICABLE _S_T_A_T_E LAW ON JANUARY 3, 2017..
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 01/03/2017
**Assignee:** ENGAGELOGIC CORPORATION
34 E. MAIN STREET, SUITE 392
SMITHTOWN, NEW YORK 11787
**Correspondent:** RICHARD BAKER
291 MAIN STREET
WEST NEWBURY, MA 01985

### Assignment: 4

| Reel/Frame: | Received: | Recorded: | Mailed: | Pages: |
|---|---|---|---|---|
| 060998 / 0218 | 09/06/2022 | 09/06/2022 | 09/07/2022 | 3 |

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
**Assignor:** ENGAGELOGIC CORPORATION **Exec Dt:** 04/01/2022
**Assignee:** MOBILE DATA TECHNOLOGIES, LLC
825 WATTER'S CREEK BOULEVARD
BUILDING M, SUITE #250

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| REEXAM CONTROL NUMBER | FILING OR 371 (c) DATE | PATENT NUMBER |
|---|---|---|
| 90/019,221 | 06/12/2023 | |

**CONFIRMATION NO. 9205**
**REEXAMINATION REQUEST NOTICE**

AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K. STREET N.W.
WASHINGTON, DISTRICT OF COLUMBIA 20006

*OC000000059915928*

## NOTICE OF REEXAMINATION REQUEST FILING DATE

***(Third Party Requester)***

Requester is hereby notified that the filing date of the request for reexamination is 06/12/2023, the date that the filing requirements of 37 CFR § 1.510 were received.

A decision on the request for reexamination will be mailed within three months from the filing date of the request for reexamination. (See 37 CFR 1.515(a)).

A copy of the Notice is being sent to the person identified by the requester as the patent owner. Further patent owner correspondence will be the latest attorney or agent of record in the patent file. (See 37 CFR 1.33). Any paper filed should include a reference to the present request for reexamination (by Reexamination Control Number).

cc: Patent Owner
31825
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

/pflewis/

Legal Instruments Examiner
Central Reexamination Unit 571-272-7705; FAX No. 571-273-9900

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| REEXAM CONTROL NUMBER | FILING OR 371 (c) DATE | PATENT NUMBER |
|---|---|---|
| 90/019,221 | 06/12/2023 | |

**CONFIRMATION NO. 9205**
**REEXAM ASSIGNMENT NOTICE**

31825
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

*OC000000058315329*
Date Mailed: 06/15/2023

## NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST

The above-identified request for reexamination has been assigned to Art Unit 3992. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

A copy of this Notice is being sent to the latest attorney or agent of record in the patent file or to all owners of record. (See 37 CFR 1.33(c)). If the addressee is not, or does not represent, the current owner, he or she is required to forward all communications regarding this proceeding to the current owner(s). An attorney or agent receiving this communication who does not represent the current owner(s) may wish to seek to withdraw pursuant to 37 CFR 1.36 in order to avoid receiving future communications. If the address of the current owner(s) is unknown, this communication should be returned within the request to withdraw pursuant to Section 1.36.

## NOTICE OF USPTO EX PARTE REEXAMINATION PATENT OWNER STATEMENT WAIVER PROGRAM

The USPTO has implemented a pilot program where, after a reexamination proceeding has been granted a filing date and before the examiner begins his or her review, the patent owner may orally waive the right to file a patent owner's statement. See *"Pilot Program for Waiver of Patent Owner's Statement in Ex Parte Reexamination Proceedings,"* 75 FR 47269 (August 5, 2010). One goal of the pilot program is to reduce the pendency of reexamination proceedings and improve the efficiency of the reexamination process.

Ordinarily when ex parte reexamination is ordered, the USPTO must wait until after the receipt of the patent owner's statement and the third party requester's reply, or after the expiration of the time period for filing the statement and reply (a period that can be as long as 5 to 6 months), before mailing a first determination of patentability. The USPTO's first determination of patentability is usually a first Office action on the merits or a Notice of Intent to Issue Reexamination Certificate (NIRC).

**Under the pilot program, the patent owner's oral waiver allows the USPTO to act on the first determination of patentability immediately after determining that reexamination will be ordered, and in a suitable case issue the reexamination order and the first determination of patentability (which could be a NIRC if the claims under reexamination are confirmed) at the same time.**

**Benefits to the Patent Owner for participating in this pilot program include reduction in pendency.**

To participate in this pilot program, Patent Owners may contact the USPTO's Central Reexamination Unit (CRU) at 571-272-7705. The USPTO will make the oral waiver of record in the reexamination file in an interview summary and a copy will be mailed to the patent owner and any third party requester.

cc: Third Party Requester(if any)
AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K. STREET N.W.
WASHINGTON, DISTRICT OF COLUMBIA 20006

/pflewis/

Legal Instruments Examiner
Central Reexamination Unit 571-272-7705; FAX No. 571-273-9900

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**CONFIRMATION NO. 9205**

| SERIAL NUMBER | FILING or 371(c) DATE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. |
|---|---|---|---|---|
| 90/019,221 | 06/12/2023 RULE | 709 | 3992 | 698162.0018 |

**APPLICANTS**

MOBILE DATA TECHNOLOGIES LLC(OWNER), Residence Not Provided;
UNIFIED PATENTS , LLC, WASHINGTON,, DC;

**INVENTORS**

8793336, Residence Not Provided;
AKIN GUMP STRAUSS HAUER & FELD LLP, Residence Not Provided;

**** CONTINUING DATA ***************************

This application is a REX of 13/364,950 02/02/2012 PAT 8793336
which is a CON of 13/027,519 02/15/2011 PAT 8135801
which is a CON of 12/548,928 08/27/2009 PAT 7908342
which is a CON of 10/464,526 06/18/2003 PAT 7599983
which claims benefit of 60/389,430 06/18/2002

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

| Foreign Priority claimed ❑ Yes ❑ No<br>35 USC 119(a-d) conditions met ❑ Yes ❑ No<br>Verified and Acknowledged Examiner's Signature | ❑ Met after Allowance<br>Initials | STATE OR COUNTRY | SHEETS DRAWINGS | TOTAL CLAIMS | INDEPENDENT CLAIMS |
|---|---|---|---|---|---|
| | | | | 27 | 3 |

**ADDRESS**

RYAN, MASON & LEWIS, LLP
48 South Service Road
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**TITLE**

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 90/019,221 | 06/12/2023 | 8793336 | 698162.0018 | 9205 |

31825 7590 06/23/2023
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

| EXAMINER |
|---|
| KE, PENG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3992 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/23/2023 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K. STREET NW
WASHINGTON, DC 20006

# *EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/019,221* .

PATENT UNDER REEXAMINATION *8793336* .

ART UNIT *3992* .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

| *Ex Parte Reexamination Interview Summary – Pilot Program for Waiver of Patent Owner's Statement* | **Control No.** 90/019,221 | **Patent Under Reexamination is Requested** 8793336 | |
|---|---|---|---|
| | **Examiner** CARLSON | **Art Unit** 3992 | **AIA (FITF) Status** No |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --***

***All participants (USPTO official and patent owner):***

(1) MANUEL SALDANA, CRU (3) _____

(2) JOSEPH B. RYAN 37922 (4) _____

Date of Telephonic Interview: 15 June 2023.

**A. The USPTO official requested waiver of the patent owner's statement pursuant to the pilot program for waiver of patent owner's statement in *ex parte* reexamination proceedings.***

☐ The patent owner **agreed** to waive its right to file a patent owner's statement under 35 U.S.C. 304 in the event reexamination is ordered for the above-identified patent.

☐ The patent owner **did not agree** to waive its right to file a patent owner's statement under 35 U.S.C. 304 at this time.

☑ USPTO personnel were unable to reach the patent owner.**

**B. The Patent Owner of record telephoned the Office and indicated they would like to participate in the pilot program for waiver of patent owner's statement in *ex parte* reexamination proceedings.***

☐ The Patent owner of record telephoned the Office and **agreed** to waive its right to file a patent owner's statement under 35 U.S.C. 304 in the event reexamination is ordered for the above-identified patent.

The patent owner is not required to file a written statement of this telephone communication under 37 CFR 1.560(b) or otherwise. However, any disagreement as to this interview summary must be brought to the immediate attention of the USPTO, and no later than one month from the mailing date of this interview summary. Extensions of time are governed by 37 CFR 1.550(c).

*For more information regarding this pilot program, see *Pilot Program for Waiver of Patent Owner's Statement in Ex Parte Reexamination Proceedings, 75 Fed. Reg.* 47269 (August 5, 2010), available on the USPTO Web site at http://www.uspto.gov/patents/law/notices/2010.jsp.

**The patent owner may contact the USPTO personnel at (571) 272-7705 or at the telephone number provided below if the patent owner decides to waive the right to file a patent owner's statement under 35 U.S.C. 304.

/MANUEL SALDANA/ (571)272-7740

Signature and telephone number of the USPTO official, who contacted, was contacted by, or attempted to contact the patent owner.

cc: Requester (if third party requester)

UNITED STATES PATENT AND TRADEMARK OFFICE

**UNITED STATES DEPARTMENT OF COMMERCE**
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 90/019,221 | 06/12/2023 | 8793336 | 698162.0018 | 9205 |

31825 7590 07/21/2023
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

| EXAMINER |
|---|
| KE, PENG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3992 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 07/21/2023 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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# *EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/019,221* .

PATENT UNDER REEXAMINATION *8793336* .

ART UNIT *3992* .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

| *Order Granting Request For Ex Parte Reexamination* | **Control No.** 90/019,221 | **Patent Under Reexamination** 8793336 | |
|---|---|---|---|
| | **Examiner** PENG KE | **Art Unit** 3992 | **AIA (FITF) Status** No |

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--***

The request for *ex parte* reexamination filed 06/12/2023 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892, b)☑ PTO/SB/08, c)☐ Other: ____

1. ☑ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

| /PENG KE/<br>Primary Examiner, Art Unit 3992 | | |
|---|---|---|

cc:Requester ( if third party requester )

**Decision on Request**

A substantial new question of patentability affecting claims 1, 11, 15, and 27 of United States Patent Number 8,793,336 to Harper et al. ("'336") is raised by the request for ex parte reexamination file on Jun. 09 2023. The '336 patent is continuation of 8,135,801 ('801) patent, which is a continuation of 7,908,342 ('342) patent, which is a continuation of 7,599,983 ('983) patent.

Extension of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that ex parte reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in ex parte reexamination proceeding are provided for in 37 CFR 1.550(c).

**Reference cited in Request**

1. WO 01/72002 ("Weiden") AOL, International Publication Date: Sep. 27 2001
2. WO 01/92069 ("Read") Yaes Web Marketing, International Publication Date Dec. 6, 2001
3. WO 01/01372 ("Alcorn") BlackBoard, International Publication Date Jan. 04, 2001
4. U.S. Patent 7,802,207 ("Agboatwalla") Filed Date: Jun. 6. 2002
5. U.S. Provisional Application 60/340,405 ("Agboatwalla") Filed Date: Dec. 13, 2001

**Availability of reference for double patenting rejection:**

References 1-5 i.e., predate the earliest priority date of the '336 Patent is therefore qualified as prior art under 35 USC 102(e).

The 1-3 reference were not applied in any rejection during the original prosecution, reexamination, or review of the '336 patent. Accordingly, they are be used to raise a Substantial New Question of Patentability.

Although Agboatwalla was cited in the IDS of '336 patent, it was not applied in the view of Read in a 103 rejection. Accordingly, they can be used to raise a Substantial New Question of Patentability.

**Information Disclosure Statement**

An information disclosure statement was submitted by the Patent Owner on 06/09/2023.

MPEP §§ 2256, under the heading "Prior Art Patents and Printed Publications Reviewed by Examiner in Reexamination," states:

Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the 25 information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.

MPEP § 609.05(b) states:

The information contained in information disclosure statements which comply with both the content requirements of 37 CFR 1.98 and the requirements, based on the time of filing the statement, of 37 CFR 1.97 will be considered by the examiner. Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [Emphasis added.]

With this, the examiner notes that prior art references and other documents listed in an Information Disclosure Statement are considered by the Examiner to at least the "degree to which the party filing the information citation has explained the content and relevance of the information," and in "the same manner as other documents in Office search files are considered by the Examiner while conducting a search of the prior art in a proper field of search."

Furthermore, Patent Owner's remarks submitted in relation to the information disclosure statement filed 06/09/2023, have only been considered to the extent they explain the content and relevance of documents listed on the accompanying 1449 forms. Only those documents listed on

the 1449 forms, in compliance with Rules 97 and 98, have been expressly considered by the Examiner. Moreover, expunged or unavailable documents referred to in Patent Owner's IDS remarks, if any, have not been considered.

**Prosecution History**

The 13/027,950 ('950) is the application to the '336 Patent. During the original prosecution of '950, on Nov 7, 2013, a primary amendment was filed that amended claims 1, 2, 4, 5, 9, 14 ,16, 17, and 20, cancelled claims 7, 8, and 10-12 and added claims 21-31. On June 23, 2014, following Applicant's Terminal Disclaimer, the Examiner issued the Notice of Allowance. The notice indicated that following limitation as the reason for allowance:

"Generating a second web-based interface decent than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to a least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users"

"wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network"

"wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users."

**Scope of Reexamination**

On November 2, 2002. Public Law 107-273 was enacted Title III, Subtitle A, Section 13105, part (a) of the Act revised the reexamination statue by adding the following new last sentence to 35 U.S.C. 3030(a) and 312 (a):

The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.

For any reexamination ordered on or after November 2, 2002, the effective date of the statutory revision, reliance on previously cited/ considered art, i.e. "old art," does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on the old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact specific inquiry done on a case-by-case basis.

**Substantial new question of patentability**

For the purpose of determination, independent claim 1 is used as the representative claim. The italicized sections below are utilized by the examiner to show how specific teachings of the proposed references create a substantial new question of patentability in light of the original prosecution history.

Claim 1: A method for managing information content in a network-based communication system, the method comprising the steps of:

providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and

*generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;*

*wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and*

*wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.*

***Issue 1: Weiden***

Weiden is a system for sharing information among group members. Abstract The request shows that Weiden teaches following limitation of claim 1 in '336 patent:

*generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Weiden teaches designing custom interface for different member groups 2:12-28; Media content for private group member22:12-19; using mobile information channel 7:26-31 Fig. 8, 7:26-31, 2:6-11; )*

*wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Weiden teaches communication between the client and the host system through wireless telephone network.5:8-16; 20:27-21:3; 7:26-8:2, Fig. 13 and 6 8:3-10) and*

*wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Weiden teaches an on-lines forum group member to chat 22:12-19;*

*and a share message board to share posts 23:13-19; 5:8-16, 7:25-8:2; 8:2-10; 20:27-21:3; 22:12-19, 23:13-19; Figs 1-3, 6)*

It is agreed that the consideration of Weiden raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Weiden is important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

***Issue 2: Alcorn & Read***

Alcorn is an online course system that allow instructors and students to share assignments, announcements, course materials, chat and whiteboard facilities. See Abstract Read is a web server for user to send and receive electronic communication. See Abstract The request shows that Alcorn and Read teach following limitation of claim 1 in '336 patent:

*generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Alcorn provide course information to selected students 1:13-15; 8:17-9:24; 16:25-17:9; 18:11-30; 18:31-19:23; 19:24-20:19; 22:16-23; 27:25-33; 30:21-32:11; 34:25-35:15; 45:3-12; 46:11-47:17; Read teaches customizing different interface and different electronic message for different users such as employee or administrator 2-10; 14, 15;)*

*wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Alcorn teaches supporting*

*messaging between teaches and students over the internet 1:13-25, 2:16-29; 18 :12-39, 21:1-12, 24:1-10, 36:31-27:8; 45:2-12, 46:11-47:17;) and*

*wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Alcorn teaches allowing instructor to send messages to a selected group of students 1:13-25; 2:16-29; 18:12-30; 21:1-12, 24 1-10; 26:31-27:8,45: 2-12; 46:11-47:17);*

It is agreed that the consideration of Alcorn and Read raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Alcorn and Read are important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

***Issue 3: Read and Agboatwalla***

Read is a web server for user to send and receive electronic communication. See Abstract Agboatwalla teaches a management system that customize interface for different user. See Abstract The request shows that Read and Agboatwalla teach following limitation of claim 1 in '336 patent:

*generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; (Read teaches customizing different interface and different electronic message for different users such as*

*employee or administrator Read 2-10; 14, 15; Agboatwalla teaches allowing a user to share information with a selected group of users: 18:11-19:32; 27:6-14; 31:38-33:6)*

*wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; (Read discloses wherein the given mobile information channel supports messaging between first user and another user over a wireless network 2-10; 14, 15;) and*

*wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. (Read teaches allowing a user to send and receive message from another 2-10; 14, 15;);*

It is agreed that the consideration of Alcorn and Read raises an SNQ as to at least claims 1 patent '336 as pointed out above. Claim 1 is presentative of claims 11, 15, and 27. There is a substantial likelihood that a reasonable examiner would consider the teachings of Alcorn and Read are important in deciding whether or not claims 1, 11, 15, and 27 are patentable.

***Scope of Reexamination***

Claims 1, 11, 15, and 27 will be reexamined as requested in the Request.

**35 USC 325(d)**

A review of the post grant history for the '336 patent indicates that there have been no other Office post grant challenges involving the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Accordingly, a determination of whether to exercise discretion to reject the request pursuant to 35 USC 325(d) is not applicable.

### *Extension of Time*

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to “an applicant” and not to parties in a reexaminations proceeding. Additionally, 35 U.S.C. 305 requires that ex parte reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in ex parte reexamination proceedings are provided for in 37 CFR 1.550(c).

