UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner

v.

MOBILE DATA TECHNOLOGIES, INC.,
Patent Owner

Case IPR2024-00247
U.S. Patent No. 8,825,801 B2
Issue Date: September 2, 2014

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

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,825,801 B2

Table of Contents

Page

I. MANDATORY NOTICES UNDER §42.8(A)(1) 1

A. Real Party-In-Interest under §42.8.(b)(1) 1

B. Related Matters under §42.8(b)(2) 1

C. Lead and Back-Up Counsel under §42.8(b)(3) 1

D. Service Information 2

II. FEE PAYMENT 2

III. REQUIREMENTS UNDER §§ 42.104 AND 42.108 AND CONSIDERATIONS UNDER §§ 314(A) AND 325(D) 2

A. Grounds for Standing 2

B. Identification of Challenge and Statement of Precise Relief Requested 2

C. Considerations Under §§ 314(a) and 325(d) 3

IV. OVERVIEW OF THE PATENT 5

A. Level of Ordinary Skill 5

B. Specification Overview 6

V. CLAIM CONSTRUCTION 8

VI. THE CHALLENGED CLAIMS ARE UNPATENTABLE 9

A. Overview of Grounds 9

B. Prior Art Status of Relied-Upon References 10

C. Ground 1: Claims 1-25 Are Obvious Over Neibauer In View Of Miller, Cheng and Squibbs. 11

1. Independent Claim 1 11

(a) "providing an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users;" (1[a]) 12

Table of Contents
(continued)

Page

(b) "activating the mobile information channel responsive to input received from the first user via the interface;" (1[b]) 29

(c) "inserting content provided by the first user into the mobile information channel;" (1[c]).....30

(d) "receiving additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network;" (1[d]) 33

(e) "inserting at least a portion of the additional content into the mobile information channel; and" (1[e]) 34

(f) "integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network." (1[f]).....34

2. Claim 2: "The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises location information of a given one of the mobile devices from which at least a portion of the additional content is received."....44

3. Claim 3: "The method of claim 1 wherein integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining location information of a given one of the mobile devices from which at least a portion of the additional content is received; and inserting content into the mobile information channel based on the obtained location information."....44

MDT Exhibit 2048
IPR2025-00538
Page 3

Table of Contents
(continued)

Page

4. Claim 4: "The method of claim 1 wherein integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining product-identifying information over said at least one wireless network; and inserting content into the mobile information channel based on the obtained product-identifying information." 45

5. Claim 5: "The method of claim 4 wherein inserting content into the mobile information channel based on the received product-identifying information comprises inserting information relating to at least one of product ordering and product purchase support."..... 47

6. Claim 6: "The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises location-based service information."..... 48

7. Claim 7: "…one or more messaging actions" 48

8. Claim 8: "…one or more collaboration actions" 48

9. Claim 9: "The method of claim 1 further comprising providing one or more content integration options to the first user and the plurality of additional users."..... 49

10. Claim 10: "The method of claim 9 wherein the one or more content integration options are based in part on respective wireless networking functionalities available to the first user and the plurality of additional users."..... 50

11. Claim 11: "The method of claim 1 wherein the additional content is associated with the mobile information channel via one or more user-activatable control mechanisms."..... 52

12. Claim 12: "The method of claim 11 wherein the one or more user-activatable control mechanisms comprise a hyperlink."..... 52

MDT Exhibit 2048
IPR2025-00538
Page 4

Table of Contents
(continued)

Page

13. Claim 13: "The method of claim 1 wherein inserting at least a portion of the additional content into the mobile information channel comprises inserting advertising content into the mobile information channel along with said portion of the additional content."....54

14. Claim 14: "The method of claim 1, wherein at least a portion of the additional content is obtained from a device-captured data source of the given user, the device-captured data source comprising a source of at least one of device-captured video data, device-captured audio data and device-captured location coordinates."....55

15. Claim 15: "The method of claim 1 wherein the mobile information channel comprises a collaborative workspace."....56

16. Claim 16: "The method of claim 1 further comprising permitting the first user to establish a title for the mobile information channel."....56

17. Claim 17: "The method of claim 1 wherein the mobile information channel comprises a chat channel facilitating interaction between the first user and the plurality of additional users."....58

18. Claim 18: "The method of claim 1 wherein the mobile information channel is associated with an entertainment-related entity."....58

19. Claim 19: "The method of claim 18 wherein the entertainment-related entity comprises at least one of a television program, a movie and a music artist."....58

20. Claim 20: "The method of claim 1 wherein the mobile information channel is associated with a mobile device application."....59

21. Claim 21: "The method of claim 20 wherein the mobile device application comprises a personalized content application."....60

Table of Contents
(continued)

Page

22. Independent claim 22: "A non-transitory computer-executable storage medium… [that] implements the steps of the method of claim 1." 61

23. Independent Claim 23 63

(a) "a processing element comprising a processor coupled to a memory;" (23[a]) 63

(b) "the processing element providing at least a portion of an interface…;" (23[b]) 64

(c) "the processing element being configured to:…" (23[c]-[h]) 64

24. Claim 24: "The apparatus of claim 23 wherein the processing element comprises at least one server accessible over the Internet via a network interface." 65

25. Independent Claim 25 65

(a) "a plurality of servers configured to communicate over a network;" (25[a]) 65

(b) "at least one of the servers providing at least a portion of an interface…;" (25[b]) 66

(c) "wherein said at least one server is configured to…" (25[c]-[h]) 66

D. Ground 2: Obviousness in Further View of Harvey. 67

VII. CONCLUSION.....70

CERTIFICATE OF SERVICE 72

List of Exhibits

Exhibit No.	Description of Document
1001	U.S. Patent No. 8,825,801 B2 to David Walker Harper et al. (filed February 7, 2014, issued September 2, 2014) ("'801" or "'801 patent")
1002	Declaration of Vijay K. Madisetti, Ph.D. ("Madisetti")
1003	Excerpts from Alan Neibauer, *How to Do Everything With Yahoo!* (2000) ("Neibauer")
1004	PCT Application WO 00/17775 to Craig Miller et al. (filed September 22, 1999, published March 30, 2000) ("Miller")
1005	U.S. Patent No. 7,574,486 B1 to Yin Cheng et al. (filed November 8, 2000, issued August 11, 2009) ("Cheng")
1006	U.S. Patent No. 6,434,403 B1 to Michiel R. Ausems et al. (filed February 19, 1999, issued August 13, 2002) ("Ausems")
1007-1009	***RESERVED***
1010	U.S. Patent No. 6,487,583 B1 to Jamey Harvey et al. (filed February 25, 2000, issued November 26, 2002) ("Harvey")
1011	U.S. Patent Application Publication No. 2001/0015759 A1 to Robert Francis Squibbs (filed February 21, 2002, published August 23, 2001) ("Squibbs")
1012	Excerpts from Uwe Hansmann et al., *Pervasive Computing Handbook* (2001) ("Hansmann")
1013	Excerpts from David Fox & Troy Downing, *HTML Web Publisher's Construction Kit* (1995) ("Fox")
1014-1021	***RESERVED***

List of Exhibits

Exhibit No.	Description of Document
1022	File history of U.S. Patent No. 8,825,801 B2
1023	***RESERVED***
1024	Excerpts of file history of *Inter Partes* Reexamination of U.S. Patent No. 8,135,801 B2
1025	Joint Claim Construction Statement, Dkt. 51, *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, Case No.7:22-cv-00244-ADA-DTG (W.D. Tex. filed September 13, 2023)
1026	Declaration of Sylvia D. Hall-Ellis, Ph.D. ("Hall-Ellis")
1027	Proof of Service of Complaint

I. MANDATORY NOTICES UNDER §42.8(A)(1)

A. Real Party-In-Interest under §42.8.(b)(1)

Meta Platforms, Inc. is the real party-in-interest to this IPR petition.

B. Related Matters under §42.8(b)(2)

The '801 patent is the subject of pending litigation involving Petitioner: *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, Case No.7:22-cv-00244-ADA-DTG (W.D. Tex.). Petitioner was served on December 6, 2022. (EX1027.)

C. Lead and Back-Up Counsel under §42.8(b)(3)

Petitioner provides the following designation of counsel.

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D. Service Information

This Petition is being served by Federal Express to the attorney of record for the '801 patent, 31825 - RYAN, MASON & LEWIS, LLP, 48 South Service Road, Suite 100, Melville, NY 11747. Petitioner consents to electronic service at the addresses provided above for lead and back-up counsel.

II. FEE PAYMENT

Petitioner requests review of 25 claims, with a $47,125 payment.

III. REQUIREMENTS UNDER §§ 42.104 AND 42.108 AND CONSIDERATIONS UNDER §§ 314(A) AND 325(D)

A. Grounds for Standing

Petitioner certifies that the '801 patent is available for IPR and that Petitioner is not barred or otherwise estopped.

B. Identification of Challenge and Statement of Precise Relief Requested

Petitioner requests IPR institution based on:

Ground	Claims	Basis for Challenge under §103
1	1-25	Neibauer (**EX1003**), Miller (**EX1004**), Cheng (**EX1005**), Squibbs (**EX1011**)
2	1-25	**Ground 1** Prior Art + Harvey

Submitted with this Petition is the Declaration of Vijay K. Madisetti (**EX1002**) ("Madisetti"), a qualified technical expert. (EX1002, ¶¶1-11, Ex. A.)

C. Considerations Under §§ 314(a) and 325(d)

§314(a): The *General Plastic* factors are not relevant as this is the first and only IPR petition filed by Petitioner with respect to the '801 patent.

Nor do the *Fintiv* factors support discretionary denial under §314(a). The pending litigation against Petitioner is in relatively early stages, with no substantive discovery having taken place to date. Nevertheless, to allay concerns over duplication of efforts, Petitioner represents that, in the event of institution, it will not pursue in litigation any invalidity defense that was or could have been raised in IPR.

§325(d): The two-part *Advanced Bionics* framework considers: **(1)** whether the same or substantially the same art was previously presented to the Office and if so **(2)** whether Petitioner has demonstrated that the Examiner erred in a manner material to the patentability of challenged claims. *Advanced Bionics* does not apply to Miller (**EX1004**), Squibbs (**EX1011**) and Harvey (**EX1010**), as these references were not considered during prosecution.

But two relied-on references were considered during prosecution – Neibauer (**EX1003**) and Cheng (**EX1005**). But the sole mention of these references was their inclusion on Information Disclosure Statements filed by the Applicants that were considered by the Examiner. (EX1022, 00241 & 00276 (excerpts of Neibauer), 00254 (Cheng).) These references were among hundreds of prior art references cited during prosecution.

Petitioner respectfully submits that the Examiner's consideration of Neibauer and Cheng does not raise § 325(d) issues in light of the uneventful prosecution history. The initial Office Action rejected the claims based entirely on double-patenting grounds based on an earlier patent, U.S. Patent No. 8,135,801. (EX1022, 00231-00235.) The applicants traversed the double-patenting rejection by noting that the earlier '801 patent was the subject of a pending *inter partes* reexamination in which the claims had been amended, but applicants nevertheless filed a terminal disclaimer. (EX1022, 00299-00301.)

The Examiner subsequently issued a Notice of Allowance with respect to all claims. (EX1022, 00315-00322.) In his statement of reasons for allowance, the Examiner identified U.S. Patent No. 7,003,546 B1 to Chris Cheah as the closest prior

art,[1] but stated that it did not disclose the "**activating**," "**inserting**," "**receiving**," "**inserting**," and "**integrating**" limitations. (EX1022, 00320.) Cheah was not otherwise mentioned during prosecution, and as such, the prosecution history does not provide an explanation of the flaws the Examiner perceived with Cheah. No prior art rejections were ever entered.

Petitioner respectfully submits that the Examiner materially erred in failing to rely on Neibauer and Cheng to reject the challenged claims. These references confirm that all limitations of the claims were obvious in view of the prior art – including the limitations that the Examiner found missing from Cheah. (EX1002, ¶¶118-143.) In fact, the PTO cited and relied on both Neibauer and Cheng in the successful reexamination of the earlier '801 patent (to which the present '801 patent was terminally disclaimed) which resulted in cancellation of all claims. (EX1024, 004 (PTAB decision affirming prior art rejections and listing Cheng and Neibauer), 0018-0019 (Federal Circuit affirmance).)

IV. OVERVIEW OF THE PATENT

A. Level of Ordinary Skill

A person of ordinary skill would have possessed a bachelor's degree in electrical engineering, computer science, or similar field, with two years of

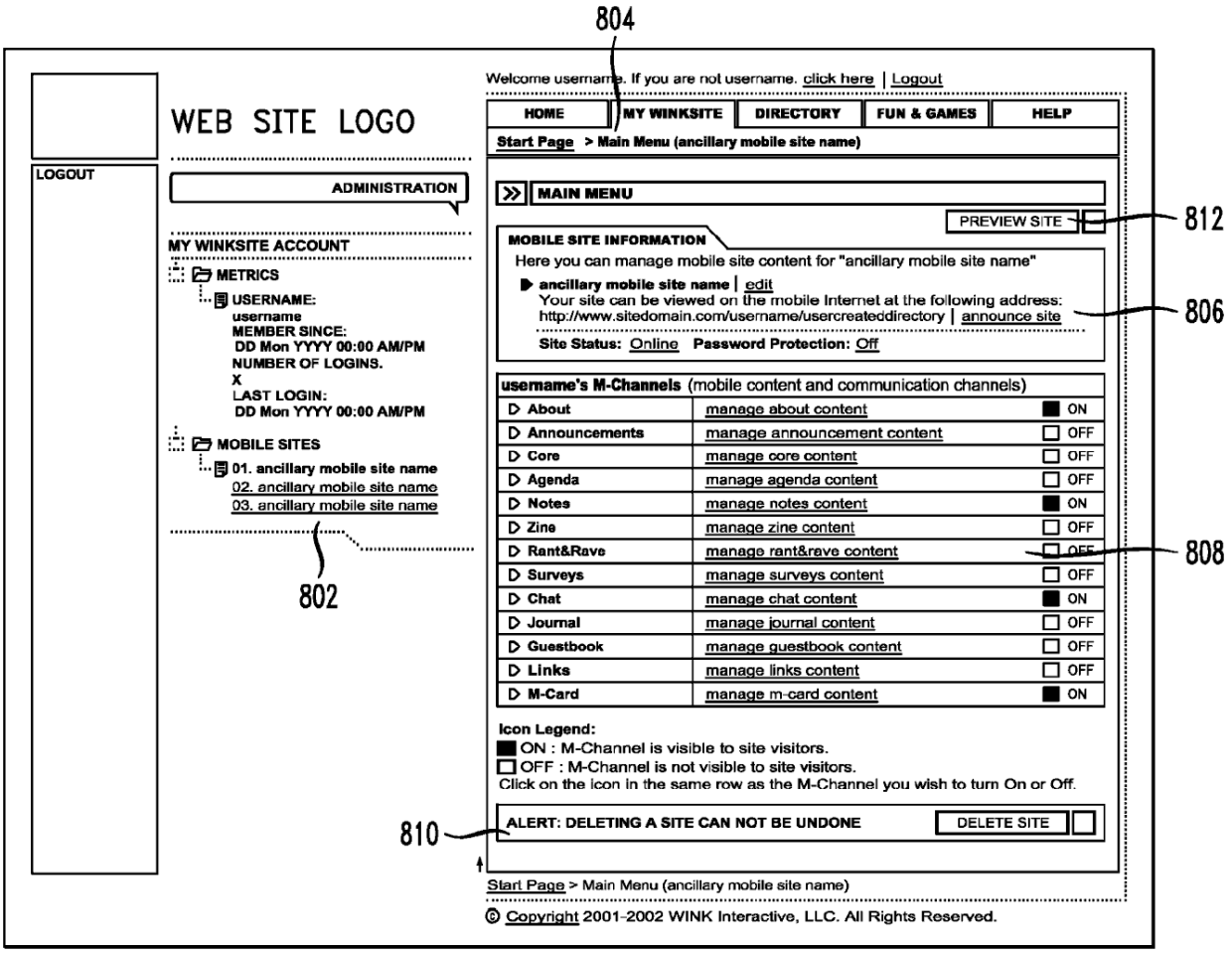
[1] The statement of reasons for allowance erroneously identified U.S. Patent No. 7,003,546 as "Lynn et al. U.S. Gheah" (EX1022, 0320) but the correct applicant name for that reference was Cheah. (EX1022, 0254.)

experience in developing and implementing network-based computer systems that interact with mobile devices, such as systems for storing and retrieving information over the Internet or communicating using the Web using wireless mobile devices. (EX1002, ¶¶14-18.)

