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

IPR2025-00537
U.S. Patent No. 8,825,801

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

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

I. Introduction....1
II. Grounds for Standing....1
III. Identification of Challenge....1
A. Prior Art....1
B. Grounds For Challenge....2
IV. The '801 Patent....2
A. Level of Ordinary Skill in the Art....4
B. Prosecution History....5
C. Claim Construction....6
1. "Mobile Information Channel"....6
2. "Mobile Device"....7
3. "Wireless Network"....8
V. Overview of Grounds....9
VI. Ground 1: Claims 1-25 Are Obvious Over Neibauer in View of Miller, Cheng and Squibbs....10
A. Independent Claim 1....10
1. Preamble [1P]....11
2. Limitation [1A]....12
3. Limitation [1B]....26
4. Limitation [1C]....27
5. Limitation [1D]....30
6. Limitation [1E]....33
7. Limitation [1F]....33
B. Claim 2....43
C. Claim 3....44

D. Claim 4 44
E. Claim 5 47
F. Claim 6 47
G. Claims 7 and 8 48
H. Claim 9 48
I. Claim 10 50
J. Claims 11 and 12 51
K. Claim 13 53
L. Claim 14 54
M. Claim 15 55
N. Claim 16 56
O. Claim 17 57
P. Claims 18 and 19 57
Q. Claim 20 58
R. Claim 21 59
S. Independent Claim 22 60
T. Independent Claim 23 62
1. Preamble [23P] 62
2. Limitation [23A] 62
3. Limitation [23B] 63
4. Limitations [23C]-[23H] 63
U. Claim 24 64
V. Independent Claim 25 64
1. Preamble [25P] 64
2. Limitation [25A] 65
3. Limitation [25B] 65
4. Limitations [25C]-[25H] 66

VII. Ground 2: Obviousness in Further View of Harvey.....66

VIII. Discretionary Denial is Not Appropriate.....69

A. 35 U.S.C. §314(a).....69

B. 35 U.S.C. §325(d).....70

C. *General Plastics* 71

IX. Mandatory Notices.....72

A. Real Party In Interest.....72

B. Related Matters.....72

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

X. Conclusion 73

EXHIBIT LIST

Exhibit	Reference
1001	U.S. Patent 8,825,801 to Harper ("the '801 patent")
1002	Declaration of Henry Houh, Ph.D. in Support of Petition for *Inter Partes* Review of U.S. Patent 8,825,801
1003	Excerpts from Alan Neibauer, *How to Do Everything With Yahoo!* (2000) ("Neibauer")
1004	PCT Application WO 00/17775 to Craig Miller et al. (filed September 22, 1999, published March 30, 2000) ("Miller")
1005	U.S. Patent No. 7,574,486 B1 to Yin Cheng et al. (filed November 8, 2000, issued August 11, 2009) ("Cheng")
1006	U.S. Patent No. 6,434,403 B1 to Michiel R. Ausems et al. (filed February 19, 1999, issued August 13, 2002) ("Ausems")
1007-1009	***RESERVED***
1010	U.S. Patent No. 6,487,583 B1 to Jamey Harvey et al. (filed February 25, 2000, issued November 26, 2002) ("Harvey")
1011	U.S. Patent Application Publication No. 2001/0015759 A1 to Robert Francis Squibbs (filed February 21, 2002, published August 23, 2001) ("Squibbs")
1012	Excerpts from Uwe Hansmann et al., *Pervasive Computing Handbook* (2001) ("Hansmann")
1013	Excerpts from David Fox & Troy Downing, *HTML Web Publisher's Construction Kit* (1995) ("Fox")
1014-1021	***RESERVED***
1022	File history of U.S. Patent No. 8,825,801 B2
1023	***RESERVED***

Exhibit	Reference
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 IPR2024-00247
1027	U.S. Patent 6,167,137 to Ogdon et al. ("Ogdon")
1028	U.S. Patent 8,135,801 to Harper et al.
1029	Order Granting *Inter Partes* Reexamination of U.S. Patent 8,135,801
1030	*Meta Platforms, Inc. v Mobile Data Techs. LLC,* IPR2024-00247, Paper 26 (PTAB Oct. 2, 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*, IPR2024-00247, Paper 33 (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")

I. Introduction

Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung" or "Petitioner") petitions for *inter partes* review ("IPR") of claims 1-25 of U.S. Patent No. 8,825,801 ("the '801 patent," EX-1001).

II. Grounds for Standing

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

III. Identification of Challenge

A. Prior Art

The '801 patent is a continuation of U.S. Pat. Appl. No. 13/364,950 filed February 2, 2012, and claims priority to U.S. Provisional Appl. No. 60/389,430, filed June 18, 2002. Petitioner does not acquiesce that the '801 patent is entitled to priority to either of those 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.)

[1] PO did not dispute Neibauer's public availability in *Meta Platforms, Inc. v. Mobile Data Techs.* (Meta-MDT-IPR), IPR2024-00248.

2. **U.S. Publication 2001/0015759 to Squibbs** ("Squibbs"; EX-1011), filed February 21, 2001, is prior art under 35 U.S.C. §102(e).

3. **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).

4. **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).

5. **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).

B. Grounds For Challenge

Ground		Claims	Basis for Challenge under §103
1		1-25	Neibauer + Miller + Cheng + Squibbs
2		1-25	Ground 1 Prior Art + Harvey

