UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD. and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

MOBILE DATA TECHNOLOGIES LLC,
Patent Owner

IPR2025-00539
U.S. Patent No. 8,793,336

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,793,336

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

Page

I. Introduction 1
II. Grounds for Standing 1
III. Identification of Challenge 1
A. Prior Art 1
B. Grounds for Challenge 3
IV. The ’336 Patent 3
A. Patent Overview 3
B. Level of Ordinary Skill in the Art 5
C. Prosecution History 6
D. Claim Construction 6
1. “Mobile Device” 7
2. “Mobile Information Channel” 8
3. “Wireless Network” 8
V. Overview of Grounds 9
VI. Ground 1: Claims 1, 6-11, 13-18, 20-21, 23-27 Are Obvious Over Neibauer in View of Miller and Cheng. 10
A. Independent Claim 1 10
1. Preamble [1P] 11
2. Limitation [1A] 12
3. Limitation [1B] 18
4. Limitation [1C] 22
5. Limitation [1D] 33
B. Claim 6 34
C. Claim 7 37

D. Claim 8 38
E. Claim 9 42
F. Claim 10 43
G. Independent Claim 11 45
1. Preamble [11P].....45
2. Limitation [11A] 46
3. Limitations [11B]-[11C] 47
4. Limitations [11D]-[11E] 47
H. Claim 13 47
I. Claim 14 48
J. Independent Claim 15 48
1. Preamble [15P].....48
2. Limitation [15A] 49
3. Limitations [15B]-[15C] 49
4. Limitations [15D]-[15E] 50
K. Claim 16 50
L. Claim 17 52
M. Claim 18 53
N. Claim 20 54
O. Claim 21 54
P. Claim 23 55
Q. Claim 24 55
R. Claim 25 56
S. Claim 26 56
T. Independent Claim 27 58
1. Preamble [27P].....58
2. Limitation [27A] 58

3. Limitation [27B] 59

4. Limitations [27C]-[27D] 59

VII. Ground 2: Claim 7 Is Obvious Over Ground 1 Prior Art in View of Ausems.....59

VIII. Ground 3: Claims 21-22 Are Obvious Over Ground 1 Prior Art in View of Fransioli. 61

A. Claim 21 61

B. Claim 22 64

IX. Grounds 4-6: Obviousness in Further View of Harvey.....65

X. Discretionary Denial Is Not Appropriate. 68

A. 35 U.S.C. §314(a).....68

B. 35 U.S.C. §325(d).....69

C. *General Plastics* 70

XI. Mandatory Notices.....71

A. Real Party In Interest.....71

B. Related Matters.....71

C. Notice of Counsel and Service Information.....72

XII. Conclusion 73

EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 8,793,336 B2 to David Walker Harper et al. ("the '336 patent")
1002	Declaration of Henry Houh in Support of Petition for *Inter Partes* Review of U.S. Patent 8.793.336
1003	Excerpts from Alan Neibauer, *How to Do Everything With Yahoo!* (2000) ("Neibauer")
1004	PCT Application WO 00/17775 to Craig Miller et al. ("Miller")
1005	U.S. Patent No. 7,574,486 B1 to Yin Cheng et al. ("Cheng")
1006	U.S. Patent No. 6,434,403 B1 to Michiel R. Ausems et al. ("Ausems")
1007	U.S. Patent Application Publication No. 2004/0198396 A1 to Frank E. Fransioli ("Fransioli")
1008	U.S. Patent Application Ser. No. 09/566,456, filed May 8, 2000 (parent/priority application to EX-1007)
1009	Redline comparison between EX-1007 and EX-1008.
1010	U.S. Patent No. 6,487,583 B1 to Jamey Harvey et al. ("Harvey")
1011	RESERVED
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
1022	File History of U.S. Patent No. 8,793,336 B2

Exhibit	Description
1023	File History of *Ex Parte* Reexamination of U.S. Patent No. 8,793,336 B2
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") from IPR2024-00246
1027	U.S. Patent No. 6,167,137 to Ogdon et al. ("Ogdon")
1028	U.S. Patent No. 8,135,801 to Harper et al.
1029	Order Granting *Inter Partes* Reexamination of U.S. Patent No. 8,135,801
1030	*Meta Platforms, Inc. v Mobile Data Techs. LLC,* IPR2024-00246, Paper 27 (PTAB Oct. 1, 2024)
1031	Declaration of June Munford
1032	Excerpt from Webster's Dictionary of Computer Terms (page 98)
1033	*Meta Platforms, Inc. v Mobile Data Techs. LLC,* IPR2024-00246, Paper 34 (PTAB Jan. 10, 2025)
1034	US Patent No. 6,955,298 to Herle ("Herle")
1035	U.S. Patent App. Publ. No. 2002/0102998 to Lin ("Lin")
1036-1037	RESERVED

I. Introduction

Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. ("Petitioners") petition for *inter partes* review ("IPR") of claims 1, 6-11, 13-18, and 20-27 of U.S. Patent No. 8,793,336 ("the '336 patent," EX-1001).

II. Grounds for Standing

Petitioners certify the '336 patent is available for IPR and Petitioners are not barred or estopped.

III. Identification of Challenge

A. Prior Art

The '336 patent, filed February 2, 2012, claims priority through 3 continuations to U.S. Patent 7,599,983, filed June 18, 2003, which claims priority to U.S. Provisional Application No. 60/389,430, filed on June 18, 2002. Petitioners do not acquiesce that the '336 patent is entitled to priority of either of these applications. Regardless, each applied reference was filed or published before June 18, 2002.

1. Alan Neibauer, "How to Do Everything With Yahoo!"

("Neibauer"; EX-1003), published October 2000, is prior art under 35 U.S.C.

§102(b) because it was made available to the public at least at the Library of Congress.[1] (EX-1031, ¶¶6-9; EX-1026, ¶¶40-46.)

2. **U.S. Patent 7,574,486 to Cheng et al.** ("Cheng"; EX-1005), filed November 8, 2000, is prior art under 35 U.S.C. §102(e).

3. **WIPO WO 00/17775 to Miller, et al** ("Miller"; EX-1004), published March 30, 2000, is prior art under 35 U.S.C. §102(b).

4. **U.S. Patent 6,434,403 to Ausems et al.** ("Ausems"; EX-1006), filed February 19, 1999, is prior art under 35 U.S.C. §102(e).

5. **U.S. Patent Publication 2004/0198396 to Fransioli** ("Fransioli"; EX-1007), filed on October 19, 2004 as a direct continuation of U.S. Patent Application No. 09/955,456 (EX-1008), filed on May 8, 2000, is prior art under 35 U.S.C. §102(e).[2]

6. **U.S. Patent 6,487,583 to Harvey et al.** ("Harvey"; EX-1010), filed February 25, 2000, is prior art under 35 U.S.C. §102(e).

---

[1] PO did not dispute Neibauer's public availability in *Meta Platforms, Inc. v. Mobile Data Techs.*, IPR2024-00246 ("the Meta-MDT-IPR").

[2] PO did not dispute Fransioli's priority claim in the Meta-MDT-IPR.

B. Grounds for Challenge

Ground	Claims	§103 Prior Art
1	1, 6-11, 13-18, 20-21, 23-27	Neibauer, Miller, Cheng
2	7	Ground 1 Prior Art + Ausems
3	21-22	Ground 1 Prior Art + Fransioli
4	1, 6-11, 13-18, 20-21, 23-27	Ground 1 Prior Art + Harvey
5	7	Ground 2 Prior Art + Harvey
6	21-22	Ground 3 Prior Art + Harvey

Submitted with this Petition is the Declaration of Henry Houh (EX-1002) ("Houh"), a qualified technical expert. (EX-1002, ¶¶8-18, Ex. A.)

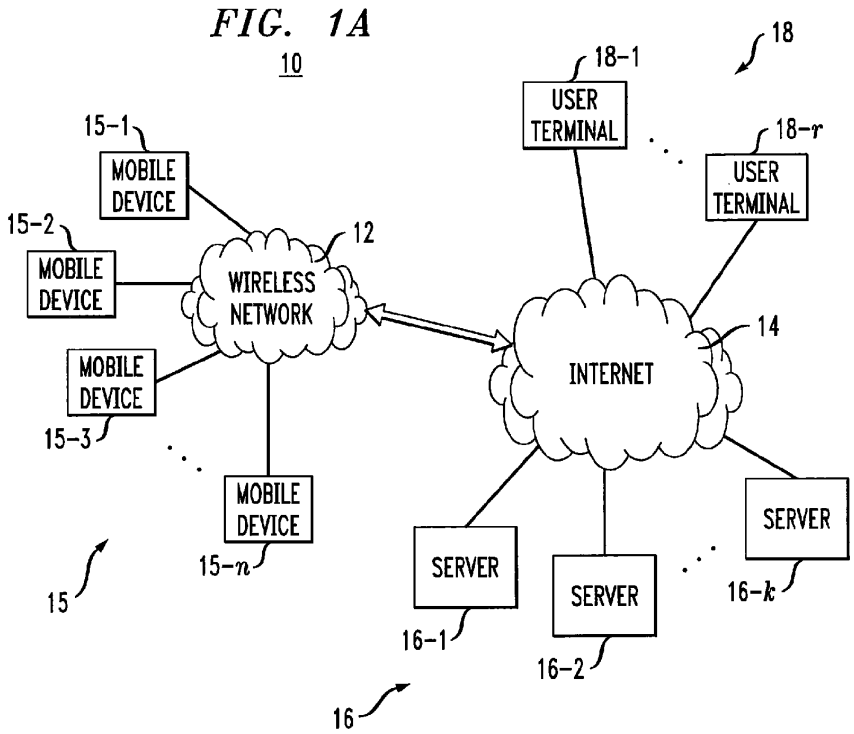
IV. The '336 Patent

A. Patent Overview

The '336 patent "relates generally to network-based communications systems, and more particularly to techniques for information content management in such systems." (EX-1001, 1:26-28.) The '336 patent identifies "accessing of information content over wireless networks via web-enabled mobile devices" as among "the most rapidly expanding aspects of wireless networking." (EX-1001, 1:30-32.)

Figure 1A (below) "shows an example network-based communication system 10" including "wireless network 12 coupled to the Internet 14, a set of

mobile devices 15, a set of servers 16 and a set of user terminals 18." (EX-1001, 3:59-64.)



'336 Patent, Figure 1A[3]

System 10 "provides at least one content management site accessible to a system user" including "M-channels" which "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." (EX-1001, 5:10-12, 8:11-17.) Such

[3] Unless otherwise noted all Figure annotations and emphasis added.

mobile sites may be associated with "a group comprising multiple members having a common interest" (EX-1001, 6:23-25), "an event" (EX-1001, 6:43-44), "a game" (EX-1001, 7:24-25), or "a user of IM, SMS, MMS, email or other type of messaging service" (EX-1001, 7:36-38), among other associations. (EX-1001, 6:23-8:6.)

B. Level of Ordinary Skill in the Art

A person of ordinary skill in the art ("POSITA") would have had a bachelor's degree in electrical engineering, computer science, or similar field, with two years of 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. A person could also have qualified as a person of ordinary skill in the art with some combination of (1) more formal education (such as a master's of science degree) and less technical experience, or (2) less formal education and more technical or professional experience.[4] (EX-1002, ¶¶32-33.)

[4] Patent Owner did not dispute this characterization of a POSITA in the Meta-MDT-IPR.

C. Prosecution History

The ’336 patent was also subject to an *ex parte* reexamination on independent claims 1, 11, 15, and 27. (EX-1023, 249.) The Examiner rejected the claims on three separate grounds: (1) anticipated by WO 01/72002 to Weiden; (2) obvious over combination of WO 01/93069 to Read and U.S. Patent 7,802,207 to Agboatwalla; and (3) obvious over combination of WO 01/01372 to Alcorn and Read. (EX-1023, 253-74.) PO traversed these rejections and the Examiner agreed, stating that the prior art does not teach a “web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional user,” or “activation of [a] mobile channel by a user.” (EX-1023, 342.)

These features however were neither novel nor non-obvious as of the priority date of the ’336 patent, as Petitioners establish in Grounds 1-6.