### *Amendment in Reexamination Proceedings*

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-G), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP §2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

### *Service of Papers*

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parities where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

### *Notification of Concurrent Proceedings*

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 8,793,336 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop Ex Parte Reexam
ATTN: Central Reexamination Unit Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:
(571) 273-9900
Central Reexamination Unit

By hand to:
Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/PENG KE/
Primary Examiner, Art Unit 3992

Conferees:
/William H. Wood/
Primary Examiner, Art Unit 3992

/ALEXANDER J KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992

| Reexamination | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | Certificate Date | Certificate Number |

**Requester Correspondence Address:** ☐ **Patent Owner** ☑ **Third Party**

Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006

| **LITIGATION REVIEW** ☑ | PK (examiner initials) | 05 July 2023 (date) |
|---|---|---|
| Case Name | | Director Initials |
| 7:22cv 244, Mobile Data Technologies LLC v. Meta Platform. Inc. Et Al | | |
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| COPENDING OFFICE PROCEEDINGS | |
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| **TYPE OF PROCEEDING** | **NUMBER** |
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| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CPC - Searched* | | |
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| **Symbol** | **Date** | **Examiner** |
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| CPC Combination Sets - Searched* | | |
|---|---|---|
| **Symbol** | **Date** | **Examiner** |
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| US Classification - Searched* | | | |
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| **Class** | **Subclass** | **Date** | **Examiner** |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| Search Notes | | |
|---|---|---|
| **Search Notes** | **Date** | **Examiner** |
| Review Prosecution History | 07/05/2023 | PK |
| Litigation Search | 07/05/2023 | PK |
| P-Tacts Search | 07/05/2023 | PK |

| Interference Search | | | |
|---|---|---|---|
| **US Class/CPC Symbol** | **US Subclass/CPC Group** | **Date** | **Examiner** |
| | | | |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| Complete if Known | |
|---|---|
| Application Number | 13/364,950 |
| Filing Date | 2012-02-02 |
| First Named Inventor | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Document Number Number-Kind Code[2] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| /P.K/ | | US- 8,793,336 | 05-29-2014 | David Walker Harper | |
| /P.K/ | | US- 8,135,801 | 06-09-2011 | David Walker Harper | |
| /P.K/ | | US- 7,908,342 | 02-18-2010 | David Walker Harper | |
| /P.K/ | | US- 7,802,207 | 06-26-2003 | Adnan M. Agboatwalla | |
| /P.K/ | | US- 60/340,405 | | Adnan M. Agboatwalla | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| /P.K/ | | WO-01/72002 | 09-27-2001 | America Online, Inc. | | |
| /P.K/ | | WO-01/93069 | 12-06-2001 | Simon Bargate | | |
| /P.K/ | | WO-01/01372 | 01-04-2001 | Blackboard, Inc. | | |
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| Examiner Signature | /PENG KE/ | Date Considered | 07/05/2023 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

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Routine uses of the information in this record may include disclosure to: 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law; 2) a Federal, state, local, or international agency, in response to its request; 3) a contractor of the USPTO having need for the information in order to perform a contract; 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record; 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations; 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals; 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)); 9) the Office of Personnel Management (OPM) for personnel research purposes; and 9) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

## Additional Uses

Additional USPTO uses of the information in this record may include disclosure to: 1) the International Bureau of the World Intellectual Property Organization, if the record is related to an international application filed under the Patent Cooperation Treaty; 2) the public i) after publication of the application pursuant to 35 U.S.C. 122(b), ii) after issuance of a patent pursuant to 35 U.S.C. 151, iii) if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections, or an issued patent, or iv) without publication of the application or patent under the specific circumstances provided for by 37 CFR 1.14(a)(1)(v)-(vii); and/or 3) the National Archives and Records Administration, for inspection of records.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| | *Complete if Known* |
|---|---|
| **Application Number** | 13/364,950 |
| **Filing Date** | 2012-02-02 |
| **First Named Inventor** | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T[2] |
|---|---|---|---|
| /P.K/ | | File History of U.S. Patent No. 8,793,336 | |
| /P.K/ | | File History of U.S. Patent No. 8,135,801 | |
| /P.K/ | | File History of Inter Partes Reexamination of Patent No. 8,135,801 | |
| /P.K/ | | File History of U.S. Patent No. 7,908,342 | |
| /P.K/ | | Complaint, Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022) | |
| /P.K/ | | Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022), Plaintiff's Claim Chart for Asserted U.S. Patent No. 8,793,336 | |
| /P.K/ | | Final Written Decision in IPR2018-01131 | |
| /P.K/ | | Final Written Decision in IPR2018-01132 | |
| | | | |
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| Examiner Signature | /PENG KE/ | Date Considered | 07/05/2023 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

# ELECTRONIC ACKNOWLEDGEMENT RECEIPT

| APPLICATION # | RECEIPT DATE / TIME | ATTORNEY DOCKET # |
|---|---|---|
| **90/019,221** | **11/21/2023 05:36:27 PM Z ET** | **698162.0018** |

## Title of Invention

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Application Information

| | | | |
|---|---|---|---|
| APPLICATION TYPE | Utility / ex parte reexam | PATENT # | 8793336 |
| CONFIRMATION # | 9205 | FILED BY | Lori Allee |
| PATENT CENTER # | 63338217 | FILING DATE | 06/12/2023 |
| CUSTOMER # | 31825 | FIRST NAMED INVENTOR | - 8793336 |
| CORRESPONDENCE ADDRESS | - | AUTHORIZED BY | Kevin Tuttle |

## Documents

**TOTAL DOCUMENTS: 2**

| DOCUMENT | PAGES | DESCRIPTION | SIZE (KB) |
|---|---|---|---|
| Executed - POA ReExam Appl. No. 09-019221.pdf | 2 | Power of Attorney | 466 KB |
| 2023-11-21 Statement Under 37 CFR 3.73 - chain of ownership-f.pdf | 32 | Assignee showing of ownership per 37 CFR 3.73 | 952 KB |

## Digest

| DOCUMENT | MESSAGE DIGEST(SHA-512) |
|---|---|
| Executed - POA ReExam Appl. | 110EE54F275169916B52163A0ABAA8B2095BF54CAAFF50518C |

| | |
|---|---|
| No. 09-019221.pdf | A04333B9941B4422F94A54954FC73BBDDCBE6287ADB8CBA1A05EF29661AB88E2D31C04723D37E2 |
| 2023-11-21 Statement Under 37 CFR 3.73 - chain of ownership-f.pdf | 167211D7241AA3499AB2055959E9570E50798A4158BA22754D3FE10EDD6F8AAEA945E0BDF39A1633D269AD4103F66295AF27220BDDE3918EC379CCBFA6B57C1A |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/AIA/81B (07-13)
Approved for use through 09/30/2025. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| REEXAMINATION OR SUPPLEMENTAL EXAMINATION – PATENT OWNER POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS FOR REEXAMINATION OR SUPPLEMENTAL EXAMINATION AND PATENT | | |
|---|---|---|
| | Control Number(s) | 90/019,221 |
| | Filing Date(s) | 06/12/2023 |
| | First Named Inventor | 879336 |
| | Title | METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFOR |
| | Patent Number | 8,793,336 |
| | Examiner Name | PENG, KE |
| | Attorney Docket No(s) | 5507382-3KCY |

**I. Power of Attorney**. This form may be used to change the Power of Attorney in a reexamination or supplemental examination proceeding (or multiple proceedings where merged). This form may also be used to change the Power of Attorney in the patent file; in such a case, a copy of this form will be placed in both the patent file and the reexamination or supplemental examination proceeding.

A. Revocation of Previous Power of Attorney. I hereby revoke all previous patent owner powers of attorney, if any, given:

■ in the above-identified reexamination or supplemental examination proceeding control number(s) (more than one may be changed only if the proceedings are merged).

■ in the file of the above-identified patent.

**(check BOTH boxes if change in BOTH the patent file and the reexamination or supplemental examination proceeding is requested)**.

B. Designation of Power of Attorney.

☐ A Power of Attorney is submitted herewith.

**OR**

■ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) to prosecute the proceeding(s)/patent identified above and selected in section I(A), and to transact all business in the United States Patent and Trademark Office connected therewith:

21129

**OR**

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the proceeding(s) identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

| Practitioner(s) Name | Registration Number |
|---|---|
| | |
| | |
| | |
| | |

Authorization for the Power of Attorney is provided by the signature on page 2 of this form.

**A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0035. Public burden for this form is estimated to average 15 minutes hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. If filing this completed form by mail, send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**II. Change of Correspondence Address**

Please recognize or change the correspondence address for the above-identified reexamination or supplemental examination proceeding control number(s) (more than one may be changed **only** if they are merged proceedings) **and for the file of the above-identified patent** to be:

☒ The address associated with the above-identified Customer Number.
**OR**
☐ The address associated with the Customer Number identified in the box at right: ☐
**OR**

| | | | | | |
|---|---|---|---|---|---|
| ☐ Firm or Individual Name | | | | | |
| Address | | | | | |
| City | | State | | Zip | |
| Country | | | | | |
| Telephone | | Email | | | |

**NOTE: THE CORRESPONDENCE ADDRESS FOR THE REEXAMINATION OR SUPPLEMENTAL EXAMINATION PROCEEDING CONTROL NUMBER(S) MUST BE THE SAME AS THAT FOR THE PATENT. SEE 37 CFR 1.33.**

**III. Authorization for Power of Attorney and (if selected) Change of Correspondence Address**

I am the:
☐ Inventor, having ownership of the patent being reexamined.
**OR**
☒ Patent owner.
*Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on* _____.

| | | | |
|---|---|---|---|
| Signature of Inventor or Patent Owner | | Date | 5 Sept 2023 |
| Name | David Walker Harper | Telephone | 631-750-2785 |
| Title and Company | Owner, Mobile Data Technologies, LLC | | |

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☐ A total of _____ forms are submitted. *If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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# STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Mobile Data Technologies, LLC

Application No./Patent No.: 8,793,336 Filed/Issue Date: July 29, 2014

Titled: METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

Mobile Data Technologies, LLC, a Delaware Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

B. ☑ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: David Walker Harper, Jason James Sabella, and William Henry Munch To: Wireless Ink, LLC

The document was recorded in the United States Patent and Trademark Office at Reel 014467, Frame 0755, or for which a copy thereof is attached.

2. From: Wireless Ink, LLC To: Wireless Ink Corporation

The document was recorded in the United States Patent and Trademark Office at Reel 022929, Frame 0848, or for which a copy thereof is attached.



This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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## STATEMENT UNDER 37 CFR 3.73(c)

3. From: Wireless Ink Corporation To: Engagelogic Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 041233, Frame 0515, or for which a copy thereof is attached.

4. From: Engagelogic Corporation To: Mobile Data Technologies, LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 060998, Frame 0218, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

| | |
|---|---|
| /Kevin S. Tuttle/ | 2023-11-21 |
| Signature | Date |
| Kevin S. Tuttle | 52307 |
| Printed or Typed Name | Title or Registration Number |

[Page 2 of 2]

9/4/03

OIPE SEP 0 4 2003 RECO

09-12-2003

102547831

FORM PTO-1595

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of P... uments or copy thereof.

1. Name of conveying party(ies):
**David Walker Harper, Jason James Sabella and William Henry Munch**

Additional name(s) of conveying party(ies) attached?
___ Yes _X_ No

2. Name and address of receiving party(ies)

Name: **Wireless Ink, LLC**

Internal Address:

Street Address: **52 Main Street**

City: **Cold Spring Harbor** State: **NY** ZIP: **11724**

Additional name(s) & address(es) attached? _ Yes _X_ No

3. Nature of conveyance:
_X_ Assignment _ Merger
_ Security Agreement _ Change of Name
_ Other

Execution Date(s): **August 6, 2003**

4. Application number(s) or patent number(s):
If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) **10/464,526**
B. Patent No.(s)

Additional numbers attached? _ Yes _X_ No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: **Joseph B. Ryan**
Internal Address: **Ryan, Mason & Lewis, LLP**
Street Address: **90 Forest Avenue**
City: **Locust Valley** State: **NY** ZIP: **11560**

6. Total number of applications and patents involved: _1_

7. Total Fee (37 CFR 3.41)..... $ 40.00
____ Enclosed
_X_ Authorized to be charged to deposit account

8. Deposit account number **50-0762**

**DO NOT USE THIS SPACE**

9. Statement and signature.
*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Joseph B. Ryan
Reg. No. 37,922

Signature

September 4, 2003
Date

Total number of pages including cover sheet, attachments, and document: _5_

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

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**Director of the U.S. Patent and Trademark Office**
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**Alexandria, VA 22313-1450**

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**Attorney Docket No. 1018-2**

09/11/2003 LMUELLER 00000199 500762 10464526
01 FC:8021 40.00 DA

**PATENT**
**REEL: 014467 FRAME: 0755**

# ASSIGNMENT OF PATENT APPLICATION

For value received, the undersigned sell(s), assign(s) and transfer(s) to:

**Wireless Ink, LLC**

a limited liability company organized under the laws of the state of: **New York**

and having a place of business at: **52 Main Street**
**Cold Spring Harbor, New York 11724**

and to Assignee's successors, assigns and legal representatives or nominees as it may designate (collectively, hereinafter, "Assignee"), the entire right, title and interest, for the United States of America and its Territories and Commonwealth and Possessions, and for all other countries throughout the world, in and to all inventions and improvements disclosed in an application for United States Patent entitled:

**METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS**

The above-entitled United States Patent application was:

___ executed by the undersigned concurrently herewith;
X filed in the United States Patent and Trademark Office on: June 18, 2003 and assigned serial number: 10/464,526; or
___ filed as PCT International Application No.: _____ on: _____.

The undersigned assign(s) the rights for all patents, divisions, reissues, reexamination certificates, continuing applications and extensions thereof, together with the right of priority of any earlier corresponding patent application filed by the undersigned in the United States or elsewhere.

The undersigned covenant(s) that the rights and property conveyed by this Assignment are free and clear of any encumbrance, and that the undersigned have (has) full right to convey the rights and property as expressed herein.

The undersigned authorize(s) and request(s) that any and all patents on the aforesaid inventions be issued to Assignee.

The undersigned agree(s), when requested, without further charge to Assignee but at its expense, to communicate to Assignee or its representatives all facts known to the undersigned regarding the aforesaid inventions and improvements, testify in any legal proceeding, sign all papers, make all rightful oaths or declarations, execute all divisional, continuing, re-examination and reissue applications and generally perform all acts, which may be necessary, desirable or convenient, to aid Assignee in securing, maintaining and enforcing patents for the aforesaid inventions and improvements in the aforesaid countries, and for vesting title thereto in Assignee.

David Walker Harper

Date: 8/6/03

United States of America )

State of New York ) sworn and subscribed:

County of Suffolk )

On this 6 day of August, 2003, before me personally came David Walker Harper, to me known to be the individual who executed the foregoing instrument, and acknowledged execution of the same.

Ivelisse Berardelli

Notary Public

Ivelisse Berardelli
Notary Public, State Of New York
No. 01BE6052833
Qualified In Nassau County
Commission Expires December 26, 2006

Jason James Sabella

Date: 8/6/03

United States of America )

State of New York ) sworn and subscribed:

County of Suffolk )

On this 6 day of August, 2003, before me personally came Jason James Sabella, to me known to be the individual who executed the foregoing instrument, and acknowledged execution of the same.

Notary Public

Ivelisse Berardelli
Notary Public, State Of New York
No. 01BE6052833
Qualified In Nassau County
Commission Expires December 26, 2006

William Henry Munch

Date: 8/6/03

United States of America )

State of New York ) sworn and subscribed:

County of Suffolk )

On this 6 day of August, 2003, before me personally came William Henry Munch, to me known to be the individual who executed the foregoing instrument, and acknowledged execution of the same.

Ivelisse Berardelli

Notary Public

Ivelisse Berardelli
Notary Public, State Of New York
No. 01BE6052833
Qualified In Nassau County
Commission Expires December 26, 2006

# PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

| | |
|---|---|
| SUBMISSION TYPE: | NEW ASSIGNMENT |
| NATURE OF CONVEYANCE: | Asset Purchase Agreement |

CONVEYING PARTY DATA

| Name | Execution Date |
|---|---|
| Wireless Ink, LLC | 06/20/2005 |

RECEIVING PARTY DATA

| | |
|---|---|
| Name: | Wireless Ink Corporation |
| Street Address: | P.O. Box 261 |
| City: | East Islip |
| State/Country: | NEW YORK |
| Postal Code: | 11730 |

PROPERTY NUMBERS Total: 1

| Property Type | Number |
|---|---|
| Application Number: | 10464526 |

CORRESPONDENCE DATA

Fax Number: (516)759-9512
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*
Phone: 516-759-2722
Email: nyoffice@rml-law.com
Correspondent Name: Joseph B. Ryan
Address Line 1: 90 Forest Avenue
Address Line 2: Ryan, Mason & Lewis, LLP
Address Line 4: Locust Valley, NEW YORK 11560

| | |
|---|---|
| ATTORNEY DOCKET NUMBER: | 1018-2 |
| NAME OF SUBMITTER: | Joseph B. Ryan |

Total Attachments: 14
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# ASSET PURCHASE AGREEMENT

This Agreement is made effective as of the 20th day of June, 2005, by and between WIRELESS INK, LLC, a New York limited liability company (hereafter "Seller"), and WIRELESS INK CORPORATION, a Delaware corporation (hereafter "Buyer"). Subject to the terms and conditions of this Agreement, the parties agree as follows:

ARTICLE 1.

Basic Transaction

Section 1.1. Seller agrees to sell and Buyer agrees to purchase all of the property and assets of Seller including without limitation the property and assets described on Schedule 1.1 (the "Assets").

Section 1.2. Seller agrees to assign and Buyer agrees to assume those certain contracts and agreements described on Schedule 1.2 (the "Assumed Contracts").

Section 1.3 The Assets are being sold "as is", "where is", and Seller makes no representation or warranty, including without limitation, any warranty of merchantability or fitness for a particular purpose, with respect thereto, other then as to Seller's title thereto.

ARTICLE 2.

Closing and Delivery of Documents

The closing of the sale (the "Closing") shall take place upon the execution of this Agreement by Buyer and Seller and shall be deemed effective immediately. At the Closing, or thereafter at Buyer's request, Seller shall deliver to Buyer such deeds, bills of sale, assignments, and other instruments of transfer as may be necessary to vest in Buyer good and marketable title to the Assets and the Assumed Contracts. All documents and papers to which the parties are entitled under this Agreement, unless otherwise specified herein, shall also be delivered at the Closing.

ARTICLE 3.

Purchase Price and Allocation

Section 3.1 The purchase price ("Purchase Price") for the Assets and the Assumed Contracts shall be the assumption by Buyer of those liabilities described on Schedule 3.1 (the "Assumed Liabilities"). Except for the Assumed Contracts and the Assumed Liabilities, Buyer will not assume or have any responsibility or liability, either express or implied, with respect to any obligation or liability of Seller of any kind or nature.

Section 3.2. The parties agree to allocate the Purchase Price in accordance with Section 1060 of the Internal Revenue Code of 1986, as amended.

ARTICLE 4.

Warranties and Covenants of Seller

Section 4.1. Seller agrees, represents and warrants as follows:

(1) Seller is duly organized under the laws of the State of New York.

(2) Seller has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder. This Agreement constitutes the valid and legally binding obligation of Seller, enforceable in accordance with its terms.

(3) Neither the execution and delivery of this Agreement, nor the performance of the obligations contemplated by this Agreement, will:

(a) Violate any law, regulation, judgment, court order, charge or other restriction of any government, government agency, or court to which Seller is subject;

(b) Violate any provision of the certificate of formation or operating agreement of Seller; or

(c) Conflict with, result in a breach of, cause a default in, accelerate, create a right of acceleration, terminate, cancel, or otherwise modify, or require any notice under any contract, agreement, lease, license, instrument, or other arrangement to which Seller is a party or bound by or to which any of the Assets are subject.

(4) Seller is not required to give any notice to, make any filing with, or obtain any authorization, consent, or approval of any government or governmental agency in order to execute, deliver, and perform the obligations of this Agreement.

(5) Seller has good and marketable title to all the Assets free and clear of all liens, encumbrances, or restriction on transfer, except as set forth in Schedule 4.1.

(6) Seller is not subject to any outstanding injunction, judgment, order, decree, ruling, or charge nor is a party or has been threatened to be made a party to any action, suit, proceeding, hearing, or investigation of, in or before any court or quasi-judicial or administrative agency of any federal, state, local, or foreign jurisdiction or before any arbitrator.



PATENT
REEL: 022929 FRAME: 0851

(7) Seller has dealt with no broker or finder in connection with the transactions contemplated by this Agreement.

(8) Seller, and by his execution hereof Munch, each agrees not to disseminate or disclose to any third party or use for any purpose whatsoever any Confidential Information of Seller. As used herein, "Confidential Information" means any and all financial, commercial or other information concerning the business, affairs, Assets or Assumed Contracts of Seller , including without limitation all notes, analyses, compilations, studies or other material prepared by Seller or Munch, excluding, however, information which was or becomes generally available to the public other than as a result of a disclosure by Seller or Munch or their agents.

ARTICLE 5.

Warranties and Covenants of Buyer

Section 5.1. Buyer agrees, represents and warrants as follows:

(1) Buyer is duly organized, authorized to do business, and in good standing under the laws of the State of Delaware.

(2) Buyer has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder. Without limiting the generality of the foregoing, the execution, delivery and performance of this Agreement has been duly authorized by Buyer's Board of Directors. This Agreement constitutes the valid and legally binding obligation of the Buyer, enforceable in accordance with its terms.

(3) Neither the execution and delivery of this Agreement, nor the performance of the obligations contemplated by this Agreement, will:

(a) Violate any law, regulation, judgment, court order, charge or other restriction of any government, government agency, or court to which Buyer is subject; or

(b) Violate any provision of the Articles of Incorporation or bylaws of Buyer.

(4) Buyer is not required to give any notice to, make any filing with, or obtain any authorization, consent, or approval of any government or governmental agency in order to execute, deliver, and perform the obligations of this Agreement.

(5) Buyer has dealt with no broker or finder in connection with the transactions contemplated by this Agreement.



PATENT
REEL: 022929 FRAME: 0852

ARTICLE 6.

Indemnification

Section 6.1. From and after the date of Closing, Seller shall indemnify and hold harmless (and upon demand shall reimburse) Buyer and the directors, officers, employees or agents of Buyer against any losses resulting from, any liabilities of Seller (other than the obligations under the Assumed Contracts and Assumed Liabilities) or any loss suffered by Buyer resulting from, arising out of, or relating to a breach of Seller's representations, warranties or covenants contained herein.