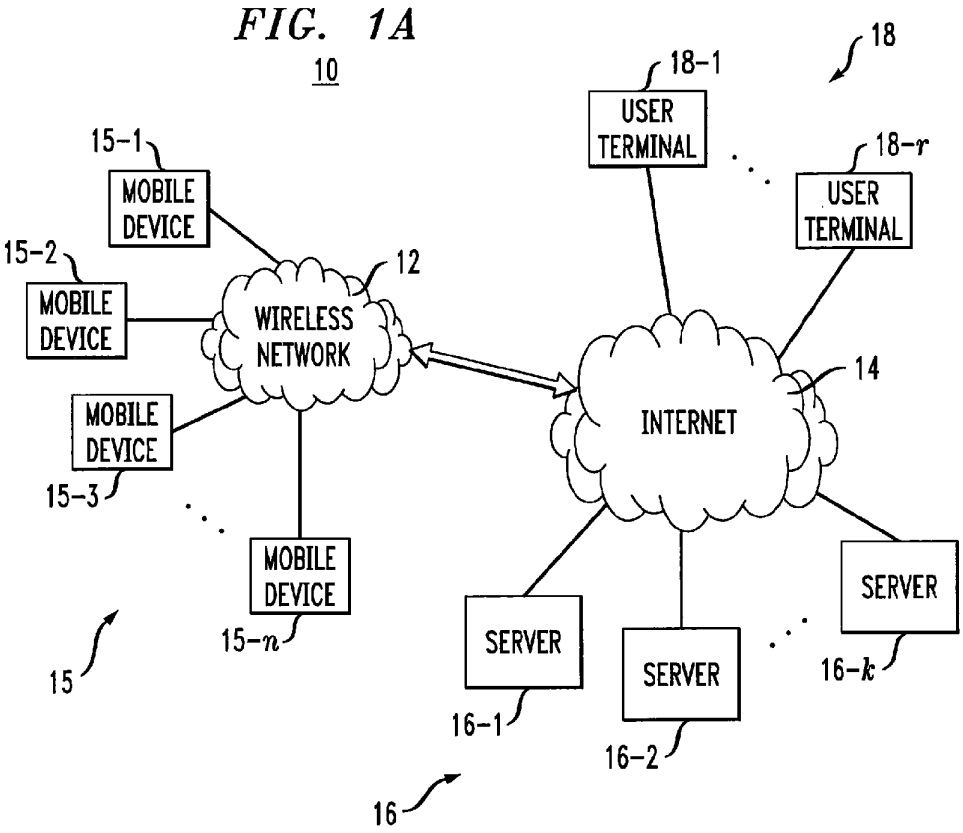
Submitted with this Petition is the Declaration of Henry Houh (EX-1002) ("Houh"), a qualified technical expert. (EX-1002, ¶¶8-18, Ex. A.)

IV. The '801 Patent

The '801 patent "relates generally to network-based communications systems, and more particularly to techniques for information content management in such systems." (EX-1001, 1:24-26.) The '801 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, 3:54-58.)



'801 Patent, Figure 1A

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, 5:18-20, 8:17-23.) Such mobile sites may be associated with "a group comprising multiple members having a common interest" (EX-1001, 6:30-32), "an event" (EX-1001, 6: 50-51), "a game," (EX-1001, 7:30-31), or "a user of IM, SMS, MMS, email or other type of messaging service" (EX-1001, 7:42-44), among other associations. (EX-1001, 6:30-8:12.)

A. 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.[2] (EX-1002, ¶¶30-31.)

B. Prosecution History

The '801 patent issued from U.S. Pat. Appl. No. 14/175,768, filed February 7, 2014. In a Non-Final office action dated May 15, 2014, the Examiner rejected claims 1-25 on the grounds of nonstatutory double patenting over claims 1-20 of U.S. Pat. No. 8,135,801. (File history of U.S. Patent No. 8,825,801 B2 (EX-1022), 231-234.) In response to this rejection, the applicant argued that the pending claims were patentably distinct because they included the phrase "integrating into the mobile information channel information associated with at least one networking functionality of said at least one network," which did not appear in U.S. 8,135,801. (EX-1022, 300.)

The Examiner issued a Notice of Allowance on July 3, 2014, identifying U.S. Pat. No. 7,003,546 to Cheah ("Cheah") as the closest prior art of record, and stated that Cheah does not disclose:

> *activating the mobile information channel responsive to input received from the first user via the interface; inserting content provided by the first user into the mobile information channel; receiving additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices*

[2] Patent Owner did not dispute this characterization of a POSITA in the proceedings of IPR2024-00247, which also challenges the '801 patent.

> *associated with at least one wireless network; inserting at least a portion of the additional content into the mobile information channel; and integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network.*

(EX-1022, 320.) Applicants filed an additional statement on July 7, 2014, traversing the Examiner's statement in the Notice of Allowance and disagreeing with the characterization of Cheah as the closest prior art. (EX-1022, 337.)

C. Claim Construction

Claim terms should be given their ordinary and customary meaning as understood by a POSITA at the time of the invention considering the language of the claims, the specification, and the prosecution history of record. 37 C.F.R. §42.100; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-14 (Fed. Cir. 2005) (*en banc*). The Board need construe claims only to the extent necessary to resolve a patentability controversy. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Matal*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

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"), Meta and Patent Owner have taken the following claim construction positions:

1. "Mobile Information Channel"

Petitioners do not believe this term requires construction in this IPR but demonstrates the prior art meets this limitation under each of the proposed Meta-

MDT-IPR constructions and the MDT-Meta-Litigation construction. (EX-1002, ¶38.)

MDT-Meta-Litigation	
PO	plain and ordinary meaning; alternatively, "a medium for transferring information that allows mobile device users to author content"
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."
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"
Meta	"a medium for transferring information that allows mobile device users to author content"

2. "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, 4:38-41.) Petitioners apply the plain meaning which is consistent with Meta's Meta-MDT-IPR and MDT-Meta-Litigation constructions. (EX-1002, ¶39.)

MDT-Meta-Litigation	
PO	plain and ordinary meaning; alternatively, "a piece of handheld equipment"

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"
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"
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"

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, 30-31; 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, ¶40.)

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"

Petitioner respectfully submits that the Board need not expressly construe any claim terms because, as discussed further below, the prior art renders obvious the challenged claims under any construction of the terms. (EX-1002. ¶¶41-42.)

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 '801 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, ¶¶48-58; 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 '801 patent. (EX-1024, 4.)

All grounds also cite to Cheng (EX-1005), which additionally demonstrates that it would have been obvious to provide the Yahoo! Clubs features from

Neibauer to users via mobile devices. (EX-1002, ¶¶63, 106-07.) Cheng describes a proxy server that can convert any existing (non-mobile) webpage for use on a mobile device. (EX-1002, ¶¶68-74.) Cheng was also cited in the earlier reexamination mentioned above. (EX-1024, 4.) All grounds also cite to Squibbs (EX-1011) for location-based features of the challenged claims. Squibbs discloses a technique for displaying a photo album by showing, on an electronic map, the location of where the photo was taken based on location information provided with the photo. (EX-1002, ¶¶78-86; Squibbs, Figs. 6-7.)

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, ¶¶65-66.) Ground 2 is substantially similar to Ground 1, but adds Harvey (EX-1010), solely to account for a potential construction of "mobile information channel" proposed by Meta in the MDT-Meta-Litigation. If the Board chooses not to adopt that construction here, it need not consider this ground.