D. Claim Construction

In the Meta-MDT-IPR and *Mobile Data Techs. LLC v. Meta Platforms, Inc.*, No. 3:24-CV-00896-WHA (N.D. Cal.) (transferred from No. 7:22-cv-00244-ADA-DTG (E.D. Tex.)) (“the MDT-Meta-Litigation”), the parties identified the following terms for construction. (*See* EX-1025, 2-3; EX-1030, 21-31; EX-1033, 2-10.) The Board need not expressly construe any term for purposes of this proceeding because Petitioners establish the challenged claims are unpatentable

under the constructions proposed in these proceedings and the claims' plain meaning, where different. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

1. "Mobile Device"

Petitioners dispute PO's narrow Meta-MDT-IPR construction which is contrary to the express definition in the specification. (*See, e.g.*, EX-1001, 4:30-33.) Petitioners apply the plain meaning which is consistent with Meta's Meta-MDT-IPR and MDT-Meta-Litigation constructions. (EX-1002, ¶40.)

MDT-Meta-Litigation	
PO	plain and ordinary meaning; alternatively, "a piece of handheld equipment" (EX-1025, 3)
Meta	"any type of portable information processing device capable of being configured for communication over a network, including but not limited to a mobile telephone, a personal digital assistant (PDA), a palmtop computer, a hand-held computer, a laptop computer, a tablet computer, a global positioning system (GPS) receiver or other GPS-based navigational device, an MP3 player or other type of audio player, a pager, a watch or other timepiece, a camera, or a portable game player" (EX-1025, 3)
Meta-MDT IPR	
PO	"a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile channel via a wireless network" (EX-1030, 21-22)
Meta	construed based on express definition: "The term 'mobile device' as used herein is intended to include, without limitation, any type of portable information processing device capable of being configured for communication over a network" (EX-1033, 2)

2. "Mobile Information Channel"

Petitioners do not believe this term requires construction in this IPR but demonstrate the prior art meets this limitation under each of the proposed Meta-MDT-IPR constructions and the MDT-Meta-Litigation construction. (EX-1002, ¶41.)

MDT-Meta-Litigation	
PO	plain and ordinary meaning; alternatively, "a medium for transferring information that allows mobile device users to author content" (EX-1025, 1-2)
Meta	"a virtual location at the content management site at which user-authored content may be added for transmission to the mobile web site" where "content management site" = "a web site that allows a user without programming to create and manage content on a mobile website, or a portion thereof." (EX-1025, 1-2)
Meta-MDT IPR	
PO	"a component of a mobile site configured to permit a wide variety of mobile devices to send and receive content over a wireless network" (EX-1030, 19)
Meta	"a medium for transferring information that allows mobile device users to author content" (EX-1033, 5)

3. "Wireless Network"

In the Meta-MDT-IPR, the parties dispute the construction of "wireless network" primarily based on the inclusion of language that the wireless network is "separate from the internet" and "facilitates connection to the internet." (EX-1030, 27-28; EX-1033, 6-8.) While Petitioners also dispute PO's construction,

construction of the term is not needed because the prior art discloses this term under both constructions. (EX-1002, ¶42.)

Meta-MDT IPR	
PO	"a network separate from the internet that facilitates connection to the internet by mobile device"
Meta	"a network that allows a device to communicate wirelessly over a network"

V. 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 '336 patent.

All grounds rely on Neibauer (EX-1003), which describes features of Yahoo!. (EX-1002, ¶47.) Neibauer describes a feature called Yahoo! Clubs that allows users to create web-based communities for users to share information through photo sharing and other features. (EX-1002, ¶48; Neibauer, pp.477-480.) Neibauer also discloses the ability to access Yahoo! services via mobile devices. (EX-1002, ¶59; Neibauer, pp.166-174.) Neibauer renders obvious the majority of the claim limitations and was relied upon by the PTO in a reexamination that rejected all claims of an earlier patent in the same family as the '336 patent. (EX-1024, 4.)

All grounds also cite to Cheng (EX-1005), which additionally demonstrates it would have been obvious to provide the Yahoo! Clubs features from Neibauer to users via mobile devices. (EX-1002, ¶¶101-05.) Cheng describes a proxy server that can convert any existing (non-mobile) webpage for use on a mobile device. (EX-1002, ¶¶65-70.) Cheng was also cited in the earlier reexamination mentioned above. (EX-1024, 04.)

The additional references are cited primarily for ancillary features or to account for claim construction positions proposed in the MDT-Meta-Litigation. Miller (EX-1004) 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. (EX-1002, ¶¶61-62.) Ausems (EX-1006) is cited in Ground 2 for dependent claim 7, and Fransioli (EX-1007) in Ground 3 for dependent claims 21-22.

VI. Ground 1: Claims 1, 6-11, 13-18, 20-21, 23-27 Are Obvious Over Neibauer in View of Miller and Cheng.

A. Independent Claim 1

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. (Neibauer, pp.480-82.) An example club page is shown below:

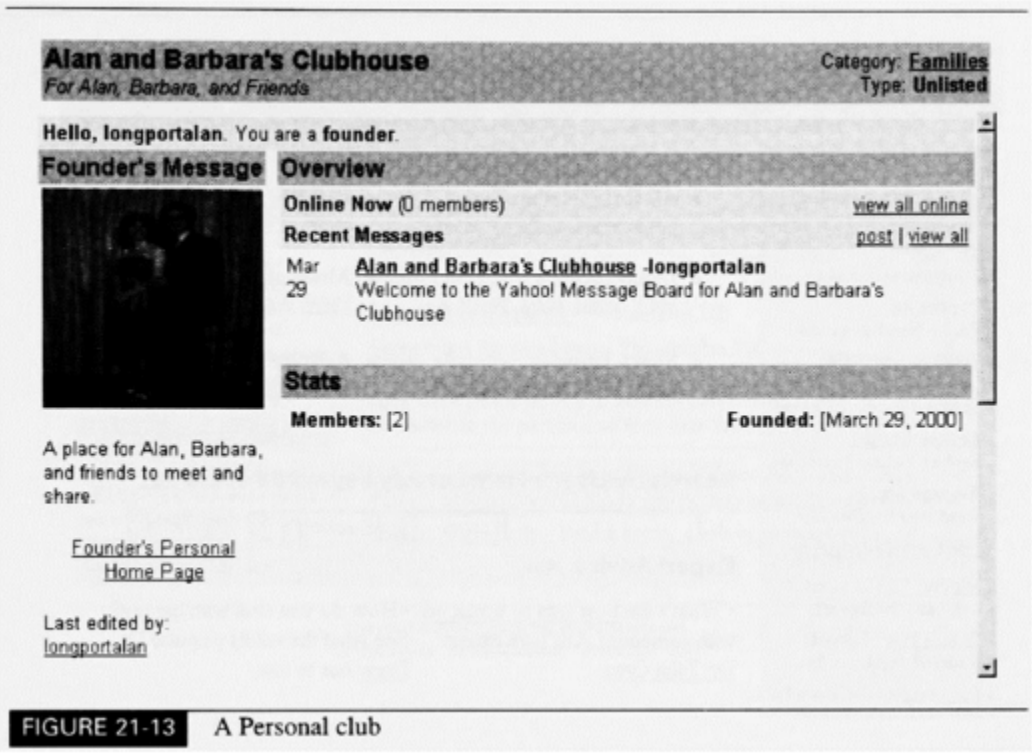


FIGURE 21-13 A Personal club

(Neibauer, p.483, Fig. 21-13.)

1. Preamble [1P]

To the extent the preamble is limiting, Neibauer discloses a "*method for managing information content in a network-based communication system*." 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. For example, the club founder can "control the contents of photo albums, and customize the photo and messages on the club's home page," among other capabilities. (Neibauer, p.480; *see also id.*, pp.478-479.) Neibauer also discloses managing information content "*in a network-based communication system*," i.e., the Internet. (EX-1002, ¶¶113-14.)

2. Limitation [1A]

The Neibauer-Miller-Cheng combination renders obvious "*providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users*" [1A]. 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 "*a first web-based interface*" takes place in Neibauer when a web-based interface is provided to a user to create a new club ("*accessible to a first user*"). In particular, the club founder ("*first user*") can access a web form that solicits options for creating a new club. (Neibauer, pp.480-481.) A sample form, shown in Figure 21-12, is reproduced below:

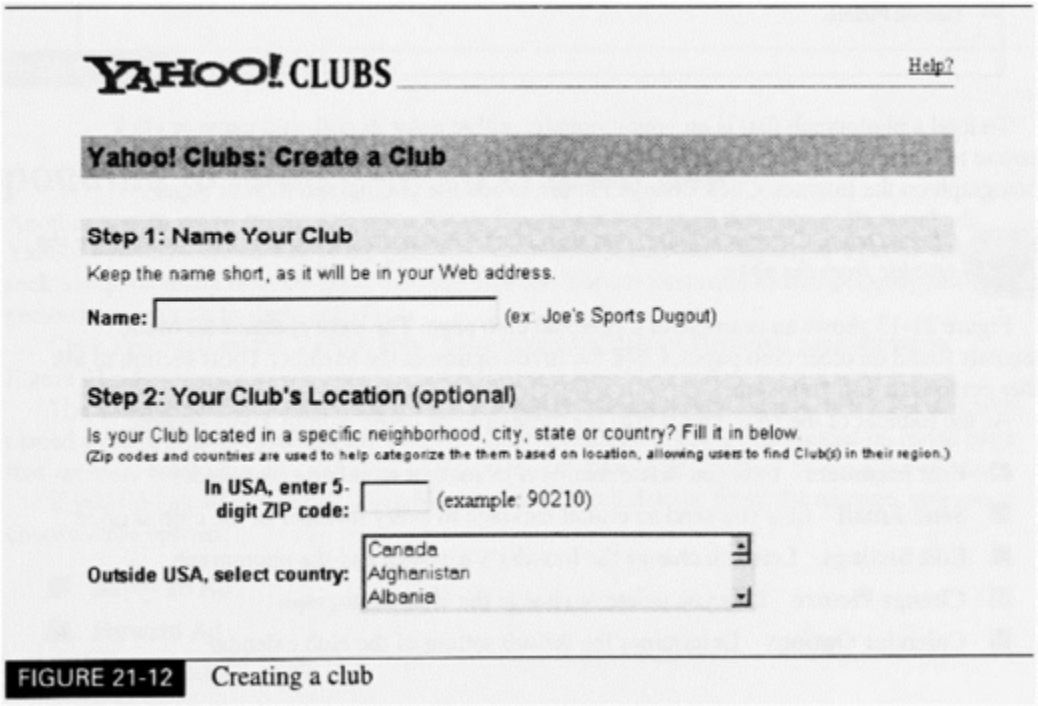


FIGURE 21-12 Creating a club

(Neibauer, p.481, Fig. 21-12.) After the user creates a club, Neibauer explains that "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.)

The "*first web-based interface*" includes the user interface that the club founder ("*first user*") uses to create the club—but does not include the webpages for the created club, which constitute the "*second web-based interface*" in limitation [1B]. It would have been obvious that the club-creation interface is a "*web-based interface*" because it is provided via web pages delivered over the Internet to a web browser. (EX-1002, ¶¶118-19.)

Neibauer's first web-based interface is also "*configured to permit the first user to activate a given mobile information channel for sharing content between*

the first user and one or more additional users." Neibauer discloses three features that each independently discloses a *mobile information channel*.

First, Neibauer explains that the club includes 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; *see also id.*, p.477 ("Every club has its own private message board."); pp.469-471 (describing process for posting a new message).)

Second, as a another example of a *mobile information channel*, Neibauer discloses a chat feature that allows users to engage in real-time messaging communications. (Neibauer, p.479 ("The Chat option in the Our Pages section opens a private chat area for club members.").)

Third, Neibauer discloses, as another *mobile information channel*, a photo sharing feature that allows club members to share images. (Neibauer, p.477 ("The Photos option in the Our Pages section lets members share photographs and other graphics.").) 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 is a *mobile information channel* configured "*for sharing content between the first user and one or more additional users*," because each feature can be used for sending and receiving content between club members. (EX-1002, ¶¶121-25.)

Neibauer's disclosures are consistent with exemplary "*mobile information channels*" in the '336 patent. The '336 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**." (EX-1001, 8:11-17.) The '336 patent identifies several examples of these channels—"discussion forum," "chat," and "photo blog" (EX-1001, 8:27-38)—which mirror, respectively, Neibauer's club message board, chat, and photo sharing features. (EX-1002, ¶126.) Below is a separate discussion explaining why information channels in Neubauer qualify as "*mobile*" information channels, based on Neibauer alone or in view of Cheng.