Section 6.2. From and after the date of Closing, Buyer shall indemnify and hold harmless (and upon demand shall reimburse) Seller and the members, employees or agents of Seller against any losses resulting from any claim which is brought or asserted by any third party against Seller for Buyer's failure to perform under the Assumed Contracts or Assumed Liabilities or any loss suffered by Seller resulting from, arising out of, or relating to a breach of Buyer's representations, warranties or covenants contained herein.

ARTICLE 7.

Miscellaneous

Section 7.1 There are no agreements, warranties, or representations, express or implied, except those expressly set forth herein. All agreements, representations, and warranties contained in this Agreement shall apply as of the Closing Date and shall survive the closing of this Agreement.

Section 7.2 This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 7.3 This Agreement is to be governed by and construed under the laws of State of New York, without regard to principles of conflicts of law.

Section 7.4 No change or modification of this Agreement shall be valid unless such change or modification is in writing and signed by all of the parties to this Agreement. No waiver by a party of any right under this Agreement shall be valid unless signed in writing by the party against whom such waiver is sought to be enforced, and shall in no event, unless specifically provided therein, act as a waiver of any future rights.

Section 7.5 The headings of the various sections herein are inserted merely as a matter of convenience and for reference and shall not be construed as in any manner defining, limiting, or describing the scope or intent of the particular sections to which they refer, or as affecting the meaning or construction of the language in the body of such sections.

Section 7.6 All exhibits and schedules referred to in this Agreement are attached hereto and are incorporated herein by reference as if fully set forth herein.

Section 7.7 The parties hereto agree that they will, at any time, and from time to time after the date hereof, upon the reasonable request of any other party, do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered all such acts and instruments as may be reasonably required in conformity with this Agreement to consummate the transactions contemplated herein.

Section 7.8 This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one in the same instrument.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first above written.

**WIRELESS INK, LLC**, a New York limited liability company

By: _____
WILLIAM MUNCH
Managing Member

Date: 6/20/18

_____
WILLIAM MUNCH
(as to Section 4.1(8) only)

**WIRELESS INK CORPORATION**, a Delaware corporation

By: _____
DAVID HARPER
President

Date: 6/20/05

**PATENT**
**REEL: 022929 FRAME: 0855**

SCHEDULE 1.1

PURCHASED ASSETS

The following assets are subject to this Asset Purchase Agreement:

a. All trademarks, tradenames, copyrights, copyright licenses, patents, patent filings, pending patent applications, patent licenses, and other Intellectual Property rights;

b. All benefits under Contracts;

c. All source code and databases;

d. All accounts receivable;

e. All computers, equipment, workstations, servers and other personal property;

f. All rights to fees or royalties;

g. All goodwill associated with business; and

h. Any other assets, tangible or intangible, of the Company.

These assets include:

1. The WINKsite (Wireless Ink) Mobile Publishing & Community Platform & Web Site, as of 1 June 2005 including:

a. The model and source code for the WINKsite Mobile Publishing & Community Platform written in ColdFusion
b. The ColdFusion, HTML, xHTML, WML and XML code that comprises the Web and Mobile Web user interface for the WINKsite Mobile Publishing & Community Platform
c. The WINKsite Mobile Publishing & Community Platform database
d. The WINKsite registered member database
e. The content located at winksite.com
f. Traffic log files for winksite.com
g. Existing design documentation

2. The WINKsite (Wireless Ink) Mobile Storefront Prototype, as of 1 June 2005 including:

a. The model and source code for the WINKsite Mobile Storefront Prototype Platform written in ColdFusion

b. The ColdFusion, HTML, xHTML, WML and XML code that comprises the Web and Mobile Web user interface for the Mobile Storefront Prototype

c. The WINKsite Mobile Storefront Prototype Platform database

d. Existing design documentation

3. All investor, marketing and presentation materials for Wireless Ink, WINKsite (Wireless Ink) Mobile Publishing & Community Platform, and WINKsite MobileStorefront including:

a. Various Powerpoint Presentations

b. Wireless Ink Blog Content

c. WirelessInk.com Web Site & Content

d. WINKsite.com Web Site & Content

e. Research, Whitepapers and Letters

4. The name "Wireless Ink".

5. The name "WINKsite".

6. The name "WINKsite Mobile Community Platform".

7. The name "WINKsite Mobile Publishing & Community Platform"

8. The name "WINKsite Mobile Storefront".

9. The name "WINKsite M-Storefront"

10. Trademark for "Wireless Ink" Serial No: 76559306 (76/559,306)

11. United States Patent Application: Serial No. 10/464,526, filed June 18, 2003. (current status: pending)

– "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks" and all related Intellectual Property rights.

12. United States Provisional Application Serial No. 60/389,430 filed June 18, 2002

13. PCT International Application No. PCT/US03/19594, filed June 18, 2003.

14. The following domain names:

- winksite.com
- winksite.net
- winksite.org
- mgirlz.com
- mclubz.com
- mfriendz.com
- mtowns.com
- mtownz.com
- mtribez.com
- mobilestorefront.com
- mobilestorefront.net
- mobilestorefront.org
- mstorefront.com
- mstorefront.net
- mstorefront.org
- wirelessink.org
- wirelessink.net
- wirelessink.com
- mstorebuilder.com
- mstorebuilder.net
- mstorebuilder.org
- mmerchant.com
- mmerchant.net
- mmerchant.org
- mbands.com
- mbands.net
- mbands.org
- mjocks.com
- mjocks.org
- mjocks.net
- mshaman.com
- mblogz.com
- mcelebs.com
- mtelly.com
- mshows.com
- mhookup.com
- mmeet.com
- mpoets.com
- mobloggingcommunities.com
- mobilecommunities.net
- mobilecommunities.org

15: Two (2) HP Net Servers (i.e. two web servers)

16. One (1) Snap Server (containing source code.)

17. Two (2) Development Workstations (containing development environment and source code.)

18. One (1) Firewall

19. One (1) APC Smart UPS

20. One (1) IBM Thinkpad Laptop

21. One (1) Compaq Presario Laptop

22. Various Model Cell Phones, PDA, and Pocket PC's (used for testing)

23. Flash eCard Library

24. Two (2) Apple G4 Computers

25. Investor, VC, and Customer, Contact Database

26. Software Library (i.e. Photoshop, Illustrator, Flash etc.)

27. Various Items in Storage Including:
    - Twelve (12) Desks
    - Four (4) Tables (i.e. conference, round, small square, folding)
    - Three (3) File Cabinets
    - Thirty-three (33) Chairs
    - One (1) Book Shelf
    - One (1) Credenza
    - One (1) Hutch
    - One (1) Copier
    - Six (6) CPUs

- Thirteen (13) Monitors
- One (1) laser jet printer
- One (1) Toshiba Telephone System w/ 12 phones
- Thirteen (13) Additional Toshiba Telephones
- Two (2) racks
- One (1) Refrigerator
- One (1) Microwave
- Twenty-Six (26) Cartons of Supplies
- Two (2) Whiteboard

SCHEDULE 1.2

ASSUMED CONTRACTS

NONE

346232.1

SCHEDULE 3.1

ASSUMED LIABILITIES

Adams & Becker CPA's PC - $7000

Liberty Moving & Storage - $2750 ($760. pd on account by Wireless Ink Corp., $1990. due)

Daniel Gale Agency - $4500

Wireless Ink, LLC 2004 Franchise Fee NYS - $2200

Wireless Ink, LLC 2004 NYS-45-X – Withholding amount due plus interest ($1743.66 + $96.15 = $1839.81)

Wireless Ink, LLC Federal 941c – Adjustment owed plus interest and penalties ($9574.97 plus interest and penalties) Note: $9574.97 due at closing. Form 8822 – Change of Address Form needs to be completed. In 3 months federal government sends bill for interest and penalties. Wireless Ink Corporation to pay interest and penalties. Wireless Ink Corporation to reserve up to $4175 in account for that purpose.

Cablevision – $88.79

Verizon - $ 458.42

Long Island Internet Headquarters (PB.Net) - $1010.

Patricia Kelly – Loan To Wireless Ink LLC for Dec. 2004 Health Insurance - $3400.

346232.1

SCHEDULE 4.1
OUTSTANDING LIENS

Lien in favor of StarInvest Group, Inc.
Lien for unpaid taxes

# PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

EPAS ID: PAT4207782

| | |
|---|---|
| **SUBMISSION TYPE:** | NEW ASSIGNMENT |
| **NATURE OF CONVEYANCE:** | FORECLOSURE |

**CONVEYING PARTY DATA**

| Name | Execution Date |
|---|---|
| WIRELESS INK CORPORATION | 01/03/2017 |

**RECEIVING PARTY DATA**

| | |
|---|---|
| **Name:** | ENGAGELOGIC CORPORATION |
| **Street Address:** | 34 E. MAIN STREET, SUITE 392 |
| **City:** | SMITHTOWN |
| **State/Country:** | NEW YORK |
| **Postal Code:** | 11787 |

**PROPERTY NUMBERS Total: 6**

| Property Type | Number |
|---|---|
| **Patent Number:** | 7599983 |
| **Patent Number:** | 7908342 |
| **Patent Number:** | 8793336 |
| **Patent Number:** | 8825801 |
| **Patent Number:** | 9032039 |
| **Application Number:** | 14324698 |

**CORRESPONDENCE DATA**

**Fax Number:**

***Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***

| | |
|---|---|
| **Phone:** | 978-363-1700 |
| **Email:** | rbaker@newenglandip.com |
| **Correspondent Name:** | RICHARD BAKER |
| **Address Line 1:** | 291 MAIN STREET |
| **Address Line 4:** | WEST NEWBURY, MASSACHUSETTS 01985 |

| | |
|---|---|
| **NAME OF SUBMITTER:** | RICHARD A. BAKER, JR |
| **SIGNATURE:** | /RABaker/ |
| **DATE SIGNED:** | 01/03/2017 |

**Total Attachments: 4**
source=Statement#page1.tif

source=Notification-of-Proposal-to-Accept-Collateral-in-Full-Strict-Foreclosure-Engagelogic-WI#page1.tif
source=Notification-of-Proposal-to-Accept-Collateral-in-Full-Strict-Foreclosure-Engagelogic-WI#page2.tif
source=Notification-of-Proposal-to-Accept-Collateral-in-Full-Strict-Foreclosure-Engagelogic-WI#page3.tif

STATEMENT

I, David Harper, submit under penalty of perjury that U.S. Patent Nos. 7,599,983, 7,908,342, 8,793,336, 8,825,801, 9,032,039 and other patents pending namely Application number 14324698 (Publication number 20140325369) were legally foreclosed on based upon the applicable state on January 3, 2017.

ENGAGELOGIC CORPORATION

By:
David W. Harper
President

January 3, 2017

December 12, 2016

Wireless Ink Corporation, Attention David Harper, P.O. Box 261, East Islip, New York 11730-0261, USA

Re: Notification of Proposal to Accept Collateral in Full Strict Foreclosure

Debtor: Wireless Ink Corporation, P.O. Box 261, East Islip, New York 11730-0261, USA

Secured Party: Engagelogic Corporation, 34 E. Main Street, Suite 392, Smithtown, NY 11787, USA (formerly 373 Smithtown Bypass, Suite 361, Hauppauge, NY 11788-2516, USA)

Collateral: Please see Exhibit A, "*Description of Collateral*" as found in the Security Agreement dated October 21, 2013 between Wireless Ink Corporation (the "Grantor"), a Delaware corporation and Engagelogic Corporation, (the "Secured Party"):

"All of Grantor's right, title and interest in and to all present and future Clients, Accounts, accounts receivable, Chattel Paper, Documents, Instruments, Deposit Accounts, General Intangibles (including, without limitation, all present and future choses and things in action, goodwill, customer lists, mailing lists, purchase orders and tax refunds), and returned goods; all present and hereafter acquired Goods and Inventory wherever located, including, but not limited to, all present and future goods held for sale or lease or to be furnished under a contract of service and all raw materials, work in process and finished goods; all present and hereafter acquired Equipment and fixtures wherever located; all present and future dies, drawings, blueprints, catalogs and computer programs; all present and future books and records pertaining to any of the foregoing and the equipment containing said books and records. Except as otherwise defined herein, capitalized terms will have the meaning ascribed to such terms as defined in the Delaware Uniform Commercial Code - Secured Transactions. In respect of any of the foregoing items of collateral which are leased by the Grantor under contractual lease arrangements disclosed to the Secured Parties, the security interest perfected hereby will include the leasehold interest only of the Grantor, together with any options to purchase any of said items and any additional or greater rights with respect to such items which the Grantor may not have or hereafter acquire.

All of the Grantor's right, title and interest in and to all computer software (including, but not limited to, the design and design concepts, the computer operating

programs, computer application programs, source codes and object codes, operating codes, software engines, tools, modules and routines, program structure, sequence and organization, screen images produced by such computer software and the "look and feel" aspects thereof, and all related know-how, trademarks, trade secrets, processes, procedures, specifications, techniques, algorithms and formulae and all other copyrightable or patentable work reduced to practice or tangible expression and any and all other elements of such computer software), whether recorded onto paper or other fixed media or stored electronically in magnetic media or stored, recorded or maintained in any media of any kind or nature or by other means, any and all user and technical documentation and other materials related to such computer software.

All Trademarks, Patents and Copyrights (as defined below), all trade secrets, intellectual property rights in computer software and computer software products, design rights which may be available to the Grantor, and all rights to proceeds arising from any and all claims for damages by way of past, present and future infringement of any of the foregoing (including the right, but not the obligation, to sue on behalf of and collect such damages for said use or infringement), all licenses to use any of the Copyrights, Patents or Trademarks, and all license fees and royalties arising from such use to the extent permitted by such license or rights. As used herein, "Trademarks" means and refers to any trademark, trade name, service mark right, whether or not registered, applications to register and registrations of the same and like protections, and the entire goodwill of the business of the Grantor associated with or symbolized by such trademarks; "Patents" means and refers to all patents, patent applications, letters patent and like protections of the United States of America including, without limitation, all improvements, divisions, continuations, renewals, reissues, extensions and continuations-in-part of the same; and "Copyrights" protections in each work or authorship and derivative work thereof that is created by the Grantor, whether published or unpublished, and whether or not the same also constitutes a trade secret, now or hereafter existing, created, acquired or held.

All of the Grantor's Equipment. As used herein, "Equipment" means all machinery, equipment, furniture, furnishings and fixtures used or held for use by the Grantor in the conduct of its business, including all accessions, accessories and attachments thereto, and any guaranties, warranties, indemnities and other agreements of manufacturers, vendors and others with respect to such Equipment.

TOGETHER WITH all proceeds and products of all or any of the foregoing, including but not limited to accounts, accounts receivable, general intangibles, money,

deposit accounts, goods, chattel paper, documents, instruments, insurance proceeds, and any other tangible or intangible property received upon the sale or other disposition of all or any of the foregoing."

**Note:** Patents covered under the Collateral include, but are not limited to U.S. Patent Nos. 7,599,983, 7,908,342, 8,793,336, 8,825,801, 9,032,039 and other patents pending namely Application number 14324698 (Publication number 20140325369).

Dear David,

The Debtor is in default under a security agreement dated October 21, 2013 entered between the Debtor and the Secured party, granting a security interest in the Collateral. The outstanding balance due from the Debtor to the Secured Party as of November 30, 2016 is $901,611.92 (the "Balance").

The Secured Party shall accept the Collateral in full satisfaction of the Balance, and the obligations due shall be deemed fully discharged as a result.

If you have any objection to the Secured Party's proposal to accept the Collateral in full satisfaction of the Balance, you must send an authenticated statement of your objection within twenty (20) days from the date this notice was sent. If we have not received an authenticated objection within that time period, you will have deemed to have consented to this proposal and will have no further right to object, and the Secured Party will retain the Collateral in full satisfaction of the Debtor's obligation as described in this letter.

ENGAGELOGIC CORPORATION

By:

David W. Harper

President

# PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

EPAS ID: PAT7522805

| | |
|---|---|
| **SUBMISSION TYPE:** | NEW ASSIGNMENT |
| **NATURE OF CONVEYANCE:** | ASSIGNMENT |

**CONVEYING PARTY DATA**

| Name | Execution Date |
|---|---|
| ENGAGELOGIC CORPORATION | 04/01/2022 |

**RECEIVING PARTY DATA**

| | |
|---|---|
| **Name:** | MOBILE DATA TECHNOLOGIES, LLC |
| **Street Address:** | 825 WATTER'S CREEK BOULEVARD |
| **Internal Address:** | BUILDING M, SUITE #250 |
| **City:** | ALLEN |
| **State/Country:** | TEXAS |
| **Postal Code:** | 75013 |

**PROPERTY NUMBERS Total: 6**

| Property Type | Number |
|---|---|
| **Patent Number:** | 8793336 |
| **Patent Number:** | 8825801 |
| **Patent Number:** | 9619578 |
| **Patent Number:** | 9922348 |
| **Patent Number:** | 10839427 |
| **Patent Number:** | 9032039 |

**CORRESPONDENCE DATA**

**Fax Number:** (816)474-3216

***Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***

**Phone:** 8164748100
**Email:** sfaction@spencerfane.com
**Correspondent Name:** KYLE L. ELLIOTT, SPENCER FANE LLP
**Address Line 1:** 1000 WALNUT STREET, SUITE 1400
**Address Line 4:** KANSAS CITY, MISSOURI 64106

| | |
|---|---|
| **ATTORNEY DOCKET NUMBER:** | 5507382-1 |
| **NAME OF SUBMITTER:** | KYLE L. ELLIOTT, REG NO. 39485 |
| **SIGNATURE:** | /kle/ |
| **DATE SIGNED:** | 09/06/2022 |

**Total Attachments: 1**
source=PatentAssignmentSigned-MDT#page1.tif

**EXHIBIT A**

**ASSIGNMENT**

Pursuant to the Agreement of April 1, 2022, this Assignment ("Assignment") is made by and between Engagelogic Corporation, a Delaware company ("Engagelogic"), and Mobile Data Technologies LLC, a Delaware company ("MDT"),

WHEREAS, Engagelogic owns, all right, title and interest in, to and under U.S. Patent Nos. 8,793,336; 8,825,801; 9,032,039; 9,619,578; 9,922,348, 10,839,427 as well as any related United States or foreign patents or patent applications, including without limitation, any foreign counterparts, continuations, divisions, continuations-in-part, reissues, reexaminations, or any other applications or patents claiming priority to any patent and/or patent application above with the exception of U.S. Patent Nos. 7,599,983; 7,908,342; and 8,135,801 (collectively, the "Patents");

WHEREAS, Engagelogic has agreed to assign all right, title, and interest in, to and under the Patents to MDT;

NOW, THEREFORE, for other good and valuable consideration, the receipt of which is hereby acknowledged:

Engagelogic hereby conveys, assigns, transfers, and sets over to MDT, Engagelogic's entire right, title, and interest in, to, and under the Patents, including without limitation, all rights to claim priority on the basis thereof, all rights to sue for past, present and future infringement, including the right to collect and receive any damages, royalties, or settlements for such infringements, all rights to sue for injunctive or other equitable relief, and any and all causes of action relating to any of the inventions or discoveries thereof.

IN WITNESS WHEREOF, Engagelogic has caused this Assignment to be executed as of April 1, 2022.

Signature

Print Name David W. Harper

Date 1 April 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
**United States Patent and Trademark Office**
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 90/019,221 | 06/12/2023 | 8793336 | 698162.0018 | 9205 |

31825 7590 11/24/2023
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

| EXAMINER |
|---|
| KE, PENG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3992 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/24/2023 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K STREET N.W.
WASHINGTON, DC 20006

# *EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/019,221* .

PATENT UNDER REEXAMINATION *8793336* .

ART UNIT *3992* .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

| Office Action in Ex Parte Reexamination | Control No. 90/019,221 | Patent Under Reexamination 8793336 | |
|---|---|---|---|
| | Examiner PENG KE | Art Unit 3992 | AIA (FITF) Status No |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

a. ☑ Responsive to the communication(s) filed on 09 June 2023.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

b. ☐ This action is made FINAL.

c. ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☑ Information Disclosure Statement, PTO/SB/08.
3. ☐ Interview Summary, PTO-474.
4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☑ Claims 1,11,15 and 27 are subject to reexamination.