VI. Ground 1: Claims 1-25 Are Obvious Over Neibauer in View of Miller, Cheng and Squibbs.

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 exemplary club created by a member is shown in Figure 21-13:

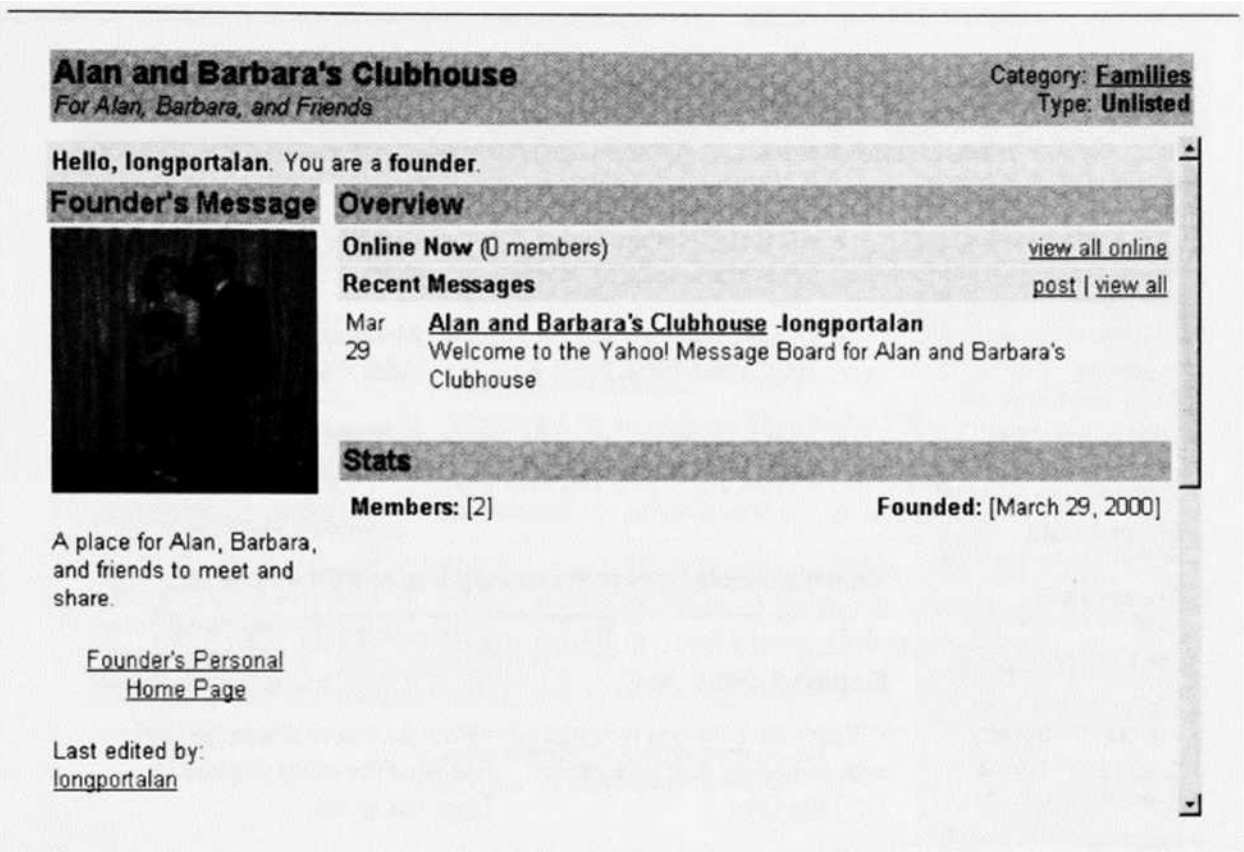


FIGURE 21-13 A Personal club

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

1. Preamble [1P]

To the extent the preamble is limiting, Neibauer discloses a "*method*." As described in detail below, Neibauer discloses a method for managing information

content because a club founder can manage the information on a club. (Neibauer, pp.478-480.)

2. Limitation [1A]

Neibauer, alone or in combination with Cheng, renders obvious "*providing an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users*" [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 an interface*" takes place in Neibauer when a web-based interface is provided to a club founder ("*a first user*") that allows the founder to create a club. The founder can click "Create Club" to cause a web-based form to appear asking for club information. (Neibauer, pp.480-481.) "Create a Club" is shown in Figure 21-12:

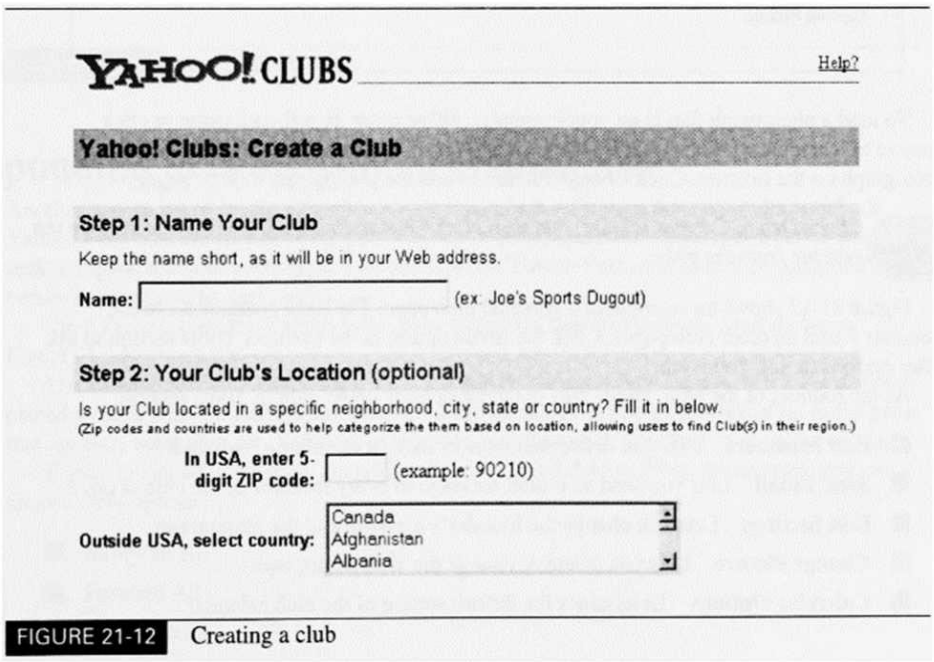


FIGURE 21-12 Creating a club

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

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

First, Neibauer explains that the club will include a private message board. "A message board can be compared to a bulletin board on an office wall. It's a place to leave messages to others and to read their replies." (Neibauer, p.468; *see also* Neibauer, p.477 ("Every club has its own private message board."), pp.469-471.)

As a second example of a *mobile information channel*, Neibauer discloses a chat feature for engaging in real-time messaging. (Neibauer, p.479.)

Third, Neibauer discloses a photo sharing feature that allows members to share images. (Neibauer, p.477.) To add an image to an album, the user identifies the location of the photo and enters a name and description. (Neibauer, p.478, ¶¶2-3.)