The club founder in Neibauer can also "*activate*" the mobile information channels via "*the first web-based interface*." 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 activates each mobile information channel by taking actions to create a new club using the club-creation user interface ("*the first web-based interface*"), which activates the given mobile information channel (e.g., club message board,

chat, photo sharing) by making it available for use by the founder and other club members through the newly-created club. (EX-1002, ¶¶129-30.)

It is unclear if the requirement that the "*first web-based interface*" is configured to allow the first user to "*activate a given mobile information channel*" requires that the first user be able to use the interface to selectively choose a particular mobile information channel. In the event it is determined by the Board or argued by PO 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, 0036:30-0037:12.) 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, 0043:12-0044:27.) With respect to the selection of communications features, Miller discloses a user interface for allowing the user to select the particular features that will be included in the collaborative environment. (Miller, Fig. 16, 0045:31-0046:9, 0042:29-32.) These selections are then used in creating the environment or group. (Miller, 0041:3-6 ("In step 1104, the

environment is created…to permit the group members to activate the functions selected for the group."); EX-1002, ¶¶131-32.)

Motivation to Combine Neibauer and 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 "*first web-based interface*" further allowing the club founder to select and activate the particular communication features (including "*a given mobile information channel*") provided for the club. (EX-1002, ¶82.) Neibauer and Miller are analogous references in the same field the same field as the '336 patent of network-based communication systems and information content management, and would have been reasonably pertinent to problems facing the inventors. (EX-1002, ¶¶74-77.)

A POSITA would have been motivated to combine Neibauer with Miller to enhance the customizability of Neibauer's clubs. For example, it would have been obvious that certain club features available in Neubauer may not have been useful or desirable for some clubs. (EX-1002, ¶80.) 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 the advantage of allowing the club founder to customize the club to meet the needs of 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 useful, including message boards

(0046:20-33 ("Bulletin boards")), chat (0050:23-24 ("Chat groups")), contact list (0047:19-26 ("White pages")), among others. (EX-1002, ¶¶61, 85-86.) A POSITA 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 beyond standard Web programming technologies. (EX-1002, ¶87.)

3. Limitation [1B]

Neibauer renders obvious "*generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users*" [1B].

The "*second web-based interface*" in Neibauer corresponds to one or more web pages for the Yahoo! club. Figure 21-13 shows a sample home page:

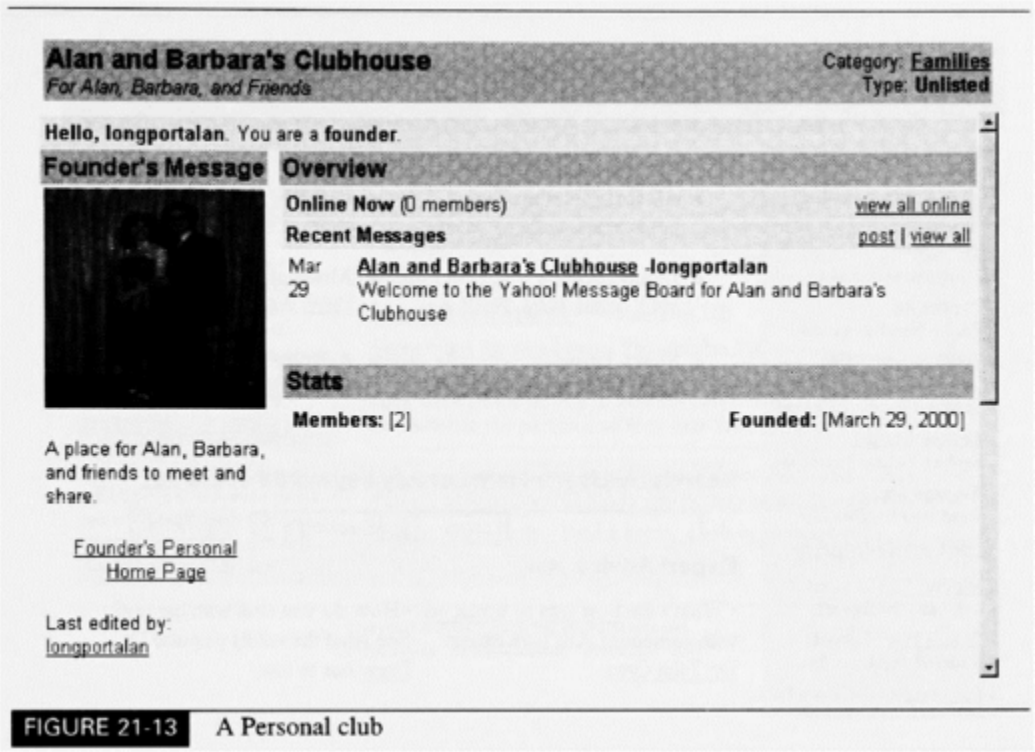


FIGURE 21-13 A Personal club

(Neibauer, p.483, Fig. 21-13.) "Figure 21-13 shows an example of a personal club page." (Neibauer, p.482.) The screen image in Figure 21-13 appears to have been inadvertently cut off as it does not show the "Our Pages" links on the left side, as shown in other club pages in Neibauer. (Neibauer, p.473 ("The Our Pages section of the page lists the pages and features that are available to members."), p.475, Fig. 21-8 ("The James Bond Movie Series" listed club showing "Our Pages" section).) The personal club page in Figure 21-13 "contains all of the elements found on other club pages." (Neibauer, p.482.) It thus would have been obvious to implement the personal club page as shown in Figure 21-13 to include the Our Pages features, which allow access to the message board, chat, photo, and other features. (EX-1002, ¶134.)

The "*second web-based interface*" therefore includes the web pages that provide the functionality for the Yahoo! club created by the founder, including the club home page (as shown for example in Figure 21-13 above) and additional pages for the features available to club members. (Neibauer, p.477 ("Every club has its own message board."), p.479 ("The Chat option in the Our Pages section opens up a private chat area for club members."), p.477 ("The Photos option in the Our Pages section lets members share photographs and other graphics.").) This is consistent with the '336 patent which discloses that the second web-based interface is a mobile web site that can comprise a number of linked pages. (EX-1001, 14:52-53, Figs. 18 & 24-25.) And for the same reasons as limitation [1A] above, it would have been obvious that this interface qualifies as a "*web-based interface*." (EX-1002, ¶¶119, 135.) Further, the "*second-web-based interface*" would have been delivered to mobile devices using the techniques in Neibauer alone or in view of Cheng. (EX-1002, ¶¶91-93, 96.)

The second web-based interface is also "*different*" from the "*first web-based interface*" because it provides different web pages that deliver different content. (EX-1002, ¶136.) In fact, the "*second web-based interface*" does not even exist until the club itself is created, which occurs <u>after</u> the founder creates the club via the "*first web-based interface*," further confirming that the two web-based interfaces are different from each other. (*Id.*; Neibauer, p.481 ("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.").) The Web address for the new club includes the name selected by the club founder via the "*first web-based interface*," further confirming that second web-based interface is created later. (Neibauer, p.481 Fig. 21-12 ("**Step 1: Name Your Club** [] Keep the name short, as it will be in your Web address.") (bold in original).)

The second web-based interface in Neibauer also "*provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users*." Based on Neibauer and under the further combination with Cheng, if accessed by a mobile device, the "*second web-based interface*" would be converted and delivered to the mobile device in an appropriate format. (EX-1002, ¶¶92-94, 137.) The "*second web-based interface*" also allows the club founder and other club members to access the club message board, chat and photo sharing features, which allow club members to access shared messages and photos. (EX-1002, ¶137.) The second web-based interface also "*facilitate[s] interaction between the first user and the one or more additional users*," because it allows for exchanging of information between the founder and the other club members using the mobile information channels. (EX-1002, ¶¶125, 137.)

4. Limitation [1C]

Neibauer, alone or in combination with Cheng, renders obvious "*the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network*" [1C].

"*Mobile Information Channel.*" As explained for limitation [1B], each of the club message board, chat and photo sharing features described in Neibauer ("*the given mobile information channel*") supports messaging between the founder ("*the first user*") and the other club members ("*the one or more additional users*"). The "*messaging*" in Neibauer thus corresponds to sending textual messages (with respect to the club message board and club chat mobile information channels), and sending photographs with accompanying titles and descriptions (with respect to the photo sharing mobile information channel), from or to at least the club founder. (EX-1002, ¶138; *see also* Neibauer, p.477 ("Every club has its own private message board. Recent messages posted to the board are shown on the club's home page. Click Post in 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."), p.479 ("The Chat option in the Our Pages section opens up a private chat area for club members."), p.477 ("The Photos option in the Our Pages section lets members share photographs and other graphics… Click Photo to see a list of the albums that the club maintains… Click an album name to see a list of the

photographs stored there. For each photo, you will see the title, the contributor's name, the photo's size, and the date it was posted. Click a photo to see the photo on your screen.").)

Addressing Proposed Constructions in Co-Pending Proceedings: In the Meta-MDT-IPR, PO proposes that the term "*mobile information channel*" should mean "a component of a mobile site configured to permit a wide variety of mobile devices to send and receive content over a wireless network." (EX-1030, 19.) PO further argues that a "*mobile device*" should mean "a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile information channel via a wireless network." (EX-1030, 21-22.) Based on these constructions, PO argues that there is no "*mobile information channel*" in the prior art because, according to PO, Neibauer teaches only the use of a "conventional laptop," which is not a "*mobile device*." (EX-1030, 37.)

PO's argument is wrong for at least two different reasons. *First*, PO's proposed construction of "*mobile device*" as excluding a laptop is inconsistent with the plain meaning of the term as informed by the specification. The '336 patent specification states that "[t]he term 'mobile device' as used herein is intended to include, without limitation, any type of portable information processing device capable of being configured for communication over a network," including, for

example, "a laptop computer." (EX-1001, 4:30-40.) Thus, a laptop, as taught by Neibauer, is a "*mobile device*." (EX-1002, ¶142.)

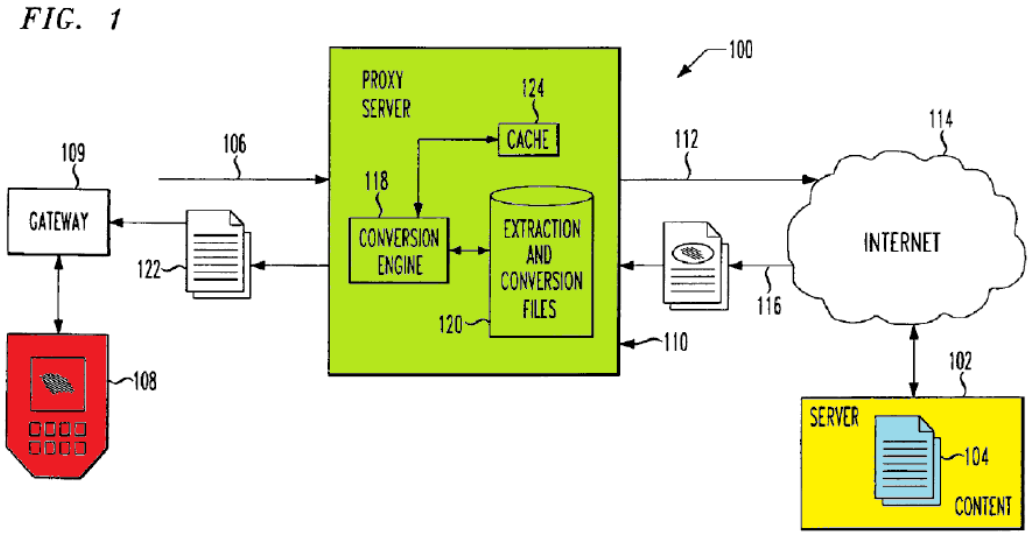
Second, even if PO's improper constructions of "*mobile information channel*" and "*mobile device*" were accepted, the combination of Neibauer, Miller, and Cheng still renders obvious limitation [1C].[5] Neibauer itself discloses services such as "Yahoo! Mobile" and "Yahoo! To Go" that enable content from Yahoo! services to be provided to handheld 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 available on handhelds, it would have been obvious over Neibauer alone to allow user-created clubs to be accessed by handheld devices disclosed elsewhere in Neibauer. (EX-1002, ¶96.)