1b. ☐ Claims _____ are not subject to reexamination.

2. ☐ Claims _____ have been canceled in the present reexamination proceeding.

3. ☐ Claims _____ are patentable and/or confirmed.

4. ☑ Claims 1,11,15 and 27 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ The drawings, filed on _____ are acceptable.

7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.

8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have

1 ☐ been received.

2 ☐ not been received.

3 ☐ been filed in Application No. _____.

4 ☐ been filed in reexamination Control No. _____.

5 ☐ been received by the International Bureau in PCT application No. _____.

* See the attached detailed Office action for a list of the certified copies not received.

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

10. ☐ Other: _____

cc: Requester (if third party requester)

## *Detailed Action*

This Office Action address claims 1, 11, 15, and 27 of US Patent 8,793,336 ('336 Patent) to Harper et al. It has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed on 07/21/2023 that a substantial new question of patentability was raised in the Request for Ex Parte Reexamination filed on 06/09/2023. (hereafter the "Request").

## *Priority*

Based upon a review of the '336 patent, the Examiner finds that the '167 patent is continuation of 8,135,801('801) patent, which is a continuation of 7,908,342 ('342) patent, which is a continuation of 7,599,983 ('983) patent.

Because the effective filing date of the '167 patent is before March 16, 2013, the pre-AIA first to invent provisions is applied.

## *PRIOR OR CONCURRENT PROCEEDINGS*

Based upon Examiner's review of the 10,769,167 patent itself, the Request, and its prosecution history, the Examiner found following Proceeding:

7:22cv244, Mobile Data Technologies LLC v. Meta Platforms, Inc. et al.

## Reference cited in Request

1. WO 01/72002 ("Weiden") AOL, International Publication Date: Sep. 27 2001
2. WO 01/92069 ("Read") Yaes Web Marketing, International Publication Date Dec. 6, 2001
3. WO 01/01372 ("Alcorn") BlackBoard, International Publication Date Jan. 04, 2001

4. U.S. Patent 7,802,207 ("Agboatwalla") Filed Date: Jun. 6. 2002

5. U.S. Provisional Application 60/340,405 ("Agboatwalla") Filed Date: Dec. 13, 2001

**Availability of reference for double patenting rejection:**

References 1-5 i.e., predate the earliest priority date of the '336 Patent is therefore qualified as prior art under 35 USC 102(e).

The 1-3 reference were not applied in any rejection during the original prosecution, reexamination, or review of the '336 patent. Accordingly, they are be used to raise a Substantial New Question of Patentability.

Although Agboatwalla was cited in the IDS of '336 patent, it was not applied in the view of Read in a 103 rejection. Accordingly, they can be used to raise a Substantial New Question of Patentability.

## Information Disclosure Statement

An information disclosure statement was submitted by the Patent Owner on 06/09/2023.

MPEP §§ 2256, under the heading "Prior Art Patents and Printed Publications Reviewed by Examiner in Reexamination," states:

Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the 25 information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.

MPEP § 609.05(b) states:

The information contained in information disclosure statements which comply with both the content requirements of 37 CFR 1.98 and the requirements, based on the time of filing the statement, of 37 CFR 1.97 will be considered by the examiner. Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [Emphasis added.]

With this, the examiner notes that prior art references and other documents listed in an Information Disclosure Statement are considered by the Examiner to at least the "degree to which the party filing the information citation has explained the content and relevance of the information," and in "the same manner as other documents in Office search files are considered by the Examiner while conducting a search of the prior art in a proper field of search."

Furthermore, Patent Owner's remarks submitted in relation to the information disclosure statement filed 06/09/2023, have only been considered to the extent they explain the content and relevance of documents listed on the accompanying 1449 forms. Only those documents listed on the 1449 forms, in compliance with Rules 97 and 98, have been expressly considered by the Examiner. Moreover, expunged or unavailable documents referred to in Patent Owner's IDS remarks, if any, have not been considered.

### *Response to this Action*

In order to ensure full consideration of any amendments, affidavits, or declarations, or other document as evidence of patentability, such documents must be submitted in response to this Office Action. Submissions after the next Office Action, which is intended to be a Final Action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

### *Claim Rejections - 35 USC § 102*

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted

on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 15, and 27 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Weiden WO 01/72002.

| 8,793,336 | Weiden WO 01/72002 |
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| Claim 1 | |
| A method for managing information content in a network-based communication system, the method comprising the steps of: | Weiden (Abstract, 5:8-16, 4:12-21, 1:6-7, Fig. 1) |
| [1.1] providing a first web-based interface accessible to a first user,<br>The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and | Weiden discloses displaying web-based interface on a client device and content can be shared between subscribers, including the founder and another subscriber, using mobile devices; (19:6-20:21, 3:15-18, Fig. 7) a given mobile information channel for sharing content between the first user and one or more additional users (1:9-15, 2:12-3:2, 4:12-5:15, 6:11-8:2, 18:10-20:23 Fig. 2, 7) |
| [1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface | Weiden teaches a private group website different the initial website. (22:3-19; 20:13-21, Figs. 8, 7:25-31, 2;6-11) where private |

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| provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | member website allows members to access the shared information via a mobile information channel (2:12-28; 4:12-623, 7:26-8:2, 19:6-17; 20:13-21) |
| [1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | Weiden discloses transmitting information over a wireless network (20:27-21:3, 5:8-8:2, Fig. 13, 6, 8:3-10; where the host system communicates with group communicator; 6350, (17:23-18:15, 20:27-21:3) which can be a wireless telephone network. (5:8-16) |
| [1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users. | Weiden describe the private group website creates a group that permits the founder to message group members over a wireless network and the founder to receive messages from group members. (5:8-8:10, 20:27-21:3, 22:12-23:19 Fig. 1-3, 6). |
| Claim 11 | |
| [11. Pre] An apparatus for use in managing information content in a network-based | Weiden Fig. 3, 4:12-21, 5:8-16, 8:25-9:2, 9:3-10 |

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| communication system, the apparatus comprising: | |
| [11.1] a processing element comprising a processor coupled to a memory; | Weiden discloses a host system includes a database as memory. (4:17-20, abstract, 2:6-11, 3:3-5, 5:17-28, 23:27-24:29) |
| [11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; | Weiden discloses a group communicator provides a user interface displayed on a client device reside on the internet; Fig. 7, 19:24-20:12, 20:13-21, 3:15-5:20; uses the user interface to enter attributes and activate a private group website that permits the sharing of information between group members including the founder and other group members 20:13-21; content can be shared between subscribers, including the founder and another subscriber, using mobile devices; 4:12-5:16, 6:11-8:2, 19:6-17; generates private group website is used to share information among group members, including files like photographs, text files, or multimedia files; thus, the private group website that facilitates sharing information via mobile devices provides mobile information |

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| | channel Fig. 2, 7; 1:9-3:2, 3:11-14, 7:26-12:7, 18:10-20:23; |
| [11.3] the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | Weiden converts data from the internet into a web-based interface, a private group website, delivered to the client device of a group members, where an interface of the private group website is viewed by the group members, 20:13-22:19, Fig. 8, 7:26-41, 2:6-11; and content can be shared between subscribers via mobile devices provides the mobile information channel; Fig. 2, 8, 4:12-8:2, 19:6-17, 11:19-12:17, 18:25-22:19; |
| [11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Weiden 1.3 Above. |
| [11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Weiden 1.4 above. |
| Claim 15 | |

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| [15.pre] A network-based communication system, comprising: | See Weiden 1.pre |
| [15.1] a plurality of servers configured to communicate over a network; | Weiden teaches the host system includes gate ways that connect the OSP host complex and IM complex, and their corresponding servers, to enable the servers to communicate via networks 3:3-14, 11:2-18, 9:3-31, 11:19-32, 13:28-14:30, 17:5-32; |
| [15.2] at least one of the servers providing at least a portion of a first we-based interface accessible to a first user, the first we-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users, | Weiden discloses a user interface for a client device; 19:6-20:21, 3:15-18 Fig. 7; Weiden teaches sharing information between founder and other group members; (20:13-21, 4:12-5:16, 6:11-23, 726:8:2, 19:6-17) and also information sharing with private groups. (1:9-15, 2;12-3:2, 7:26-31, 19:6-20:23, 18:10-20, Figs 2, 7); where the content can be shared between user using mobile device (4:12-5:16, 6:11-23, 7:26-8:2, 19:6-17) |
| [15.3] wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users | Weiden an interface private group website that is different from the first web interface 22:3-11, 12:1-7; 20:13-21, 22;2-19, Fig 8, 7:26-31, 2:6-11; 7:26-8:2, 18:17-21, 19:6-17; |

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| access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | |
| [15.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Weiden 1.3 above. |
| [15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Weiden limitation 1.4 above. |
| 27 | |
| [27.pre] A method comprising: | |
| [27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and | Weiden discloses a user interface for sharing information (20:13-21) through mobile device (Fig. 2, 7 4:12-6:23, 7:26-8:2, 18:6-19:23, 22:3-11) |
| [27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile | See Weiden 1.2 above |

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| information channel to facilitate interaction between the first and additional user; | |
| [27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Weiden 1.3 above. |
| [27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Weiden 1.4 above. |

***Claim Rejections - 35 USC § 103***

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 15, and 27are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Read WO 01/93069 in view of Agboatwalla U.S. Patent 7,802,207.

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| 8,793,336 | Read WO 01/93069 in view of Agboatwalla U.S. Patent 7,802,207 |
| Claim 1 | |

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| A method for managing information content in a network-based communication system, the method comprising the steps of: | Read discloses use of a communication system that keeps a record of electronics communication and status information accessible to authorized users, wherein communication system allows the sending of messages via Internet abstract Fig. 1, p1-12; |
| [1.1] providing a first web-based interface accessible to a first user,<br>The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and | Read teaches sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-5, 7, 10 p 2-4, 6-13;<br>Agboatwalla discloses customized web-based habitat displays in a customized web-based habitat, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31;<br>It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage. |
| [1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface | Read teaches each user's interface is different from the other (Fig. 1-5, 7, 9, 10, p2-4, 6-14) |

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| provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | and each user can sent and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) |
| [1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | Read teaches implementing electronic communication over TCP/IP networks of an intranet, WAP (Wireless Application Protocol) and other mobile internet connection technologies." (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) |
| [1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users. | Read teaches each user can sent and view messages from other users. (Fig. 2, 9 p 1,2 5-10, 14-15) |
| Claim 11 | |
| [11. Pre] An apparatus for use in managing information content in a network-based communication system, the apparatus comprising: | Read teaches a communication system allows the sending of messages via TCP/IP networks and the internet. Abstract, pp. 1-8, 11-12, Fig 1, 6. |

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| [11.1] a processing element comprising a processor coupled to a memory; | Read discloses server includes processors coupled to memory, p 3-6, Fig. 1. |
| [11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; | Read teaches sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-7, 10 p 2-4, 6-13;<br>Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; 31:38-32:19.<br>It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage. |
| [11.3] the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given | Read describes website server runs internet website; P6-7, 12-14, fig. 2. and different interfaces for different users and and user can sent messages to each other. (p 2-4, 6-14, Figs 1-5, 7, 9, 10) |

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| mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; |
| [11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Read & Agboatwalla 1.3 Above. |
| [11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Read & Agboatwalla 1.4 above. |
| Claim 15 | |
| [15.pre] A network-based communication system, comprising: | See Read & Agboatwalla 1.pre above. |
| [15.1] a plurality of servers configured to communicate over a network; | Read discloses internet communication network; Figs. 1-7, 10 p 2-4, 6-13; |
| [15.2] at least one of the servers providing at least a portion of a first we-based interface | See Read & Agboatwalla 1.2 |

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| accessible to a first user, the first we-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users, | |
| [15.3] wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | Read describes website server runs internet website; P6-7, 12-14, fig. 2. and different interfaces for different users and user can sent messages to each other. (p 2-4, 6-14, Figs 1-5, 7, 9, 10)<br>Agboatwalla discloses providing permission for other users to view and share information, p18:31-52; and sharing content with other user 2:30-3:6, Fig. 2, 11:49-12:35; Fig. 10, 17:58-19:31; 27:6-14, 31:38-32-19,<br>It would have been obvious to an artisan at the time of the invention to include Agboatalla's teaching with Read's system in order to provide user with ability to share content via window on a webpage. |
| [15.4] wherein the given mobile information channel supports messaging between the first | See Read &Agboatwalla 1.3 above. |

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| user and the one or more additional users over a wireless network; and | |
| [15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Read & Agboatwalla 1.4 above. |
| 27 | |
| [27.pre] A method comprising: | |
| [27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and | Read teaches Wireless Application Protocol telephone for sharing content authored by a first user with one or more additional and sending message using internet-based and can occur between users using mobile devices such as telephones. Figs. 1-5, 7, 10 p 2-4, 6-13; |
| [27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional user; | See Read & Agboatwalla 1.2 above. |

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| [27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Read & Agboatwalla 1.3 above. |
| [27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Read & Agboatwalla 1.4 above. |

Claims 1, 11, 15, and 27 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Alcorn WO 01/01372 in view of Read WO 01/93069.

| 8,793,336 | Alcorn WO 01/01372 in view of Read WO 01/93069 |
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| Claim 1 | |
| A method for managing information content in a network-based communication system, the method comprising the steps of: | Alcorn discloses an educational system that allows communication between instructor and the students. Abstract 1:13-2:29, 6:11-11:2, 15:24-17:9, Fig. 39 |
| [1.1] providing a first web-based interface accessible to a first user,<br>The first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content | Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, |

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| between the first user and one or more additional users; and | Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)<br>It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone. |
| [1.2] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provide each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) |

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| [1.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) |
| [1.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one ore more additional users. | Alcorn generates webpages 16:9-17:26; and enable user to email, post to a discussion board, and chat virtually. 16:9-17:26, 18:11-19:22, 19:24-22:24, 27:25-30:6, 34:25-36:22, 45:20-47:17. |
| Claim 11 | |
| [11. Pre] An apparatus for use in managing information content in a network-based | See Alcorn & Read [1.pre] |

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| communication system, the apparatus comprising: | |
| [11.1] a processing element comprising a processor coupled to a memory; | Alcorn discloses server includes processors coupled to memory, (11.4-15, 7:19-8:3, 20:31-21:19, Fig. 1, 16:8-17:9, Fig. 3, 17:11-19:22) |
| [11.2] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; | Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17,<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)<br>It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone. |
| [11.3] the processing element generating a second web-based interface different than the | Alcorn teaches provide communication tools such as email, discussion board, and virtual |

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| first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) |
| [11.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Alcorn & Read 1.3 Above. |
| [11.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Alcorn & Read 1.4 Above. |
| Claim 15 | |
| [15.pre] A network-based communication system, comprising: | See Alcorn & Read 1.pre Above. |

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| [15.1] a plurality of servers configured to communicate over a network; | Alcorn discloses internet communication network; 21:21-22:5, Fig. 2, 16:9-24, Fig. 1, 16:25-17:9, 23:15-24, 2:16-29, 6:11-8:3; |
| [15.2] at least one of the servers providing at least a portion of a first we-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users, | Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)<br>It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone. |
| [15.3] wherein said at least one server generates a second web-based interface | Alcorn teaches provide communication tools such as email, discussion board, and virtual |

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| different than the first web-based interface, wherein the second web-based interface provides each of one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users; | chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15) |
| [15.4] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Alcorn & Read 1.3 above. |
| [15.5] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Alcorn & Read 1.4 above. |
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| [27.pre] A method comprising: | See Alcorn & Read 1.pre |

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| [27.1] generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and | Alcorn teaches provide communication tools such as email, discussion board, and virtual chart. 46:11-47:17; 18:12-27:8 34:25-35:15, 45:2-47:17, and different webpage for different user based on permission settings. 16:9-17:25, 45:2-47:17.<br>Read discloses electronic communication comprise Wireless application protocol, and other mobile internet connection technologies. (p2-4, 6-13, Fig. 1-5, 7, 10, 11, 13) and each user can send and view messages from other users. (Fig. 2, 9 p 6-10, 14-15)<br>It would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's web page to be accessible using telephone. |
| [27.2] providing each of the one or more additional user access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional user; | See Alcorn & Read 1.2. above |

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| [27.3] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and | See Alcorn & Read 1.3. above |
| [27.4] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users. | See Alcorn & Read 1.4. above. |

***Important Reexamination Notices***

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in ex parte reexamination proceedings are provided for in 37 CFR 1.550(c).

*Service of Papers*

After filing of a request for ex parte reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where-two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

*Amendment To Reexamination Proceedings*

Patent Owner is notified that any proposed amendment to the specification and/or claims in

this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to the first Office Action on the merits (which does not result in a close of prosecution). Submissions after the second Office Action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

*Litigation Reminder*

The patent Owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent Number: 8,793,336 throughout the course of this reexamination proceeding.

***Contact Information***

All correspondence relating to this ex parte reexamination proceeding should be directed as

follows:

By U.S. Postal Service Mail to:

Mail Stop Ex Parte Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/PENG KE/
Primary Examiner, Art Unit 3992

Conferees:
/William H. Wood/
Primary Examiner, Art Unit 3992

/ALEXANDER J KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CPC - Searched* | | |
|---|---|---|
| **Symbol** | **Date** | **Examiner** |
| | | |

| CPC Combination Sets - Searched* | | |
|---|---|---|
| **Symbol** | **Date** | **Examiner** |
| | | |

| US Classification - Searched* | | | |
|---|---|---|---|
| **Class** | **Subclass** | **Date** | **Examiner** |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| Search Notes | | |
|---|---|---|
| **Search Notes** | **Date** | **Examiner** |
| Review Prosecution History | 07/05/2023 | PK |
| Litigation Search | 07/05/2023 | PK |
| P-Tacts Search | 07/05/2023 | PK |

| Interference Search | | | |
|---|---|---|---|
| **US Class/CPC Symbol** | **US Subclass/CPC Group** | **Date** | **Examiner** |
| | | | |

| Reexamination | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | Certificate Date | Certificate Number |

**Requester Correspondence Address:** ☐ **Patent Owner** ☑ **Third Party**

Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006

| **LITIGATION REVIEW** ☑ | PK (examiner initials) | 05 July 2023 (date) |
|---|---|---|
| Case Name | | Director Initials |
| 7:22cv 244, Mobile Data Technologies LLC v. Meta Platform. Inc. Et Al | | |
| | | |

| COPENDING OFFICE PROCEEDINGS | |
|---|---|
| **TYPE OF PROCEEDING** | **NUMBER** |
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| Complete if Known | |
|---|---|
| Application Number | 13/364,950 |
| Filing Date | 2012-02-02 |
| First Named Inventor | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Document Number Number-Kind Code[2] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| /P.K/ | | US- 8,793,336 | 05-29-2014 | David Walker Harper | |
| /P.K/ | | US- 8,135,801 | 06-09-2011 | David Walker Harper | |
| /P.K/ | | US- 7,908,342 | 02-18-2010 | David Walker Harper | |
| /P.K/ | | US- 7,802,207 | 06-26-2003 | Adnan M. Agboatwalla | |
| /P.K/ | | US- 60/340,405 | | Adnan M. Agboatwalla | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| /P.K/ | | WO-01/72002 | 09-27-2001 | America Online, Inc. | | |
| /P.K/ | | WO-01/93069 | 12-06-2001 | Simon Bargate | | |
| /P.K/ | | WO-01/01372 | 01-04-2001 | Blackboard, Inc. | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| Examiner Signature | /PENG KE/ | Date Considered | 07/05/2023 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013). https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf

Routine uses of the information in this record may include disclosure to: 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law; 2) a Federal, state, local, or international agency, in response to its request; 3) a contractor of the USPTO having need for the information in order to perform a contract; 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record; 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations; 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals; 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)); 9) the Office of Personnel Management (OPM) for personnel research purposes; and 9) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

## Additional Uses

Additional USPTO uses of the information in this record may include disclosure to: 1) the International Bureau of the World Intellectual Property Organization, if the record is related to an international application filed under the Patent Cooperation Treaty; 2) the public i) after publication of the application pursuant to 35 U.S.C. 122(b), ii) after issuance of a patent pursuant to 35 U.S.C. 151, iii) if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections, or an issued patent, or iv) without publication of the application or patent under the specific circumstances provided for by 37 CFR 1.14(a)(1)(v)-(vii); and/or 3) the National Archives and Records Administration, for inspection of records.