B. Specification Overview

In one embodiment, the patent describes a technique in which a user, through a website referred to in the patent as a ***content management*** website, can activate mobile information channels (or M-channels) for a ***mobile*** website. "The content management site permits the user to enter information in accordance with a specified format comprising a plurality of selectable mobile information channels each corresponding to an information category. The mobile information channels are also referred to as 'M-channels' herein…." ('801, 5:25-29.) Figure 8 shows an exemplary page of a content management website that can be used to activate mobile information channels for a mobile website:

FIG. 8

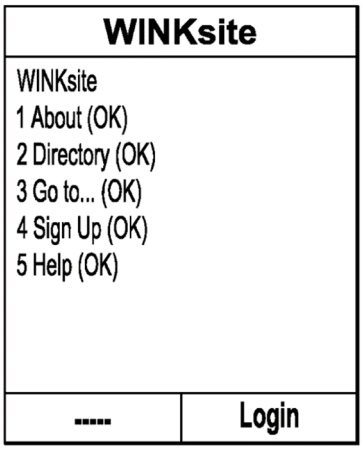


('801, Fig. 8, 13:40-42.) Figure 8, as shown, includes mobile website information **806** and M-channel information **808** making mobile information channels visible on the mobile website. ('801, Fig. 8, 13:42-56.) These M-channels are "utilized at the content management site… to facilitate the generation of mobile sites and the management of associated content." ('801, 8:14-17.) Mobile information channels thus "allow unsophisticated users to easily and efficiently author message data or other types of information content to be made accessible via a collaborative workspace, a data mailbox, a collaborative community, or other type of mobile site

or portion thereof generated or otherwise managed in the system **10**." ('801, 8:17-23; *see also id.*, 8:33-47 (listing exemplary M-channels).)

Information and selections provided by the user through the content management website are "processed to generate a mobile web site comprising information content that is accessible via one or more of the mobile devices **15** over the wireless network **12** of the system **10**." ('801, 5:30-34.) An example screen display from a mobile website is shown in Figure 24a (at right). ('801, 3:35-37, 14:67-15:3.) In one embodiment, a mobile device for use with the alleged invention may be "a web-enabled mobile phone," but the patent "does not require use of any particular type or configuration of mobile device." ('801, 14:58-62.)

FIG. 24a



V. CLAIM CONSTRUCTION

Petitioner does not believe express claim construction is necessary at this time. As discussed in **Part VI** below, the parties to the pending litigation have proposed certain constructions for terms recited in the challenged claims. (EX1025.) The prior art cited herein, as demonstrated below, renders the challenged claims obvious under each of the proposed constructions or any reasonable construction. For purposes of this IPR, express constructions are not required.

VI. THE CHALLENGED CLAIMS ARE UNPATENTABLE

A. Overview of Grounds

The challenged claims attempt to lay claim to techniques for allowing users to share information over the Internet with other users via mobile devices. But these techniques were well-known before the '801 patent.

All grounds rely on Neibauer (**EX1003**), which describes features of the popular Yahoo! website and service. (EX1002, ¶¶48-50.) Neibauer discloses a feature called Yahoo! Clubs that allows users to create web-based communities for users to share information through photo sharing, message boards, chat, and other features. (EX1002, ¶¶51, 97-99; Neibauer, pp.477-480.) Neibauer also discloses the ability to access Yahoo! services via mobile devices such as cell phones. (EX1002, ¶56; Neibauer, pp.166-174.) Neibauer is a strong reference that discloses the majority of the claim limitations and, as explained in **Part III.C** above, was relied upon by the PTO in rejecting all claims of a parent patent to which the '801 patent has been terminally disclaimed.

All grounds also cite to Cheng (**EX1005**), which provides an additional basis for showing that it would have been obvious to provide the Yahoo! Clubs features from Neibauer to users via mobile devices. (EX1002, ¶¶61-62.) Cheng describes a proxy server that can convert any existing (non-mobile) webpage for use on a mobile device. (EX1002, ¶¶63-68, 102-107.) As noted in **Part III.C** above, Cheng was

also cited in the successful reexamination of the earlier '801 patent. All grounds also cite to Squibbs (**EX1011**), for location-based features of the challenged claims. Squibbs discloses a technique for displaying a photo album by showing, on an electronic map, the location of where the photo was taken based on location information provided with the photo. (EX1002, ¶¶71-79; Squibbs, Figs. 6-7.)

The additional references are cited primarily for ancillary features or to account for claim construction positions proposed in the pending litigation. Miller (**EX1004**) is cited for disclosing the ability of a user to create a web-based community and specify the specific features (*e.g.* message board, etc.) to include. (EX1002, ¶¶59, 95-96.) Ground 2 is substantially similar to Ground 1, but adds Harvey (**EX1010**), solely to account for a potential construction of "**mobile information channel**" proposed by Petitioner in the pending litigation. If the Board chooses not to adopt that construction here, it need not consider this ground.

B. Prior Art Status of Relied-Upon References

Pre-AIA law applies to the challenged claims, and each reference cited in the grounds listed in **Part III.B** qualifies as prior art. Neibauer qualifies as prior art under § 102(b) because it was published more than one year before the priority date, as evidenced by public library availability. (Hall-Ellis, EX1026, ¶¶40-46.) Miller and Squibbs also qualify as prior art under § 102(b) because they are patent applications published more than one year before the priority date. Cheng and

Harvey qualify as prior art under § 102(e) because they issued from applications filed before the priority date.

C. Ground 1: Claims 1-25 Are Obvious Over Neibauer In View Of Miller, Cheng and Squibbs.

1. Independent Claim 1

As detailed below, Neibauer discloses features of a Yahoo! service known as Yahoo! Clubs. (Neibauer, pp.473-483.) Neibauer explains that "[a] *club* is a group of Yahoo! members who share a common interest. Each club has its own message board, chat room, as well as places to share photographs, news, addresses, and links." (Neubauer, p.473 (italics in original).) Yahoo! members could also create their own clubs, as described in detail for limitation 1**[a]**. (Neibauer, pp.480-82.) An exemplary club created by a member is shown in Figure 21-13:

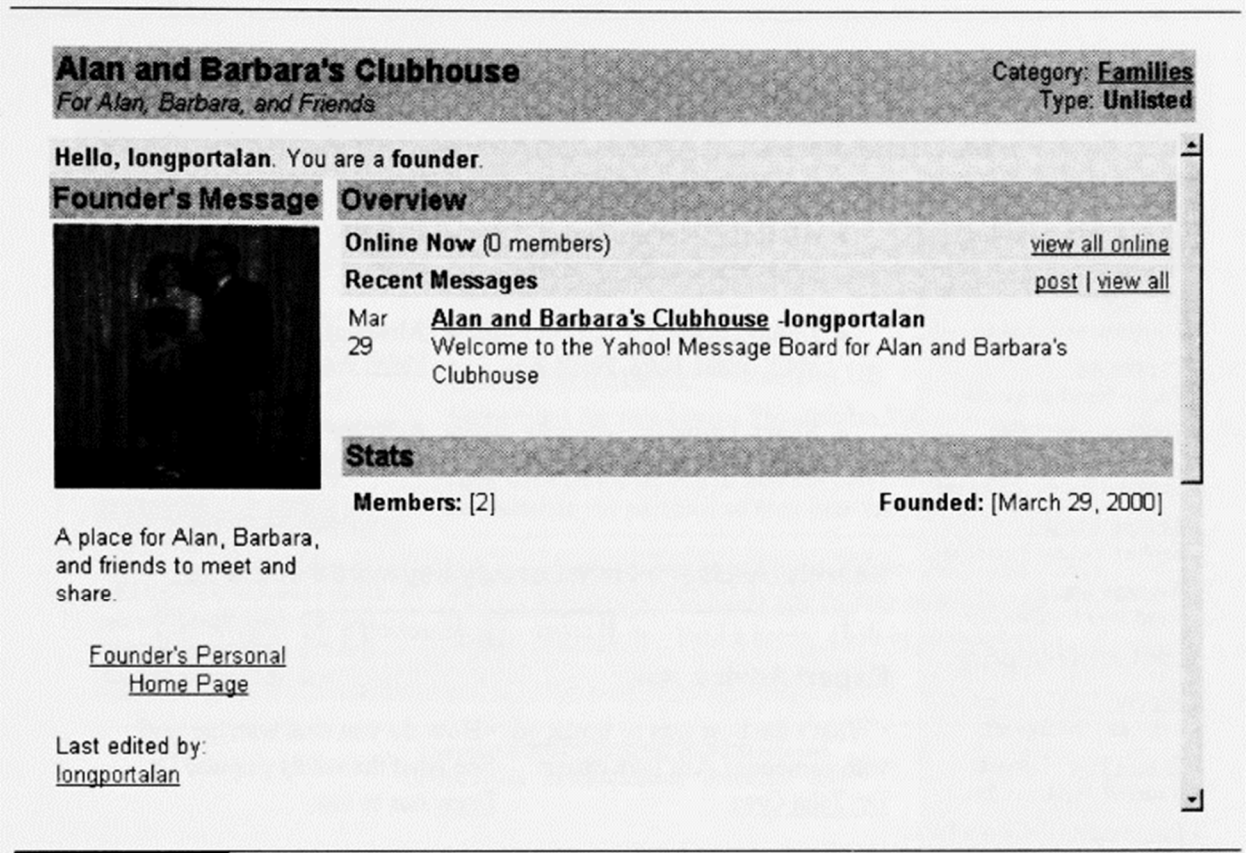


FIGURE 21-13 A Personal club

(Neibauer, p.483, Fig. 21-13.) As described in detail below, Neibauer discloses a method for managing information content because a club founder can manage the information on a club such as messages and photos shared with other members of the club. (Neibauer, pp.478-480.)

(a) "providing an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users;" (1[a])

Most of the key limitations of claim 1 are introduced in this limitation, and thus, will be covered in this section. The step of "**providing an interface**" takes

place in Neibauer when a web-based interface is provided to a club founder ("**a first user**") that allows the founder to create a new club.

More specifically, a member can click "**Create Club**" to cause a web-based form to appear asking for information about the new club:

> **Creating a Club**
>
> If you cannot find a club where your interests are discussed or you want to share information privately by means of a club, create your own club. As the club founder, you can invite others to join, delete members, control the contents of photo albums, and customize the photo and messages on the club's home page.
>
> To create a club, follow these steps:
>
> **1**. Navigate to the category in which you want the club to be listed.
> **2**. Click Create Club.
> **3**. In the form that appears, choose the identity you want to use as the club founder and Click Here to Continue. You see the form shown in Figure 21-12.
> **4**. Enter a name for the club.
> **5**. Optionally, enter your zip code. Choose the country if you are outside of the United States.
> **6**. Choose to create a Listed or Unlisted Club.
> **7**. Click Yes! I Accept.
>
> You'll see a page that tells you the club has been created. The page shows the club name and its Web address.

(Neibauer, pp.480-481 (bold in original).) The form shown in Figure 21-12

referenced in step **(3)** above, is reproduced below:

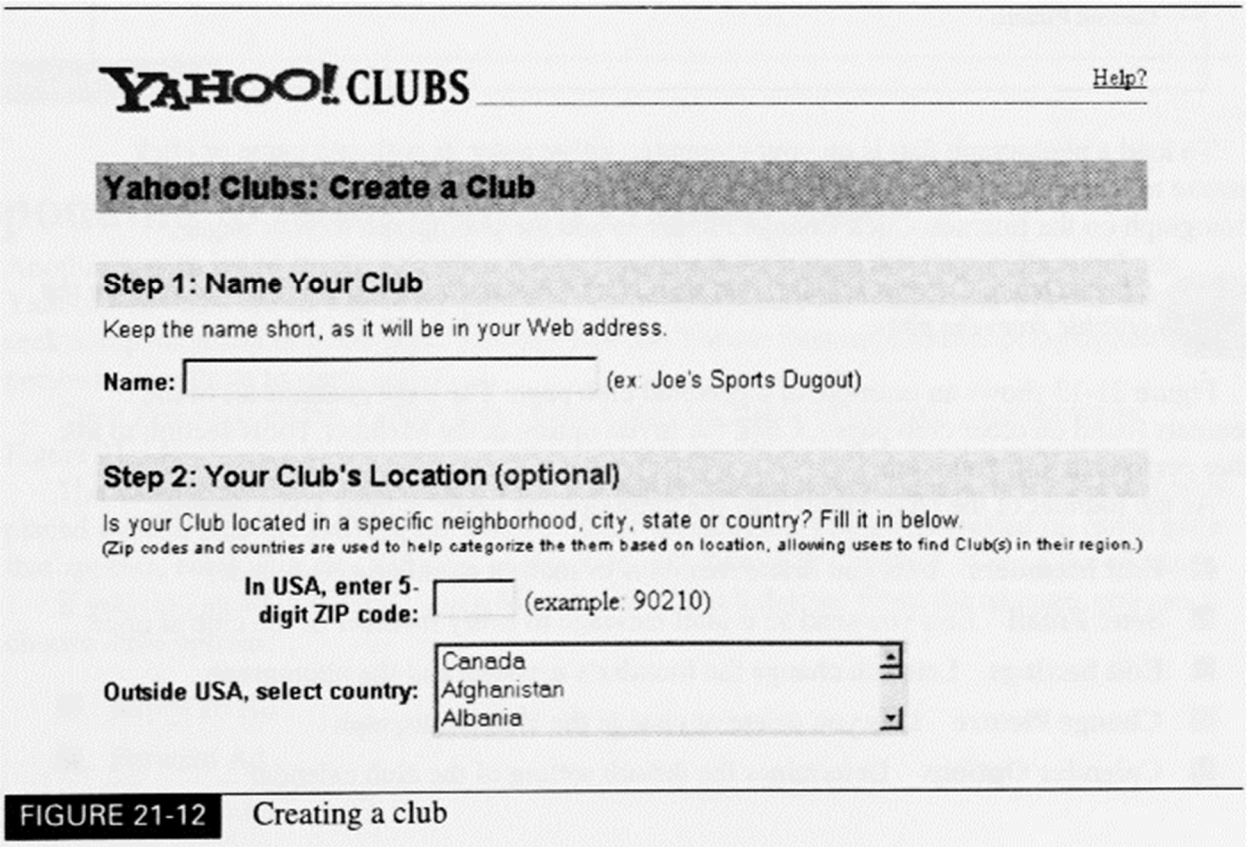


FIGURE 21-12 Creating a club

(Neibauer, p.481, Fig. 21-12.) After the user makes the required selections and then clicks "**Yes! I Accept**," as Neibauer explains:

> You'll see a page that tells you the club has been created. The page shows the club name and its Web address.