---

[5] In the Meta-MDT-IPR, Patent Owner argues that each and every limitation of claim 1 that recites a "*mobile information channel*" is not satisfied for the same reasons as set forth for limitation [1C]. (EX-1030, 30-39.) The arguments here apply equally to the other limitations of claim 1.

This would have been viewed as a logical (and obvious) extension to the existing features described in Neibauer. (EX-1002, ¶¶88, 96.)

Additionally, Cheng relies on an already-known technology known as "proxy servers," which were commonly used to provide security and interoperability between devices. (EX-1002, ¶68.) Cheng relies on this proxy server concept to convert non-mobile webpages into a format accessible by mobile devices. Figure 1 illustrates one embodiment:



Cheng, Fig. 1

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** 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. (EX-1002, ¶¶66, 93.)

Figure 1 further 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.)

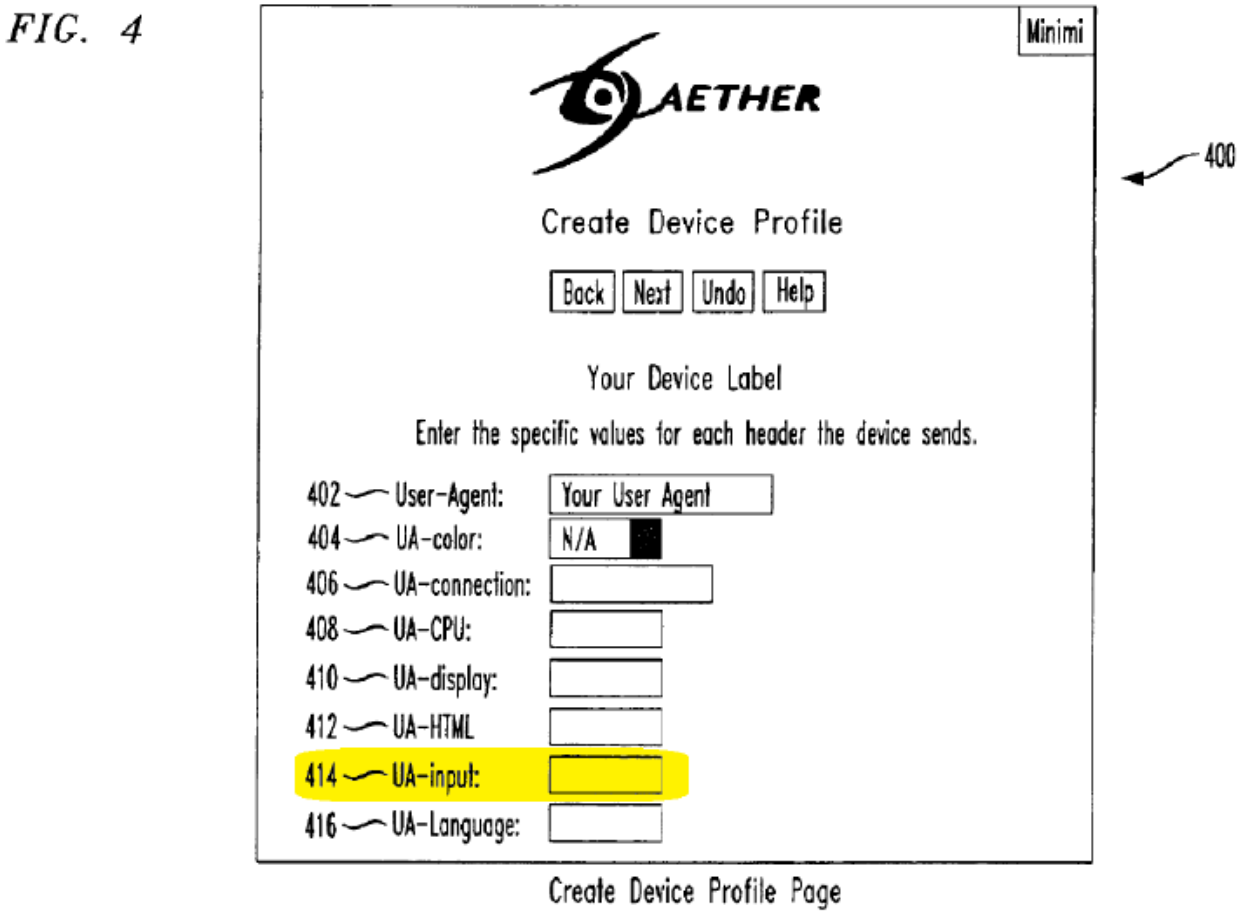
The middle of Figure 1 shows proxy server **110** – Cheng's key feature. Proxy server **110** "'sits' between the clients (e.g., the mobile device(s) **108**) and the origin web server(s) **102** that provide Web content **104**." (Cheng, 3:31-33.) Proxy server **110** "obtains the code (e.g., HTML) 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; EX-1002, ¶70.) "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**, which is transmitted to mobile device **108**. (Cheng, 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.)

PO also argues in Meta-MDT-IPR that, "though Cheng does disclose *transmitting* content *to* a mobile device, it does not teach anything with respect to *receiving* content *from* a mobile device, as required by the claims." (EX-1030, 36 (emphasis in original).) PO, however, ignores Cheng's teachings of receiving content from a mobile device.

For example, Cheng discloses creating device profiles for mobile devices that specify, among other things, the types of web user input (including text, files and images) that the mobile devices can support. The creation of a device profile for a mobile device is depicted in Figure 4 of Cheng:



Cheng, Fig. 4

Here, Cheng teaches that a mobile device user can input text, image, and file data into the mobile device; that information is then transmitted from the mobile device to a website. Thereafter, the device profile information, received **from** the mobile device, enables Cheng's proxy server 110 to identify the mobile device 108

and to determine which webpage conversions to perform for that device. (*See* Cheng, 8:54-62, 7:59-65.)

Motivation to Combine Neibauer, Miller, and 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, client-side users would interface with the server via Cheng's proxy server, ensuring that the web pages in Neibauer delivered to mobile devices, such as smartphones, are properly formatted. (EX-1002, ¶92.)

The proposed combination would have been 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. (EX-1002, ¶93; Cheng, 2:30-32 ("The [reformatting] may be done for at least one of groups of devices, individual devices, web site-specific conversions, <u>or for all web sites</u>.").) 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. (EX-1002, ¶93.) In any case, combining Neibauer, Miller, and Cheng would not have affected the underlying functionality in Neibauer, further motivating the combination. (EX-1002, ¶95.) 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. (EX-1002, ¶¶89-90.)

A POSITA would have been motivated to combine Neibauer, Miller, and Cheng. Neibauer expressly motivates the 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 POSITA would also have been motivated to make the club features available to handheld devices to take advantage of growing popularity of such devices. (EX-1002, ¶¶97-99.) Cheng emphasizes 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 '336 patent also 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." (EX-1001, 1:30-34.) Market forces would thus have motivated a POSITA to combine Neibauer with Cheng in order to provide the club functionalities to handheld users. (EX-1002, ¶¶99-100.)

Cheng further motivates the combination, 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. (EX-1002, ¶103.) Furthermore, Cheng's proxy server techniques were well-known and deployed for the very purpose of converting web page content into formats suitable for mobile devices. (EX-1002, ¶102.) A POSITA would also have had a reasonable expectation of success as Cheng relies on known and industry-standard technologies. (EX-1002, ¶105.)

"*Over a Wireless Network*." It would also have been obvious that the given mobile information channel supports messaging communication "*over a wireless network*," 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. (EX-1002, ¶153.) Cheng similarly discloses wireless network device connectivity. (Cheng, *e.g.*, 2:4-7, 5:33 (mobile device **108** can include "a cellular telephone"), 23:44-51 (describing use of

transport media such as "wireless communication (e.g., radio frequency (RF), and the like)").)

It would have been obvious that the messaging communication would have been provided "*over a wireless network*," such as a known cellular communications network (like GSM). (EX-1002, ¶¶154-57.) A POSITA would have been motivated to allow messaging over a wireless network to take advantage of the growing popularity of mobile and wireless computing. (EX-1002, ¶¶154, 97-98.)

Addressing Proposed Constructions in Co-Pending Proceedings: In the Meta-MDT-IPR, PO has argued that the term "*wireless network*" should be construed to mean "a network separate from the internet that facilitates connection to the internet by mobile device." (EX-1030, 27-28.) Based on this proposed construction, PO has argued that Neibauer does not teach or suggest connection over a "*wireless network*" that is separate from the Internet. (EX-1030, 37-38.)

Again, PO's argument is wrong for at least two different reasons. *First*, PO's proposed construction of "*wireless network*" contradicts the specification, which teaches that the "*wireless network*" need not be separate from the Internet. (EX-1001, 4:5-17.) This interpretation of network is consistent with the plain meaning and consistent with how it is disclosed in the combination of Neibauer and Cheng. (EX-1002, ¶¶156-57.)

Second, even if PO's improper construction of "*wireless network*" was accepted, the combination of Neibauer, Miller, and Cheng still renders obvious limitation [1C]. (EX-1002, ¶161.) For example, Neibauer discloses communications with mobile devices over a GSM network. (Neibauer, p.171, ¶5.) The GSM network is a network separate from the Internet, as the GSM network provided features that did not require Internet functionality or connectivity. (EX-1002, ¶157.) Similarly, Cheng discloses that acceptable networks for communicating includes networks (114) distinct from the internet. (Cheng, 4:2-4 ("It should be understood that the present invention can be used with networks other than the Internet where visual content is involved.").). Cheng also discloses a "local area network," which can be established independent of the internet. (Cheng 24:4-9; EX-1002, ¶159.) A local area network could be used to implement all functionalities of Neibauer. (EX-1002, ¶¶159-61.)

5. Limitation [1D]

The combination of Neibauer and Cheng renders obvious "*the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users*" [1D]. Limitation [1D] is largely redundant of [1C].

Each of the club message board, club chat and photo sharing features permits the club founder ("*the first user*") to send messaging content to other club members ("*one or more additional users*"), or receive messaging content from those other club members. The "*messaging content*," for purposes of the club message board and club chat *mobile information channels*, corresponds to textual messages and, as noted, to photograph or image data (with accompanying textual descriptions) for the photo sharing mobile information channel. (EX-1002, ¶¶125, 162.)

In the Meta-MDT-IPR, PO makes the same argument for limitation [1D] as for [1C], i.e., that Neibauer discloses only communications with a "conventional laptop" and not a "wide variety" of mobile devices. (EX-1030, 38-39.) PO's arguments are wrong for the same reasons discussed above. (EX-1002, ¶¶142, 164.)

B. Claim 6

The Neibauer-Miller-Cheng combination renders obvious "*the first web-based interface is identified by a first uniform resource locator and the second web-based interface is identified by a second uniform resource locator different than the first uniform resource locator*" [6].

As explained for limitation [1B], the two claimed web-based interfaces would have been different from one another. It would also have been obvious that

the two web-based interfaces would have been identified by two different uniform resource locators (URLs). (EX-1002, ¶¶136, 165.) It was basic knowledge that every web page on the Internet was identified by a unique URL, the standard technique for identifying resources on the Internet such as web pages. (EX-1002, ¶166; Cheng, 3:56-57 ("It is envisioned that each instance of web content **104** each have associated therewith a URL."); *see also* David Fox et al., *HTML Web Publisher's Construction Kit* (1995) (EX-1013), p.13 ("A *URL* (or *Universal Resource Locator*) is the address of a document, file or other Internet resources… The World Wide Web gives every article, newsgroup, database, computer file, or other Internet fragment its very own URL.") (italics in original).) It therefore would also have been obvious that the URLs for the "*first web-based interface*" (for creating the club) and the "*second web-based interface*" (the club web pages providing access to the given mobile information channel) would have been "*different*." (EX-1002, ¶166.)