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet | | of | |

| | Complete if Known |
|---|---|
| **Application Number** | 13/364,950 |
| **Filing Date** | 2012-02-02 |
| **First Named Inventor** | Harper |
| Art Unit | 2447 |
| Examiner Name | Jean Gilles, Jude |
| Attorney Docket Number | 698162.0018 |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T[2] |
|---|---|---|---|
| /P.K/ | | File History of U.S. Patent No. 8,793,336 | |
| /P.K/ | | File History of U.S. Patent No. 8,135,801 | |
| /P.K/ | | File History of Inter Partes Reexamination of Patent No. 8,135,801 | |
| /P.K/ | | File History of U.S. Patent No. 7,908,342 | |
| /P.K/ | | Complaint, Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022) | |
| /P.K/ | | Mobile Data Technologies LLC, Case No. 7:22-cv-00244 (W.D. Tex. Nov. 23, 2022), Plaintiff's Claim Chart for Asserted U.S. Patent No. 8,793,336 | |
| /P.K/ | | Final Written Decision in IPR2018-01131 | |
| /P.K/ | | Final Written Decision in IPR2018-01132 | |
| | | | |
| | | | |

| Examiner Signature | /PENG KE/ | Date Considered | 07/05/2023 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## Additional Uses

Additional USPTO uses of the information in this record may include disclosure to: 1) the International Bureau of the World Intellectual Property Organization, if the record is related to an international application filed under the Patent Cooperation Treaty; 2) the public i) after publication of the application pursuant to 35 U.S.C. 122(b), ii) after issuance of a patent pursuant to 35 U.S.C. 151, iii) if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections, or an issued patent, or iv) without publication of the application or patent under the specific circumstances provided for by 37 CFR 1.14(a)(1)(v)-(vii); and/or 3) the National Archives and Records Administration, for inspection of records.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
**United States Patent and Trademark Office**
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 90/019,221 | 06/12/2023 | 8793336 | 698162.0018 |

**CONFIRMATION NO. 9205**

**POWER OF ATTORNEY NOTICE**

31825
RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747

"0000000065085390"

Date Mailed: 11/29/2023

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/21/2023.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/pflewis/

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
**United States Patent and Trademark Office**
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 90/019,221 | 06/12/2023 | 8793336 | 698162.0018 |

**CONFIRMATION NO. 9205**

**POA ACCEPTANCE LETTER**

21129
Spencer Fane LLP
1000 Walnut Street
Suite 1400
Kansas City, MO 64106

Date Mailed: 11/29/2023

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/21/2023.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/pflewis/

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Ex Parte Reexamination of U.S. Patent No. 8,793,336

| | | | |
|---|---|---|---|
| Control No. | : | 90/019,221 | Confirmation No. 9205 |
| Filed | : | June 9, 2023 | |
| TC/A.U. | : | 3992 | |
| Examiner | : | Peng Ke | |
| Atty. Docket No. | : | 5507382-3 | |
| Customer No. | : | 021129 | |
| Title: | : | METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS | |

Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**Filed via EFS**
**on January 24, 2024**

**PATENT OWNER RESPONSE TO**
**NON-FINAL OFFICE ACTION OF NOVEMBER 24, 2023**

Commissioner:

This communication responds to the Office action ("Office Action") mailed November 24, 2023, regarding U.S. Patent No. 8,793,336 (the "'336 Patent"), and is filed within the two-month period for responses. If Patent Owner has overlooked any fees due in connection with the filing of this response, the Office is authorized to charge same to Deposit Account No. 500354.

## TABLE OF CONTENTS


**Page**

I. PRELIMINARY REMARKS ..... 1

II. STATUS OF CLAIMS ..... 1

III. NOTIFICATION OF CONCURRENT PROCEEDINGS - 37 C.F.R. § 1.565 ..... 14

IV. THE 35 U.S.C. § 102 REJECTION ..... 1

A. The Rejection ..... 1

B. *Prima Facie* Case of Anticipation ..... 1

C. Weiden Does Not Anticipate the Subject Matter of Claims 1, 11, 15, and 27 ..... 2

1. Claim 1 ..... 3

2. Claim 11 ..... 4

3. Claim 15 ..... 4

4. Claim 27 ..... 5

V. THE 35 U.S.C. § 103 REJECTIONS ..... 6

A. The Rejections ..... 6

B. *Prima Facie* Case of Obviousness ..... 7

C. It Would Not Be Obvious to Combine Read and Agboatwalla to Arrive at the Subject Matter of Claims 1, 11, 15, and 27 ..... 8

D. It Would Not Be Obvious to Combine Alcorn and Read to Arrive at the Subject Matter of Claims 1, 11, 15, and 27 ..... 12

VI. CONCLUSION ..... 14

## I. PRELIMINARY REMARKS

The ’336 Patent has a total of 27 claims, of which claims 1, 11, 15, and 27 are independent. An *ex parte* reexamination was order for claims 1, 11, 15, and 27, and stand rejected in view of the Office Action. Order Granting Request For *Ex Parte* Reexamination, p. 9 (July 21, 2023); and *Office Action* at 2. Claims 2-10, 12-14, and 16-26 are not subject to reexamination, and therefore remain patentable. *Id.* Patent Owner, Mobile Data Technologies LLC, respectfully traverses the rejections. The following arguments demonstrate that a *prima facie* case of unpatentability has not been met, and why the cited references do not anticipate or render obvious the challenged claims of the ’336 Patent. Patent Owner respectfully requests that all rejections be reconsidered and withdrawn.

## II. STATUS OF CLAIMS

With this Response, claims 1-27 of the ’336 Patent remain pending. No claims have been amended or cancelled.

## III. THE 35 U.S.C. § 102 REJECTION

### A. The Rejection

Claims 1, 11, 15, and 27 stand rejected under pre-AIA 35 U.S.C. § 102(e) as being anticipated by International Publication No. WO 01/72002 (“Weiden”)[1]. The Office Action relies on Weiden to teach all of the limitations of the claims.

### B. *Prima Facie* Case of Anticipation

The Examiner has the initial burden to set out a *prima facie* case of anticipation by explaining why the rejected claims are not patentable so Patent Owner has sufficient notice and

[1] This *ex parte* reexamination was filed by Unified Patents, LLC, and asserts Weiden as an anticipatory reference. Weiden is the publication of International Patent Application No. PCT/US01/08552, which claims priority to U.S. Patent Application Serial No. 60/189,973 (the “’973 Application”). *Weiden*, front page, code (30). U.S. Patent Nos. 8,103,729 and 8,352,566 claim priority to the ‘973 Application, and according to an assignment recorded at reel/frame 058961/436, these child patents, and the Weiden family of patents originating from the ‘973 Application are owned by Meta Platforms, Inc., the petitioner in IPR2024-00246. Unified Patents, LLC, is a member organization to which the owner of Weiden belongs. See https://www.unifiedpatents.com/members, identifying Meta Platforms, Inc. as a member.

can effectively respond to the rejection. MPEP § 706. The Office Action lacks a reasoned explanation for the rejection as the Examiner merely summarily presents the rejection in chart format, with the claim language in various rows adjacent to language from Weiden as the examiner's proposed reasoning. *Office Action* at 5-11. For example, for the preambles of claims 1, 11, and 15, there is no reasoning, and merely a string citation to Weiden. For other limitations the proposed reasoning appears to be summarized, and the summarized language is followed by citations to several pages, lines, and figures of Weiden. The anticipation rejection of claims 1, 11, 15, and 27 fails to include clear reasoning comparing all limitations of the claims, as arranged in the claims, to the alleged anticipatory disclosure of Weiden. The insufficiency of the reasoning prevents Patent Owner from being given a fair opportunity to reply completely to this first Office Action. Patent Owner respectfully submits that, as an initial matter, the rejection of claims 1, 11, 15, and 27 as anticipated by Weiden is improper as the Examiner has not set out a *prima facie* case. Patent Owner respectfully requests withdrawal of the rejection of claims 1, 11, 15, and 27 under Section 102.

### C. Weiden Does Not Anticipate the Subject Matter of Claims 1, 11, 15, and 27

Even if the presentation of the rejection were deemed sufficient, which it is not, as best Patent Owner can discern, claims 1, 11, 15, and 27 are patentably distinguishable over Weiden because Weiden does not disclose the invention as claimed. Applicant respectfully submits that Weiden fails to disclose, teach, or suggest all of the limitations of claims 1, 11, 15, and 27 as arranged in the claims, and that the Office Action fails to establish how each and every element of the claimed subject matter, as arranged in the claims, is believed to be disclosed by Weiden.

A reference anticipates a claim only if it teaches each and every element of a claim. MPEP § 2131 states "'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." "[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed

but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008)." The Office Action has not established Weiden discloses each and every element of claims 1, 11, 15, and 27 as arranged in the claims. The Office Action merely provide broad and ambiguous citations to disparate parts of Weiden, and high-level references to what is disclosed by Weiden, preventing Patent Owner from reasonably determining where the elements of the limitations of the claims are disclosed by Weiden and why, and clearly understanding the Examiner's rejection.

**1. Claim 1**

Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." As best Patent Owner can understand the rejection, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed "web-based interface" or what is the activation accomplished by the first user as required by the limitation. *Office Action* at 5.

For example, the Examiner alleges Weiden discloses "a given mobile information channel for sharing content between the first user and one or more additional users" of limitation 1.1. *Id.* Among the string cites, what can be understood by Patent Owner is the Weiden disclosed groups are created by a subscriber when they "<u>enter attributes</u> of the group", and when a subscriber "<u>create[s]</u> a personal profile." *Weiden,* 20:13-21. The <u>choosing of attributes or features</u> of a personal profile are not what is recited by limitation 1.1. The '336 Patent disclosure distinguishes between a user's action of <u>choosing</u>, such as templates (2124), fields (2126), and selection options (2130), from a user's **activation** or generation of a M-Channel. *'336 Patent,* 16:31-40.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content" as these limitations are arranged in claim 1. By failing to address all limitations of the claim as arranged in the claim, the Examiner's interpretation reads the limitations "first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content" out of the claim.

In addition, limitation 1.2 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." Nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 6.

**2. Claim 11**

Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Again, as best as Patent Owner can discern, nowhere in the rejection (at least it is not clearly identified by the rejection) does the Examiner identify or explain what features of Weiden permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 7. The Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. As addressed above with respect to limitation 1.1, the claimed "**activate**" is distinguishable from the creation of group characteristics or personal profiles of Weiden.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web-based interface being configured to permit the first user to active a given mobile information channel for sharing content between the first user and one or more additional users" as these limitations are arranged in claim 11. By failing to address all limitations of the claim as arranged in the claim, the Examiner's interpretation reads these limitations out of the claim.

Limitation 11.3 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." Again, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation reading the limitation out of the claim. *Office Action* at 8.

**3. Claim 15**

Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." As before, nowhere in the rejection does the Examiner identify or explain what features of Weiden permit the

first user to activate a mobile information channel as required by the limitation. *Office Action* at 9. For this rejection the Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. As addressed above with respect to limitations 1.1 and 11.2, the claimed "**activate**" is distinguishable from the creation of group characteristics or personal profiles of Weiden.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content" as these limitations are arranged in claim 15. Not addressing the limitations directly reads limitations out of the claim.

Limitation 15.3 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." As above, the Examiner does not identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 10.

**4. Claim 27**

Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Weiden are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 10. For this rejection the Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. The choosing of attributes or features of a personal profile are not what is recited by limitation 27.1. The '336 Patent disclosure distinguishes between a user's action of choosing, such as templates (2124), fields (2126), and selection options (2130), from a user's activation or **generation** of a M-Channel. *'336 Patent,* 16:31-40.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least "**generating** a given mobile information channel for sharing content authored by a first user with one or more additional users" as these limitations are arranged in claim 27. The Examiner's interpretation again impermissibly reads limitations out of the claim.

In addition, limitation 27.2 requires the "mobile information channel to facilitate interaction between the first and additional users." The Examiner cites the analysis for limitation 1.2 in view of Weiden, and as explained above with respect to limitation 1.2, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 10, and 6.

Weiden does not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, or facilitating interactions, Weiden does not anticipate claims 1, 11, 15, or 27, and such claims are patentable.

## IV. THE 35 U.S.C. § 103 REJECTIONS

### A. The Rejections

Claims 1, 11, 15, and 27 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable based on various combinations of the following references: International Publication No. WO 01/93069 ("Read"); U.S. Patent No. 7,802,207 ("Agboatwalla"); and International Publication No. WO 01/01372 ("Alcorn"). Patent Owner respectfully traverses these rejections. First, the Office Action fails to present a full factual analysis under *Graham* in support of the conclusions of obviousness. Second, as best understood by Patent Owner, the cited references, alone or in combination, do not disclose, teach, or suggest all of the limitations of claims 1, 11, 15, and 27 as arranged in the claim.

The Office Action presents two obviousness rejections:

(1) Claims 1, 11, 15, and 27 are rejected under Section 103 as allegedly being unpatentable over Read in view of Agboatwalla (*Office Action* at 11-18); and

(2) Claims 1, 11, 15, and 27 are rejected under Section 103 as allegedly being unpatentable over Alcorn in view of Read (*Office Action* at 18-26).

For at least the reasons below, a *prima facie* case of obviousness has not been met, and the cited references, alone or in combination, do not disclose, teach, or suggest all the limitations of claims 1, 11, 15, or 27 as arranged in the claims.

### B. *Prima Facie* Case of Obviousness

The Examiner has the initial burden to set out a *prima facie* case by explaining why the rejected claims are not patentable under Section 103 so that Patent Owner has sufficient notice and can effectively respond to the rejection. MPEP §§ 706, 2103(VI), and 2142. As an initial matter, the conclusions presented in the rejections of claims 1, 11, 15, and 27 fail to present a full factual analysis under *Graham v. John Deere Co.*, 383 U.S. 1 (1966). *See* MPEP § 2141. The factual analysis under *Graham* includes: the scope and content of the prior art; the differences between the prior art and the claims at issue; the level of ordinary skill in the pertinent art; and an evaluation of any relevant secondary considerations. The obviousness claim rejections are presented in summary form, without a comparison of the claim language with the disclosure of the asserted references, and with citations to broad sections of the reference. In doing so, the Office Action fails to present a full factual analysis comparing the claim language whereby Patent Owner is afforded a fair opportunity to completely respond to the rejections.

Further, the proposed rejections are deficient in view of Section 2143.03 of the MPEP: "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art."[2] To render claims unpatentable, however, the Examiner must do more than merely "consider" each and every feature for these claims. Instead, the asserted combination of the references must also teach or suggest *each and every claim feature*.[3] An examiner may not skip a claim limitation when rejecting a claim as obvious. When determining whether a claim is obvious, an examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teachings of the prior art."[4] Further, the necessary presence of all claim features is axiomatic, since the Supreme Court has long held that obviousness is a question of law based on underlying factual inquiries, including … ascertaining the differences between *the claimed invention* and the prior art.[5] Finally, an obviousness rejection requires a clear and specific

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[2]*In re Wilson*, 424 F.2d 1382 (C.C.P.A. 1970).
[3]*See In re Royka*, 490 F.2d 981 (C.C.P.A. 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art).
[4]*In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995) (emphasis added).
[5]*See Graham v. John Deere Co.*, 383 U.S. 1 (1966) (emphasis added).

rational for why the claimed invention is obvious. As the Supreme Court stated in *KSR Int'l v. Teleflex Inc.* "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."[6]

From the Examiner' presentation of the proposed rejections, it is apparent that all words of the claims, as arranged in the claims, have not been compared to the prior art, and have not been shown found in the prior art. The Examiner' burden of making a *prima face* case pursuant to Office practice, and the law, has not been met.

Accordingly, claims 1, 11, 15, and 27 are patentable.

### C. It Would Not Be Obvious to Combine Read and Agboatwalla to Arrive at the Subject Matter of Claims 1, 11, 15, and 27

The Office Action combines Read and Agboatwalla to allegedly arrive at the subject matter of claims 1, 11, 15, and 27. A person of ordinary skill in the art would not be motivated to combine Read and Agboatwalla because they would have no reason to look to Agboatwalla and would not have combined the references as the Examiner has.

Regarding limitation 1.1, as Patent Owner understands the rejection, the Examiner proposes Read's sending of internet-based messages between users using a mobile devices is combined with Agboatwalla's web-based (internet) sharing of content with users to arrive at the claimed subject matter of claim 1. *Office Action* at 12 (*citing* Read, p. 2-4, 6-13, and Figs. 1-5, 7, 10; and Agboatwalla, 18:31-52, 2:30-3:6, 11:49-12:35, 17:58-19:31, and Figs. 2,10). The Examiner concludes it would have been obvious to an artisan at the time of the invention to include Agboatwalla's teachings with Read's system "in order to provide user with ability to share content via window on webpage." *Id.* The Read-Agboatwalla combination and analysis for limitations 1.1-1.2 is also applied by the Examiner to claim 11 (limitation 11.2 (*Office Action* at 14)), claim 15 (limitation 15.2-15.3 (*Office Action* at 15-16)), and claim 27 (as best as Patent Owner understands, limitation 27.2 (*Office Action* at 17)).

[6] *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

A person of ordinary skill in the art looking at Read would not be motivated to look to Agboatwalla as they are directed to different purposes. Read stresses that its invention is ***different*** from conventional Internet communication systems, because in conventional systems, a copy of the information is retained on the hard drive of the first and second user devices. *Read* at 3. By contrast, the information exchanged according to Read's invention ***does not reside on the user devices***, but is "retained on the hard drive of the Web site server," and the users are viewing a page of the Web site. *Id.* at 3-4. An aspect important to Read's invention is that the information is retained by the Web server and "cannot be altered by any user." *Id.* at 4.

Agboatwalla is not concerned with the separation of information from user devices, and preventing modification of the information. Instead, Agboatwalla's invention aims to overcome the disadvantages of information scattered across the Internet by allowing a user to aggregate content and data from any source and access it via a user interface. *Agboatwalla*, 1:60-2:28. In particular, Agboatwalla's interface allows a user to "select portions of the information available" from content sources, and ***mark and store the information for retrieval and display by the interface***. *Id.*, 2:32-41.

Figure 2 below illustrates Agboatwalla's "process 200" for generating the "user interface" by marking of the "information selected from the content source" at operation 206, and subsequently storing the marked information for subsequent retrieval in operation 212 and display in operation 214.