(Neibauer, p.481.)

For purposes of claim 1, the "**interface**" includes the user interface that the club founder ("**first user**") uses to create the club as discussed above. This interface also permits the club founder "**to control activation of a mobile information channel through which the user can share access to content with a plurality of**

additional users." Neibauer discloses three features that each independently discloses a mobile information channel.

First, Neibauer explains that the club will include a private message board. "A message board can be compared to a bulletin board on an office wall. It's a place to leave messages to others and to read their replies." (Neibauer, p.468.)

> **Club Messages**
> Every club has its own private message board. Recent messages posted to the board are shown on the club's home page. Click Post on the Recent Messages banner to add your own comment to the board, or click View All or Messages in the Our Pages section to access the entire board.

(Neibauer, p.477 (bold in original); *see also id.*, pp.469-471 ("Accessing Message Boards" section describing process for posting a new message).)

As a second example of a mobile information channel, Neibauer discloses a chat feature that allows users to engage in real-time messaging communications:

> **Club Chat**
> The Chat option in the Our Pages section opens a private chat area for club members. There is also a Chat section on the page that lists the members who are currently chatting. Click on the Chat section header to enter the Chat.

(Neibauer, p.479 (bold in original).)

Third, Neibauer discloses a photo sharing feature that allows club members to

share photos and other graphics:

> **Sharing Photographs**
>
> The Photos option in the Our Pages section lets members share photographs and other graphics. Each club is given 5 MB of space to store photographs. The photos are organized into up to 30 albums, each with no more than 24 photos.

(Neibauer, p.477 (bold in original).) In order to add a photograph to an album, the user identifies the location of the photo and enters a name and description. (Neibauer, p.478, ¶¶2-3.) Each of these club features discloses a mobile information channel "**through which the first user can share access to content with a plurality of additional users**," because each feature can be used for sending and receiving messages between club members (including the club founder) such as club message board or chat messages, or photographs. (EX1002, ¶¶88-92.)

Neibauer's disclosures are consistent with exemplary "**mobile information channels**" in the '801 patent. The '801 patent explains that mobile information channels or "M-channels" permit "unsophisticated users to easily and efficiently author message data or other types of information content to be made accessible via a collaborative workspace, a data mailbox, a collaborative community, or other type of mobile site or portion thereof generated or otherwise managed in the system **10**."

('801, 8:17-23.)[2] In fact, the '801 patent expressly identifies, as examples of mobile information channels, "discussion forum," "chat," and "photo blog" ('801, 8:34-44), which mirror the club message board, chat, and photo sharing features, respectively, described in Neibauer. Petitioner will provide a separate discussion below as to why the information channels in Neubauer qualify as "**mobile**" information channels, based on Neibauer alone and in view of Cheng.

The club founder in Neibauer can also "**control activation of**" the above mobile information channels via the "**interface**." As noted, after the founder makes the required selections for the club and clicks "**Yes! I Accept**" on the club creation form, the founder will "see a page that tells [them] the club has been created. The page shows the club name and its Web address." (Neibauer, p.482.) The founder therefore controls activation of each mobile information channel by taking actions to create a new club using the club-creation interface, which activates the given mobile information channel (*e.g.*, club message board, chat, photo sharing) by making it available through the newly-created club. (EX1002, ¶94; *see also* Neibauer, p.473 ("A *club* is a group of Yahoo! members who share a common interest. Each club has its own message board, chat room, as well as places to share photographs, news, addresses, and links.") (italics in original).)

[2] Except as otherwise noted, all emphasis in quotations was added by Petitioner.

Petitioner notes that it is unclear if the requirement that the interface permit the first user to "**control activation of a mobile information channel**," requires that the first user be able to use the interface to selectively choose a particular mobile information channel that be included with the club. But in the event it is determined by the Board or argued by Patent Owner that such a requirement exists, it would have been obvious in view of Miller.

Miller discloses a system similar to Neibauer for allowing users to create collaborative web-based environments. (Miller, Abstract, 0038:30-0039:12.) The process of creating a new environment is similar, in many ways, to the steps outlined in Neibauer. Miller discloses a number of web-based forms that allow the user to (among other things) specify a name and description for the environment (Fig. 13B) identify the members of the environment (Fig. 13C, 14A-C), and select the various communication features (*e.g.* bulletin board, etc.) that will be available for members (Fig. 16). (Miller, 0045:12-0046:27.) With respect to the selection of communications features, Miller discloses a user interface for allowing the user to select (from a list) the particular features that will be included in the collaborative environment. (Miller, Fig. 16, 0047:31-0048:9, 0042:29-32 ("The group creator selects from among these functions, preferably by way of an easy-to-use web browser interface, and these choices are stored in a database and associated with the group members.").) These selections are then used in creating the environment or

group. (Miller, 0043:3-6 ("In step 1104, the environment is created… to permit the group members to activate the functions selected for the group."); EX1002, ¶96.)

Rationale and Motivation to Combine (Neibauer with Miller): It would have been obvious to combine Neibauer with Miller, predictably resulting in the system and method for creating a club described in Neibauer, but with the "**interface**" further allowing the club founder to select and activate the particular communication features (including "**a mobile information channel**") provided for the club, to the extent this is a requirement of the claim. (EX1002, ¶97.) Neibauer and Miller are analogous references in the same field the same field as the '801 patent of network-based communication systems and information content management, and would have been reasonably pertinent to problems facing the inventors. (EX1002, ¶98.)

An ordinarily skilled artisan would have been motivated to combine Neibauer with Miller to enhance the flexibility and customizability of clubs in Neibauer. For example, it would have been obvious that certain club features available in Neubauer may not have been useful or desirable for some clubs. (EX1002, ¶99.) Allowing the club founder to select the particular features (*e.g.*, message board, chat, photo sharing, etc.) for inclusion in the club would have provided a clear advantage of allowing the club founder to customize and streamline the club to meet the needs of club members and further the purpose of the club. (*Id.*) As a further motivation to combine, Miller discloses many of the same features that Neibauer describes as

being available for clubs, including message boards (0047:20-33 ("Bulletin boards")), chat (0052:23-24 ("Chat groups")), contact list (0049:19-26 ("White pages")), among others. (EX1002, ¶99.) An ordinarily skilled artisan would also have had a reasonable expectation of success and could have implemented the proposed combination using conventional techniques, as the proposed combination involved nothing standard Web programming technologies. (EX1002, ¶100.)

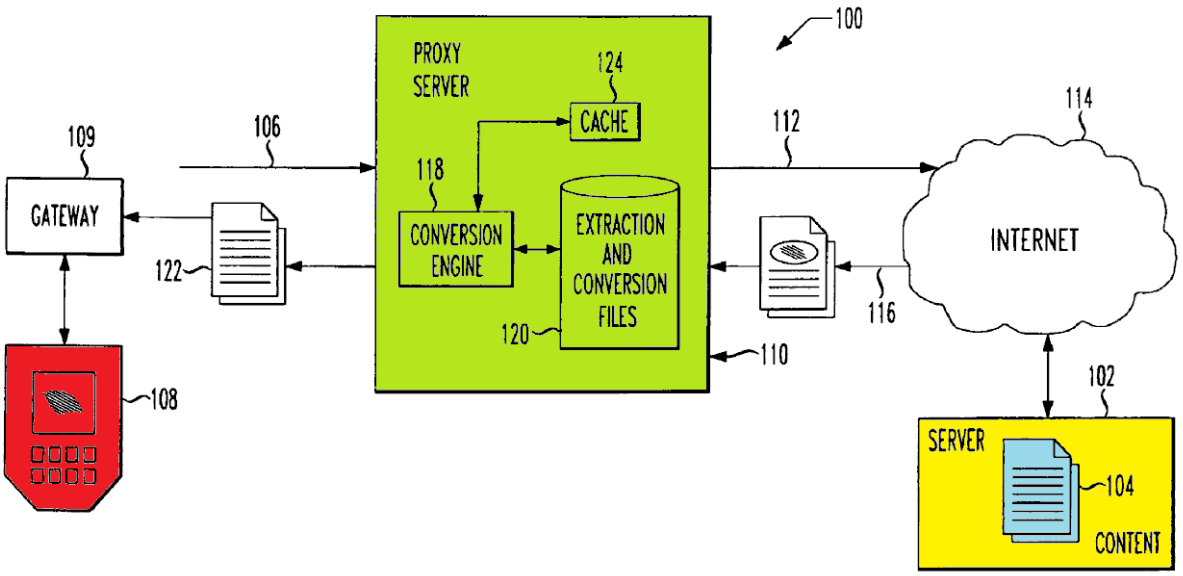
"Mobile" Information Channels: With respect to the word "**mobile**" in "**mobile information channel**," this adds nothing of significance because, as demonstrated below, it would have been obvious that each of the information channel features of Neibauer discussed above (*e.g.* club message board, chat, photo sharing) could have been provided to mobile devices. The '801 patent itself expressly defines a "mobile device" as including, among other things, a laptop computer. ('801, 4:38-48.) It was well-known that conventional laptop computers provided the same functionality as desktop computers and were able to run web browser software and visit web pages on the Internet. (EX1002, ¶101.) It therefore would have been obvious that the Yahoo! website, including the clubs feature discussed above, would have been accessible to a user of a mobile device such as a laptop computer, thus making each of the "**information channels**" in Neibauer accessible via a mobile device. (*Id.*)

And to the extent mobile device were construed as requiring a handheld

device, Neibauer itself discloses services such as "Yahoo! Mobile" and "Yahoo! To Go" that enabled content from Yahoo! services to be provided to mobile devices such as pagers, cell phones, web phones, and personal digital assistants (PDAs). (Neibauer, pp.166-174.) "Yahoo! To Go lets you receive Yahoo! information on your mobile device." (Neibauer, p.167.) For example, one option referred to as "Yahoo! On Your PDA" allowed users of browser-enabled PDAs to select particular Yahoo! content that would accessible from their PDA. (Neibauer, pp.171-174.) Although Neibauer does not expressly disclose that the Yahoo! Clubs feature was one of the Yahoo! features that could be made accessible via mobile devices, it would have been obvious to the extend mobile device functionality in Neibauer to cover that feature, in order to allow user-created clubs to be accessed by users via mobile devices. This would have been viewed as a logical (and obvious) extension to the existing mobile features described in Neibauer. (EX1002, ¶111.)

Information channels that are "**mobile**" would also have been obvious over Neibauer and in further view of Cheng. Cheng relies on an already-known technology known as "proxy servers," which were commonly used to provide security and interoperability between devices. (EX1002, ¶66.) Cheng relies on this proxy server concept to convert non-mobile webpages into a format accessible by mobile devices. Figure 1 illustrates one embodiment:

FIG. 1



(Cheng, Fig. 1 (color annotation added).)

The right side of Figure 1 above shows an origin web server **102** that contains original web page **104**. (Cheng, 3:36-37.) "The web page **104** is typically an HTML file with references to any component .wav, .mov, and/or Joint Photographic Experts Group (JPEG) files, which together comprise the web page **104**." (Cheng, 4:10-13.) "It is envisioned that each instance of web content **104** each have associated therewith a URL." (Cheng, 3:56-57.) Web page **104** in Cheng could have been any web page in HTML format reachable via the Internet, such as any web page from the Yahoo! website as described in Neibauer. (EX1002, ¶103.)

The left shows a mobile device **108** connected to proxy server **110**, optionally through gateway **109**. (Cheng, 3:33-36.) "Mobile devices **108** generally come in a variety of different sizes and have a variety of different screen interfaces… [T]he

present invention provides the ability to uniquely tailor web page **104** content for specific mobile devices **108**." (Cheng, 5:11-15.) Cheng explains that, in one example, mobile device **108** could be a mobile device with a Palm operating system that includes a web browser. (Cheng, 5:17-23, 2:8-15.)

The middle of Figure 1 shows proxy server **110** – the key feature of Cheng here. Proxy server **110** "'sits' between the clients (e.g., the mobile device(s) **108**) and the origin web server(s) **102** that provide Web content **104**." (Cheng, 3:31-33.) Cheng explains that proxy server **110** "obtains the code (e.g., HTML) of the user requested web page **104**, and modifies it at the proxy server **110** (once obtained)," which can include "reformatting and/or converting an entire web site or request specific Web content that is needed from the origin web server **102**." (Cheng, 3:41-48.) Proxy server **110** can also store a device profile for mobile device **108** based on the device and web browser types. (Cheng, 5:20-23.)

The general operation of proxy server **110** in Cheng is straightforward. As shown in Figure 1, mobile device **108** can issue a request **106** for an original web page **104** using standard HyperText Transport Protocol (HTTP), as was well-known in the art, with the request **106** being received by proxy server **110**. (Cheng, Fig. 1, 2:19-21, 3:58-67, 7:65-8:2; EX1002, ¶68.) "Upon determining that the requested page **104** resides at the server **102**, the proxy server **110** makes a request **112** for the page. As shown, the proxy server **110** and the server **102** are connected via a network

114 such as the Internet." (Cheng, 3:65-4:2; *see also id.*, 2:21-24.)

Proxy server **110** then converts and/or reformats original web page **104** into reformatted web page **122** (shown in Figure 1), which is transmitted to mobile device **108**. (Cheng, *e.g.*, 2:24-29, 5:46-49, 4:56-60.) "The designated HTML content of the retrieved web page **104** is extracted, subsequently and/or converted, and transmitted as a reformatted web page **122** to the mobile device **108**." (Cheng, 5:46-49; *see also id.*, 3:22-26.)

Rationale and Motivation to Combine (Neibauer and Miller with Cheng): It would have been obvious to combine Neibauer and Miller with Cheng, predictably resulting in the club features relied upon in Neibauer being made available to mobile devices over the Internet. Under the proposed combination, the web pages in Neibauer relied upon for claim 1, including the club creation page and form, home page, and additional pages that provide the claimed mobile information channels (*e.g.* club message board, chat, photo sharing) would have been converted and delivered to mobile devices using the techniques in Cheng. (EX1002, ¶108.)