This is further confirmed by Figure 21-12 of Neibauer below, which confirms that the Web address (*i.e.* URL) for a new club will include the user-selected name:

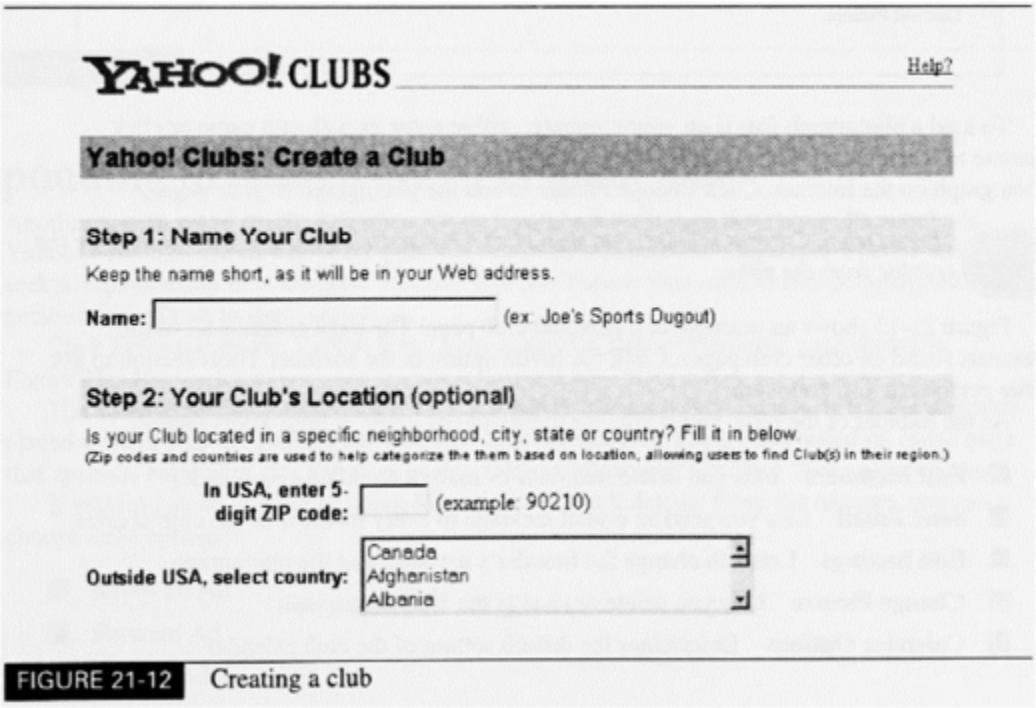


FIGURE 21-12 Creating a club

(Neibauer, p.481, Fig. 21-12.)

As shown under **Step 1**, the user is instructed to "[k]eep the name short, as it will be in your Web address." (*Id.*) As explained for limitation [1B], because the Web address (URL) for the club home page (the "*second web-based interface*") is only known <u>after</u> the club is named and the created (using the "*first web-based interface*"), as it specifically incorporates the name provided by the founder through the web creation form, it would have been obvious that the two claimed web-based interfaces would have been identified by different URLs. (EX-1002, ¶168.)

C. Claim 7

The Neibauer-Miller-Cheng combination renders obvious "*the shared content is obtained from a device-captured data source of the first user, said device-captured data source comprising a source of at least one of device-captured video data, device-captured image data, device-captured audio data and device-captured location coordinates*" [7].

It would have been obvious that the shared content would have been obtained from a "*device-captured data source of the first user*" that includes at least a source of "*device-captured image data*." (EX-1002, ¶¶169-70.) As noted for claim 1, Neibauer discloses a club photo sharing feature in which the club founder and other club members can upload and share photos. (Neibauer, pp.477-479.) It would have been obvious for the shared content to have included "*device-captured image data*," such as digital photographs captured using a digital camera of the first user. (Neibauer, p.478, Fig. 21-10 (showing exemplary club photo album having photos of Denise Richards and Famke Janssen).) It was also known, as of June 2002, that portable communications devices included digital cameras for capturing and storing images. (EX-1002, ¶235.) Petitioners have also provided a separate Ground 2 in the event it is determined that a further prior art reference is required to explicitly show a portable device capable of capturing image data.

D. Claim 8

The Neibauer-Miller-Cheng combination renders obvious "*the first web-based interface permits the first user to upload at least one information item, and wherein the second web-based interface provides said one or more additional users with access to said at least one uploaded information item in accordance with accessibility rules established by the first user via the first web-based interface*" [8].

One of the features disclosed in Neibauer allows the club founder to specify a club picture ("*an information item*") that will appear on the club page ("*the second web-based interface*"). (Neibauer, p.482.) For example, Neibauer explains that "[t]o load a photograph that is on your computer, either select its path and name or click Browse to locate the photograph." (Neibauer, p.482.)

Neibauer does not expressly state that this process results in the selected club picture being "*upload*[*ed*]," but this would have been apparent and obvious. (EX-1002, ¶171.) Neibauer discloses the very same user interface technique for sharing a photo using the club photo sharing feature, in which the user can specify the location of a photo on their disk of their local computer. (Neibauer, pp.478-479, ¶¶1-2.) Neibauer explains that, when the user has completed their selections, it can "click <u>Upload</u> to move a copy of the photo into the club's Web space." (Neibauer, p.478, ¶5.) It would have been obvious to apply the club photo sharing

technique to the club picture feature, predictably resulting in uploading of the selected club picture ("*an information item*") from the user's computer. (EX-1002, ¶171.) *See 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.").

It would also have been obvious that the club picture upload feature would have been available via "*the first web-based interface*," such as on the club creation user interface. Neibauer indicates, in fact, that the feature for adding a picture to the club's home page is not on the club home page. For example, after pressing "**Yes! I Accept**" on the club creation form, 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. You also get these options:
>
> - **Invite Friend** Lets you invite others to join the club.
> - **Fix It Up** Lets you add text and a photo to the club's home page.
> - **Let Me See It** Opens the club's home page.

(Neibauer, p.481 (boldface in original).)

Neibauer therefore discloses an interface that allows the founder to add a club picture (available under "**Fix It Up**"), which is separate and distinct from the club home page (available under "**Let Me See It**") to which Petitioners have mapped the "*second web-based interface*." In any case, it would have been obvious to include, as part of "*the first web-based interface*," the functionality described

above for allowing the club founder to upload a club photo. A POSITA would have been motivated to implement Neibauer in this way because, as explained, the club creation web form allows the founder to enter the name for the club (Neibauer, p.481, ¶4), and it would have been obvious to allow the founder to select and upload the club photo as part of the club creation process. (EX-1002, ¶173.) Alternatively, for purposes of claim 8, the claimed "*first web-based interface*" includes not just the club-creation form in Neibauer but also the "page that tells you the club has been created" (Neibauer, p.481), and the club picture upload functionality discussed above. (EX-1002, ¶174.)

Neibauer also discloses that "*the second web-based interface provides said one or more additional users with access to said at least one uploaded information*," because the uploaded club picture is shown to other club members when they view the club page ("*the second web-based interface*"). (Neibauer, p.481 ("**Fix it Up** […] Lets you add text and a photo <u>to the club's home page</u>." (bold in original; underlining added)), p.483, Fig. 21-13 (showing exemplary club home page with club picture provided by club founder); EX-1002, ¶175.)

Neibauer further discloses that the other club members are provided "*access to said at least one uploaded information item in accordance with accessibility rules established by the first user via the first web-based interface*," because the founder can select through the club-creation web pages ("*the first web-based*

interface") the new club will be either "listed" or "unlisted." (Neibauer, p.482, ¶6.) "A listed club is one that is open to all Yahoo! members. To join the club, you simply fill our on online form. Don't worry, you cannot be rejected from a listed club." (Neibauer, p.473.) An unlisted club, on the other hand, "is private. Only Yahoo! members who were invited to join may join the club and be able to access it." (Neibauer, p.473; *see also id.*, p.475.) When a club founder ("*the first user*") selects an "unlisted" club, therefore, the club founder is specifying "*accessibility rules*" for the club page, which include the club being private and not open to the public (unlike a "listed" club), and can only be accessed by other users upon receipt of an invitation to join the club. The invitation, in turn, provides instructions on how to join a club. (Neibauer, pp.475-476.) Figure 21-9 below shows another rule that, in order to join a club in response to an invitation, the invited user may enter an optional comment but must click "Yes! I Accept" to join the club:

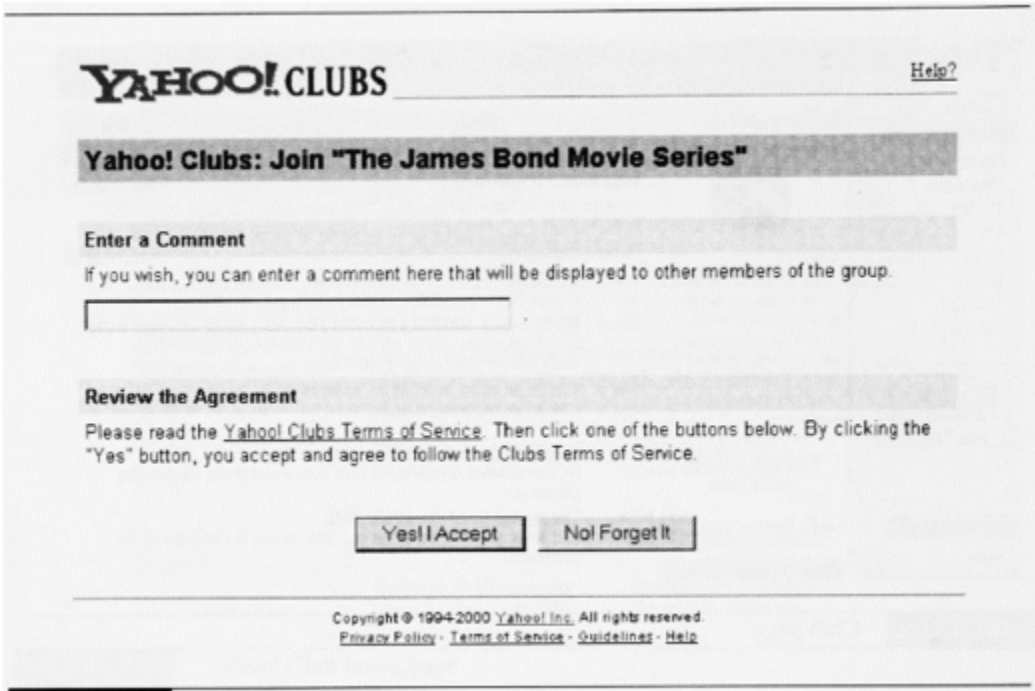


FIGURE 21-9 Joining a club

(Neibauer, p.476, Fig. 21-9.) Because these accessibility rules govern access to the club page, which in turn includes the club picture, the accessibility rules govern "*access to said at least one uploaded information item*." (EX-1002, ¶¶176-77.)

E. Claim 9

The Neibauer-Miller-Cheng combination renders obvious "*the one or more additional users comprise individuals that with the first user and by mutual consent collectively comprise a group of members that have access to at least a portion of said shared content via the second web-based interface*" [9].

As explained for claim 8, when a club founder invites other additional users to join an unlisted club—and those members agree to join—the one or more additional users comprise "*individuals that with the first user*," i.e., with the club

founder, "*by mutual consent*," i.e., by the club founder inviting the additional members to join, and those invited members agreeing to join, "*collectively comprise a group of members that have access to at least a portion of said shared content via the second web-based interface*," i.e., collectively comprise a group of club members that can access content shared via one or more of the mobile information channels as described in limitation [1A] ("*said shared content*") via the club pages ("*via the second web-based interface*"). (EX-1002, ¶¶179, 136.)

F. Claim 10

The Neibauer-Miller-Cheng combination renders obvious a "*non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs for use in managing information content in a network-based communication system, wherein said executable program code when executed by a processing element of the communication system implements the steps of the method of claim 1*" [10].

Claim 10 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. (EX-1002, ¶180; *e.g.*, Cheng, 23:16-20.) It would have been obvious that the software used to carry out the functions of Neibauer, Miller, and Cheng as described for claim 1 would have been stored on at

least one non-transitory computer-readable storage medium, such as a hard disk drive or random access memory (RAM). (*E.g.*, Cheng, 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 further combination with Cheng, 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). (EX-1002, ¶181.)

Mapping the "*processing element*" to origin web server **102** <u>and</u> proxy server **110** in Cheng is consistent with the '336 patent, which makes clear that a processing element or server can comprise multiple servers. (EX-1001, 9:2-4 ("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. (EX-1002, ¶182.) This implementation is disclosed by Cheng itself, which explains that the computer system implementing the proxy server can "be replaced by, <u>or combined with</u>, 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, a POSITA would have been familiar with well-known techniques for consolidating tasks within a single server when needed. (EX-1002, ¶183.) For example, a POSITA would have been motivated to combine origin web server **102** with proxy server **110** to improve the performance of Cheng's proxy server techniques, as this would have eliminated the step (and network overhead associated with) origin server **102** having to send the original web page to the proxy server over the Internet. (EX-1002, ¶184.)