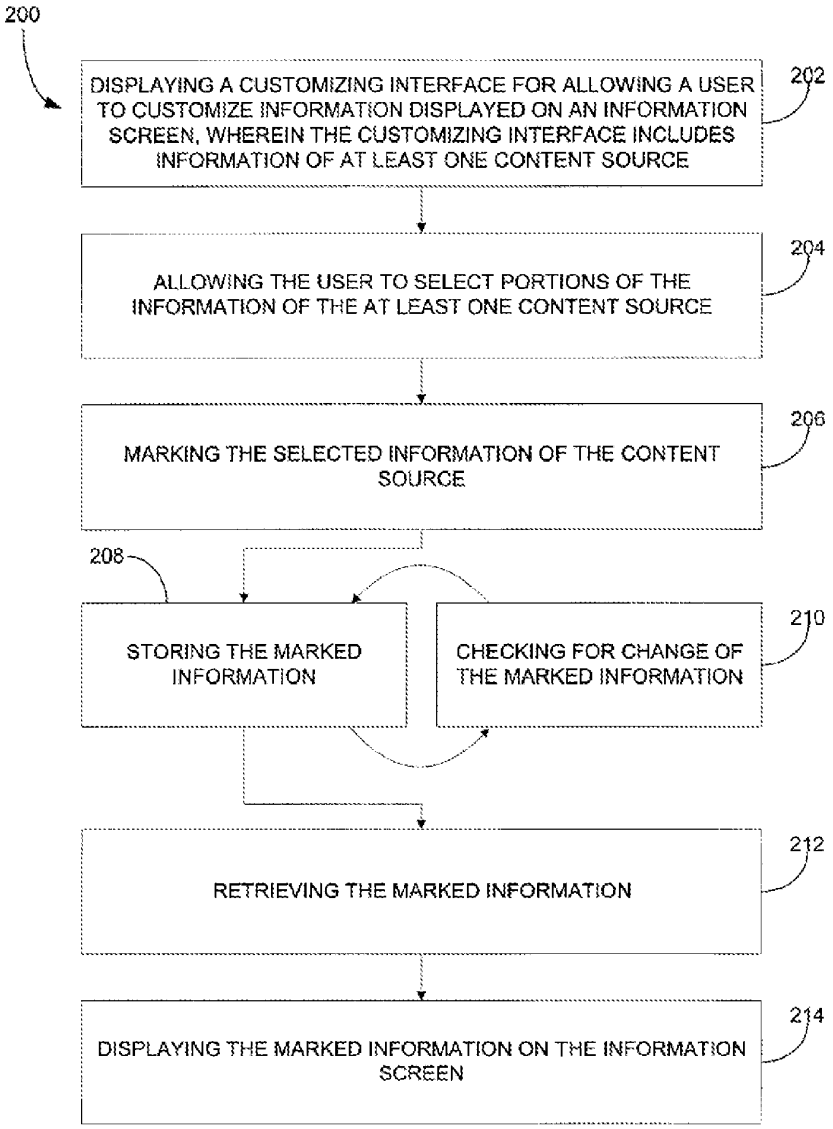


**Fig. 2**

The Examiner does not explain how the problem addressed by the claims was known in the art, or how Read or Agboatwalla suggested the solution encompassed by the claims.

Read and Agboatwalla have different approaches to how they handle and access information for specific purposes. As a result, the combination of Read and Agboatwalla to arrive

at the subject matter of claims 1, 11, 15, or 27 would defeat the purpose of the references individually.

Even if Read could be combined with Agboatwalla as suggested by the Examiner, the combination fails to disclose, teach, or suggest each limitation of the claims, as arranged in the claims. For example, the Examiner fails to address the activate and generating language of the claims, thus reading the limitation out of the claims:

- Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." As best Patent Owner can understand the rejection, nowhere in the rejection does the Examiner identify or explain what features of Read or Agboatwalla are the claimed activation accomplished by the first user as required by the limitation. *Office Action* at 12.

- Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Nowhere in the does the Examiner identify or explain what features of Read or Agboatwalla permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 14.

- Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." As before, nowhere in the rejection does the Examiner identify or explain what features of Read or Agboatwalla permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 15-16. In addition, the Examiner cites "See Read and Agboatwalla 1.2 above." If this is in reference to claim limitation 1.2 in view of Read and Agboatwalla above, limitation 1.2 is different than limitation 15.2, and limitation 1.2 does not include the "activate" language.

- Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Read are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 17.

Read and Agboatwalla does not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, as claimed. Thus, Read, when taken alone or in combination with Agboatwalla, fails to disclose, teach, or suggest at least the activating and generating limitations of claims 1, 11, 15, or 27, as arranged in the claims, and such claims are patentable.

### D. It Would Not Be Obvious to Combine Alcorn and Read to Arrive at the Subject Matter of Claims 1, 11, 15, and 27

Regarding claim 1, limitation 1.1, the Examiner states "[i]t would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's we page to be accessible using telephone." *Office Action* at 19. The Alcorn-Read combination and analysis applied to limitations 1.1-1.2 is similarly applied by the Examiner to claim 11 (limitation 11.2 (*Office Action* at 21)), claim 15 (limitation 15.2 (*Office Action* at 23)), and claim 27 (as best as Patent Owner understands, limitation 27.1 (*Office Action* at 25)).

Claim 1 recites, in part, "the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users". Alcorn is directed to an internet-based education support system. *Alcorn*, abstract. An object of the invention is for "a system that can be easily integrated with existing computer network and backend systems with minimal disruption to existing operations and systems." *Alcorn,* 6:18-21. Read is directed to overcoming the problem of tracking delivery of internet communications. *Read* at 2. Alcorn does not sate implicitly or explicitly that it may be used with mobile internet connection technologies, and how it might be implemented. Neither Alcorn, Read, or the proposed rejection provide any indication that the architecture and functionality of the system and method contemplated by Alcorn could be used with mobile internet connection technologies, and how it would be implemented. Therefore, it would not have been obvious to combine the system of Alcorn designed to be

integrated with pre-1999 legacy educational computer systems with the year 2000 mobile internet connection technologies, and suggested by the Examiner in the rejection.

Even if Alcorn could be combined with Read as suggested by the Examiner, the combination fails to disclose, teach, or suggest each limitation of the claims, as arranged in the claims. For example, the Examiner fails to address the activate and generating language of the claims, thus reading the limitation out of the claims:

- Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read are the claimed activation accomplished by the first user as required by the limitation. *Office Action* at 18-19.

- Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Nowhere in the does the Examiner identify or explain what features of Alcorn or Read permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 21.

- Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 23.

- Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 25.

Alcorn and Read do not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, as claimed. Thus, Alcorn, when taken alone or in combination with Read, fails to disclose, teach, or suggest at least the activating and generating limitations of claims 1, 11, 15, or 27, as arranged in the claims, and such claims are patentable.

None of the obviousness combinations set forth in the Office action result in a *prima facie* case of obviousness. Accordingly, claims 1, 11, 15, and 27 are patentable for at least the above reasons.

## V. NOTIFICATION OF CONCURRENT PROCEEDINGS - 37 C.F.R. § 1.565

Patent Owner Mobile Data Technologies LLC hereby notifies the Office of the following concurrent proceedings:

Litigation:

The '336 Patent is asserted by Patent Owner in the case styled *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, 7:22-cv-00244-ADA-DTG, pending in the U.S. District Corut for the Western District of Texas, Midland-Odessa Division. No decisions relevant to this *ex parte* reexamination proceeding have been entered in the district court case.

USPTO Proceedings:

The '336 Patent is the subject of a petition for *inter partes* review filed by Meta Platforms, Inc. on December 6, 2023 before the U.S. Patent and Trademark Office, Patent Trial and Appeal Board, in the case styled *Meta Platforms, Inc. v. Mobile Data Technologies LLC*, IPR2024-00246. Patent Owner's Preliminary Response is due March 13, 2024.

## VI. CONCLUSION

For at least the above reasons, Patent Owner respectfully requests that the Examiner confirm the patentability of claims 1, 11, 15, and 27 of the '336 Patent.

Dated: January 24, 2024

Respectfully Submitted,

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Attorneys for Patent Owner

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing PATENT OWNER'S RESPONSE TO NON-FINAL OFFICE ACTION OF NOVEMBER 24, 2023 was electronically filed in the United States Patent and Trademark Office on January 24, 2024 and served in its entirety via overnight courier on the Third Party counsel at the correspondence address of record:

Cono A. Carrano
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By /Kevin S. Tuttle/
Attorneys for Patent Owner

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| | Application Number | 90019221 |
| | Filing Date | 2023-06-12 |
| | First Named Inventor | HARPER, David Walker |
| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

**U.S.PATENTS** Remove

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| | 2 | 6487583 | B1 | 2002-11-26 | HARVEY et al., Jamey | |
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| | 4 | 6,874,146 | B1 | 2005-03-29 | IYENGAR, Sridhar | |
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| | Examiner Name | KE, Peng |
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| | 1 | 20010015759 | A1 | 2001-08-23 | SQUIBBS, Francis | |
| | 2 | 20040198396 | A1 | 2004-10-07 | FRANSIOLI, Frank E. | |
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|---|---|---|---|
| | 1 | HANSMAN, Uwe et al., "Pervasive Computing Handbook", IBM Deutschland Entwicklung GmbH, 2000, Pgs 1-8, 34-36, 315-322. | ☐ |
| | 2 | WAGSTAFF, Sean, "Animation on the Web", Peachpit Press, 1999, Pgs 235-238. | ☐ |

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99) | Application Number | 90019221 |
|---|---|---|
| | Filing Date | 2023-06-12 |
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| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

| | | | |
|---|---|---|---|
| | 3 | "Microsoft Computer Dictionary 5th Edition", Microsoft Corporation, 2002, Pgs vii-viii, and 31. | ☐ |

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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| | First Named Inventor | HARPER, David Walker |
| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|---|---|---|---|
| Signature | /Kevin S. Tuttle/ | Date (YYYY-MM-DD) | 2024-01-24 |
| Name/Print | Kevin S. Tuttle | Registration Number | 52307 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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# ELECTRONIC ACKNOWLEDGEMENT RECEIPT

| APPLICATION # | RECEIPT DATE / TIME | ATTORNEY DOCKET # |
|---|---|---|
| **90/019,221** | **01/24/2024 05:29:14 PM Z ET** | **698162.0018** |

## Title of Invention

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Application Information

| | | | |
|---|---|---|---|
| APPLICATION TYPE | Utility / ex parte reexam | PATENT # | 8793336 |
| CONFIRMATION # | 9205 | FILED BY | Lori Allee |
| PATENT CENTER # | 64074883 | FILING DATE | 06/12/2023 |
| CUSTOMER # | 21129 | FIRST NAMED INVENTOR | - 8793336 |
| CORRESPONDENCE ADDRESS | - | AUTHORIZED BY | Kevin Tuttle |

## Documents

**TOTAL DOCUMENTS: 7**

| DOCUMENT | | PAGES | DESCRIPTION | SIZE (KB) |
|---|---|---|---|---|
| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221.pdf | | 17 | - | 286 KB |
| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221-XI.A....pdf | (1-16) | 16 | Response after non-final action-owner timely | 282 KB |
| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221-RXC/SR.pdf | (17-17) | 1 | Reexam Certificate of Service | 152 KB |
| Re-Exam IDS.pdf | | 5 | Information Disclosure Statement (IDS) Form (SB08) | 1234 KB |
| Exhibit 1012 - Excerpts From Uwe Hansmann.pdf | | 23 | Non Patent Literature | 4590 KB |

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|---|---|---|---|
| Exhibit 1018 - Excerpts From Sean Wagstaff.pdf | 7 | Non Patent Literature | 1884 KB |
| Exhibit 1021 - Excerpts From Microsoft Computer Dictionary.pdf | 5 | Non Patent Literature | 2116 KB |
| 2024-01-24 Certificate of Service POs Response to OA and IDS.pdf | 2 | Reexam Certificate of Service | 133 KB |

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| DOCUMENT | MESSAGE DIGEST(SHA-512) |
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| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221.pdf | 6FA93F74F3AD5F155FACA35A091B7550E162CB8902CEB558EFD6BBA1E524DE21DA176B8E6233625A746FFA8CBAC1B5AE8603AD2AD9C2043ADC8DFECBD0817CA9 |
| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221-XI.A....pdf | 52EDE5949B12BE40AE885918B404519C943366B495E74C30225DF7087BED8BE8ED7BEBB94FE80272EE36AFBCD4DDDE1421C0A7CCF6DFA57884F17433F782653D |
| 2024-01-24 Resp to OA dtd 20231124 in SN 90019221-RXC/SR.pdf | 7DFFB4E81EDAA1CBE8121F16E6B369D6F8ABF9D60E50F115ED5A98DC0688BEF237E237C67D16393438271426F81E843ABFD4022823FA8AE3C0CD169F7CB8666B |
| Re-Exam IDS.pdf | 91720BE6951AE3968EA419194D52540411774422F983AF114E991C2C9D60246C7B9C7D6938D80FA00F574A66F9B0695AA97EA9491BD095824A2ED17DDBF8C2ED |
| Exhibit 1012 - Excerpts From Uwe Hansmann.pdf | E108EF019A70B1DF27E9E65A9946253D5BEC2A85CA5420CC42A1E214201FDEF2E53B9CB36C87EBD7380967F784B1D624A1D3C046737A1BD357EB3FE65CF52DC5 |
| Exhibit 1018 - Excerpts From Sean Wagstaff.pdf | 7184DEB2FA54476E131137AE12235D416AD83D7C57171B74C0489A37E85F28044D852AFE84A375503A4E05050BF019E826E0385E59DD855884A245BD0A8C9B90 |
| Exhibit 1021 - Excerpts From Microsoft Computer Dictionary.pdf | FAE5BC62A962E2D97CEAB912FD87361F29BC7B0ECF501A125D2AD9DADB7F1E0BE318BA6BB0F534861EF4274946334221EC0B756F6572652D8157F1D989E11A86 |
| 2024-01-24 Certificate of Service POs Response to OA and IDS.pdf | 8A318EC9944D90E66B4B2C2F5D04718ECCE4AA6C90B3BF50F449DD1DEC33480BA1DDE70B85C230D5B2D132181DD8D974D9D67AAE244706FFEC281DF521FA5AD5 |

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**New Applications Under 35 U.S.C. 111**

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**National Stage of an International Application under 35 U.S.C. 371**

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**New International Application Filed with the USPTO as a Receiving Office**

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Ex Parte Reexamination of U.S. Patent No. 8,793,336

| | | | |
|---|---|---|---|
| Control No. | : | 90/019,221 | Confirmation No. 9205 |
| Filed | : | June 9, 2023 | |
| TC/A.U. | : | 3992 | |
| Examiner | : | Peng Ke | |
| Atty. Docket No. | : | 5507382-3 | |
| Customer No. | : | 021129 | |
| Title: | : | METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS | |

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Commissioner for Patents
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Alexandria, VA 22313-1450

**Filed via EFS**
**on January 24, 2024**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing **PATENT OWNER'S RESPONSE TO NON-FINAL OFFICE ACTION OF NOVEMBER 24, 2023**, Information Disclosure Statement with non-patent literature, and Certificate of Service were filed electronically in the United States Patent and Trademark Office on January 24, 2024. A copy of the foregoing documents have been served in their entirety by overnight courier on the Third Party counsel at the correspondence address of record:

Cono A. Carrano
Akin Gump Strauss Hauer & Feld LLP
2001 K. Street N.W.
Washington, DC 2006

Respectfully submitted,

SPENCER FANE LLP

By _____/Kevin S. Tuttle/_____

Kevin S. Tuttle, Reg. No. 52,307
Spencer Fane LLP
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
Telephone (816) 474-8100

**Attorneys for Patent Owner**

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# ELECTRONIC ACKNOWLEDGEMENT RECEIPT

| APPLICATION # | RECEIPT DATE / TIME | ATTORNEY DOCKET # |
|---|---|---|
| **90/019,221** | **01/25/2024 11:49:20 AM Z ET** | **5507382-3KCY** |

## Title of Invention

METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Application Information

| | | | |
|---|---|---|---|
| APPLICATION TYPE | Utility / ex parte reexam | PATENT # | 8793336 |
| CONFIRMATION # | 9205 | FILED BY | Lori Allee |
| PATENT CENTER # | 64082769 | FILING DATE | 06/12/2023 |
| CUSTOMER # | 21129 | FIRST NAMED INVENTOR | - 8793336 |
| CORRESPONDENCE ADDRESS | - | AUTHORIZED BY | Kevin Tuttle |

## Documents

**TOTAL DOCUMENTS: 1**

| DOCUMENT | PAGES | DESCRIPTION | SIZE (KB) |
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## Digest

| DOCUMENT | MESSAGE DIGEST(SHA-512) |
|---|---|
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Ex Parte Reexamination of U.S. Patent No. 8,793,336

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|---|---|---|---|
| Control No. | : | 90/019,221 | Confirmation No. 9205 |
| Filed | : | June 9, 2023 | |
| TC/A.U. | : | 3992 | |
| Examiner | : | Peng Ke | |
| Atty. Docket No. | : | 5507382-3 | |
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**on January 25, 2024**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing **PATENT OWNER'S RESPONSE TO NON-FINAL OFFICE ACTION OF NOVEMBER 24, 2023**, Information Disclosure Statement with non-patent literature, and Certificate of Service were filed electronically in the United States Patent and Trademark Office on January 24, 2024. A copy of the foregoing documents were served in their entirety by overnight courier on January 24, 2024 (FedEx Tracking ID 774931096685), and have been served in their entirety by first class mail on January 25, 2024, on the Third Party counsel at the correspondence address of record:

Cono A. Carrano
Akin Gump Strauss Hauer & Feld LLP
2001 K. Street N.W.
Washington, DC 2006

Respectfully submitted,

SPENCER FANE LLP

By _____/Kevin S. Tuttle/_____

Kevin S. Tuttle, Reg. No. 52,307
Spencer Fane LLP
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
Telephone (816) 474-8100

**Attorneys for Patent Owner**

Reexam

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JAN 30 2024
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**Attorneys for Patent Owner**

OPAP
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**Attorneys for Patent Owner**

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JAN 30 2024
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# ELECTRONIC ACKNOWLEDGEMENT RECEIPT

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| **90/019,221** | **01/25/2024 11:49:20 AM Z ET** | **5507382-3KCY** |

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METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

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| PATENT CENTER # | 64082769 | FILING DATE | 06/12/2023 |
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**Filed via EFS**
**on January 24, 2024**

**PATENT OWNER RESPONSE TO**
**NON-FINAL OFFICE ACTION OF NOVEMBER 24, 2023**

Commissioner:

This communication responds to the Office action ("Office Action") mailed November 24, 2023, regarding U.S. Patent No. 8,793,336 (the "'336 Patent"), and is filed within the two-month period for responses. If Patent Owner has overlooked any fees due in connection with the filing of this response, the Office is authorized to charge same to Deposit Account No. 500354.

## TABLE OF CONTENTS


Page

I. PRELIMINARY REMARKS ..... 1

II. STATUS OF CLAIMS ..... 1

III. NOTIFICATION OF CONCURRENT PROCEEDINGS - 37 C.F.R. § 1.565 ..... 14

IV. THE 35 U.S.C. § 102 REJECTION ..... 1

A. The Rejection ..... 1

B. *Prima Facie* Case of Anticipation ..... 1

C. Weiden Does Not Anticipate the Subject Matter of Claims 1, 11, 15, and 27 ..... 2

1. Claim 1 ..... 3

2. Claim 11 ..... 4

3. Claim 15 ..... 4

4. Claim 27 ..... 5

V. THE 35 U.S.C. § 103 REJECTIONS ..... 6

A. The Rejections ..... 6

B. *Prima Facie* Case of Obviousness ..... 7

C. It Would Not Be Obvious to Combine Read and Agboatwalla to Arrive at the Subject Matter of Claims 1, 11, 15, and 27 ..... 8

D. It Would Not Be Obvious to Combine Alcorn and Read to Arrive at the Subject Matter of Claims 1, 11, 15, and 27 ..... 12

VI. CONCLUSION ..... 14

## I. PRELIMINARY REMARKS

The '336 Patent has a total of 27 claims, of which claims 1, 11, 15, and 27 are independent. An *ex parte* reexamination was order for claims 1, 11, 15, and 27, and stand rejected in view of the Office Action. Order Granting Request For *Ex Parte* Reexamination, p. 9 (July 21, 2023); and *Office Action* at 2. Claims 2-10, 12-14, and 16-26 are not subject to reexamination, and therefore remain patentable. *Id.* Patent Owner, Mobile Data Technologies LLC, respectfully traverses the rejections. The following arguments demonstrate that a *prima facie* case of unpatentability has not been met, and why the cited references do not anticipate or render obvious the challenged claims of the '336 Patent. Patent Owner respectfully requests that all rejections be reconsidered and withdrawn.

## II. STATUS OF CLAIMS

With this Response, claims 1-27 of the '336 Patent remain pending. No claims have been amended or cancelled.

## III. THE 35 U.S.C. § 102 REJECTION

### A. The Rejection

Claims 1, 11, 15, and 27 stand rejected under pre-AIA 35 U.S.C. § 102(e) as being anticipated by International Publication No. WO 01/72002 ("Weiden")[1]. The Office Action relies on Weiden to teach all of the limitations of the claims.