The proposed combination would have been exceedingly straightforward as Cheng provides "bolt-on" functionality, with the proxy server capable of converting and reformatting any existing HTML-based web page into a format suitable for display on a mobile device. (EX1002, ¶¶109, 113-114; Cheng, *e.g.*, 2:30-32 ("The [reformatting] may be done for at least one of groups of devices, individual devices,

web site-specific conversions, or for all web sites.").) It would have been obvious that proxy server **110**, under the proposed combination, could have been operated by the same or a different entity from the operator of the origin web server. (EX1002, ¶109.) In any case, the proposed combination would not have required changing the underlying functionality in Neibauer – a feature that provides a further motivation to combine as discussed below. (EX1002, ¶¶109, 113-114.) Cheng is an analogous reference in the field of network-based communications systems and mobile devices, and would have been reasonably pertinent to problems facing the inventors including how to implement a system for making information content available to mobile devices. (EX1002, ¶110.)

An ordinarily skilled artisan would have been motivated to combine. As noted, Neibauer itself expressly suggests the proposed combination by disclosing services such as "Yahoo! Mobile" and "Yahoo! To Go" that enabled content from Yahoo! services to be provided to mobile devices. (Neibauer, pp.166-174.) A skilled artisan would also have been motivated to make the club features available to mobile devices to take advantage of growing popularity of mobile computing and mobile devices. (EX1002, ¶¶111-112.) Cheng explains that "users of wireless devices now demand that businesses deliver web content for viewing on desktop, or mobile/portable (e.g., handheld) devices." (Cheng, 1:18-22.) The '801 patent itself admits that "[o]ne of the most rapidly expanding aspects of wireless networking

involves the accessing of information content over wireless networks via web-enabled mobile devices," such as "mobile telephones, personal digital assistants (PDAs), palmtop computers, etc." ('801, 1:34-40.) Market forces would thus have motivated a skilled artisan to combine Neibauer with Cheng in order to provide the club functionalities described above to users of mobile devices. (EX1002, ¶112.)

Cheng provides a further express motivation to combine by explaining that the proxy server conversion method provides a "create-once, deliver anywhere approach" that eliminates the need to build and maintain separate web pages for different types of mobile devices and browsers. (Cheng, 2:8-19.) This would have provided a clear technological advantage by obviating the need to generate multiple different mobile versions of club-related pages, thus simplifying the implementation. (EX1002, ¶113.) As a further motivation to combine, the proxy server techniques in Cheng were already well-known and already deployed for the very purpose of converting web page content into formats suitable for mobile devices. (EX1002, ¶114.) A skilled artisan would also have had a reasonable expectation of success as Cheng relies on known and industry-standard technologies. (EX1002, ¶115.)

Addressing Proposed Constructions in Pending Litigation: As noted in **Part V** above, no construction is needed as the prior art discloses and renders obvious any of the proposed constructions. Petitioner nevertheless notes that "**mobile information channel**" is subject to an ongoing dispute in the pending litigation.

Patent Owner contends that this term should be given its plain and ordinary meaning, and if necessary, construed as "*a medium for transferring information that allows mobile device users to author content*" in the pending litigation. (EX1025, at 1-2.)

In order to streamline the Board's consideration of the prior art, to the extent any construction is deemed necessary, Petitioner for purposes of this IPR only is willing to adopt Patent Owner's construction of "**mobile information channel**." *E.g.*, *Glux Visual Effects Tech (Shenzhen) v. Ultravision Techs*, IPR2020-01052, Paper 28, p.33 (PTAB Nov. 17, 2021) ("*Western Digital* states, and we agree, that '37 C.F.R. § 42.104(b)(3) does not require [a p]etitioner to express its subjective agreement regarding correctness of its proffered claim constructions or to take ownership of those constructions,' such as in a district court proceeding.") (citation omitted). Patent Owner contends that this construction is supported by the plain language of the claim and the disclosures from the specification discussed above, as describing "M-channels" as providing categories of information content that can be communicated with mobile device users. ('801, *e.g.*, 5:25-29, 8:17-23, 8:34-44.)

This construction is satisfied by the proposed combination because, as discussed, the club message board, club chat and photo sharing information channels in Neibauer each provides an example of a medium for transferring information (such as textual messages, images, etc.) that allows club members to author content. (EX1002, ¶116.) These features would also have been made available to "*mobile*

device users" based on the proposed combination as detailed above.

Petitioner has argued in the litigation that "**mobile information channel**" should be construed as "*a virtual location at the content management site at which user-authored content may be added for transmission to the mobile web site*." (EX1025, at 1-2.) Petitioner has further argued that "*content management site*" within this construction means "*a web site that allows a user without programming to create and manage content on a mobile web site, or a portion thereof*." (EX1025, at 3.) These constructions are also satisfied by the proposed combination because, as discussed above, Neibauer discloses a web-based user interface for creating a club that provides a virtual location at a content management website, *i.e.*, the portions of the Yahoo! website for club creation and management that allow a club founder to create and manage content for the club. It would have been obvious that the club-creation interface could have further allowed the club founder to add user-authored content to the club, such as messages for the club message board, photos for the club photo album, and so forth. (Neibauer, pp.480-482 (describing how to create clubs and add content such as club name and photo); EX1002, ¶117.) This content would also have been made available on a "*mobile web site*, *or a portion thereof,*" *i.e.*, the club webpages delivered to mobile devices, under Neibauer alone or in view of Cheng. Petitioner has also provided a separate Ground 2 below, which adds the Harvey reference (**EX1010**), to address Petitioner's proposed construction of mobile

information channel, in the event it is adopted for purposes of this IPR and the prior art for Ground 1 is somehow found insufficient on this point.

(b) "activating the mobile information channel responsive to input received from the first user via the interface;" (1[b])

This limitation was largely covered by limitation 1**[a]** above. As discussed, after the club founder makes the required selections for the club and clicks "**Yes! I Accept**" on the club creation form ("**via the interface**"), the founder will "see a page that tells [them] the club has been created. The page shows the club name and its Web address." (Neibauer, p.482.) The system therefore activates the mobile information channel responsive to input received by the club creator via the club creation interface ("**responsive to input received from the first user via the interface**"), by making it available for use by the founder and other club members. (Neibauer, p.473 ("A *club* is a group of Yahoo! members who share a common interest. Each club has its own message board, chat room, as well as places to share photographs, news, addresses, and links.") (italics in original).) Under the further combination with Miller, the input by the club founder would have further included selection of the particular mobile information channel(s) to include in the club, to the extent required by the claim, and this input under the proposed combination would also have been received via the claimed interface. (EX1002, ¶¶97, 118.)

(c) "inserting content provided by the first user into the mobile information channel;" (1[c])

As explained for limitation 1**[a]**, each of the club message board, chat and photo sharing features described in Neibauer under the proposed combination ("**the mobile information channel**") supports messaging between the founder ("**the first user**") and the other club members. The "**content**" thus corresponds to the first user providing textual messages (with respect to the club message board and club chat mobile information channels), and photographs (with respect to the photo sharing mobile information channel). (EX1002, ¶119.)

For example, for the club message board mobile information channel, a club member (including the club founder) can post a new message by replying to a message in an existing message thread. (Neibauer, pp.470-472.) Figure 21-5 shows a user interface for allowing a club member to add a message to a message thread:

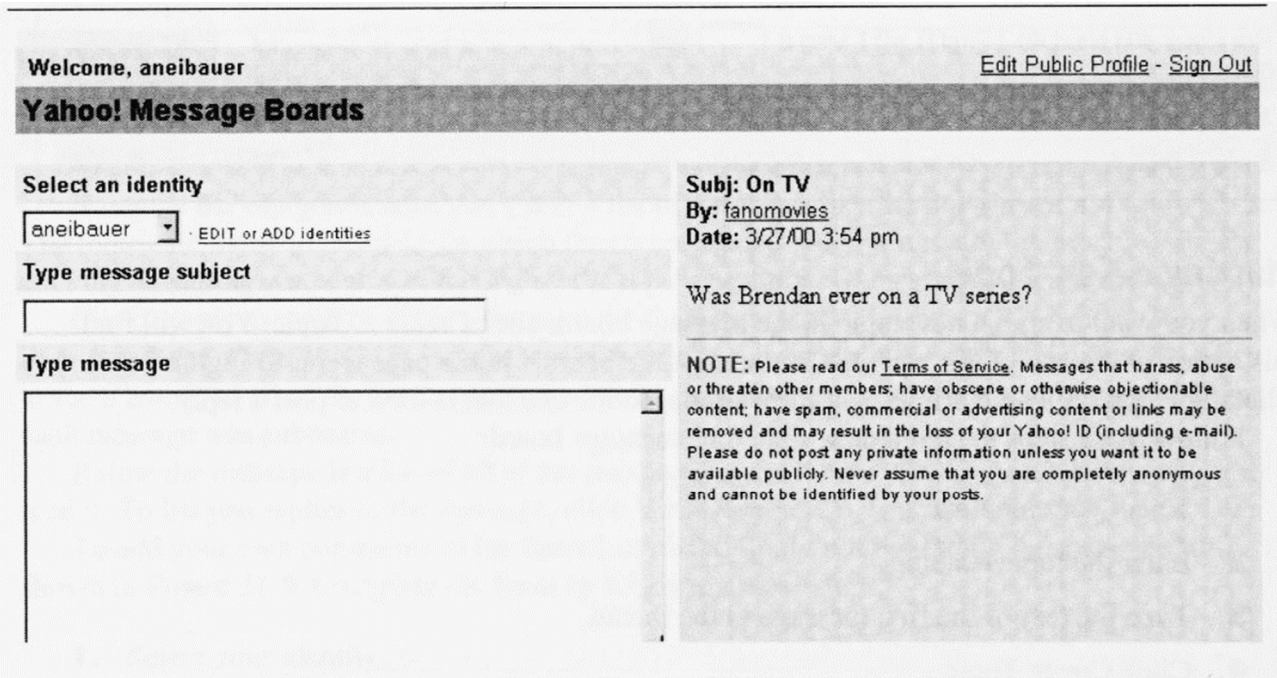


FIGURE 21-5 Replying to a message

(Neibauer, p.472, Fig. 21-5; *see also id.*, p.470 ("To add your own comments to the thread, click the Reply button. Doing so opens the form in Figure 21-5.").) A club member can also start a new topic which "brings up a form similar to the one that is used to post a reply," and which allows the user to input the topic heading and text of the first message in the thread. (Neibauer, p.471)

It would have been obvious that the content provided by the club founder ("**content**") would have been "**insert**[ed]… **into the mobile information channel**," as it would have been available through the club message board. (EX1002, ¶120.) (Neibauer, p.472, Fig. 21-4; *see also id.*, p.483, Fig. 21-13 (exemplary club page posted by club founder longportalan: "Welcome to the Yahoo! Message Board for Alan and Barbara's Clubhouse").))

A similar analysis applies to the club photo sharing feature. As noted, a club member (such as the club founder) can add a photo to a photo album by selecting a photo for upload. (Neibauer, pp.477-478.) It would have been obvious that the photo provided by the club member ("**content**") would have been "**insert**[ed]… **into the mobile information channel**," as it would have been available through the club photo sharing feature. (EX1002, ¶121; Neibauer, p.477, ¶1 ("If you are viewing the Photo Albums page, click Add Photo on the right side of the name of the album where you want to insert the photo.").)

And the same analysis applies to the club chat mobile information channel, because a club member (including the club founder) who is engaged in a private club chat can type in a message that will appear in the chat. (Neibauer, p.479.) It would have been obvious that the message provided by the club member ("**content**") would have been "**insert**[ed]… **into the mobile information channel**," as it would have been available through the club chat. (Neibauer, p.458 ("To enter a [chat] message, type it in the Chat text box and then press ENTER or click the Send button. Your name and message appears in the conversation box.").)

Finally, it would have been obvious that the "**content**" under each of the examples above would have been provided "**by the first user**," *i.e.*, the club founder, because the club founder, as with other club members, would have been permitted to provide content through the club message board, club photo sharing feature, or

chat features using the techniques described above. (EX1002, ¶123.)

(d) "receiving additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network;" (1[d])

The first part of limitation 1**[d]** is largely redundant of 1**[c]**. As explained, the club message board, club photo sharing and chat features allow receipt of additional content from other club members beyond the club founder ("**one or more of said additional users**"). (EX1002, ¶¶120-124.)

It would also have been obvious that the club members would have provided content relating to the mobile information channel "**via one or more respective mobile devices associated with at least one wireless network**," under the proposed combination, because club members would have accessed the club and its features (including the ability to add content) via mobile devices associated with a wireless network. For example, Neibauer discloses in connection with the Yahoo! Mobile service that a mobile PDA could have included a "GSM Phone" modem. (Neibauer, p.171, ¶5.) GSM, which stands for **G**lobal **S**ystem for **M**obile Communication, was a dominant wireless (cellular) mobile network in widespread use in the United States the early 2000s. (EX1002, ¶125.) Cheng similarly discloses wireless network device connectivity. (Cheng, *e.g.*, 2:4-7, 5:33 ("a cellular telephone"), 23:44-51 ("… wireless communication (e.g., radio frequency (RF), and the like)").)

It would have been obvious that the additional content would have been

received via mobile devices associated with a wireless network, such as a known cellular communications network (like GSM). (EX1002, ¶125.) A skilled artisan would have been motivated to allow mobile devices to provide content over a wireless network to take advantage of the growing popularity of mobile and wireless computing. (EX1002, ¶¶125, 112.)

(e) "inserting at least a portion of the additional content into the mobile information channel; and" (1[e])

For our purposes here, limitation 1**[e]** is largely redundant of 1**[c]**, as the content provided by other club members ("**the additional content**") would also have been inserted into the club message board, club photo sharing feature, or club chat, in the same way as content provided by the founder. All of the content insertion techniques described for limitation 1**[c]** apply to both the club founder ("**the first user**") and other club members ("**said additional users**"). (EX1002, ¶¶126, 120-122.)

(f) "integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network." (1[f])

The '801 patent does not define "**information associated with at least one wireless networking functionality of said at least one wireless network**," but provides examples. Dependent claim 7 states that the claimed information associated at least one wireless networking functionality comprises "**one or more**

messaging actions implementable over the wireless network." Claim 8 is similar but recites "**one or more collaboration actions implementable over the wireless network**." And dependent claim 2 recites that the information comprises "**location information**" of a mobile device. These same examples are also mentioned in the written description. ('801, 5:63-6:8.) The proposed combination discloses multiple examples of information associated with at least one wireless networking functionality that track the examples in the patent and satisfy limitation 1**[f]**.

Messaging or Collaboration Action: The patent places few if any restrictions on messaging or collaboration actions, and makes clear they include members posting and sharing information to facilitate collaboration. ('801, *e.g.*, 6:38-42 ("For example, the site can be used to generate messages, using instant messaging (IM), SMS, MMS, pages, emails, voice-over-IP (VoIP) calls, cellular telephone calls, or any other suitable messaging format, that are sent to organization members over the wireless network."), 6:46-49 ("Organization members can easily and efficiently post information and generate messages to other members so as to facilitate collaboration and other types of interaction.").)