G. Independent Claim 11

Claim 11 is little more than an apparatus counterpart to method claim 1.

1. Preamble [11P]

To the extent the preamble is limiting, the Neibauer-Miller-Cheng combination renders obvious an "*apparatus for use in managing information content in a network-based communication system*." The claimed "*apparatus*" for claim 11 includes the web server that provides 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. (EX-1002, ¶189.)

2. Limitation [11A]

The Neibauer-Miller-Cheng combination renders obvious "*a processing element comprising a processor coupled to a memory*" [11A]. 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 10. (EX-1002, ¶190; Cheng, 23:16-20; Miller, 0043:32-0044:2.) Dependent claim 13, discussed below, expressly recites that "*the processing element comprises at least one server*," confirming that the claimed processing element can comprise servers.

It would have been obvious that, under the further combination with Cheng, origin web server **102** (which would have provided the features described in Neibauer and Miller), and proxy server **110**, would have comprised "*a processing element comprising a processor coupled to a memory*." (EX-1002, ¶191.) Mapping the "*processing element*" as including a web server <u>and</u> proxy server **110** is consistent with claim 11, which merely requires "*at least one*" processing element and thus does not preclude multiple processing elements. And as explained for claim 10 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. (EX-1002, ¶¶192, 184.)

3. Limitations [11B]-[11C]

The Neibauer-Miller-Cheng combination renders obvious "*the processing element providing at least a portion of a first web-based interface…*" [11B] and "*the processing element generating a second web-based interface…*" [11C]. The functions in limitations [11B]-[11C] are substantially similar to the steps in limitations [1A]-[1B], respectively, and are obvious for the same reasons. (EX-1002, ¶¶193-96.) These steps would also have been performed by the claimed processing element as described for limitation [11A]. Under the proposed combination with Cheng, origin web server **102** and proxy server **110** (the "*at least one processing element*") would have worked together to provide the claimed web-based interfaces.

4. Limitations [11D]-[11E]

The Neibauer-Miller-Cheng combination renders obvious "*the given mobile information channel supports messaging…*" [11D] and "*the mobile information channel is configured to permit…*" [11E]. These limitations are identical to limitations [1C]-[1D], respectively, and are obvious for the reasons provided above.

H. Claim 13

The Neibauer-Miller-Cheng combination renders obvious "*the processing element comprises at least one server*" [13]. As explained for limitation [11A], the

processing element comprises at least origin web server **102** (corresponding to a web server that provides the functions of Neibauer) and proxy server **110** ("*at least one server*").

I. Claim 14

The Neibauer-Miller-Cheng combination renders obvious "*the server is accessible over the Internet via a network interface*" [14]. The servers of claim 13, discussed above, are both 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. (EX-1002, ¶200; 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).)

J. Independent Claim 15

Claim 15 is little more than a system counterpart to method claim 1.

1. Preamble [15P]

To the extent the preamble is limiting, the Neibauer-Miller-Cheng combination renders obvious a "*network-based communication system*." The

components of the combination, as discussed below, comprise a network-based communication system.

2. Limitation [15A]

The Neibauer-Miller-Cheng combination renders obvious "*a plurality of servers configured to communicate over a network*" [15A]. As explained for claim 1 and limitation [11A], the 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 origin web server **102** in Cheng. (Cheng, 3:36-37 ("In this context, an origin web server **102** is a web server that contains the original web page **104**.").) The network-based system under 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 of these servers are also "*configured to communicate over a network*," *i.e.*, the Internet. (Cheng, *e.g.*, 3:67-4:2; EX-1002, ¶205.)

3. Limitations [15B]-[15C]

The Neibauer-Miller-Cheng combination renders obvious "*at least one of the servers providing at least a portion of a first web-based interface…*" [15B] and "*said at least one server generates a second web-based interface…*" [15C]. The

functions here are substantially similar to the steps of [1A]-[1B] and [11B]-[11C], respectively. Under the proposed combination as described, at least one of the servers in the network-based system would have performed these functions. 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 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. (EX-1002, ¶207.)

4. Limitations [15D]-[15E]

The Neibauer-Miller-Cheng combination renders obvious "*the given mobile information channel supports messaging…*" [15D] and "*the mobile information channel is configured to permit…*" [15E]. These limitations are identical to limitations [1C]-[1D], respectively, and are obvious for the same reasons.

K. Claim 16

The Neibauer-Miller-Cheng combination renders obvious "*maintaining a contact list for the given mobile information channel, the contact list comprising the one or more additional users*" [16]. Neibauer discloses multiple examples of the claimed contact list. First, as explained for claim 1, one example of a mobile

information channel is the club chat. (Neibauer, p.479.) As Neibauer explains, the Chat section on the club page "lists the members who are currently chatting." (Neibauer, p.479.) Accordingly, when the given mobile information channel corresponds to a club chat, the "*contact list*" thus corresponds to the list of members currently chatting.

Second, Neibauer discloses a contacts feature that lists the IDs of the club founder and other club members as shown in Figure 21-11:

The James Bond Movie Series
The James Bond place to talk about the movies.
Category: James Bond Serie
Club Type: Liste

Contacts

Showing 1 - 20 of 115 members | next 20 — Edit My Comments

Online Founders - Yahoo! ID	Age	Gender	Location	Comment
shaner303 ☆	12	male	Illinois	no comment..

Online Members - Yahoo! ID	Age	Gender	Location	Comment
Lawrence_3		neuter		no comment..
ace_jammer	15	male	Florida	no comment..
agarber_28		male		Can't wait for The World is not enough
akaodee		male		no comment..
alain_desmier	16	male	London, England	Hey there, iam Alain
aneibauer		male		Love the books -- even the new ones!
anjuhz2000	41	female	New York	no comment..
asevilla_90023	35	male	Los Angeles Ca.	bring him on
assassin_m9		male		no comment..
BabyBlue_285	18	female	Wisconsin	no comment..

FIGURE 21-11 Contacts page

(Neibauer, p.480, Fig. 21-11.) The contact list in Neibauer provides "*a contact list for the given mobile information channel*," because it lists all of the members who are members of (and thus can access) the club. These members, in turn, are allowed to access the given mobile information channel, *e.g.*, private message

board, chat, photo sharing, etc., as described for claim 1, because they are members of the club that includes that channel. (EX-1002, ¶¶210-12.)

L. Claim 17

Neibauer in view of Miller and Cheng renders obvious "*distributing advertising content to the one or more additional users via the given mobile information channel*" [17]. Neibauer teaches that a club can be used to distribute advertising content to other club members:

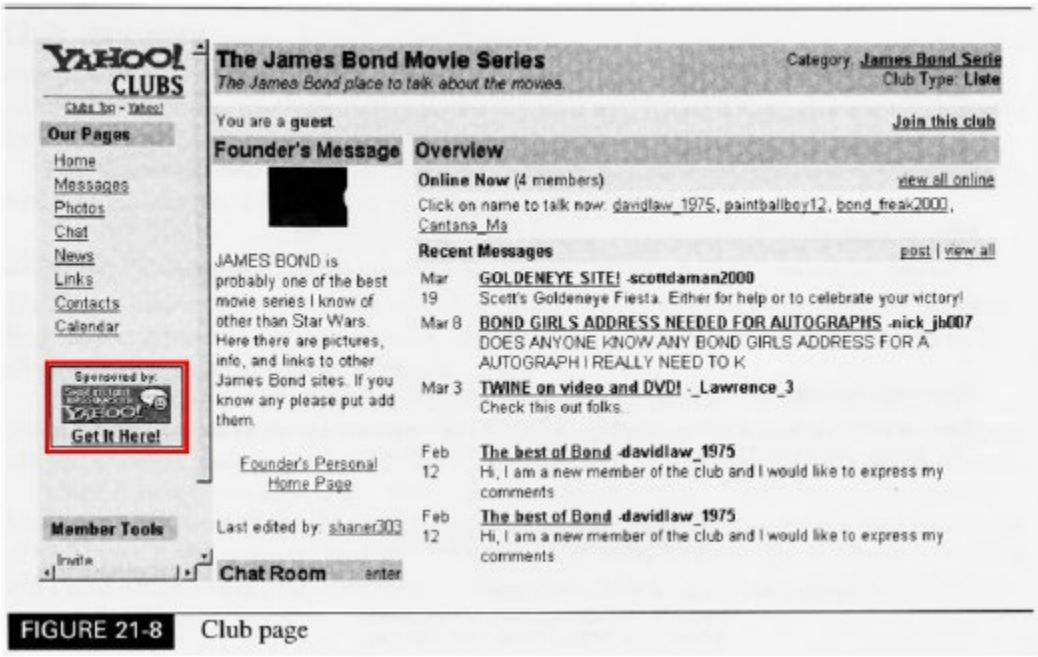


FIGURE 21-8 Club page

(Neibauer, p.475, Fig. 21-8 (red box added).) As shown in the red box, the exemplary club in Figure 21-8 includes an advertisement. The advertising content here is also shown accompanying a club message board (an example of a "*mobile information channel*" as explained for limitation [1A]), thus disclosing "*distributing advertising content to the one or more additional users via the given*

mobile information channel." (EX-1002, ¶214.) The claimed ability to distribute advertising content via a web page adds nothing of patentable significance as this was a well-known and widespread practice with webpages long before June 2002. (EX-1002, ¶215.)

Claim 17 is also obvious in view of the bulletin board feature of Miller, which provides substantially similar functionality to the message board feature in Neibauer, but further discloses that a bulletin board may include "offers to buy and or sell" items. (Miller, 0046:20-33, Fig. 2.) It therefore would have been obvious for one or more messages posted in the club message board of Neibauer ("*a given mobile information channel*") to include advertising content posted by the founder or other club members (such as offers to buy or sell), which would have been distributed to other club members when viewed. (EX-1002, ¶217.)

M. Claim 18

The Neibauer-Miller-Cheng combination renders obvious "*wherein distributing advertising content comprises inserting advertising content along with messaging content in the given mobile information channel*" [18].

In the first example above in claim 17 referring to Figure 21-8 of Neibauer, the sponsorship advertisement appearing on the club page ("*advertising content*") was inserted on the page alongside messaging content in the club message board ("*the given mobile information channel*"). In the second example referencing

Miller, the advertising content takes the form of actual advertising messages appearing alongside other types of messages in the club message board. Each example thus discloses advertising content being inserted "*along with messaging content in the given mobile information channel*," i.e., along with other messages in the mobile information channel.

N. Claim 20

The Neibauer-Miller-Cheng combination renders obvious "*the given mobile information channel comprises a chat channel*" [20]. As discussed for claim 1, Neibauer discloses a mobile information channel in the form of a chat channel. (Neibauer, p.479.)

O. Claim 21

The Neibauer-Miller-Cheng combination renders obvious "*the messaging content comprises personalized messaging content for the first user*" [21]. As explained for claim 1, Neibauer discloses multiple examples of "*personalized messaging content*" for the first user, i.e., the club founder. For example, a club founder can post its own personalized messages using the private message board. (Neibauer, p.483, Fig. 21-13 (showing personalized "Welcome" message posted by club founder).) The founder can also engage in online chat with other members. (Neibauer, p.479.) The founder can also add its own personalized photos or create its own personalized photo albums. (Neibauer, pp.477-479.) Each example

provides "*messaging content*," i.e., the messages exchanged between the club founder and the one or more additional users, "*personalized*" for the first user because the messages would have either been written by the club founder or intended for or directed to the club founder. (EX-1002, ¶221.)

P. Claim 23

Neibauer in view of Miller and Cheng renders obvious "*the messaging content comprises at least one of an image …*" [23]. As explained for claim 1, the messaging content for the club photo sharing feature can comprise at least an image. (Neibauer, p.477.)

Q. Claim 24

Neibauer in view of Miller and Cheng renders obvious "*the messaging content comprises at least one of announcements, notes, surveys, promotions and contests*" [24]. It would have been obvious that the messaging content would have comprised any one of the examples recited in claim 24. (EX-1002, ¶223.) For example, Neibauer discloses examples of messages disclosing at least "*announcements*" and "*notes*." (Neibauer, p.475, Fig. 21-8 (exemplary club page showing message: "Hi, I am a new member of the club and I would like to express my comments"), p.483, Fig. 21-13 (exemplary club page showing message: "Welcome to the Yahoo! Message Board for Alan and Barbara's Clubhouse").)