### B. *Prima Facie* Case of Anticipation

The Examiner has the initial burden to set out a *prima facie* case of anticipation by explaining why the rejected claims are not patentable so Patent Owner has sufficient notice and

[1] This *ex parte* reexamination was filed by Unified Patents, LLC, and asserts Weiden as an anticipatory reference. Weiden is the publication of International Patent Application No. PCT/US01/08552, which claims priority to U.S. Patent Application Serial No. 60/189,973 (the "'973 Application"). *Weiden*, front page, code (30). U.S. Patent Nos. 8,103,729 and 8,352,566 claim priority to the '973 Application, and according to an assignment recorded at reel/frame 058961/436, these child patents, and the Weiden family of patents originating from the '973 Application are owned by Meta Platforms, Inc., the petitioner in IPR2024-00246. Unified Patents, LLC, is a member organization to which the owner of Weiden belongs. See https://www.unifiedpatents.com/members, identifying Meta Platforms, Inc. as a member.

can effectively respond to the rejection. MPEP § 706. The Office Action lacks a reasoned explanation for the rejection as the Examiner merely summarily presents the rejection in chart format, with the claim language in various rows adjacent to language from Weiden as the examiner's proposed reasoning. *Office Action* at 5-11. For example, for the preambles of claims 1, 11, and 15, there is no reasoning, and merely a string citation to Weiden. For other limitations the proposed reasoning appears to be summarized, and the summarized language is followed by citations to several pages, lines, and figures of Weiden. The anticipation rejection of claims 1, 11, 15, and 27 fails to include clear reasoning comparing all limitations of the claims, as arranged in the claims, to the alleged anticipatory disclosure of Weiden. The insufficiency of the reasoning prevents Patent Owner from being given a fair opportunity to reply completely to this first Office Action. Patent Owner respectfully submits that, as an initial matter, the rejection of claims 1, 11, 15, and 27 as anticipated by Weiden is improper as the Examiner has not set out a *prima facie* case. Patent Owner respectfully requests withdrawal of the rejection of claims 1, 11, 15, and 27 under Section 102.

### C. Weiden Does Not Anticipate the Subject Matter of Claims 1, 11, 15, and 27

Even if the presentation of the rejection were deemed sufficient, which it is not, as best Patent Owner can discern, claims 1, 11, 15, and 27 are patentably distinguishable over Weiden because Weiden does not disclose the invention as claimed. Applicant respectfully submits that Weiden fails to disclose, teach, or suggest all of the limitations of claims 1, 11, 15, and 27 as arranged in the claims, and that the Office Action fails to establish how each and every element of the claimed subject matter, as arranged in the claims, is believed to be disclosed by Weiden.

A reference anticipates a claim only if it teaches each and every element of a claim. MPEP § 2131 states "'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." "[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed

but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008)." The Office Action has not established Weiden discloses each and every element of claims 1, 11, 15, and 27 as arranged in the claims. The Office Action merely provide broad and ambiguous citations to disparate parts of Weiden, and high-level references to what is disclosed by Weiden, preventing Patent Owner from reasonably determining where the elements of the limitations of the claims are disclosed by Weiden and why, and clearly understanding the Examiner's rejection.

**1. Claim 1**

Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." As best Patent Owner can understand the rejection, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed "web-based interface" or what is the activation accomplished by the first user as required by the limitation. *Office Action* at 5.

For example, the Examiner alleges Weiden discloses "a given mobile information channel for sharing content between the first user and one or more additional users" of limitation 1.1. *Id.* Among the string cites, what can be understood by Patent Owner is the Weiden disclosed groups are created by a subscriber when they "enter attributes of the group", and when a subscriber "create[s] a personal profile." *Weiden,* 20:13-21. The choosing of attributes or features of a personal profile are not what is recited by limitation 1.1. The '336 Patent disclosure distinguishes between a user's action of choosing, such as templates (2124), fields (2126), and selection options (2130), from a user's **activation** or generation of a M-Channel. *'336 Patent,* 16:31-40.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content" as these limitations are arranged in claim 1. By failing to address all limitations of the claim as arranged in the claim, the Examiner's interpretation reads the limitations "first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content" out of the claim.

In addition, limitation 1.2 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." Nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 6.

**2. Claim 11**

Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Again, as best as Patent Owner can discern, nowhere in the rejection (at least it is not clearly identified by the rejection) does the Examiner identify or explain what features of Weiden permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 7. The Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. As addressed above with respect to limitation 1.1, the claimed "**activate**" is distinguishable from the creation of group characteristics or personal profiles of Weiden.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web-based interface being configured to permit the first user to active a given mobile information channel for sharing content between the first user and one or more additional users" as these limitations are arranged in claim 11. By failing to address all limitations of the claim as arranged in the claim, the Examiner's interpretation reads these limitations out of the claim.

Limitation 11.3 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." Again, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation reading the limitation out of the claim. *Office Action* at 8.

**3. Claim 15**

Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." As before, nowhere in the rejection does the Examiner identify or explain what features of Weiden permit the

first user to activate a mobile information channel as required by the limitation. *Office Action* at 9. For this rejection the Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. As addressed above with respect to limitations 1.1 and 11.2, the claimed "**activate**" is distinguishable from the creation of group characteristics or personal profiles of Weiden.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least a "first web based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content" as these limitations are arranged in claim 15. Not addressing the limitations directly reads limitations out of the claim.

Limitation 15.3 requires the "web-based interface[s]" to "**facilitate** interaction between the first user and the one or more additional users." As above, the Examiner does not identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 10.

**4. Claim 27**

Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Weiden are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 10. For this rejection the Examiner again cites to Weiden's disclosure where a subscriber "enter[s] attributes of the group", and the creation of a personal profile. *Weiden,* 20:13-21. The choosing of attributes or features of a personal profile are not what is recited by limitation 27.1. The '336 Patent disclosure distinguishes between a user's action of choosing, such as templates (2124), fields (2126), and selection options (2130), from a user's activation or **generation** of a M-Channel. *'336 Patent,* 16:31-40.

Patent Owner submits Weiden fails to disclose, teach, or suggest at least "**generating** a given mobile information channel for sharing content authored by a first user with one or more additional users" as these limitations are arranged in claim 27. The Examiner's interpretation again impermissibly reads limitations out of the claim.

In addition, limitation 27.2 requires the "mobile information channel to facilitate interaction between the first and additional users." The Examiner cites the analysis for limitation 1.2 in view of Weiden, and as explained above with respect to limitation 1.2, nowhere in the rejection does the Examiner identify or explain what features of Weiden are the claimed facilitation of an interaction between users as required by the limitation. *Office Action* at 10, and 6.

Weiden does not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, or facilitating interactions, Weiden does not anticipate claims 1, 11, 15, or 27, and such claims are patentable.

## IV. THE 35 U.S.C. § 103 REJECTIONS

### A. The Rejections

Claims 1, 11, 15, and 27 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable based on various combinations of the following references: International Publication No. WO 01/93069 ("Read"); U.S. Patent No. 7,802,207 ("Agboatwalla"); and International Publication No. WO 01/01372 ("Alcorn"). Patent Owner respectfully traverses these rejections. First, the Office Action fails to present a full factual analysis under *Graham* in support of the conclusions of obviousness. Second, as best understood by Patent Owner, the cited references, alone or in combination, do not disclose, teach, or suggest all of the limitations of claims 1, 11, 15, and 27 as arranged in the claim.

The Office Action presents two obviousness rejections:

(1) Claims 1, 11, 15, and 27 are rejected under Section 103 as allegedly being unpatentable over Read in view of Agboatwalla (*Office Action* at 11-18); and

(2) Claims 1, 11, 15, and 27 are rejected under Section 103 as allegedly being unpatentable over Alcorn in view of Read (*Office Action* at 18-26).

For at least the reasons below, a *prima facie* case of obviousness has not been met, and the cited references, alone or in combination, do not disclose, teach, or suggest all the limitations of claims 1, 11, 15, or 27 as arranged in the claims.

### B. *Prima Facie* Case of Obviousness

The Examiner has the initial burden to set out a *prima facie* case by explaining why the rejected claims are not patentable under Section 103 so that Patent Owner has sufficient notice and can effectively respond to the rejection. MPEP §§ 706, 2103(VI), and 2142. As an initial matter, the conclusions presented in the rejections of claims 1, 11, 15, and 27 fail to present a full factual analysis under *Graham v. John Deere Co.*, 383 U.S. 1 (1966). *See* MPEP § 2141. The factual analysis under *Graham* includes: the scope and content of the prior art; the differences between the prior art and the claims at issue; the level of ordinary skill in the pertinent art; and an evaluation of any relevant secondary considerations. The obviousness claim rejections are presented in summary form, without a comparison of the claim language with the disclosure of the asserted references, and with citations to broad sections of the reference. In doing so, the Office Action fails to present a full factual analysis comparing the claim language whereby Patent Owner is afforded a fair opportunity to completely respond to the rejections.

Further, the proposed rejections are deficient in view of Section 2143.03 of the MPEP: "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art."[2] To render claims unpatentable, however, the Examiner must do more than merely "consider" each and every feature for these claims. Instead, the asserted combination of the references must also teach or suggest *each and every claim feature*.[3] An examiner may not skip a claim limitation when rejecting a claim as obvious. When determining whether a claim is obvious, an examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teachings of the prior art."[4] Further, the necessary presence of all claim features is axiomatic, since the Supreme Court has long held that obviousness is a question of law based on underlying factual inquiries, including ... ascertaining the differences between *the claimed invention* and the prior art.[5] Finally, an obviousness rejection requires a clear and specific

[2]*In re Wilson*, 424 F.2d 1382 (C.C.P.A. 1970).
[3]*See In re Royka*, 490 F.2d 981 (C.C.P.A. 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art).
[4]*In re Ochiai*, 71 F.3d 1565 (Fed. Cir. 1995) (emphasis added).
[5]*See Graham v. John Deere Co.*, 383 U.S. 1 (1966) (emphasis added).

rational for why the claimed invention is obvious. As the Supreme Court stated in *KSR Int'l v. Teleflex Inc.* "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."[6]

From the Examiner' presentation of the proposed rejections, it is apparent that all words of the claims, as arranged in the claims, have not been compared to the prior art, and have not been shown found in the prior art. The Examiner' burden of making a *prima face* case pursuant to Office practice, and the law, has not been met.

Accordingly, claims 1, 11, 15, and 27 are patentable.

### C. It Would Not Be Obvious to Combine Read and Agboatwalla to Arrive at the Subject Matter of Claims 1, 11, 15, and 27

The Office Action combines Read and Agboatwalla to allegedly arrive at the subject matter of claims 1, 11, 15, and 27. A person of ordinary skill in the art would not be motivated to combine Read and Agboatwalla because they would have no reason to look to Agboatwalla and would not have combined the references as the Examiner has.

Regarding limitation 1.1, as Patent Owner understands the rejection, the Examiner proposes Read's sending of internet-based messages between users using a mobile devices is combined with Agboatwalla's web-based (internet) sharing of content with users to arrive at the claimed subject matter of claim 1. *Office Action* at 12 (*citing* Read, p. 2-4, 6-13, and Figs. 1-5, 7, 10; and Agboatwalla, 18:31-52, 2:30-3:6, 11:49-12:35, 17:58-19:31, and Figs. 2,10). The Examiner concludes it would have been obvious to an artisan at the time of the invention to include Agboatwalla's teachings with Read's system "in order to provide user with ability to share content via window on webpage." *Id.* The Read-Agboatwalla combination and analysis for limitations 1.1-1.2 is also applied by the Examiner to claim 11 (limitation 11.2 (*Office Action* at 14)), claim 15 (limitation 15.2-15.3 (*Office Action* at 15-16)), and claim 27 (as best as Patent Owner understands, limitation 27.2 (*Office Action* at 17)).

[6] *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

A person of ordinary skill in the art looking at Read would not be motivated to look to Agboatwalla as they are directed to different purposes. Read stresses that its invention is ***different*** from conventional Internet communication systems, because in conventional systems, a copy of the information is retained on the hard drive of the first and second user devices. *Read* at 3. By contrast, the information exchanged according to Read's invention ***does not reside on the user devices***, but is "retained on the hard drive of the Web site server," and the users are viewing a page of the Web site. *Id.* at 3-4. An aspect important to Read's invention is that the information is retained by the Web server and "cannot be altered by any user." *Id.* at 4.

Agboatwalla is not concerned with the separation of information from user devices, and preventing modification of the information. Instead, Agboatwalla's invention aims to overcome the disadvantages of information scattered across the Internet by allowing a user to aggregate content and data from any source and access it via a user interface. *Agboatwalla*, 1:60-2:28. In particular, Agboatwalla's interface allows a user to "select portions of the information available" from content sources, and ***mark and store the information for retrieval and display by the interface***. *Id.*, 2:32-41.

Figure 2 below illustrates Agboatwalla's "process 200" for generating the "user interface" by marking of the "information selected from the content source" at operation 206, and subsequently storing the marked information for subsequent retrieval in operation 212 and display in operation 214.

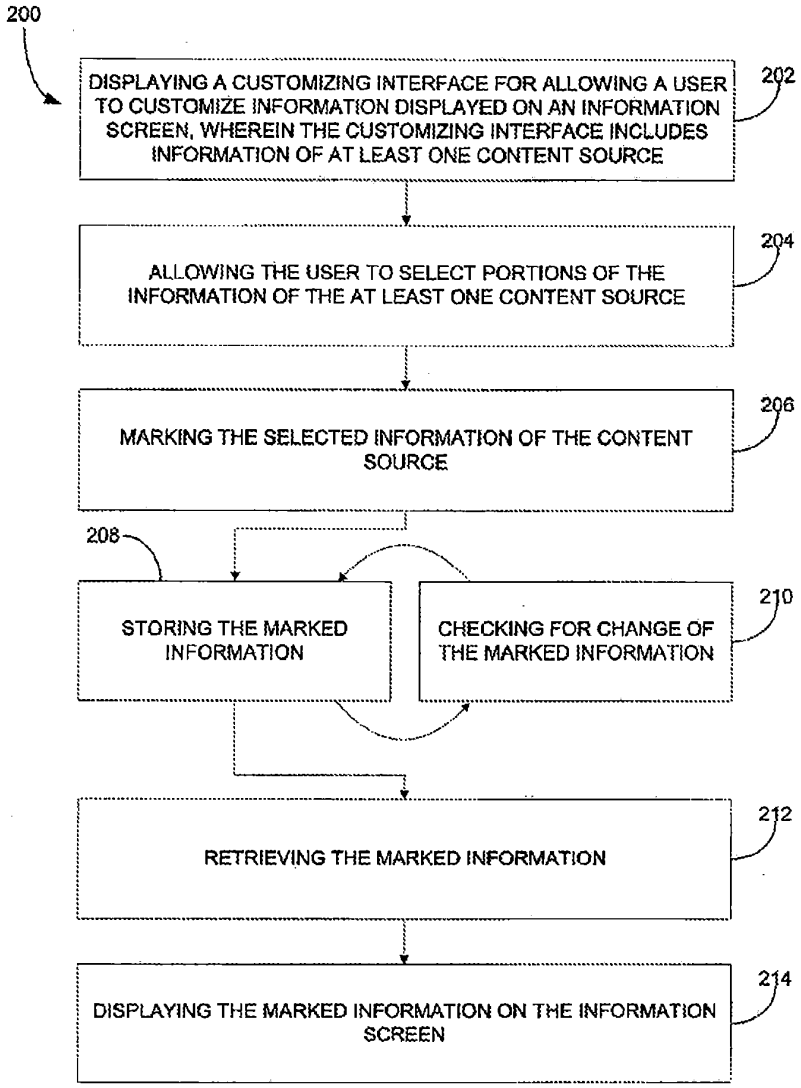


**Fig. 2**

The Examiner does not explain how the problem addressed by the claims was known in the art, or how Read or Agboatwalla suggested the solution encompassed by the claims.

Read and Agboatwalla have different approaches to how they handle and access information for specific purposes. As a result, the combination of Read and Agboatwalla to arrive

at the subject matter of claims 1, 11, 15, or 27 would defeat the purpose of the references individually.

Even if Read could be combined with Agboatwalla as suggested by the Examiner, the combination fails to disclose, teach, or suggest each limitation of the claims, as arranged in the claims. For example, the Examiner fails to address the activate and generating language of the claims, thus reading the limitation out of the claims:

- Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." As best Patent Owner can understand the rejection, nowhere in the rejection does the Examiner identify or explain what features of Read or Agboatwalla are the claimed activation accomplished by the first user as required by the limitation. *Office Action* at 12.

- Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Nowhere in the does the Examiner identify or explain what features of Read or Agboatwalla permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 14.

- Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." As before, nowhere in the rejection does the Examiner identify or explain what features of Read or Agboatwalla permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 15-16. In addition, the Examiner cites "See Read and Agboatwalla 1.2 above." If this is in reference to claim limitation 1.2 in view of Read and Agboatwalla above, limitation 1.2 is different than limitation 15.2, and limitation 1.2 does not include the "activate" language.

- Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Read are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 17.

Read and Agboatwalla does not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, as claimed. Thus, Read, when taken alone or in combination with Agboatwalla, fails to disclose, teach, or suggest at least the activating and generating limitations of claims 1, 11, 15, or 27, as arranged in the claims, and such claims are patentable.

### D. It Would Not Be Obvious to Combine Alcorn and Read to Arrive at the Subject Matter of Claims 1, 11, 15, and 27

Regarding claim 1, limitation 1.1, the Examiner states "[i]t would be obvious for one of ordinary skilled in the art to combine Read's teaching with system of Alcorn in order to allow Alcorn's we page to be accessible using telephone." *Office Action* at 19. The Alcorn-Read combination and analysis applied to limitations 1.1-1.2 is similarly applied by the Examiner to claim 11 (limitation 11.2 (*Office Action* at 21)), claim 15 (limitation 15.2 (*Office Action* at 23)), and claim 27 (as best as Patent Owner understands, limitation 27.1 (*Office Action* at 25)).

Claim 1 recites, in part, "the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users". Alcorn is directed to an internet-based education support system. *Alcorn*, abstract. An object of the invention is for "a system that can be easily integrated with existing computer network and backend systems with minimal disruption to existing operations and systems." *Alcorn,* 6:18-21. Read is directed to overcoming the problem of tracking delivery of internet communications. *Read* at 2. Alcorn does not sate implicitly or explicitly that it may be used with mobile internet connection technologies, and how it might be implemented. Neither Alcorn, Read, or the proposed rejection provide any indication that the architecture and functionality of the system and method contemplated by Alcorn could be used with mobile internet connection technologies, and how it would be implemented. Therefore, it would not have been obvious to combine the system of Alcorn designed to be

integrated with pre-1999 legacy educational computer systems with the year 2000 mobile internet connection technologies, and suggested by the Examiner in the rejection.

Even if Alcorn could be combined with Read as suggested by the Examiner, the combination fails to disclose, teach, or suggest each limitation of the claims, as arranged in the claims. For example, the Examiner fails to address the activate and generating language of the claims, thus reading the limitation out of the claims:

- Claim 1, limitation 1.1, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read are the claimed activation accomplished by the first user as required by the limitation. *Office Action* at 18-19.

- Claim 11, limitation 11.2, requires a "first web-based interface being configured to permit the first user to **activate** a given mobile information channel for sharing content between the first user and one or more additional users." Nowhere in the does the Examiner identify or explain what features of Alcorn or Read permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 21.

- Claim 15, limitation 15.2 requires the "first web-based interface being configure to permit the first user to **activate** a given mobile information channel for sharing content." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read permit the first user to activate a mobile information channel as required by the limitation. *Office Action* at 23.

- Claim 27, limitation 27.1 requires "**generating** a given mobile information channel." Nowhere in the rejection does the Examiner identify or explain what features of Alcorn or Read are the generating of a mobile information channel for use by a first user for sharing content authored by the first user with additional users as required by the limitation. *Office Action* at 25.

Alcorn and Read do not each all of the elements of claims 1, 11, 15, and 27, in part, activating or generating a mobile information channel, as claimed. Thus, Alcorn, when taken alone or in combination with Read, fails to disclose, teach, or suggest at least the activating and generating limitations of claims 1, 11, 15, or 27, as arranged in the claims, and such claims are patentable.