As shown in the discussion of limitations 1**[c]-[e]**, any other club member can contribute additional new messages, photos and chat messages for the club message board, club photo sharing feature, and private chat ("**the mobile information channel**"), respectively. This additional information is associated with a

"messaging action" and "collaboration action" because it provides messaging content and makes that content available to the founder and other members, allowing them to collaborate on topics of interest. The proposed combination thus renders obvious "**integrating into the mobile information channel**," *i.e.*, the club message board, photo sharing feature, or chat, "**information associated with at least one wireless networking functionality of said at least one wireless network**," *i.e.*, a messaging or collaboration action by which another one or more club members (through their mobile device and over a wireless network) provide messaging content to other club members via the club. (EX1002, ¶129.)

Mobile Device Location Information*:* As noted, the '801 claims and written description also cover information specifying location information of a mobile device from which content was provided, which is obvious in view of Squibbs.

Squibbs describes a technique of recording and displaying data (such as photos) along with the location where the photo was taken. (Squibbs, Abstract.) Squibbs explains that digital cameras that included Global Positioning System (GPS) receivers were known in the art, as were systems that could display the location where the photo was taken on an electronic map. (Squibbs, ¶¶0003-0004.)

Squibbs discloses a photo album system that allows a user to capture and record digital images, which can be associated with the physical location where they were taken. An overview of the system is shown in Figure 3:

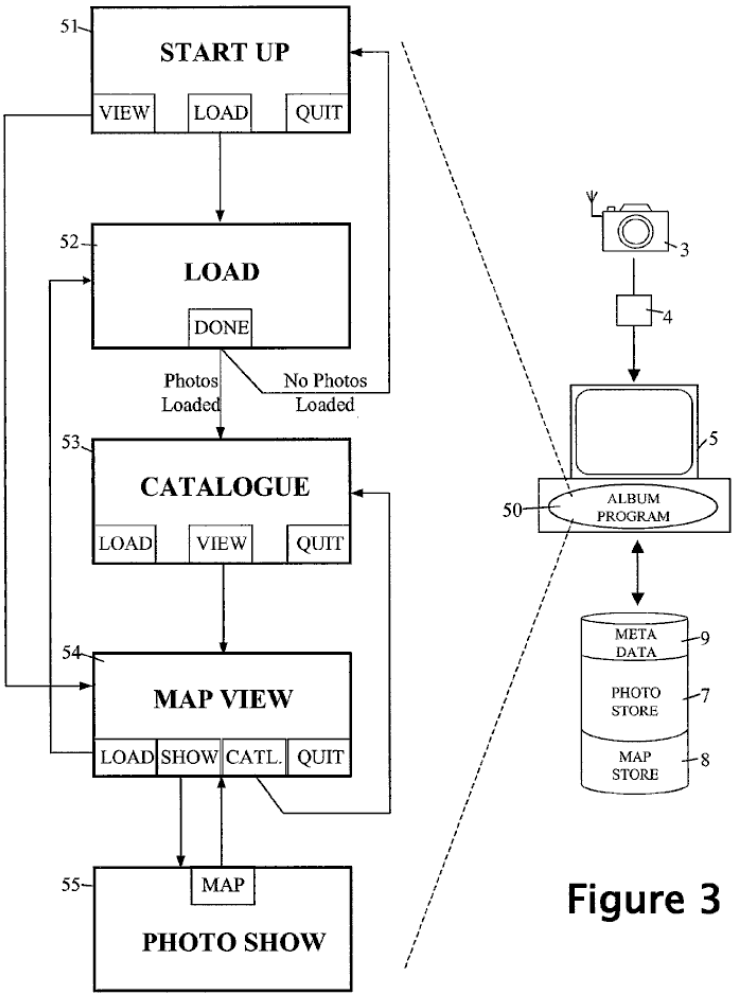


Figure 3

(Squibbs, Fig. 3.) As further explained in Squibbs, with reference to Figure 3:

> FIG. 3 depicts a photo system in which a digital camera **3** provided with location determining means (such as a GPS receiver) is used to generate digital photos **4**, each photo (also referred to as 'image data') **4** being stamped with location data indicating where the photo was taken… The photos and their meta data are downloaded by any suitable means (USB connection, removable storage device, etc) into a PC **5** where an album program **50** serves to store the photos in a photo store **7** and the photo meta data in a meta-data database **9**… The album program also has access to a map store **8**. The stores **7** and **8** and the meta-data

database can be on the PC or external.

(Squibbs, ¶0031.)

Album program **50** allows the user to "catalogue, manage, and view their photos through a map-based interface, the photos being represented on a displayed may by a marked indicating the location where they were taken." (Squibbs, ¶0032.) It comprises "five main operating modes **51** to **55**," as shown. (Squibbs, ¶0033.) For example, Load Mode **52** allows the user to download data from camera **3**, and Catalog Mode **53** allows the user to manage newly loaded photos using a map-based display, and Map View Mode **54** allows the user to browse the photo album and select photos for viewing. (Squibbs, ¶¶0033, 0035-0036.) Figure 6 shows a display generated by the album program in Catalog Mode **53** (Squibbs, ¶0064):

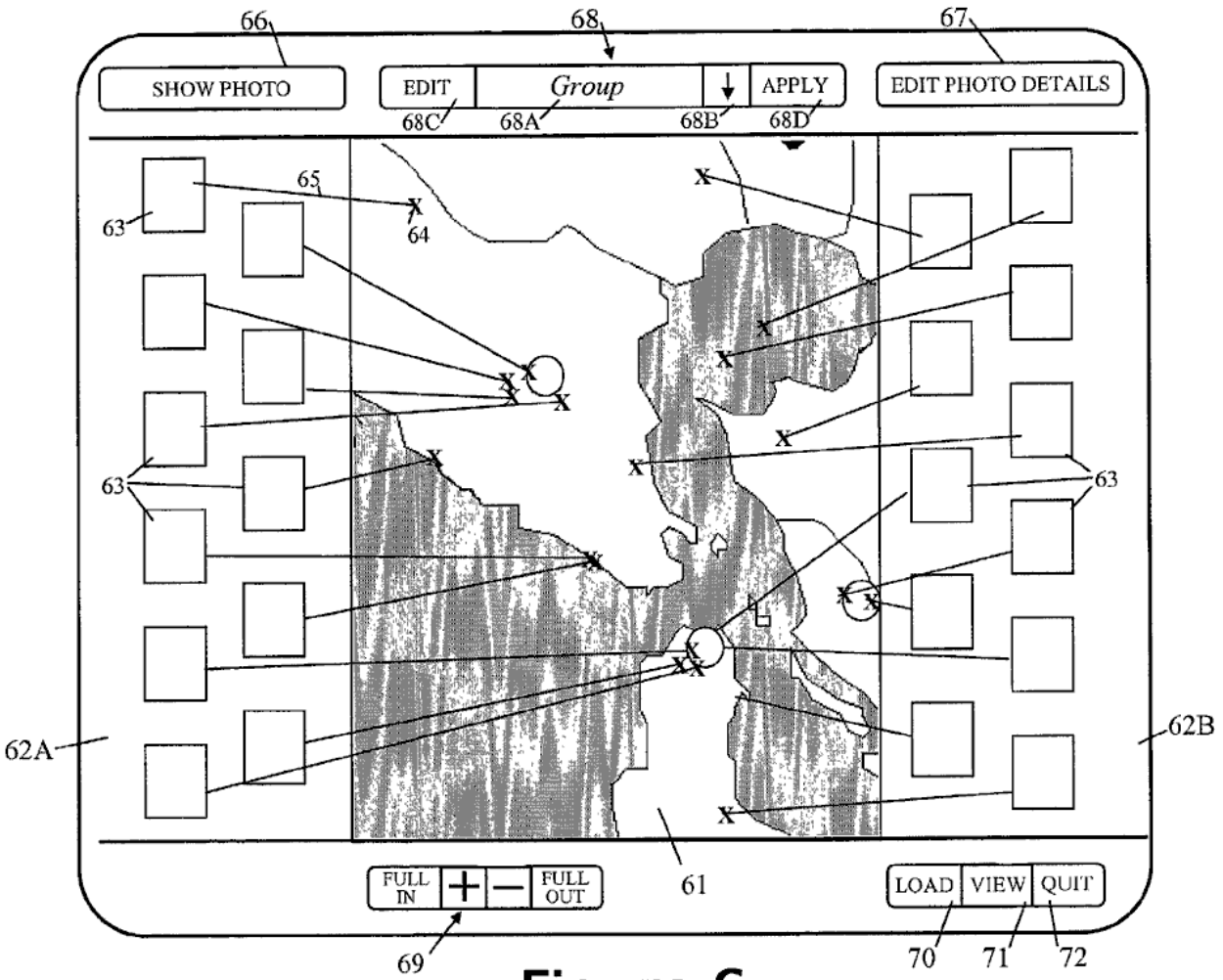


Figure 6

(Squibbs, Fig. 6.)

Figure 6 shows a central map area **61** which "is sufficient to encompass the locations registered for the newly loaded batch of photos." (Squibbs, ¶0064.) "A thumbnail **63** of each new photo is shown in one or other of the margin areas **62**A, B and a lead line **65** connects each thumbnail **63** to a corresponding marker **64** showing on the map the location where the photo was taken." (Squibbs, ¶0064.) Figure 6 also shows an upper control bar with, from left-to-right, Show Photo Control **66** for displaying the photo corresponding to a selected thumbnail **63**, Group

Control **68** for creating groups and assigning a photo to one or more groups, and Edit Photo Details Control **67** for displaying and editing the details of a selected thumbnail. (Squibbs, ¶¶0065-0068.)

Figure 7 shows a display generated by the album program in Map View **54** (Squibbs, ¶0074):

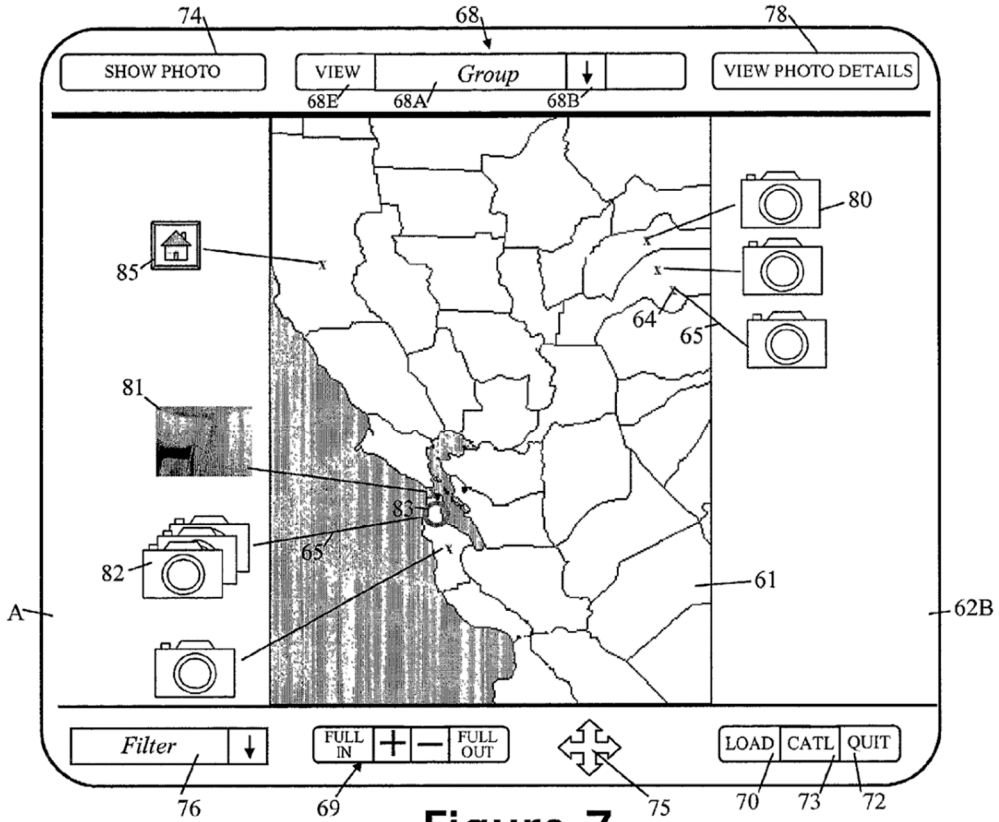


Figure 7

(Squibbs, Fig. 7.)

The Map View mode in Figure 7 allows a user to browse the album. (Squibbs, ¶0074.) Squibbs explains that "[t]he starting map displayed in the Map View Mode is, for example, a world map or a map encompassing the locations of all the photos recorded in the album; alternatively, the map displayed could be the same map as

being used in the Catalogue Mode before transiting to the Map View Mode." (Squibbs, ¶0075.) Figure 7 shows photos represented "either as thumbnails **81**, individual photo icons **80**, group icons (see current-abode group icon **85**), or concentration icons (see icon **82**)." (Squibbs, ¶0075.) Squibbs also discloses (in Figure 8) the ability to display a full-size image of a photo selected from the Map View Mode. (Squibbs, ¶0091, Fig. 8.)

Squibbs discloses a number of ways in which a photo can be associated with location data. In the example in Figure 3, the digital camera itself has a built-in GPS receiver. In another embodiment of Figure 11, a digital camera **90** transmits the photo image data to a cell phone **20**, which in turn uploads the image data over a cellular connection to service system **40** for storage on network store **43**. (Squibbs, ¶0101, Fig. 11 (showing transfer **105**); *see also id.*, ¶0031 (noting that the photo store can be "external").) The cell phone, when uploading photo image data, also transmits location information. (Squibbs, ¶0101.) Squibbs explains that the cell phone can determine location information in a number of ways, including from "a location server of the mobile radio infrastructure," or using "a GPS system built into the cell phone." (Squibbs, ¶0098; *see also id.*, ¶0101.)

Rationale and Motivation to Combine (Neibauer, Miller and Cheng, with Squibbs): It would have been obvious to combine Neibauer, Miller and Cheng with Squibbs, predictably resulting in the system and method for creating a club described

above, but with the claimed "**mobile information channel**" integrating "**information associated with at least wireless networking functionality of at least one wireless network**," *i.e.*, the location information associated with a photo taken and uploaded by a club member. (EX1002, ¶139.)

For example, under the proposed combination, when a club member uploads a photo using the club photo sharing feature in Neibauer, the mobile device would not only upload the photo image data (for example, obtained from a digital camera), but also transmit geographic location associated with the photo.[3] (EX1002, ¶139.) Although claim 1 does not recite any specifics for how "**integrating**" wireless network functionality information into a mobile information channel must take place, under the proposed combination, it would have been obvious to adapt the club photo sharing feature to also display location information associated with photos uploaded by club members, for example, via a map-based user interface similar to the one described in Figures 6-7 of Squibbs discussed above. (EX1002, ¶140.) Under the proposed combination, therefore, the club photo sharing feature would have been further adapted to display location information (for example on an

[3] Squibbs discloses an embodiment of a digital camera that is separate from the cellular phone used to upload photo image and location data. (Squibbs, Fig. 11, ¶0101.) Although not required by claim 1, the ability to incorporate digital cameras into mobile devices with GPS capabilities was known. (EX1002, ¶139 n.3.)

electronic map), in association with the photos. This would also have been seen as a natural extension of map features already disclosed in Neibauer, as discussed below. (EX1002, ¶¶140, 142.) Squibbs is an analogous reference in the same field as the '801 patent and would have been reasonably pertinent to problems facing the patent inventors, including how to obtain location information and integrate it into a mobile information channel. (EX1002, ¶141.)