Each of these club features discloses a "*mobile information channel through which the first user can share access to content with a plurality of additional users*," because each feature can be used for sending and receiving messages between club members (including the club founder) such as club message board or chat messages, or photographs. (EX-1002, ¶¶135-39.)

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

system **10**." (EX-1001, 8:17-23.)[3] The '801 patent identifies several examples of these channels: "discussion forum," "chat," and "photo blog" (EX-1001, 8:34-44), which mirror the club message board, chat, and photo sharing features described in Neibauer. 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 "*control activation of*" the above mobile information channels via the "*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 controls activation of each mobile information channel by taking actions to create a new club using the club-creation interface, which activates the given mobile information channel (*e.g.*, club message board, chat, photo sharing) by making it available through the newly-created club. (EX-1002, ¶¶143-44; *see also* Neibauer, p.473.)

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

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

Miller discloses a system similar to Neibauer for allowing users to create collaborative web-based environments. (Miller, Abstract, 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, ¶145.)

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 "*interface*" further allowing the club founder to select and activate the particular communication features (including "*a mobile information channel*") provided for the club, to the extent this is a requirement of the claim. (EX-1002, ¶97.) Neibauer and Miller are analogous references in the same field the same field as the '801 patent of network-based communication systems and information content management, and would have been reasonably pertinent to problems facing the inventors. (EX-1002, ¶¶89-92.)

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, ¶95.) 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, ¶100-01, 146.) 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, ¶102.)

Addressing Proposed Constructions in Pending Litigation: In the Meta-MDT-IPR, Patent Owner 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, 21-22.) Patent Owner 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, 24.) Based on these constructions, Patent Owner argues that there is no "*mobile information channel*" in the prior art because, according to Patent Owner, Neibauer teaches only the use of a "conventional laptop," which is not a "*mobile device*." (EX-1030, 37-38.)

Patent Owner's argument is wrong for at least two different reasons. *First*, Patent Owner'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 '801 patent specification states that "[t]he term 'mobile device' as used herein is intended to include, without limitation, any type of portable information

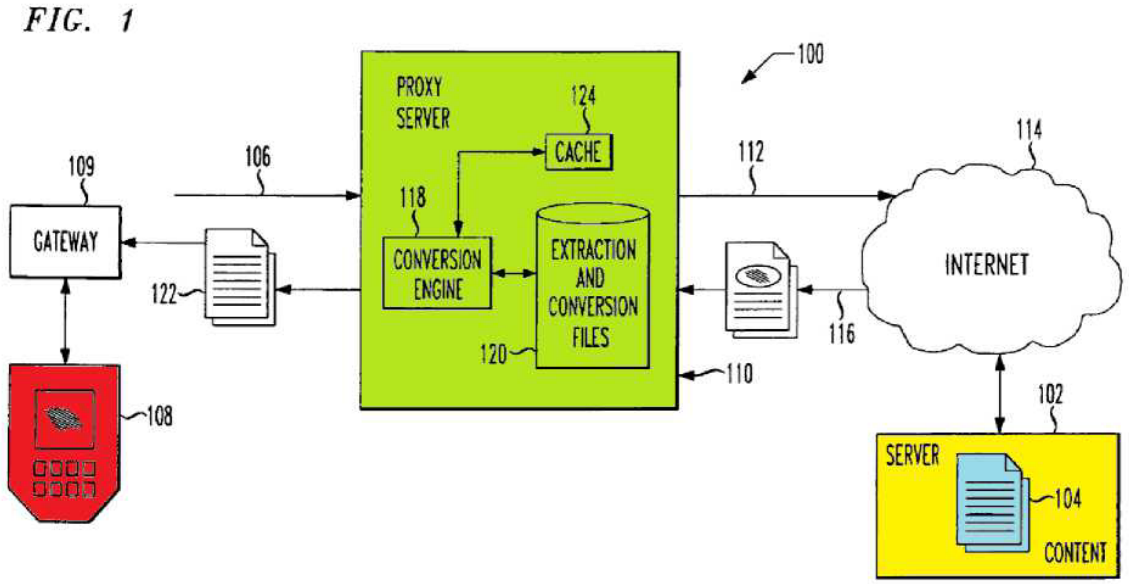
processing device capable of being configured for communication over a network," including, for example, "a laptop computer." (EX-1001, 4:38-48.) Thus, a laptop, as taught by Neibauer, is a "*mobile device*." (EX-1002, ¶150.)

Second, even if Patent Owner's improper constructions of "*mobile information channel*" and "*mobile device*" were accepted, the combination of Neibauer, Miller, and Cheng still renders obvious limitation [1A].[4] 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-

[4] 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 [1A]. (EX-1030, 41-48.) The arguments here apply equally to the other limitations of claim 1.

created clubs to be accessed by handheld devices disclosed elsewhere in Neibauer. This would have been viewed as a logical (and obvious) extension to the existing features described in Neibauer. (EX-1002, ¶111, 155.)

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, ¶72.) 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[5]

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

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

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, ¶¶70, 118.)

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, ¶74.) "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.)