None of the obviousness combinations set forth in the Office action result in a *prima facie* case of obviousness. Accordingly, claims 1, 11, 15, and 27 are patentable for at least the above reasons.

## V. NOTIFICATION OF CONCURRENT PROCEEDINGS - 37 C.F.R. § 1.565

Patent Owner Mobile Data Technologies LLC hereby notifies the Office of the following concurrent proceedings:

Litigation:

The '336 Patent is asserted by Patent Owner in the case styled *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, 7:22-cv-00244-ADA-DTG, pending in the U.S. District Corut for the Western District of Texas, Midland-Odessa Division. No decisions relevant to this *ex parte* reexamination proceeding have been entered in the district court case.

USPTO Proceedings:

The '336 Patent is the subject of a petition for *inter partes* review filed by Meta Platforms, Inc. on December 6, 2023 before the U.S. Patent and Trademark Office, Patent Trial and Appeal Board, in the case styled *Meta Platforms, Inc. v. Mobile Data Technologies LLC*, IPR2024-00246. Patent Owner's Preliminary Response is due March 13, 2024.

## VI. CONCLUSION

For at least the above reasons, Patent Owner respectfully requests that the Examiner confirm the patentability of claims 1, 11, 15, and 27 of the '336 Patent.

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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# *EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/019,221* .

PATENT UNDER REEXAMINATION *8793336* .

ART UNIT *3992* .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

| ***Notice of Intent to Issue Ex Parte Reexamination Certificate*** | **Control No.** 90/019,221 | **Patent Under Reexamination** 8793336 | |
|---|---|---|---|
| | **Examiner** PENG KE | **Art Unit** 3992 | **AIA Status** No |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

1. ☑ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
   (a) ☑ Patent owner's communication(s) filed: 1/24/2024.
   (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
   (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
   (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
   (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
   (a) Change in the Specification: ☐ Yes ☑ No
   (b) Change in the Drawing(s): ☐ Yes ☑ No
   (c) Status of the Claim(s):
      (1) Patent claim(s) confirmed: 1,11,15 and 27.
      (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
      (3) Patent claim(s) canceled: _____.
      (4) Newly presented claim(s) patentable: _____.
      (5) Newly presented canceled claims: _____.
      (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
      (7) Patent claim(s) not subject to reexamination: 2-10,12-14 and 16-26.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☑ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☑ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐approved ☐disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐None of the certified copies have
      ☐been received.
      ☐not been received.
      ☐been filed in Application No. _____.
      ☐been filed in reexamination Control No. _____.
      ☐been received by the International Bureau in PCT Application No. _____.

   * Certified copies not received: _____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: _____.

**All correspondence** relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

| /PENG KE/<br>Primary Examiner, Art Unit 3992 | |
|---|---|

cc: Requester (if third party requester)

***DETAILED ACTION***

This is an ex-parte action to address claims 1, 11, 15 and 27 of U.S. Patent 8,793,336. (the '336 patent").

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

Claims 1, 11, 15, and 27 are confirmed.

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Claims 1, 11, 15, and 27 are confirmed for the reasons Patent Owner stated in 1/24/2024 response. (see Patent Owner Response 1/24/2024 pp 1-14.)

Specifically, the cited prior arts do not teach following limitations of claim 1 "…web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional user;…" It noted that although all the cited reference discussed sharing information content within a network, none of them discussed the activation of mobile channel by a user.

Claims 11, 15 and 27 are confirmed for the same reason as claim 1.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

***Conclusion***

All correspondence relating to this ex-partes reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop Ex Parte Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/PENG KE/
Primary Examiner, Art Unit 3992

Conferees:
/William H. Wood/
Primary Examiner, Art Unit 3992

/ALEXANDER J KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CPC | | | | | | |
|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Version** |
| G06Q | / | 30 | / | 0267 | F | 2013-01-01 |
| G06F | / | 16 | / | 986 | I | 2019-01-01 |
| G06F | / | 16 | / | 9577 | I | 2019-01-01 |
| H04L | / | 67 | / | 01 | I | 2022-05-01 |
| H04L | / | 51 | / | 58 | I | 2022-05-01 |
| H04L | / | 67 | / | 52 | I | 2022-05-01 |
| H04L | / | 9 | / | 40 | I | 2022-05-01 |
| G06F | / | 3 | / | 0481 | I | 2013-01-01 |
| G06F | / | 3 | / | 0484 | I | 2013-01-01 |
| G06Q | / | 30 | / | 02 | I | 2013-01-01 |
| G06Q | / | 30 | / | 0261 | I | 2013-01-01 |
| H04L | / | 12 | / | 18 | I | 2013-01-01 |
| H04L | / | 12 | / | 1827 | I | 2013-01-01 |
| H04L | / | 12 | / | 1859 | I | 2013-01-01 |
| H04L | / | 41 | / | 22 | I | 2013-01-01 |
| H04L | / | 65 | / | 4015 | I | 2013-01-01 |
| H04L | / | 67 | / | 02 | I | 2013-01-01 |
| H04L | / | 67 | / | 04 | I | 2013-01-01 |
| H04L | / | 67 | / | 10 | I | 2013-01-01 |
| H04L | / | 67 | / | 14 | I | 2013-01-01 |
| H04W | / | 4 | / | 023 | I | 2013-01-01 |
| H04W | / | 8 | / | 00 | I | 2013-01-01 |
| H04L | / | 12 | / | 189 | A | 2013-01-01 |
| H04L | / | 69 | / | 329 | A | 2013-01-01 |
| H04W | / | 4 | / | 00 | A | 2013-01-01 |
| H04W | / | 8 | / | 20 | A | 2013-01-01 |
| H04W | / | 28 | / | 06 | A | 2013-01-01 |

| | | | |
|---|---|---|---|
| NONE<br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>4 | |
| /PENG KE/<br>Primary Examiner, Art Unit 3992<br>(Primary Examiner) | 06 March 2024<br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>3 |

U.S. Patent and Trademark Office

Part of Paper No.: 20240228

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CPC Combination Sets | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Set** | **Ranking** | **Version** |
| | / | | / | | | | | |

| | | | |
|---|---|---|---|
| NONE<br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>4 | |
| /PENG KE/<br>Primary Examiner, Art Unit 3992<br>(Primary Examiner) | 06 March 2024<br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>3 |

U.S. Patent and Trademark Office

Part of Paper No.: 20240228

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| INTERNATIONAL CLASSIFICATION | | | | |
|---|---|---|---|---|
| **CLAIMED** | | | | |
| G06Q30/0251 | / | 30 | / | 0251 |
| G06F16/958 | / | 16 | / | 958 |
| G06F16/957 | / | 16 | / | 957 |
| H04L67/01 | / | 67 | / | 01 |
| H04L51/58 | / | 51 | / | 58 |
| H04L67/52 | / | 67 | / | 52 |
| H04L9/40 | / | 9 | / | 40 |
| G06F3/0481 | / | 3 | / | 0481 |
| G06F3/0484 | / | 3 | / | 0484 |
| G06Q30/02 | / | 30 | / | 02 |
| H04L12/18 | / | 12 | / | 18 |
| H04L41/22 | / | 41 | / | 22 |
| H04L65/401 | / | 65 | / | 401 |
| H04L67/02 | / | 67 | / | 02 |
| H04L67/04 | / | 67 | / | 04 |
| H04L67/10 | / | 67 | / | 10 |
| H04L67/14 | / | 67 | / | 14 |
| H04W4/02 | / | 4 | / | 02 |
| H04W8/00 | / | 8 | / | 00 |
| H04L69/329 | / | 69 | / | 329 |

| NON-CLAIMED | | | | |
|---|---|---|---|---|
| | / | | / | |

| US ORIGINAL CLASSIFICATION | |
|---|---|
| **CLASS** | **SUBCLASS** |
| | |

| NONE<br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>4 | |
|---|---|---|---|
| /PENG KE/<br>Primary Examiner, Art Unit 3992<br>(Primary Examiner) | 06 March 2024<br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>3 |

U.S. Patent and Trademark Office

Part of Paper No.: 20240228

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CROSS REFERENCES(S) | | | | | | |
|---|---|---|---|---|---|---|
| CLASS | SUBCLASS (ONE SUBCLASS PER BLOCK) | | | | | |
| | | | | | | |

| | | | |
|---|---|---|---|
| NONE<br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>4 | |
| /PENG KE/<br>Primary Examiner, Art Unit 3992<br>(Primary Examiner) | 06 March 2024<br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>3 |

U.S. Patent and Trademark Office

Part of Paper No.: 20240228

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

☑ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

**CLAIMS**

| Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
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|---|---|---|
| NONE<br>(Assistant Examiner) (Date) | | **Total Claims Allowed:**<br>4 |
| /PENG KE/<br>Primary Examiner, Art Unit 3992<br>(Primary Examiner) (Date) | 06 March 2024 | O.G. Print Claim(s): 1<br>O.G. Print Figure: 3 |

U.S. Patent and Trademark Office Part of Paper No.: 20240228

| Reexamination | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | Certificate Date | Certificate Number |
| | | C1 |

**Requester Correspondence Address:** ☐ **Patent Owner** ☑ **Third Party**

Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006

| **LITIGATION REVIEW** ☑ | PK (examiner initials) | 05 July 2023 (date) |
|---|---|---|
| Case Name | | Director Initials |
| 7:22cv 244, Mobile Data Technologies LLC v. Meta Platform. Inc. Et Al ( Open) | | |
| | | |

| COPENDING OFFICE PROCEEDINGS | |
|---|---|
| **TYPE OF PROCEEDING** | **NUMBER** |
| | |

| | |
|---|---|
| | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 90/019,221 | 8793336 |
| | **Examiner** | **Art Unit** |
| | PENG KE | 3992 |

| CPC - Searched* | | |
|---|---|---|
| **Symbol** | **Date** | **Examiner** |
| | | |

| CPC Combination Sets - Searched* | | |
|---|---|---|
| **Symbol** | **Date** | **Examiner** |
| | | |

| US Classification - Searched* | | | |
|---|---|---|---|
| **Class** | **Subclass** | **Date** | **Examiner** |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| Search Notes | | |
|---|---|---|
| **Search Notes** | **Date** | **Examiner** |
| Review Prosecution History | 07/05/2023 | PK |
| Litigation Search | 07/05/2023 | PK |
| P-Tacts Search | 07/05/2023 | PK |
| IDS Search | 03/06/2024 | PK |

| Interference Search | | | |
|---|---|---|---|
| **US Class/CPC Symbol** | **US Subclass/CPC Group** | **Date** | **Examiner** |
| | | | |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.K/

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99) | | |
|---|---|---|
| | Application Number | 90019221 |
| | Filing Date | 2023-06-12 |
| | First Named Inventor | HARPER, David Walker |
| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

**U.S.PATENTS** Remove

| Examiner Initial* | Cite No | Patent Number | Kind Code[1] | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|---|
| | 1 | 6343403 | B1 | 2002-08-13 | AUSEMS et al., Michiel R. | |
| | 2 | 6487583 | B1 | 2002-11-26 | HARVEY et al., Jamey | |
| | 3 | 6,332,127 | B1 | 2001-12-18 | BANDERA et al., Daniel Quinto | |
| | 4 | 6,874,146 | B1 | 2005-03-29 | IYENGAR, Sridhar | |
| | 5 | 6311185 | B1 | 2001-10-30 | MARKOWITZ, Robert E. | |
| | 6 | 5937406 | | 1999-08-10 | BALABINE et al., Igor V. | |
| | 7 | 6,167,438 | | 2000-12-26 | YATES et al., David J. | |

If you wish to add additional U.S. Patent citation information please click the Add button. Add

**U.S.PATENT APPLICATION PUBLICATIONS** Remove

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.K/

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**( Not for submission under 37 CFR 1.99)**

| | |
|---|---|
| Application Number | 90019221 |
| Filing Date | 2023-06-12 |
| First Named Inventor | HARPER, David Walker |
| Art Unit | 3992 |
| Examiner Name | KE, Peng |
| Attorney Docket Number | 5507382-3KCY |

| Examiner Initial* | Cite No | Publication Number | Kind Code[1] | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|---|
| | 1 | 20010015759 | A1 | 2001-08-23 | SQUIBBS, Francis | |
| | 2 | 20040198396 | A1 | 2004-10-07 | FRANSIOLI, Frank E. | |
| | 3 | | | | | |

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| Examiner Initial* | Cite No | Foreign Document Number[3] | Country Code[2] ¡ | Kind Code[4] | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T[5] |
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|---|---|---|---|
| | 1 | HANSMAN, Uwe et al., "Pervasive Computing Handbook", IBM Deutschland Entwicklung GmbH, 2000, Pgs 1-8, 34-36, 315-322. | ☐ |
| | 2 | WAGSTAFF, Sean, "Animation on the Web", Peachpit Press, 1999, Pgs 235-238. | ☐ |

EFS Web 2.1.18

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.K/

| INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99) | | |
|---|---|---|
| | Application Number | 90019221 |
| | Filing Date | 2023-06-12 |
| | First Named Inventor | HARPER, David Walker |
| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

| | | | |
|---|---|---|---|
| | 3 | "Microsoft Computer Dictionary 5th Edition", Microsoft Corporation, 2002, Pgs vii-viii, and 31. | ☐ |

If you wish to add additional non-patent literature document citation information please click the Add button Add

**EXAMINER SIGNATURE**

| Examiner Signature | /PENG KE/ | Date Considered | 03/04/2024 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

EFS Web 2.1.18

| INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99) | | |
|---|---|---|
| | Application Number | 90019221 |
| | Filing Date | 2023-06-12 |
| | First Named Inventor | HARPER, David Walker |
| | Art Unit | 3992 |
| | Examiner Name | KE, Peng |
| | Attorney Docket Number | 5507382-3KCY |

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|---|---|---|---|
| Signature | /Kevin S. Tuttle/ | Date (YYYY-MM-DD) | 2024-01-24 |
| Name/Print | Kevin S. Tuttle | Registration Number | 52307 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# Bibliographic Data

Application No: 90/019,221

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No | ☐ Met After Allowance

Verified and Acknowledged: /PENG KE/ (Examiner's Signature) | (Initials)

Title: METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

---

| FILING or 371(c) DATE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 06/12/2023<br>**RULE** | 709 | 3992 | 5507382-3KCY |

**APPLICANTS**

**INVENTORS**

8793336,

**CONTINUING DATA**

This application is a REX of 13364950 02/02/2012 PAT 8793336

13364950 is a CON of 13027519 02/15/2011 PAT 8135801

13027519 is a CON of 12548928 08/27/2009 PAT 7908342

12548928 is a CON of 10464526 06/18/2003 PAT 7599983

10464526 has PRO of 60389430 06/18/2002

**FOREIGN APPLICATIONS**

**IF REQUIRED, FOREIGN LICENSE GRANTED****

**STATE OR COUNTRY**

**ADDRESS**

Spencer Fane LLP
1000 Walnut Street
Suite 1400
Kansas City, MO 64106
UNITED STATES

**FILING FEE RECEIVED**

$275

# Patent Assignment Abstract of Title

## Total Assignments: 5

**Application #:** 13364950 **Filing Dt:** 02/02/2012 **Patent #:** 8793336 **Issue Dt:** 07/29/2014
**PCT #:** NONE **Intl Reg #:** **Publication #:** US20140149874 **Pub Dt:** 05/29/2014
**Inventors:** David Walker Harper, Jason James Sabella, William Henry Munch
**Title:** METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS

## Assignment: 1

**Reel/Frame:** 031479 / 0171 **Received:** 10/23/2013 **Recorded:** 10/23/2013 **Mailed:** 10/28/2013 **Pages:** 13
**Conveyance:** SECURITY AGREEMENT
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 10/21/2013
**Assignee:** ENGAGELOGIC CORPORATION
373 SMITHTOWN BYPASS
SUITE 361
HAUPPAUGE, NEW YORK 11788-2516
**Correspondent:** JOSEPH B. RYAN
48 SOUTH SERVICE ROAD, SUITE 100
RYAN, MASON & LEWIS, LLP
MELVILLE, NY 11747

## Assignment: 2

**Reel/Frame:** 041233 / 0515 **Received:** 01/03/2017 **Recorded:** 01/03/2017 **Mailed:** 02/14/2017 **Pages:** 6
**Conveyance:** FORECLOSURE
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 01/03/2017
**Assignee:** ENGAGELOGIC CORPORATION
34 E. MAIN STREET, SUITE 392
SMITHTOWN, NEW YORK 11787
**Correspondent:** RICHARD BAKER
291 MAIN STREET
WEST NEWBURY, MA 01985

## Assignment: 3

**Reel/Frame:** 041711 / 0094 **Received:** 02/14/2017 **Recorded:** 02/14/2017 **Mailed:** 03/24/2017 **Pages:** 3
**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE THE STATEMENT HAS A MISSING WORD PREVIOUSLY RECORDED ON REEL 041233 FRAME 0515. ASSIGNOR(S) HEREBY CONFIRMS THE ...WERE LEGALLYFORECLOSED ON BASED UPON THE APPLICABLE _S_T_A_T_E LAW ON JANUARY 3, 2017..
**Assignor:** WIRELESS INK CORPORATION **Exec Dt:** 01/03/2017
**Assignee:** ENGAGELOGIC CORPORATION
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## Assignment: 4

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## Assignment: 5

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Examiner checklist box marked.

/PENG KE/
Primary Examiner, Art Unit 3992

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US008793336C1

(12) **EX PARTE REEXAMINATION CERTIFICATE** (12599th)

**United States Patent**

**Harper et al.**

(10) **Number: US 8,793,336 C1**

(45) **Certificate Issued: May 13, 2024**

(54) **METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS**

(75) Inventors: **David Walker Harper**, Bay Shore, NY (US); **Jason James Sabella**, Coram, NY (US); **William Henry Munch**, Tampa, FL (US)

(73) Assignee: **MOBILE DATA TECHNOLOGIES, LLC**, Allen, TX (US)

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| Patent No.: | **8,793,336** |
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(51) **Int. Cl.**

| | |
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| ***G06Q 30/0251*** | (2023.01) |
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| ***G06F 3/0484*** | (2022.01) |
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(52) **U.S. Cl.**

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(58) **Field of Classification Search**

None

See application file for complete search history.

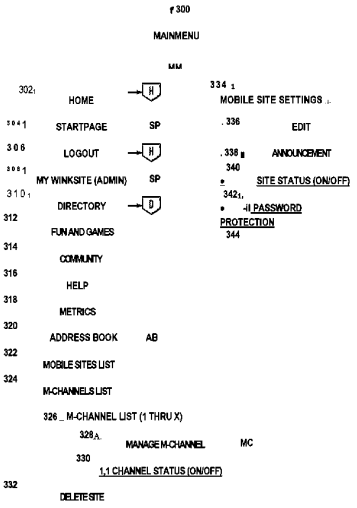
(56) **References Cited**

To view the complete listing of prior art documents cited during the proceeding for Reexamination Control Number 90/019,221, please refer to the USPTO's Patent Electronic System.

*Primary Examiner* — Peng Ke

(57) **ABSTRACT**

Information content is managed in a network-based communication system by providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate at least one data source that is external to the first web-based interface, maintaining persistent information content on behalf of the first user including content obtained from the data source designated by the first user, and generating a second web-based interface different than the first web based interface, wherein access to at least a portion of the persistent information content is provided to each of one or more additional users via the second web-based interface in a manner controlled by the first user via the first web-based interface to thereby facilitate interaction between the first and additional users. The first and second web-based interfaces may comprise respective content management and mobile web sites.



**Related U.S. Application Data**

continuation of application No. 12/548,928, filed on Aug. 27, 2009, now Pat. No. 7,908,342, which is a continuation of application No. 10/464,526, filed on Jun. 18, 2003, now Pat. No. 7,599,983.

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# EX PARTE REEXAMINATION CERTIFICATE

NO AMENDMENTS HAVE BEEN MADE TO THE PATENT

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

The patentability of claims **1**, **11**, **15** and **27** is confirmed. Claims **2-10**, **12-14** and **16-26** were not reexamined.

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