R. Claim 25

Neibauer in view of Miller and Cheng renders obvious "*at least a portion of the shared content is authored by the first user*" [25]. As explained for claim 1, Neibauer discloses multiple examples in which "*at least a portion of the shared content is authored by the first user*." For example, messages posted by the club founder, chat messages from the club founder, and photos shared by the club founder (with accompanying textual descriptions) all comprise shared content "*authored by the first user*." (Neibauer, 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").)

S. Claim 26

Neibauer in view of Miller and Cheng renders obvious "*the first web-based interface is configured to allow the first user to title the given mobile information channel*" [26]. As explained for claim 1, one of the steps for creating a club using the "*first web-based interface*" involves the club founder ("*the first user*") providing a title or name for the club. (*E.g.*, Neibauer, 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, as shown in Figure 21-13:

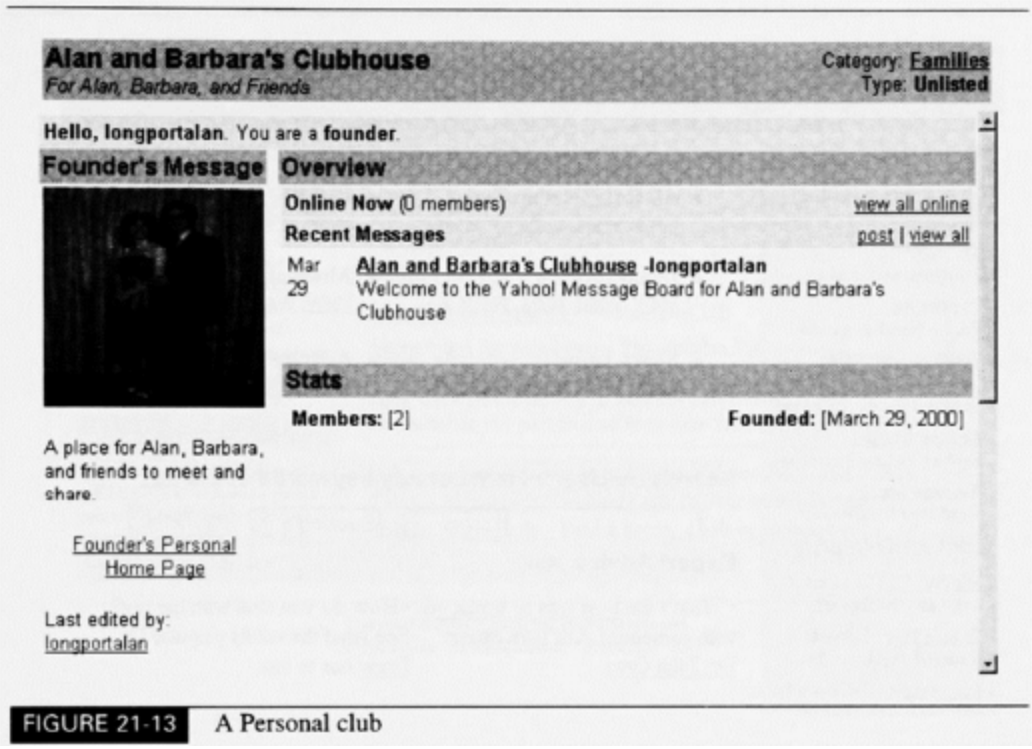


FIGURE 21-13 A Personal club

(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.

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 establishes a title for the given mobile information channel.

T. Independent Claim 27

Method claim 27 is similar to claim 1. Thus, Petitioners will refer back to the claim 1 analysis where appropriate.

1. Preamble [27P]

To the extent the preamble is limiting, the Neibauer-Miller-Cheng combination renders obvious a "*method*" for the same reasons discussed for limitation [1P], which is also directed to a "*method*," above.

2. Limitation [27A]

Limitation 27[a] ("*generating a given mobile information channel for sharing content authored by a first user with one or more additional users*") is substantially similar to limitations [1A]-[1B]. As explained for [1B], the Neibauer-Miller-Cheng combination discloses a given mobile information channel (e.g., club message board, club chat, photo sharing) for sharing content authored by a first user with one or more additional users. The claimed *generating* occurs when the mobile information channel is made available to club members via the club page. (EX-1002, ¶¶228, 137.)

3. Limitation [27B]

Limitation [27B] ("*providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional users*") is substantially similar to limitation [1B]. The club created by the club founder would have provided the other club members access to at least a portion of the shared content. This access would have been provided via the given mobile information channel and would have facilitated interaction and exchange of information between the club founder and the other club members. (EX-1002, ¶¶229-30.)

4. Limitations [27C]-[27D]

Limitations [27C] ("*wherein the given mobile information channel supports messaging…*") and [27D] ("*wherein the mobile information channel is configured to permit…*") are identical to limitations [1C]-[1D], respectively, and are obvious for the same reasons.

VII. Ground 2: Claim 7 Is Obvious Over Ground 1 Prior Art in View of Ausems.

Ausems discloses a portable mobile device that combines the functionality of a Personal Digital Assistant (PDA) with a wireless telephone. (Ausems, 3:5-8.) The PDA telephone **100** in Ausems can also run a conventional mobile operating system and may include a web browser. (Ausems, 7:64-8:5.) The device also includes a digital camera **190** for recording and storing images, which can be

transmitted. (Ausems, *e.g.*, 2:5-6, 5:17-18 ("Camera **190** records video images and stores them within. Additionally, video images recorded by camera **190** may also be transmitted from PDA telephone **100** in real time during a telephone call (thus allowing for video conferencing).").) Ausems thus discloses a "*device-captured data source*" that comprises a source of at least "*device-captured image data*," as recited in claim 7.

Motivation to Combine Ground 1 Prior Art with Ausems: It would have been obvious to combine the Ground 1 prior art with Ausems, predictably resulting the proposed combination being further adapted so content shared by the club founder ("*the first user*") would have been obtained from a "*device-captured data source*" that comprises a source of at least "*device-captured image data*," as recited in claim 7. (EX-1002, ¶239.) For example, the club founder would have captured image data using a digital camera of the mobile device and uploaded it to the club for sharing with other club members. (Neibauer, pp.477-478.) Ausems is an analogous reference in the field of wireless and mobile communications and would have been reasonably pertinent to problems facing the inventor. (EX-1002, ¶240.) A POSITA would have been amply motivated to combine in order to expand the universe of image data that the founder could share with other members of the club. (EX-1002, ¶241.) A POSITA would have had a reasonable expectation

of success, and could have implemented the proposed combination using conventional techniques. (EX-1002, ¶242.)

VIII. Ground 3: Claims 21-22 Are Obvious Over Ground 1 Prior Art in View of Fransioli.

A. Claim 21

The Ground 1 prior art in combination with Fransioli renders obvious "*the messaging content comprises personalized messaging content for the first user*" [21]. As explained for claim 17, Neibauer and Miller each renders obvious that the messaging content can comprise advertising content. For purposes of Ground 3 and claims 21-22, the "*personalized messaging content*" corresponds to content personalized for the first user based on the further combination with Fransioli.

Miller discloses several examples of providing advertising to users of a collaborative environment or group. (Miller, 0047:1-5.) Miller also discloses using its bulletin board feature to post offers to buy or sell items. (Miller, Fig. 2, 0046:20-33.) It therefore would have been obvious for "*the messaging content*" in claim 1 to have comprised advertising content.

With respect to "*personalized*" messaging content, this would have been obvious in further view of Fransioli, which discloses a method and system for providing a message to a user that is based on the location and direction of the user's portable device. (Fransioli, ¶0006.) The portable device can be a wireless or cellular handset. (Fransioli, ¶¶0029, 0030; *see also id.*, ¶0018, Fig. 1 (portable

device **26**).) In one embodiment, a server determines the location of the portable device, the direction of travel of the mobile device, and then establishes a message that includes content based on the mobile device's location and direction of travel. (Fransioli, ¶¶0007, 0015, 0023.) The location of the device can be determined using well-known GPS techniques or using various transmitters in the wireless access network. (Fransioli, ¶¶0027, 0030.)

The location-based information sent to the portable device can include, among other things, personalized advertising information. (Fransioli, ¶0018 ("For example, advertising may be delivered to the portable device based on location and direction of travel."), 0029.) But location-based information is not limited to advertisements. "For example, the message content may include a public service announcement, a local event schedule, a traffic report possibly including alternative route information, and/or a weather report," among others. (Fransioli, ¶0011.)

Fransioli further explains that its method "can apply to data with the newer wireless handsets or an interactive wireless data device integrated into a vehicle." (Fransioli, ¶0030.) "In this variant, a user can invoke the data service and connect to multimedia content or a web portal. Based on the location and travel direction information retrieved, the user can view the same type of information, except instead of being audio, it will be interactive multimedia or Internet media."

(Fransioli, ¶0030.) Fransioli therefore discloses "*personalized*" messaging content, i.e., messages personalized for the user (such as advertisements) based on the location and/or direction of travel of the mobile device. (Fransioli, ¶0005.)

Motivation to Combine Ground 1 Prior Art and Fransioli: It would have been obvious to combine the Ground 1 prior art with Fransioli, predictably resulting in the combined system providing "*personalized messaging content for the first user*," i.e., messaging content selected for the first user based on at least the location of her mobile device. (EX-1002, ¶255.) For example, in one exemplary implementation, the messaging content could have comprised an advertisement or information about a particular event from a club message board, selected for delivery to the club founder based on at least the location of its wireless mobile device. (EX-1002, ¶257.) Fransioli is an analogous reference in the same field of wireless and mobile devices and would have been reasonably pertinent to problems facing the inventors. (EX-1002, ¶256.)

A POSITA would have been motivated to combine the Ground 1 prior art with Fransioli to enhance user experience by providing personalized (location-based) content. Fransioli expressly motivates the combination by explaining that the system "provides localized and personalized information content in ways that improve over existing systems." (Fransioli, ¶0005.) It would have been obvious that personalized content based on the user's current location would have been

more likely to be relevant to the user as compared to messaging content provided without regard to location. (EX-1002, ¶259; Fransioli, ¶0028.) Fransioli provides a further express motivation to combine with Neibauer by explaining that a user can invoke the data service by connecting to a "web portal." (Fransioli, ¶0030.) The term "web portal" was used to refer to websites that served as jumping-off or starting points for Internet users, and Yahoo! was widely known and recognized in Neibauer itself as a well-known web portal. (EX-1002, ¶261.) A POSITA would also have had a reasonable expectation of success and could have implemented the proposed combination using conventional techniques. (EX-1002, ¶262.)

B. Claim 22

The combination of the Ground 1 Prior Art and Fransioli renders obvious "*the given mobile information channel integrates location-based service information of the wireless network with the personalized messaging content*" [22]. As explained above, the combination would have provided "*location-based service information of the wireless network*," i.e., the location of the first user's mobile device. Fransioli further explains that the mobile device location can be determined by the device itself using well-known global position system (GPS) techniques, or using the wireless network itself through signal strengths between the device and various transmitters in the wireless network. (Fransioli, ¶¶0027, 0030.) In either case, the combination would have provided "*location-based service information of*

the wireless network," which the given mobile information channel would have "*integrat[ed]*" with the personalized messaging content, as the current location information would have been used to personalize the message content for the first user. (Fransioli, ¶0011 ("For example, a driver in a vehicle may desire information about products and services in the locality.").) The given mobile information channel thus "*integrates*" location-based service information with the personalized messaging content by using the current location to establish the message delivered to the user. (Fransioli, ¶0031 ("At block **76** [of Figure 2] a message is established that includes content based on location and direction of travel.").)

IX. Grounds 4-6: Obviousness in Further View of Harvey

Grounds 4-6 are substantially the same as Grounds 1-3, respectively, except that they add Harvey (EX-1010) to account for a construction of "*mobile information channel*" proposed by Meta in the MDT-Meta-Litigation.

As explained for limitation [1A] in Ground 1, Meta argued in the MDT-Meta-Litigation that this term 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." (EX-1025, 1-2.) The key feature of this construction is the ability of user-authored content to be added "*at a content management site*," which Meta has defined as "a web site that allows a user

without programming to create and manage content on a mobile web site, or a portion thereof." (EX-1025, 3.)

The "*content management site*" corresponds to a website for creating a new club. (EX-1002, ¶266.) 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. For all other claim limitations, the Grounds 4-6 analysis applies.