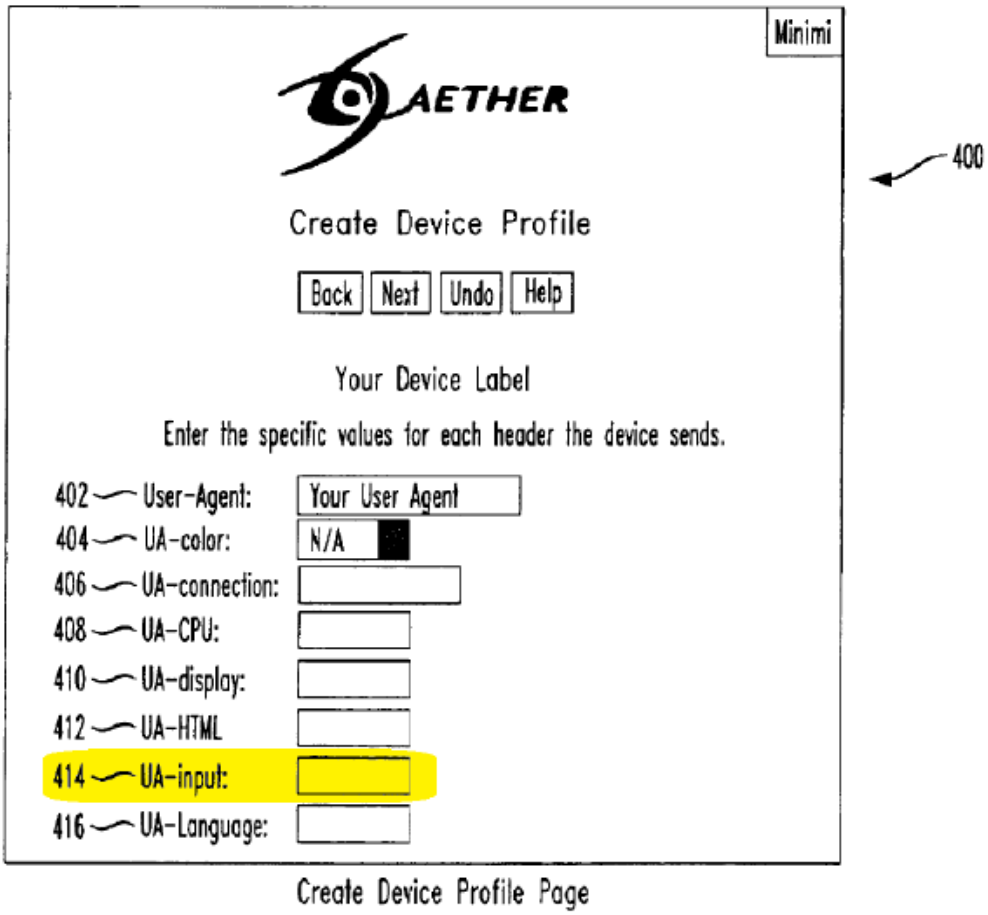
Proxy server **110** then converts and/or reformats original web page **104** into reformatted web page **122**, which is transmitted to mobile device **108**. (Cheng, 2:24-29, 5:46-49, 4:56-60.) "The designated HTML content of the retrieved web page **104** is extracted, subsequently and/or converted,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

Patent Owner 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, 39 (emphasis in original).) Patent Owner, 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:

FIG. 4



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, ¶107.)

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, ¶108; 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, ¶108.) In any case, combining Neibauer, Miller, and Cheng would not have affected the

underlying functionality in Neibauer, further motivating the combination. (EX-1002, ¶110.) 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, ¶104.)

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, ¶¶105-07, 113-14.) 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 '801 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, 1:34-40.) 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, ¶¶114-15.)

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, ¶118.) 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, ¶117.) A POSITA would also have had a reasonable expectation of success as Cheng relies on known and industry-standard technologies. (EX-1002, ¶120.)

3. Limitation [1B]

Neibauer, alone or in combination with Miller and Cheng, renders obvious "*activating the mobile information channel responsive to input received from the first user via the interface*" [1B]. This limitation was largely covered by limitation [1A]. After the club founder makes the required selections for the club and clicks "**Yes! I Accept**" on the club creation form ("*via the interface*"), the founder will "see a page that tells [them] the club has been created. The page shows the club name and its Web address." (Neibauer, p.482.) The system therefore activates the "*mobile information channel*" responsive to input received by the club creator via the club creation interface ("*responsive to input received from the first user via the*

interface"), by making it available for use by the founder and other club members. (Neibauer, p.473 ("A *club* is a group of Yahoo! members who share a common interest. Each club has its own message board, chat room, as well as places to share photographs, news, addresses, and links.") (italics in original).) Under the further combination with Miller, the input by the club founder would have further included selection of the particular mobile information channel(s) to include in the club, to the extent required by the claim, and this input under the proposed combination would also have been received via the claimed interface. (EX-1002, ¶¶97, 160.)

4. Limitation [1C]

Neibauer, alone or in combination with Miller and Cheng, renders obvious "*inserting content provided by the first user into the mobile information channel*" [1C]. As explained for limitation [1A], each of the club message board, chat and photo sharing features described in Neibauer under the proposed combination ("*the mobile information channel*") supports messaging between the founder ("*the first user*") and the other club members. The "*content*" thus corresponds to the first user providing textual messages (with respect to the club message board and club chat mobile information channels), and photographs (with respect to the photo sharing mobile information channel). (EX-1002, ¶161.)

For example, for the club message board mobile information channel, a club member (including the club founder) can post a new message by replying to a

message in an existing message thread. (Neibauer, pp.470-472.) Figure 21-5 shows a user interface for allowing a club member to add a message to a message thread:

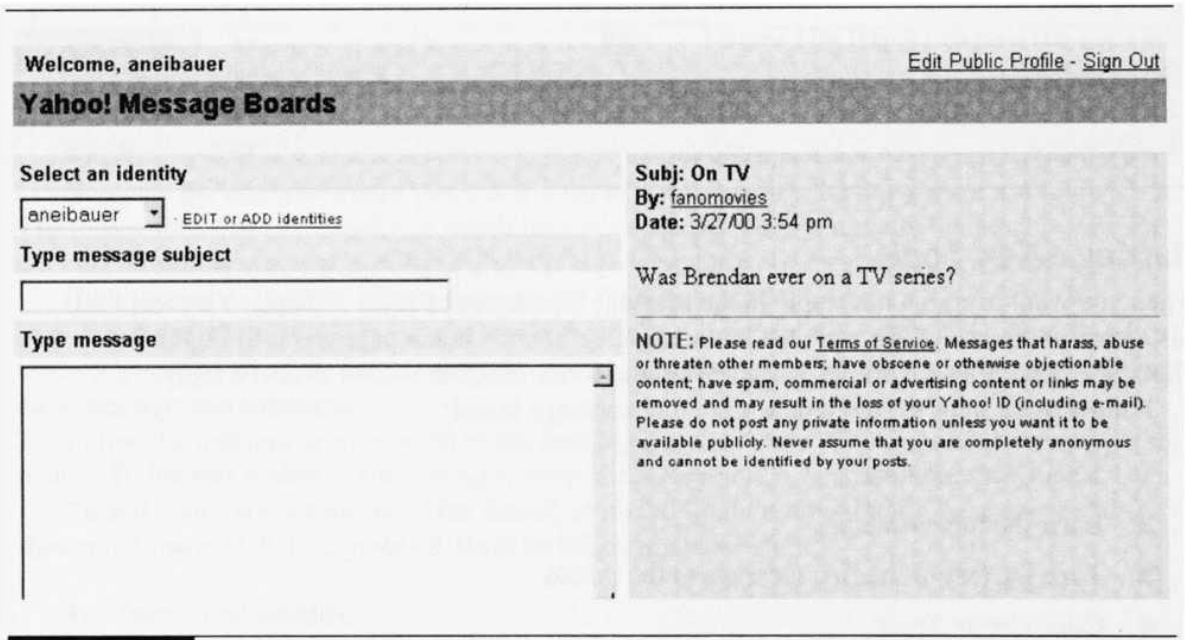


FIGURE 21-5 Replying to a message

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

It would have been obvious that the content provided by the club founder ("*content*") would have been "*insert[ed]… into the mobile information channel*," as it would have been available through the club message board. (EX-1002, ¶162; Neibauer, p.472, Fig. 21-4; *see also id.*, p.483, Fig. 21-13 (exemplary club page

posted by club founder longportalan: "Welcome to the Yahoo! Message Board for Alan and Barbara's Clubhouse").)