An ordinarily skilled artisan would have been motivated to combine in order to improve the user experience of club members who use the photo sharing feature. (EX1002, ¶142.) The ability to associate a location with a digital photo would have provided a clear benefit by improving the classification and enjoyment of uploaded photos. Squibbs explains that classification of photos "has long been a problem due to the effort involved in maintaining any organisation of the photos." (Squibbs, ¶0002.) Geographic location would have provided a clear way to classify digital photos, allowing club members to better understand the context behind the photo and identify objects in it. (EX1002, ¶142.)

Neibauer provides a further suggestion to combine with Squibbs by disclosing a Yahoo! Maps feature that allows users to request and view electronic maps. (Neibauer, pp.222-224.) Neibauer further describes how a user can annotate a map to identify objects of interest on the map, such as the user's house and the location of an upcoming event. (Neibauer, pp.226-228, Fig. 10-5 (showing "My House" and

"The picnic is here").) The annotation described in Neibauer is similar to the functionality in Squibbs, and in any case, the fact that Neibauer already discloses the ability to display electronic maps – and suggests annotating those maps to show location of objects and events within the map – confirms that Neibauer and Squibbs are naturally combinable and that a skilled artisan would have been motivated to do so. (EX1002, ¶142.) A skilled artisan would also have had a reasonable expectation of success, as Squibbs relies on existing technologies and could have been implemented using conventional techniques. (EX1002, ¶143.)

2. Claim 2: "The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises location information of a given one of the mobile devices from which at least a portion of the additional content is received."

As just explained, under the proposed combination in view of Squibbs, when a club member uploads a photo via their mobile device ("**the additional content**") to the club photo sharing feature in Neibauer, the location from where the photo was received would also have been provided.

3. Claim 3: "The method of claim 1 wherein integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining location information of a given one of the mobile devices from which at least a portion of the additional content is received; and inserting content into the mobile information channel based on the obtained location information."

Claim 3 was also covered in the discussion of limitation 1**[f]**. Under the

proposed combination in view of Squibbs, when a club member uploads a photo via their mobile device to the club photo sharing feature in Neibauer, the mobile device would have "**obtain**[ed] **location information**" (*e.g.* via GPS or mobile radio infrastructure) of the mobile device that is used to upload the photo. (Squibbs, ¶¶0101, 0098.) The proposed combination, moreover, would have resulted in "**inserting content into the mobile information channel based on the obtained location information**," because the mobile information channel would have displayed a map-based view ("**content**") based on the mobile device location, as described in Squibbs and fully explained for limitation 1**[f]**.

4. Claim 4: "The method of claim 1 wherein integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining product-identifying information over said at least one wireless network; and inserting content into the mobile information channel based on the obtained product-identifying information."

As noted, the '801 patent makes clear that information associated with at least one wireless networking functionality can comprise a "messaging action" or "collaboration action" implemented over a wireless network. ('801, 5:63-6:8, Claims 7 & 8.) Claim 4 is obvious in view of the Yahoo! Classifieds feature in Neibauer, and the bulletin board in Miller.

First, Yahoo! Classifieds, described in the same chapter of Neibauer as Yahoo! Clubs, provides a feature for allowing users to post messages about items

they wish to sell or purchase. (Neibauer, p.491.) This is shown in Figure 21-20

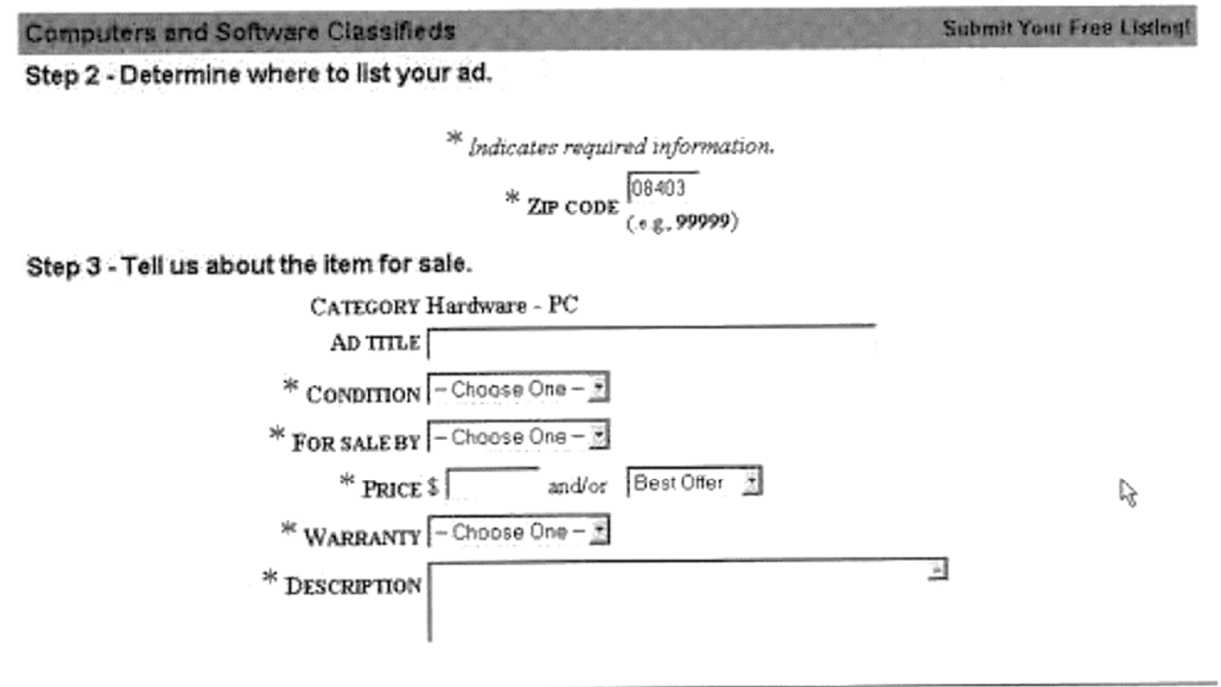


FIGURE 21-20 Posting a classified ad

(Neibauer, p.491, Fig. 21-20.) As shown, a user posts an advertisement by entering product-identifying information such as in the ad title or description. (*Id.*)

It would have been obvious to apply the Yahoo! Classifieds teachings to the club message board feature, predictably resulting in the club message board being used by club members to post messages relating to items they are offering for sale. (EX1002, ¶¶147-148.) *See also Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 991 (Fed. Cir. 2009) ("Combining two embodiments disclosed adjacent to each other in a prior art [reference] does not require a leap of inventiveness."). Moreover, use of the club message board to post advertisements is expressly

suggested by Miller, which discloses a bulletin board with substantially similar functionality to the club message board. (Miller, Fig. 2, 0048:20-33.) "A bulletin board… lists notices posted by group members, which may be offers to buy or sell, but need not be limited to such offers." (Miller, 0048:20-22.)

It thus would have been obvious that one or more messages posted in the club message board ("**the mobile information channel**") could have included information identifying a product being offered for purchase or sale ("**product-identifying information**"). (EX1002, ¶¶147-148.) This information would have been obtained "**over said at least one wireless network**," because it would have been obtained from the club member posting the listing via a mobile device connected the wireless network. The proposed combination would also have resulted in "**inserting content into the mobile information channel based on the obtained product-identifying information**," because the product-identifying information would have been included in the title and/or body of the message, which would have been available through the club message board. (EX1002, ¶148.)

5. Claim 5: "The method of claim 4 wherein inserting content into the mobile information channel based on the received product-identifying information comprises inserting information relating to at least one of product ordering and product purchase support."

As explained for claim 4, the inserted content would also have comprised pricing and sales conditions information ("**product ordering**") and warranty

information from the seller ("**product purchase support**"). (Neibauer, p.491 ("Complete the form by describing the item and your sales conditions, and then click Submit Entry."), Fig. 21-20 (Condition, Price, and Warranty information).) It would have been apparent and obvious that many other well-known types of product ordering or purchase support information could have been provided, including whether the seller accepted returns or all sales were final, who payment and delivery/shipping were to be effectuated, among others. (EX1002, ¶149.)

6. Claim 6: "The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises location-based service information."

As fully explained for limitation 1**[f]**, the information associated with at least one wireless networking functionality would have comprised location-based service information, *e.g.*, the location of the user as obtained either through the mobile radio infrastructure or via GPS. (Squibbs, ¶¶0098, 0101.)

7. Claim 7: "…one or more messaging actions"

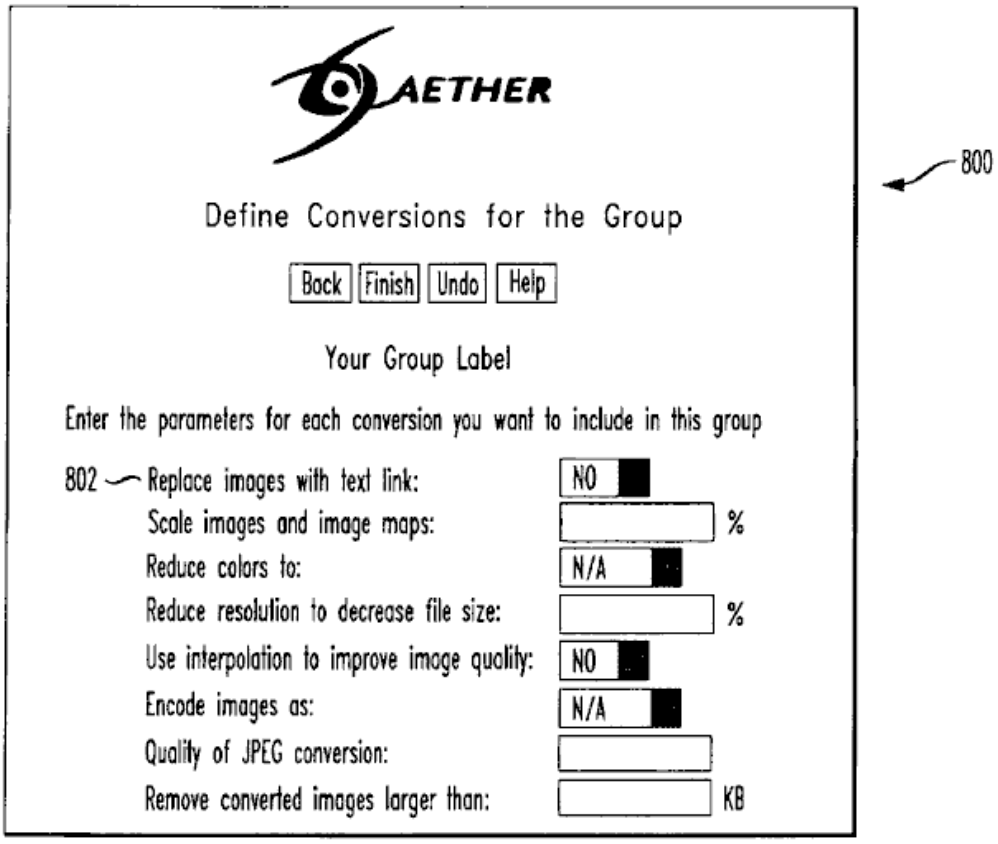
8. Claim 8: "…one or more collaboration actions"

As fully explained for limitation 1**[f]**, the information associated with at least one wireless networking functionality can comprise either "**one or more messaging actions**" or "**one or more collaboration actions**," both of which would have been implemented over the wireless network, as recited in claims 7-8.

9. Claim 9: "The method of claim 1 further comprising providing one or more content integration options to the first user and the plurality of additional users."

As explained for limitation 1**[a]**, one of the mobile information channels available in Neibauer is a club photo sharing feature. (Neibauer, pp.477-479.) Neibauer explains that, in connection with uploading a photo, the member has the option of resizing the photo. (Neibauer, p.478, ¶4 ("Select an option from the Resize Photo section. Resizing allows Yahoo! to adjust the photograph to make better use of the club's Web space and make photos easier to view.").) Cheng similarly discloses that images can undergo a number of user-selected conversions:

FIG. 8



Define Conversions for the Group Page

(Cheng, Fig. 8.)

As shown, the user can define a number of conversions to reduce the size of an image including, among other things, scaling, color reduction, resolution reduction, and reducing the quality of the JPEG image conversion, among other things. (Cheng, 10:63-11:19.) The user can also specify a maximum file size for a converted image. (Cheng, 11:17-19, 12:47-50.)

It would have been obvious to also include these conversion options from Cheng with the photo sharing feature of Neibauer (along with its existing resizing capability), to provide further control over the conversion of images for display on mobile devices. (EX1002, ¶153.) Any one of the conversion options disclosed in Neibauer alone or in combination with Cheng qualifies as a "**content integration option**," because each option allows club members to specify how uploaded photos will be transformed before being integrated into the photo sharing feature. (*Id.*)

10. Claim 10: "The method of claim 9 wherein the one or more content integration options are based in part on respective wireless networking functionalities available to the first user and the plurality of additional users."

The content integration options would also have been based, at least in part, "**on respective wireless networking functionalities**" available to the club founder and other club members. This is because the "**content integration options**" address bandwidth limitations of mobile devices by reducing the size of photos, thus reducing the amount of data that needs to be sent to those devices.

The option to specify a maximum image file size discussed for claim 9, for

example, allows the user to specify that images greater than a certain size will not be transmitted to mobile devices. (Cheng, *e.g.*, 11:15-19, 12:48-50.) Cheng explains that maximum image file size "can be based on the type of Internet connection the mobile device **108** uses. For example, if the mobile device **108** has a slow connection, the conversion engine **118** can be configured to omit images over a specified size. If the mobile device **108** has a faster connection, larger file size value can be specified." (Cheng, 12:50-55.) This content integration option is thus based in part on the wireless networking functionalities of the wireless devices of the club founder and the other club members. (EX1002, ¶154.)

It would have been obvious that the same rationale would have applied to the other content integration options, including image resizing as disclosed in Neibauer, as well as image scaling, color reduction, resolution reduction, and reducing the quality of the JPEG image conversion in Cheng. (EX1002, ¶155.) Each of these options would have allowed the club founder and other club members to tailor their uploaded content based on the bandwidth limitations of their mobile devices, thus conserving network bandwidth, improving performance, and overall enhancing the user's experience. (EX1002, ¶155.)

11. Claim 11: "The method of claim 1 wherein the additional content is associated with the mobile information channel via one or more user-activatable control mechanisms."

12. Claim 12: "The method of claim 11 wherein the one or more user-activatable control mechanisms comprise a hyperlink."

Neibauer discloses multiple examples where content provided by other club members ("**the additional content**") is associated through a user-activatable control mechanism such as a hyperlink. With respect to the example of a "**mobile information channel**" of a club message board, a club member can write a new message and "[c]lick the Post Message button" to add it to the message board. (Neibauer, p.471, ¶4.) Clicking on this button (*i.e.* a "**user-activatable control mechanism**") adds ("**associates**") the new message ("**the additional content**") with the club message board ("**the mobile information channel**"). Additionally, club members can view the message by clicking on its topic. (Neibauer, p.470 ("Click a topic to read the first message in the thread, as shown in Figure 21-4."), p.477 ("… click View All or Messages in the Our Pages section to access the entire board.").)