Harvey discloses techniques for creating on-line communities, which are similar to the web-based clubs disclosed in Neibauer. (Harvey, 4:24-43.) Harvey teaches the ability of a community creator to author content for a community <u>before</u> the community is created. (EX-1002, ¶268.) Harvey explains that "[t]he community creating module permits the creator to create a community, and <u>designate applications and content presented</u> in the community by a user interface." (Harvey, 4:28-30.) A user can access a creating module 165 in order to create a new community. (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, <u>designate content</u> and application objects, subscribe to subscription objects, and <u>add other information associated with the community</u>." (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 adding content before the community is created. (EX-1002, ¶268.) Users access the community "through browser access to an appropriate website." (Harvey, 29:59-62.)

Motivation to Combine with Harvey: It would have been obvious to combine the prior art cited for Grounds 4-6 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. (EX-1002, ¶269.) This would have satisfied Meta'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." (EX-1002, ¶270.) Under the proposed combination, the "*content management site*" would have included the web-based interface for allowing the founder to create a Neibauer club and to add content for the club via the application-based information channels, such as initial club messages, initial photos with textual descriptions, etc. (*Id.*) This information would have been made available for transmission to "*the mobile website*," i.e., the club site as delivered to mobile users. (*Id.*) Harvey is an analogous reference and would have been reasonably pertinent to problems facing the inventors. (EX-1002, ¶271.)

A POSITA would have been motivated to combine in order to provide club founders with better customizability allowing them to use the club-creation interface to populate mobile information channels with initial content, *before* the club is launched. (EX-1002, ¶272.) This would have avoided "blank" clubs devoid of content, because the club would be populated with some initial content before launch, which creates a more engaging club experience. (*Id.*) A POSITA would also have had a reasonable expectation of success and could have implemented the combination using conventional techniques. (EX-1002, ¶273.)

X. Discretionary Denial Is Not Appropriate.

A. 35 U.S.C. §314(a)

The Board should reach the merits because the Petition presents a compelling unpatentability challenge. (*See* Interim Procedure for Discretionary Denials, 4-5.) The evidence presented in this Petition, "if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence." (Interim Procedure, 4.)

The median time to trial in the Eastern District of Texas is 21.9 months and the case is scheduled for trial on April 20, 2026. Nonetheless, the district court case is in its early stages and little fact discovery has taken place. For example, the parties have produced few documents and no depositions have taken place. In addition, because a claim construction hearing is not scheduled until October 30,

2025, no claim construction order will issue prior to a decision on institution. And any trial will involve fewer claims than challenged here.

B. 35 U.S.C. §325(d)

Advanced Bionics does not apply to Miller (EX-1004), Ausems (EX-1006), Fransioli (EX-1007), and Harvey (EX-1010), as these references were not considered during prosecution.

Neibauer (EX-1003) and Cheng (EX-1005) were cited in an Information Disclosure Statements and were considered by the Examiner. (EX-1022, 243 & 265 (excerpts of Neibauer), 273 (Cheng).) These references were among hundreds of prior art references cited during prosecution.

Petitioners respectfully submit that the Examiner's consideration of Neibauer and Cheng does not raise §325(d) issues in light of the uneventful prosecution history. As noted above, the '336 patent issued after the applicants traversed a single office action rejecting the claims for obviousness-type double patenting and filed a terminal disclaimer. (EX-1022, 238-40.) No prior art rejections were entered. While Rensin was identified as the closest prior art in the Examiner's statement of reasons for allowance (EX-1022, 357), that reference was not discussed during prosecution, and there is no explanation for the Examiner's conclusion that Rensin fails to disclose "generating a second web-based interface" and final two "wherein" clauses of the independent claims.

Petitioners respectfully submit 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 Rensin. In fact, the PTO cited and relied on both Neibauer and Cheng in the successful reexamination of the earlier U.S. 8,135,801 patent (to which the present '336 patent was terminally disclaimed) which resulted in cancellation of all claims. (EX-1024, 4 (PTAB decision affirming prior art rejections and listing Cheng and Neibauer), 18-19 (Federal Circuit affirmance).)

Neibauer was also referenced during *ex parte* reexamination as evidence of the background knowledge relevant to those skilled in the art. (EX-1023, 65.)

The art in the present grounds is presently before the Board in IPR2024-00246. To the extent the Board issues a Final Written Decision in IPR2024-00246, discretionary denial under *Advanced Bionics* may be warranted.

C. *General Plastics*

The petition should not be denied as an improper serial petition because there is no relationship, such as a joint defense arrangement, much less a "significant relationship" between Petitions here and Meta. Moreover, the functionality of the accused products in the Meta and Samsung district court cases

differ. *See Videndum Production Solutions, Inc. v. Rotolight Ltd.*, IPR2023-01218 (Paper 12).

XI. Mandatory Notices

A. Real Party In Interest

The real parties-in-interest are Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.

B. Related Matters

To the best of Samsung's knowledge, the following is a list of judicial or administrative matters that would affect, or be affected by, a decision in the proceeding:

- *Mobile Data Technologies LLC v. Samsung Electronics Co. Ltd. et al.*, 2:24-cv-00435-JRG-RSP (E.D. Tex.)
- *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, Case No. 3:24-cv-00896-WHA (N.D. Cal.)
- *Meta Platforms, Inc. v. Mobile Data Technologies, Inc.*, IPR2024-00247 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00535 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00536 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00537 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00538 (PTAB)

- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00540 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00541 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00542 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00543 (PTAB)
- *Samsung Electronics Co., Ltd. v. Mobile Data Technologies*, IPR2025-00544 (PTAB)

C. Notice of Counsel and Service Information

Pursuant to 37 C.F.R. §§ 42.8(b)(3), 42.8, Petitioners designate the following lead and backup counsel:

Lead Counsel	Back Up Counsel
Lori Gordon (Reg. No. 50,633) Goodwin Procter LLP 1900 N St. N.W. Washington, D.C. 20036 Phone: (202) 346-4000 Fax: (202) 346-4444 Gordon-ptab@goodwinlaw.com	Doug Kline (Reg No. 35,574) Goodwin Procter LLP 100 Northern Avenue Boston, MA 02210 Tel: (617) 570 1000 Fax: (617) 523-1231 dkline@goodwinlaw.com
	Naomi Birbach (Reg. No. 67,113) Goodwin Procter LLP 620 Eighth Avenue New York, NY 10018 Phone: (212) 813-8800 Fax: (212) 355-3333 NBirbach@goodwinlaw.com
	Srikanth Reddy (*pro hac vice* application to be filed) Goodwin Procter LLP 100 Northern Avenue Boston, MA 02210 Tel: (617) 570 1000 Fax: (617) 523-1231 sreddy@goodwinlaw.com

Petitioners consent to electronic service by email at the addresses: Gordon-ptab@goodwinlaw.com, dkline@goodwinlaw.com, nbirbach@goodwinlaw.com, and sreddy@goodwinlaw.com.

XII. Conclusion

Inter partes review of the challenged claims is respectfully requested.

Date: February 7, 2025

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon (Reg. No. 50,633)
Goodwin Procter LLP
1900 N Street, N.W.
Washington, D.C. 20036
Phone: (202) 346 4435
Gordon-ptab@goodwinlaw.com

Lead Counsel for Petitioners

APPENDIX A – LIST OF CLAIMS

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

[1A] providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and

[1B] generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

[1C] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

[1D] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

[6] The method of claim 1 wherein the first web-based interface is identified by a first uniform resource locator and the second web-based interface is identified by a second uniform resource locator different than the first uniform resource locator.

[7] The method of claim 1 wherein the shared content is obtained from a device-captured data source of the first user, said device-captured data source comprising a source of at least one of device-captured video data, device-captured image data, device-captured audio data and device-captured location coordinates.

[8] The method of claim 1 wherein the first web-based interface permits the first user to upload at least one information item, and wherein the second web-based interface provides said one or more additional users with access to said at least one uploaded information item in accordance with accessibility rules established by the first user via the first web-based interface.

[9] The method of claim 1 wherein the one or more additional users comprise individuals that with the first user and by mutual consent collectively comprise a group of members that have access to at least a portion of said shared content via the second web-based interface.

[10] A non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs for use in managing information content in a network-based communication system, wherein said executable program code when executed by a processing element of the communication system implements the steps of the method of claim 1.

[11P] An apparatus for use in managing information content in a network-based communication system, the apparatus comprising:

[11A] a processing element comprising a processor coupled to a memory;

[11B] the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;

[11C] the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

[11D] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

[11E] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

[13] The apparatus of claim 11 wherein the processing element comprises at least one server.

[14] The apparatus of claim 13 wherein the server is accessible over the Internet via a network interface.

[15P] A network-based communication system, comprising:

[15A] a plurality of servers configured to communicate over a network;

[15B] at least one of the servers providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;

[15C] wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

[15D] wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

[15E] wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

[16] The method of claim 1 further comprising maintaining a contact list for the given mobile information channel, the contact list comprising the one or more additional users.

[17] The method of claim 1 further comprising distributing advertising content to the one or more additional users via the given mobile information channel.

[18] The method of claim 17 wherein distributing advertising content comprises inserting advertising content along with messaging content in the given mobile information channel.

[20] The method of claim 1 wherein the given mobile information channel comprises a chat channel.

[21] The method of claim 1 wherein the messaging content comprises personalized messaging content for the first user.

[22] The method of claim 21 wherein the given mobile information channel integrates location-based service information of the wireless network with the personalized messaging content.

[23] The method of claim 1 wherein the messaging content comprises at least one of an image, a video, a short message service (SMS) message and a multimedia message service (MMS) message.

[24] The method of claim 1 wherein the messaging content comprises at least one of announcements, notes, surveys, promotions and contests.

[25] The method of claim 1 wherein at least a portion of the shared content is authored by the first user.

[26] The method of claim 1 wherein the first web-based interface is configured to allow the first user to title the given mobile information channel.

[27P] A method comprising:

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

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

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

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

CERTIFICATE OF WORD COUNT UNDER 37 CFR §42.24(d)

Pursuant to 37 C.F.R. §42.24(a), Samsung hereby certifies that portions of the above-captioned Petition for *Inter Partes* Review of U.S. Patent No. 8,793,336, in accordance with and reliance on the word count provided by the word-processing system used to prepare this Petition, that the number of words in this paper is 13,679. Pursuant to 37 C.F.R. §42.24(a), this word count is in compliance and excludes the table of contents, table of authorities, mandatory notices under §42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing. This word count was prepared using Microsoft Word.

Date: February 7, 2025

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon (Reg. No. 50,633)
Goodwin Procter LLP
1900 N Street, N.W.
Washington, D.C. 20036
Phone: (202) 346 4435
Gordon-ptab@goodwinlaw.com

Lead Counsel for Petitioners

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Petition for *Inter Partes* Review of U.S. Patent No. 9,793,336 together with all exhibits identified in the above Table of Exhibits and Petitioners' Power of Attorney, have been served on the Patent Owner via Federal Express Next Business Day Delivery on the below date, at the correspondence address of record as listed on the Patent Center:

Spencer Fane LLP
1000 Walnut Street
Suite 1400
Kansas City, MO
UNITED STATES

Attorneys for Mobile Data Technologies LLC

Courtesy copies of the foregoing documents were served by e-mail on the following counsel of record for Patent Owner in the concurrent litigation:

Michael C. Smith
SCHEEF & STONE LLP
113 East Austin Street
Marshall, Texas 75670
Telephone: (903) 938-8900
michael.smith@solidcounsel.com

Erick S. Robinson (Reg. No. 51,354)
Patrick M. Dunn (Reg. No. 70,474)
Jayme Partridge (Reg. No. 39,011)
Jayne C. Piana (Reg. No. 48,424)
BROWN RUDNICK LLP
811 Main Street, Suite 1825
Houston, TX 77002
erobinson@brownrudnick.com

Tel: (281) 815-0511
Fax: (281) 605-5699

Homayoon Rafatijo (Reg. No. 80,870)
BROWN RUDNICK LLP
601 Thirteenth Street NW Suite 600
Washington, D.C. 20005
hrafatijo@brownrudnick.com
Tel: (202) 536-1700
Fax: (202) 536-1701

Attorneys for Mobile Data Technologies LLC

Date: February 7, 2025 /Lori A. Gordon/

Lori A. Gordon

Lead Counsel for Petitioners