A similar analysis applies to the club photo sharing feature. As noted, a club member (such as the club founder) can add a photo to a photo album by selecting a photo for upload. (Neibauer, pp.477-478.) It would have been obvious that the photo provided by the club member ("*content*") would have been "*insert*[ed]… *into the mobile information channel*," as it would have been available through the club photo sharing feature. (EX-1002, ¶163; Neibauer, p.477, ¶1 ("If you are viewing the Photo Albums page, click Add Photo on the right side of the name of the album where you want to insert the photo.").)

The same analysis applies to the club chat mobile information channel, because a club member (including the club founder) who is engaged in a private club chat can type in a message that will appear in the chat. (Neibauer, p.479.) It would have been obvious that the message provided by the club member ("*content*") would have been "*insert*[ed]… *into the mobile information channel*," as it would have been available through the club chat. (EX-1002, ¶164; Neibauer, p.458 ("To enter a [chat] message, type it in the Chat text box and then press ENTER or click the Send button. Your name and message appears in the conversation box.").)

Finally, it would have been obvious that the "*content*" under each of the examples above would have been provided "*by the first user*," *i.e.*, the club founder, because the club founder, as with other club members, would have been permitted to provide content through the club message board, club photo sharing feature, or chat features using the techniques described above. (EX-1002, ¶165.)

5. Limitation [1D]

Neibauer, alone or in combination with Miller and Cheng, renders obvious "*receiving additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network*" [1D]. The first part of limitation [1D] is largely redundant of [1C]. As explained, the club message board, club photo sharing and chat features allow receipt of additional content from other club members beyond the club founder ("*one or more of said additional users*"). (EX-1002, ¶166.)

It would also have been obvious that the club members would have provided content relating to the mobile information channel "*via one or more respective mobile devices associated with at least one wireless network*," under the proposed combination, because club members would have accessed the club and its features (including the ability to add content) via mobile devices associated with a wireless network. For example, Neibauer discloses in connection with the Yahoo! Mobile

service that a mobile PDA could have included a "GSM Phone" modem. (Neibauer, p.171, ¶5.) GSM, which stands for **G**lobal **S**ystem for **M**obile Communication, was a dominant wireless (cellular) mobile network in widespread use in the United States the early 2000s. (EX-1002, ¶168.) Cheng similarly discloses wireless network device connectivity. (Cheng, *e.g.*, 2:4-7, 5:33 ("a cellular telephone"), 23:44-51 ("… wireless communication (e.g., radio frequency (RF), and the like)").)

It would have been obvious that the additional content would have been received via mobile devices associated with a wireless network, such as a known cellular communications network (like GSM). (EX-1002, ¶170.) A POSITA would have been motivated to allow mobile devices to provide content over a wireless network to take advantage of the growing popularity of mobile and wireless computing. (*Id.*)

Addressing Proposed Constructions in Pending Litigation: In the Meta-MDT-IPR, Patent Owner argues that "*wireless network*" should mean "a network separate from the internet that facilitates connection to the internet by mobile device." (EX-1030, 30-31.) Based on this proposed construction, Patent Owner has argued that Neibauer does not teach or suggest connection over a "*wireless network*" that is separate from the Internet.

Again, Patent Owner's argument is wrong for at least two different reasons. *First*, Patent Owner's proposed construction of "*wireless network*" contradicts the specification, which teaches that the "*wireless network*" need not be separate from the Internet. (EX-1001, 4:13-25.) 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, ¶172.)

Second, even if Patent Owner's improper construction of "*wireless network*" was accepted, the combination of Neibauer, Miller, and Cheng still renders obvious limitation [1D]. (EX-1002, ¶173.) 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, ¶173.) 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, ¶175.) A local area network could be used to implement all functionalities of Neibauer. (EX-1002, ¶¶175-77.)

6. Limitation [1E]

Neibauer, alone or in combination with Miller and Cheng, renders obvious "*inserting at least a portion of the additional content into the mobile information channel*" [1E]. Limitation [1E] is largely redundant of [1C], as the content provided by other club members ("*the additional content*") would also have been inserted into the club message board, club photo sharing feature, or club chat, in the same way as content provided by the founder. All of the content insertion techniques described for limitation [1C] apply to both the club founder ("*the first user*") and other club members ("*said additional users*"). (EX-1002, ¶¶178.)

7. Limitation [1F]

Neibauer, alone or in combination with Miller and Cheng, renders obvious "*integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network*" [1F]. The '801 patent does not define "*information associated with at least one wireless networking functionality of said at least one wireless network*," but provides examples. Dependent claim 7 states that the claimed information associated at least one wireless networking functionality comprises "*one or more messaging actions implementable over the wireless network*." Claim 8 is similar but recites "*one or more collaboration actions implementable over the wireless network*." And dependent claim 2 recites that the information comprises "*location*

information" of a mobile device. These same examples are also mentioned in the written description. (EX-1001, 5:63-6:8.) The proposed combination discloses multiple examples of information associated with at least one wireless networking functionality that track the examples in the patent and satisfy limitation [1F].