Similarly for the "**mobile information channel**" of a club photo sharing feature, a club member can specify a photo file, enter a name and description, and "click Upload to move a copy of the photo into the club's Web space." (Neibauer, p.478, ¶¶2-4.) As with the club message board, clicking the Upload link associates the new photo with the photo sharing feature. Additionally, club members can view the photo by clicking on the photo's title. (Neibauer, p.477.)

And finally, for the "**mobile information channel**" of a club chat, a club member participating in the chat can type in a textual message and click "Send" to send that message to other members. (Neibauer, p.458 ("To enter a message, type it in the Chat text box and then press ENTER or click the Send button. Your name and message appears in the conversation box.").) Additionally, club members can view the chat by clicking on the chat feature from the club page. (Neibauer, p.479 ("Click in the Chat section header to enter the Chat.").)

In each of these examples, content is associated with the mobile information channel, *e.g.*, by being added to or displayed through the club message board, photo sharing feature, or chat, by a user-activatable control mechanism. It would also have been obvious that the user-activatable control mechanism comprises "**a hyperlink**," as recited in claim 12, because it is a clickable element that causes the website to take action and change the display to the user, for example, by showing the newly added content in the mobile information channel. (EX1002, ¶160.) Neibauer explains that [a] *hypertext link*, better known as a *hyperlink*, is a graphic or line of text that you can click to move to another Web location." (Neibauer, p.116 (italics in original).) This statement is consistent with how a skilled artisan would have understood "**hyperlink**" as recited in claim 12, and each of the mechanisms discussed above qualifies as a hyperlink. (EX1002, ¶160.)

13. Claim 13: "The method of claim 1 wherein inserting at least a portion of the additional content into the mobile information channel comprises inserting advertising content into the mobile information channel along with said portion of the additional content."

Neibauer discloses that a club can also be used to distribute advertising content to other club members, along with user-provided content, under two theories. First, Neibauer discloses displaying advertising on club pages:

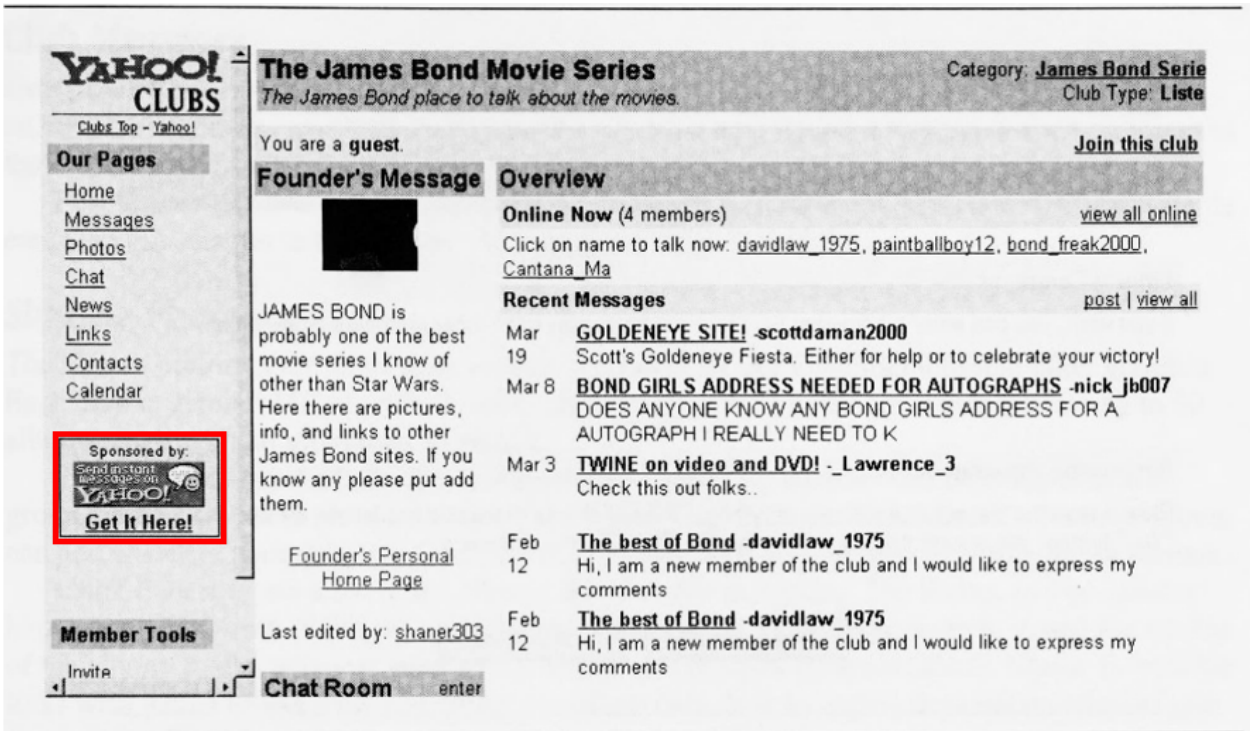


FIGURE 21-8 Club page

(Neibauer, p.475, Fig. 21-8 (red box added).) As shown in the red box, an advertisement shows that the club was sponsored. The advertising content is also shown accompanying the club message board ("**mobile information channel**"). This is consistent with Miller, which confirms that it would have been obvious to include advertising content on a web page. (Miller, 0049:1-5.) Distributing

advertising content via a web page was a well-known. (EX1002, ¶162.)

Second, claim 13 is obvious for the same reasons as claim 4, as it would have been obvious for messages posted in the club message board to have included advertising content posted by the founder or other club members, such as offers to buy or sell items. (EX1002, ¶¶146-148, 163.) Neibauer, as noted, discloses a classified ads system for such messages. (Neibauer, p.491; EX1002, ¶147.)

In both cases, the advertising content would have been inserted "**along with said portion of the additional content**." In the first example of Figure 21-8 of Neibauer, the sponsorship advertisement appearing on the club page ("**advertising content**") was inserted alongside messaging content in the club message board. In the second example described above, advertising messages by club members would have appeared along with other messages on the club message board. Each of these two examples thus discloses advertising content being inserted "**along with said portion of the additional content**," *i.e.*, along with other messages in the club message board posted by other club members. (EX1002, ¶164.)

14. Claim 14: "The method of claim 1, wherein at least a portion of the additional content is obtained from a device-captured data source of the given user, the device-captured data source comprising a source of at least one of device-captured video data, device-captured audio data and device-captured location coordinates."

It would have been obvious that the additional content would have been obtained from a "**device-captured data source of the given user**" that includes at

least a source of "**device-captured location coordinates**."[4] As noted for claim 1, Neibauer discloses a photo sharing feature for uploading and sharing photos. (Neibauer, pp.477-479.) Under the proposed combination with Squibbs, as explained for limitation 1**[f]**, photos uploaded by the user would have included location coordinates associated with the photo. (Squibbs, Fig. 4 (showing "LOCATION COORD" field for photo), ¶0049 (referring to "the coordinates provided by the location data").) These coordinates are "**device-captured**" because they were captured by the mobile device. (Squibbs, ¶0098.)

15. Claim 15: "The method of claim 1 wherein the mobile information channel comprises a collaborative workspace."

As explained for limitation 1**[a]**, the mobile information channel can include, for example, a club message board, club photo sharing feature, or club chat. Each of these features "**comprises a collaborative workspace**," because each provides a location within the club where club members can communicate and collaborate on topics of interest. (EX1002, ¶¶166, 88-92.)

16. Claim 16: "The method of claim 1 further comprising permitting the first user to establish a title for the mobile information channel."

As fully explained for claim 1, one of the steps for creating a club involves the club founder ("**the first user**") providing a title or name for the club. (Neibauer,

[4] The term "**the given user**" in claim 14 appears to have no antecedent basis in claim 1, and thus, has been interpreted as "**the first user**" of claim 1.

e.g., p.481, ¶4 ("Enter a name for the club.").) This name is then used as the title for the club page containing the mobile information channels:

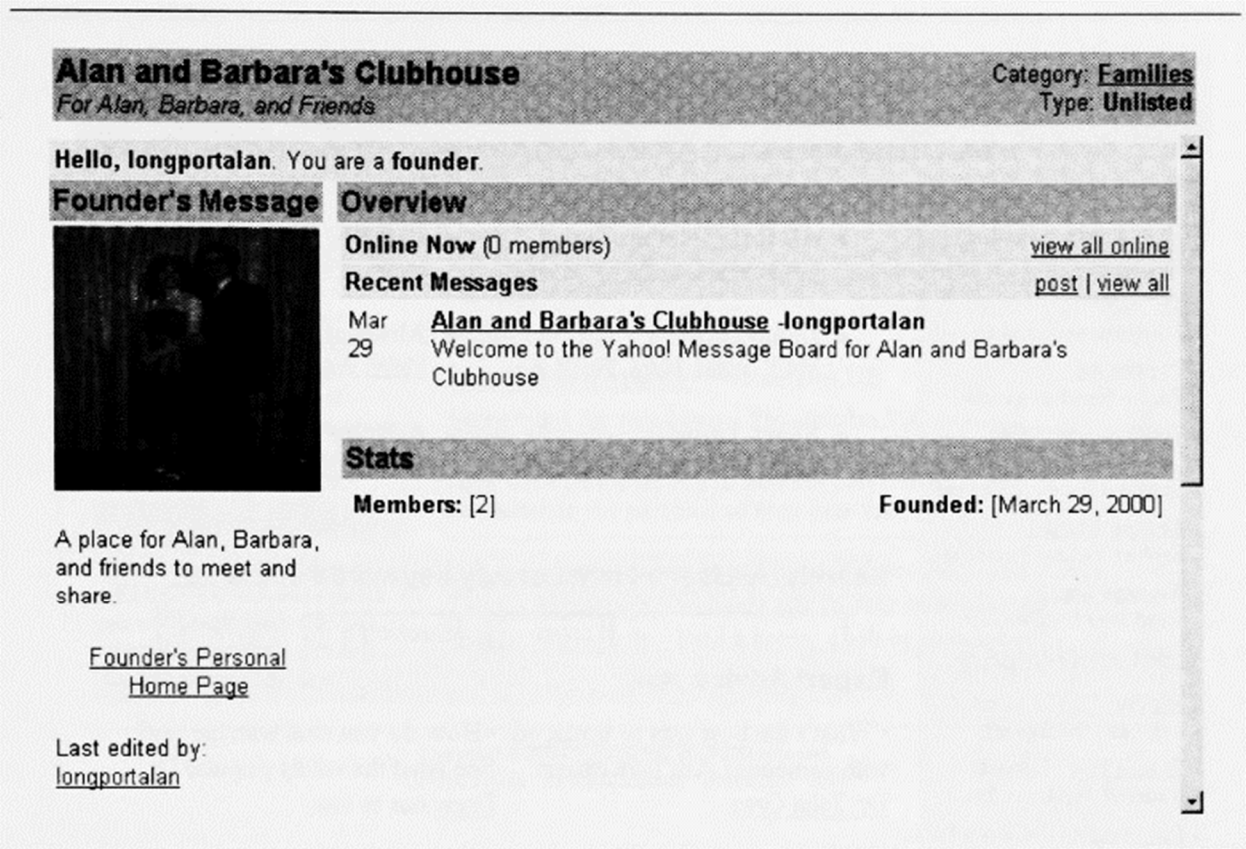


FIGURE 21-13 A Personal club

(Neibauer, p.483, Fig. 21-13.) "Figure 21-13 shows an example of a personal club page. The page contains all of the elements found on other club pages." (Neibauer, p.482.) As shown, the title of the club page in this example is "**Alan and Barbara's Clubhouse**," which serves as a title for the club and thus all of its mobile information channels. As shown in Figure 21-13, this title also serves as the title for the club message board information channel itself, shown on the club home page.

Neibauer discloses other examples in which the first user can establish a title

for a mobile information channel. With respect to the club photo sharing feature, the user can create a new photo album and "enter an album name." (Neibauer, p.479; *see also id.*, p.478, Fig. 21-10 (showing photo album titled "Blueraja's BOND GIRL Album" displayed using the club photo sharing feature).) Similarly for the club message board, a user can specify a new message topic (thread) and title it by giving it a heading. (Neibauer, p.471.) In each of these further examples, the first user was permitted to establish a title for a mobile information channel.

17. Claim 17: "The method of claim 1 wherein the mobile information channel comprises a chat channel facilitating interaction between the first user and the plurality of additional users."

As fully explained for claim 1, Neibauer discloses a mobile information channel in the form of a chat channel facilitating communication between at least the club founder and other club users. (Neibauer, p.479; EX1002, ¶122.)

18. Claim 18: "The method of claim 1 wherein the mobile information channel is associated with an entertainment-related entity."

19. Claim 19: "The method of claim 18 wherein the entertainment-related entity comprises at least one of a television program, a movie and a music artist."

It would have been obvious that a mobile information channel could have been associated with an entertainment-related entity, such as a club devoted to a particular movie or movie series. (EX1002, ¶170.) Figure 21-8 of Neibauer shows a screenshot of a club relating to James Bond movies:

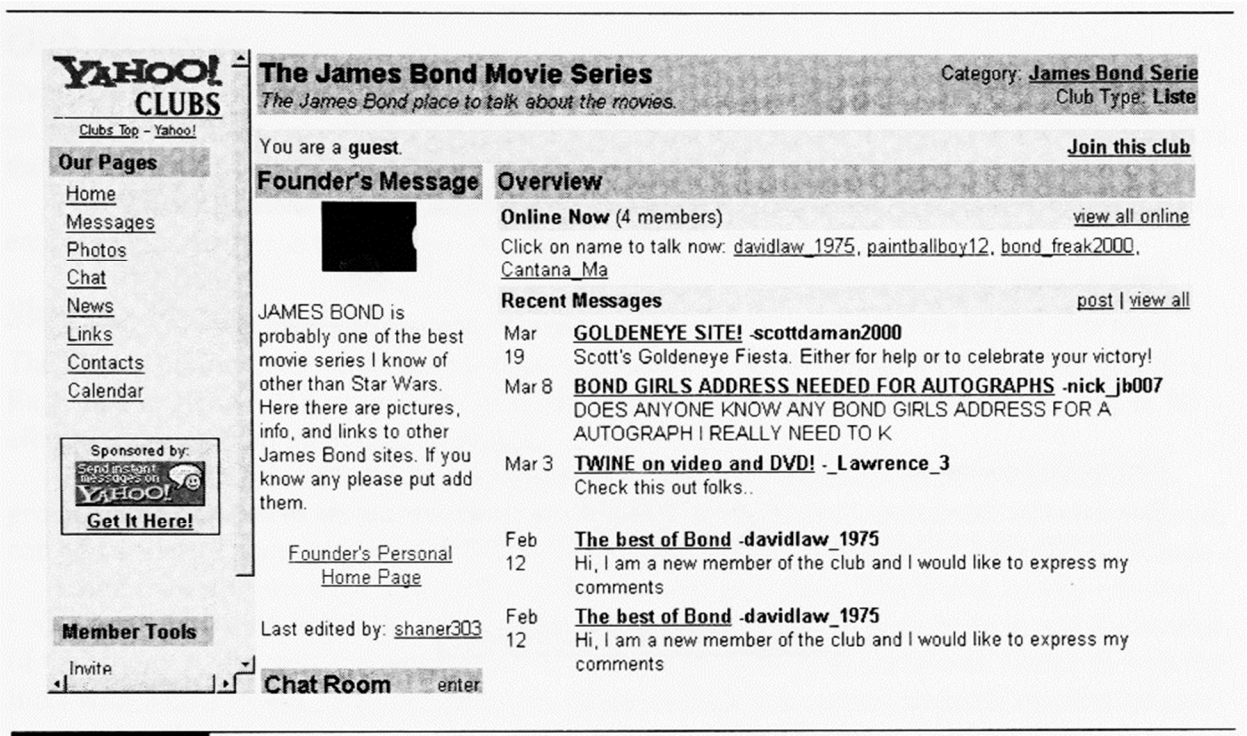


FIGURE 21-8 Club page

(Neibauer, p.475, Fig. 21-8.) The left side of the page shows links shown under "**Our Pages**," for the club message board ("**Messages**"), club photo sharing feature ("**Photos**"), and club chat ("**Chat**"), among others. This discloses multiple examples of mobile information channels "**associated with an entertainment-related entity**," *i.e.*, one or more James Bond movies.