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

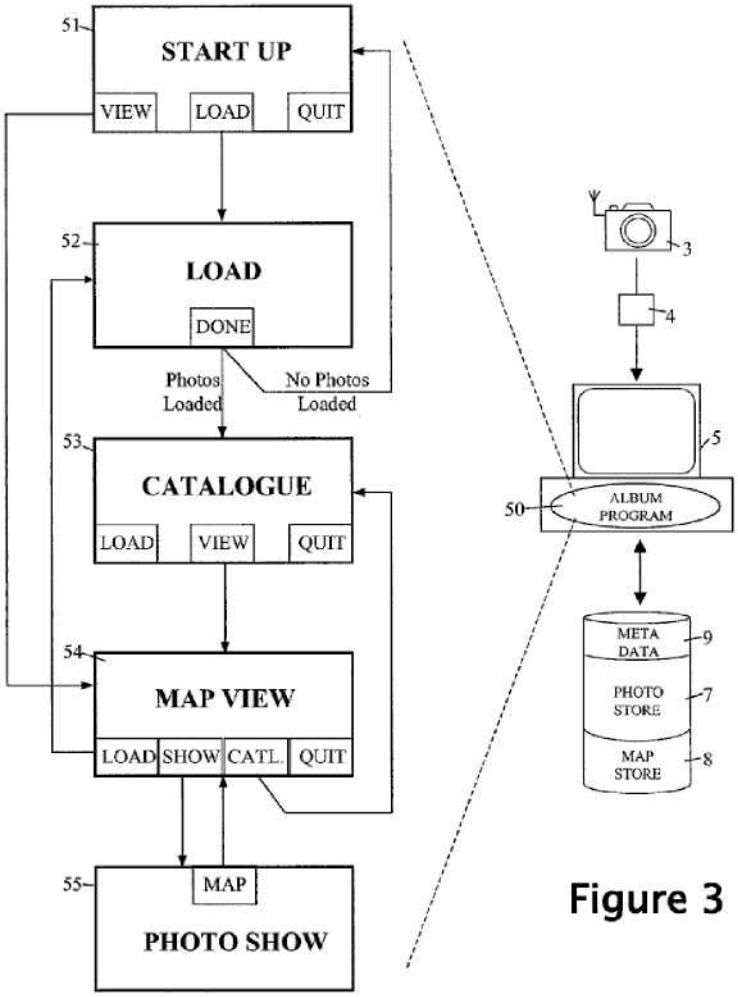
As shown in the discussion of limitations [1C]-[1E], any other club member can contribute additional new messages, photos and chat messages for the club message board, club photo sharing feature, and private chat ("*the mobile information channel*"), respectively. This additional information is associated with a "messaging action" and "collaboration action" because it provides messaging content and makes that content available to the founder and other members, allowing them to collaborate on topics of interest. The proposed combination thus

renders obvious "*integrating into the mobile information channel*," *i.e.*, the club message board, photo sharing feature, or chat, "*information associated with at least one wireless networking functionality of said at least one wireless network*," *i.e.*, a messaging or collaboration action by which another one or more club members (through their mobile device and over a wireless network) provide messaging content to other club members via the club. (EX-1002, ¶181.)

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

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

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



Squibbs, Fig. 3

As further explained in Squibbs, with reference to Figure 3:

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

> access to a map store **8**. The stores **7** and **8** and the meta-data database can be on the PC or external.

(Squibbs, ¶0031.)

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

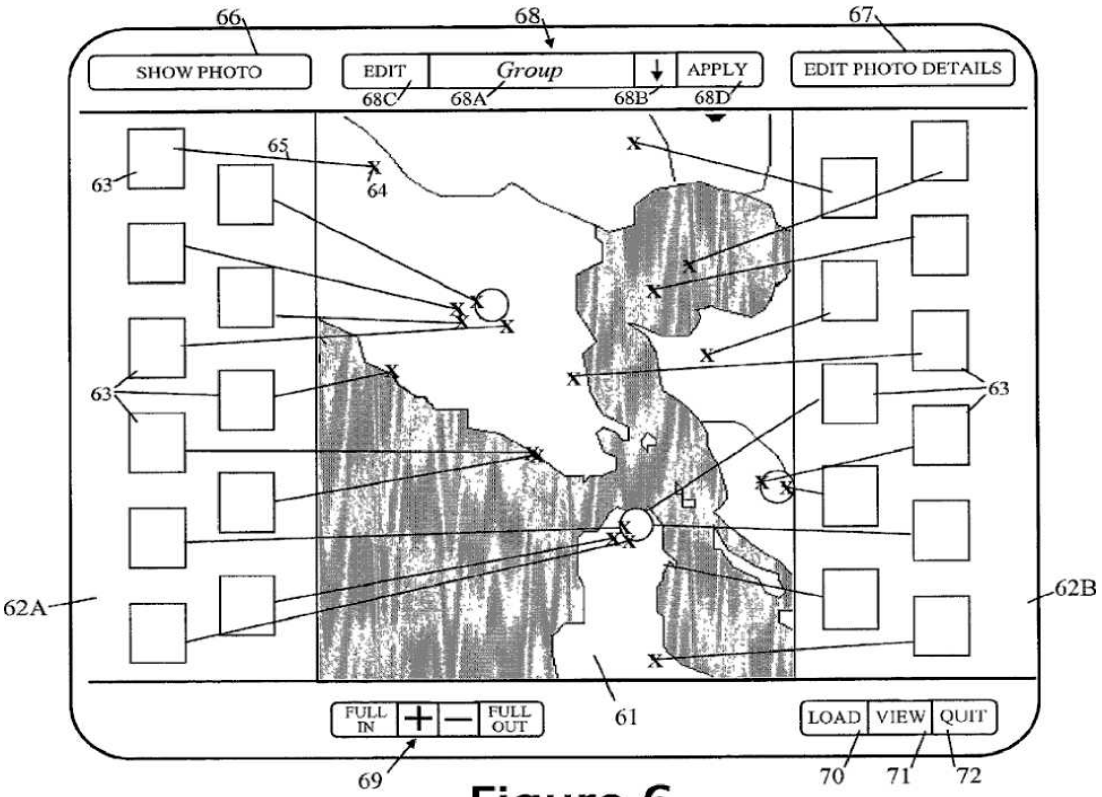


Figure 6

Squibbs, Fig. 6

Figure 6 shows a central map area **61** which "is sufficient to encompass the locations registered for the newly loaded batch of photos." (Squibbs, ¶0064.) "A thumbnail **63** of each new photo is shown in one or other of the margin areas **62**A, B and a lead line **65** connects each thumbnail **63** to a corresponding marker **64** showing on the map the location where the photo was taken." (Squibbs, ¶0064.) Figure 6 also shows an upper control bar with, from left-to-right, Show Photo Control **66** for displaying the photo corresponding to a selected thumbnail **63**, Group Control **68** for creating groups and assigning a photo to one or more groups,

and Edit Photo Details Control **67** for displaying and editing the details of a selected thumbnail. (Squibbs, ¶¶0065-0068.)