20. Claim 20: "The method of claim 1 wherein the mobile information channel is associated with a mobile device application."

Each mobile information channel is also associated with "**a mobile device application**," *i.e.*, a browser software application executing on the mobile device. (Cheng, *e.g.*, 2:11-15 (listing exemplary mobile browsers).) This is consistent with

the '801 patent, which similarly specifies that a mobile device can access a mobile website using a browser. ('801, 12:64-66.) Each mobile information channel is thus "**associated with a mobile device application**," because the web browser on the mobile device is used to access the mobile information channel over the wireless network and use the features of the club as described in Neibauer, as fully explained in claim 1. (EX1002, ¶171.)

21. Claim 21: "The method of claim 20 wherein the mobile device application comprises a personalized content application."

The browser on the mobile device also comprises a "**personalized content application**," based on two separate theories. First, as explained for claim 1, club members including the founder can post their own personalized messages using the private message board. (Neibauer, p.483, Fig. 21-13 (showing personalized "Welcome" message posted by club founder).) They can also engage in online chat with other members, and add their own personalized photos or create their own personalized photo albums. (Neibauer, pp.477-479.) In each of these examples, the mobile browser enables a club member to access "**personalized content**" because, in the case of the club founder for example, the content would have included messages written by or directed to the founder, or in the case of private club chat, would have included messaging content specifically directed to the club founder by one or more other members. By allowing a club member to access personalized content, the browser application on the mobile device "**comprises a personalized**

content application." (EX1002, ¶172.)

As a separate and independent theory, Neibauer discloses the ability of a user to customize their own Yahoo! home page using Yahoo! Companion, a toolbar added to the web browser window. (Neibauer, pp.56.) This feature allows the user, among other things, to personalize and customize aspects the content of the user's My Yahoo! home page. (Neibauer, pp.66-74.) Under either theory, therefore, the browser "**comprises a personalized content application**" because, in both cases, the browser allows a user to access personalized content through the features described in Neibauer. (EX1002, ¶¶172-174.)

22. Independent claim 22: "A non-transitory computer-executable storage medium… [that] implements the steps of the method of claim 1."

Claim 22 adds nothing of patentable significance, as it would have been obvious that the steps of claim 1 would have been carried out by software code executed by a processing element of the communication system, such as a server that includes a processor and memory. (EX1002, ¶176; Cheng, *e.g.*, 23:16-20.) It would also have been obvious that the software used to carry out the functions of claim 1 would have been stored on at least one non-transitory computer-readable storage medium, such as a hard drive or random-access memory (RAM). (Cheng, *e.g.*, 23:64-24:4 (explaining that instructions may be stored in random access memory or hard disk storage until required by the computer system).) Under the

combination with Cheng, therefore, the "**processing element**" would have included origin web server **102** in Cheng (which would have performed the functions in Neibauer), and proxy server **110** (which would have made the features of Neibauer available to mobile devices).

Petitioner notes that mapping the claimed "**processing element**" to origin web server **102** and proxy server **110** is consistent with the '801 patent, which makes clear that a processing element or server can itself comprise multiple servers. ('801, 9:8-10 ("Each of the servers **33**, **35**, **37** and **39** [of processing elements **30**] may comprise one or more of the servers **16** or other elements shown in FIG. 1A, or suitable portions or combinations thereof.").) And even if the claim required that the "**processing element**" be contained within a single physical server (it does not), it would have been obvious to combine proxy server **110** and origin server **102** into a single server. (EX1002, ¶177.) This implementation is disclosed by Cheng itself, which explains that the computer system implementing the proxy server can "be replaced by, or combined with, any suitable processing system operative in accordance with the principles of the present invention…." (Cheng, 23:20-25.) This would have been obvious and trivial in view of Cheng, as ordinarily skilled artisans would have been familiar with well-known techniques for consolidating tasks within a single server when needed. (EX1002, ¶177.) For example, an ordinarily skilled artisan would have been motivated to combine these servers to improve performance

of the overall system, as this would have eliminated the step (and network overhead associated with) origin server **102** having to send the original web page **104** to proxy server **110** over the Internet. (*Id*.)

23. Independent Claim 23

Claim 23 is little more than an apparatus counterpart to method claim 1. The claimed "**apparatus**" for claim 23 includes the web server providing the functionality of Neibauer and Miller (which also corresponds to the origin web server **102** in Cheng) and based on the combination with Cheng, proxy server **110** that reformats and translates the web pages from Neibauer for delivery to mobile device. (Cheng, 3:31-33.) As explained for claim 1, the origin web server and the proxy server in Cheng work together to carry out each of the claim steps.

(a) "a processing element comprising a processor coupled to a memory;" (23[a])

It would have been obvious that the claimed apparatus includes at least one "**processing element**," such as at least one server that includes a processor coupled to a memory as explained for claim 22. (EX1002, ¶¶176-177, 179; Cheng, 23:16-20; Miller, 0043:32-0044:2.) Dependent claim 24, which depends from claim 23, expressly recites that "**the processing element comprises at least one server**," confirming that the claimed processing element can comprise servers.

It would have apparent and obvious that origin web server **102** in Cheng (which would have provided the features deceived in Neibauer and Miller), and

proxy server **110**, under the proposed combination, would have comprised "**a processing element comprising a processor coupled to a memory**." (EX1002, ¶180.) Petitioner notes that mapping the claimed "**processing element**" as including a web server and proxy server **110** is consistent with the '801 patent, as explained for claim 22. And as fully explained for claim 22 above, it would also have been obvious to combine origin server **102** and proxy server **110**, to the extent the claim were construed to impose such a requirement. (EX1002, ¶¶177, 180.)

(b) "the processing element providing at least a portion of an interface…;" (23[b])

Limitation 23**[b]** is substantially similar to limitation 1**[a]**, and is obvious for the same reasons. (EX1002, ¶181.) This function would also have been performed by the claimed processing element as described above. Under the proposed combination, origin web server **102** and proxy server **110** (the "**at least one processing element**") would have worked together to provide the claimed interface.

(c) "the processing element being configured to:…" (23[c]-[h])

The remaining limitations 23**[c]-[h]** are substantially identical to the steps recited in claim 1**[b]-[f]** and are therefore obvious for the same reasons. Each of these functions would have been carried out by "**the processing element**," as explained previously. (EX1002, ¶182.)

24. Claim 24: "The apparatus of claim 23 wherein the processing element comprises at least one server accessible over the Internet via a network interface."

The servers of claim 23 are accessible over the Internet. (Cheng, 3:67-4:2 ("As shown [in Figure 1], the proxy server **110** and the server **102** are connected via a network **114** such as the Internet.").) It would have been obvious that these servers would have been accessible over the Internet "**via a network interface**," as a network interface such as a communications port is a basic component for allowing a computer (such as a server) to communicate with other devices over a network such as the Internet. (EX1002, ¶184; Cheng, 23:44-51 ("Communications with external devices… occur utilizing communication port **1516**…."); Neibauer, p.4 (explaining that Yahoo! members need access to an Internet connection).)

25. Independent Claim 25

Claim 25 is little more than a system counterpart to method claim 1. The preamble of claim 25 recites "[**a**] **network-based communication system**," which is disclosed by the proposed combination as described below.

(a) "a plurality of servers configured to communicate over a network;" (25[a])

As explained for claim 1 and limitation 23**[a]**, the proposed combination of Neibauer and Cheng discloses a network-based communication system that includes at least two servers that communicate over the Internet. First, the system comprises the web server providing the functionality of Neibauer and Miller, which also

corresponds to the origin web server **102** in Cheng. (Cheng, 3:36-37.) The proposed combination also includes proxy server **110** in Cheng that, as explained for claim 1, reformats and translates the web pages from Neibauer for delivery to a mobile device. (Cheng, 3:31-33.) Both servers are "**configured to communicate over a network**," *i.e.*, the Internet. (Cheng, *e.g.*, 3:67-4:2; EX1002, ¶¶186-187.)

(b) "at least one of the servers providing at least a portion of an interface…;" (25[b])

This step is substantially similar to limitations 1**[a]**, respectively. Under the proposed combination as described, at least one of the servers would have performed these steps. For example, the web server that corresponds to origin web server **102** in Cheng would have provided the web-based interface for creating or accessing the club. If accessed using a mobile device, that web-based interface would also have been reformatted and converted by proxy server **110** in Cheng into a form suitable for the club founder's mobile device, which proxy server **110** would have provided to the mobile device. In either case, the claimed web-based interfaces would have been provided by at least one of the servers, as claimed. (EX1002, ¶188.)

(c) "wherein said at least one server is configured to…" (25[c]-[h])

The remaining limitations 23**[c]-[h]** are substantially identical to the steps recited in claim 1**[b]-[f]** and are therefore obvious for the same reasons. Each of these functions would have been performed by "**said at least one server**," as

explained previously, because origin web server **102** and proxy server **110** would have worked together to provide the recited functions. (EX1002, ¶189.)

D. Ground 2: Obviousness in Further View of Harvey.

Ground 2 is substantially the same as Ground 1 except that it adds Harvey (**EX1010**) to account for a construction of "**mobile information channel**" proposed by Petitioner in the litigation. In the event the Board finds it unnecessary to construe this term for this IPR, this ground need not be further considered.

As explained for Ground 1, limitation 1**[a]**, Petitioner has argued in the pending litigation that "**mobile information channel**" should be construed as "*a virtual location at the content management site at which user-authored content may be added for transmission to the mobile web site*." (EX1025, at 1-2.) The key feature of this construction, for purposes of Ground 2, is the ability of user-authored content to be added "*at a content management site*," which Petitioner has defined in the pending litigation as "*a web site that allows a user without programming to create and manage content on a mobile web site, or a portion thereof*." (EX1025, at 3.) The "*content management site*," as explained for Ground 1, corresponds to the website for creating and managing a new club based on the proposed combination, and the "*mobile website*" to the club website made available to club members via mobile devices, under the proposed combination. With respect to the requirement that the "*content management site*" permit the user to add "*user-authored content*,"

to the extent not already obvious over Neibauer, this would have been obvious in further view of Harvey. With respect to all other claim limitations in the challenged claims, the analysis from Ground 1 applies here.

Harvey discloses techniques for allowing users to create on-line communities in which users can communicate and share information, which are similar to the web-based clubs disclosed in Neibauer and the collaborative environments described in Miller. (Harvey, 4:24-43.) The key feature of Harvey here is the ability of a community creator to author content for a community before the community is created and launched. As noted, Harvey explains that "[t]he community creating module permits the creator to create a community, and designate applications and content presented in the community by a user interface." (Harvey, 4:28-30.) More specifically, a user can access a creating module **165** in order to create a new community, which may include web-based community creation. (Harvey, 7:49-56, 8:49-50.) "At step **202**, a creator provides community identification information," such as a community name. (Harvey, 7:58-61.) "At step **210**," Harvey explains, "a configuration editor is presented to a creator. A configuration editor may allow a user to build a community, designate content and application objects, subscribe to subscription objects, and add other information associated with the community." (Harvey, 8:63-67; *see also id.*, 9:41-47.) Later, "[a]t step **230**, a creator may launch a community." (Harvey, 12:67-13:1.) Harvey therefore discloses the ability to add

content to a community using the community-creation tool, before the community is created. A user can establish a connection with a community, among other ways, "through browser access to an appropriate website." (Harvey, 29:59-62.)

Rationale and Motivation to Combine (with Harvey): It would have been obvious to combine the prior art cited for Ground 1 with Harvey, predictably resulting in the club creation user interface in Neibauer with the *further* ability to allow the club founder to add content to one or more mobile information channels, before the club is created and launched. This would have satisfied Petitioner's proposed construction of "**mobile information channel**" as "*a virtual location at the content management site at which user-authored content may be added for transmission to the mobile web site*." Under the proposed combination, therefore, the "*content management site*" would have included the web-based interface for allowing the founder to create and manage a club disclosed in Neibauer, which would have further permitted the club founder to add content for the club via the mobile information channels, such as initial club messages, initial photos, and so forth. This information would have been made available for transmission to "*the mobile website*," *i.e.*, the club site as delivered to mobile users, on the club page itself as described for limitations 1**[a]-[b]** in Ground 1. (EX1002, ¶¶88-91, 108-109, 118, 193-194.) Harvey is an analogous reference and would have been reasonably pertinent to problems facing the inventors. (EX1002, ¶195.)

A skilled artisan would have been motivated to combine in order to provide club founders with greater customizability for clubs by allowing them to use the club-creation interface to populate mobile information channels with initial content, *before* the club is made available to other members. (EX1002, ¶196.) This would have allowed the club founder to ensure that other club members would not experience a "blank" club devoid of content, because the club founder would have populated mobile information channels (such as the club message board) with some initial content, thus providing a more engaging club experience for other members, featuring content available from the moment of the club's creation. (*Id.*) A skilled artisan would also have had a reasonable expectation of success and could have implemented the combination using conventional techniques. (EX1002, ¶197.)

VII. CONCLUSION

Petitioner respectfully requests IPR institution.

Dated: December 6, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), I certify that this petition complies with the type-volume limits of 37 C.F.R. § 42.24(a)(1)(i) because it contains 13,984 words, according to the word-processing system used to prepare this petition, excluding the parts of this petition that are exempted by 37 C.F.R. § 42.24(a) (including the table of contents, a table of authorities, mandatory notices, a certificate of service or this certificate word count, appendix of exhibits, and claim listings).

DATED: December 6, 2023

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6 and 42.105, that a complete copy of the attached **PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,825,801 B2,** including all exhibits (**Nos. 1001-1006, 1010-1013, 1022, 1024-1027**) and related documents, are being served via Federal Express on the 6th day of December, 2023, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

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And, via Federal Express upon counsel of record for Patent Owner in the litigation pending before the U.S. District Court for the Western District of Texas entitled *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, Case No.7:22-cv-00244-ADA-DTG (W.D. Tex.) as follows:

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