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

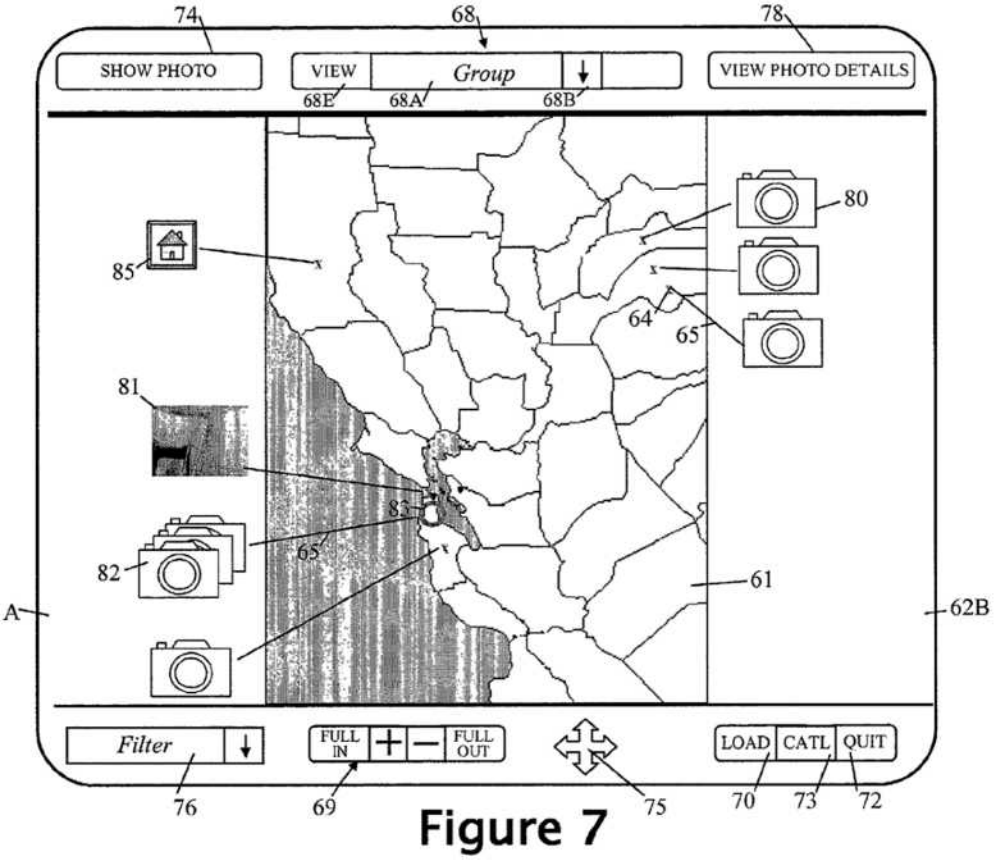


Figure 7

Squibbs, Fig. 7

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

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

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

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

but with the claimed "*mobile information channel*" integrating "*information associated with at least wireless networking functionality of at least one wireless network*," *i.e.*, the location information associated with a photo taken and uploaded by a club member. (EX-1002, ¶¶121, 192.)

For example, under the proposed combination, when a club member uploads a photo using the club photo sharing feature in Neibauer, the mobile device would not only upload the photo image data (for example, obtained from a digital camera), but also transmit geographic location associated with the photo.[6] (EX-1002, ¶121.) Although claim 1 does not recite any specifics for how "*integrating*" wireless network functionality information into a mobile information channel must take place, under the proposed combination, it would have been obvious to adapt the club photo sharing feature to also display location information associated with photos uploaded by club members, for example, via a map-based user interface similar to the one described in Figures 6-7 of Squibbs discussed above. (EX-1002, ¶122.) Under the proposed combination, therefore, the club photo sharing feature

[6] Squibbs discloses an embodiment of a digital camera that is separate from the cellular phone used to upload photo image and location data, demonstrating that the ability to incorporate digital cameras into mobile devices with GPS capabilities was known. (Squibbs, Fig. 11, ¶0101; EX1002, ¶86.)

would have been further adapted to display location information (for example on an electronic map), in association with the photos. This would also have been seen as a natural extension of map features already disclosed in Neibauer, as discussed below. (EX-1002, ¶¶122.) Squibbs is an analogous reference in the same field as the ’801 patent and would have been reasonably pertinent to problems facing the patent inventors, including how to obtain location information and integrate it into a mobile information channel. (EX-1002, ¶123.)

A POSITA would have been motivated to combine in order to improve the user experience of club members who use the photo sharing feature. (EX-1002, ¶124.) The ability to associate a location with a digital photo would have provided a clear benefit by improving the classification and enjoyment of uploaded photos. Squibbs explains that classification of photos “has long been a problem due to the effort involved in maintaining any organisation of the photos.” (Squibbs, ¶0002.) Geographic location would have provided a clear way to classify digital photos, allowing club members to better understand the context behind the photo and identify objects in it. (EX-1002, ¶125.)

Neibauer provides a further suggestion to combine with Squibbs by disclosing a Yahoo! Maps feature that allows users to request and view electronic maps. (Neibauer, pp.222-224.) Neibauer further describes how a user can annotate a map to identify objects of interest on the map, such as the user’s house and the

location of an upcoming event. (Neibauer, pp.226-228, Fig. 10-5 (showing "My House" and "The picnic is here").) The annotation described in Neibauer is similar to the functionality in Squibbs, and in any case, the fact that Neibauer already discloses the ability to display electronic maps – and suggests annotating those maps to show location of objects and events within the map – confirms that Neibauer and Squibbs are naturally combinable and that a POSITA would have been motivated to do so. (EX-1002, ¶126.) A POSITA would also have had a reasonable expectation of success, as Squibbs relies on existing technologies and could have been implemented using conventional techniques. (EX-1002, ¶128.)

B. Claim 2

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the information associated with at least one wireless networking functionality of said at least one wireless network comprises location information of a given one of the mobile devices from which at least a portion of the additional content is received*" [2]. When a club member uploads a photo via their mobile device ("*the additional content*") to the club photo sharing feature in Neibauer, the location from where the photo was received would also have been provided. (EX-1002, ¶200.)

C. Claim 3

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining location information of a given one of the mobile devices from which at least a portion of the additional content is received; and inserting content into the mobile information channel based on the obtained location information*." [3]. Claim 3 was also covered in the discussion of limitation [1F]. When a club member uploads a photo via their mobile device to the club photo sharing feature in Neibauer, the mobile device would have "*obtain*[ed] *location information*" of the uploading handheld. (Squibbs, ¶¶0101, 0098.) The combination, moreover, would have resulted in "*inserting content into the mobile information channel based on the obtained location information*," because the mobile information channel would have displayed a map-based view ("*content*") showing the location, as explained for limitation [1F]. (EX-1002, ¶201.)

D. Claim 4

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*integrating into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network comprises: obtaining product-identifying information over said at least one*

wireless network; and inserting content into the mobile information channel based on the obtained product-identifying information" [4]. As noted, the '801 patent explains that information associated with at least one wireless networking functionality can comprise a "messaging action" or "collaboration action" implemented over a wireless network. (EX-1001, 5:63-6:8, Claims 7 & 8.) Claim 4 is obvious in view of the Yahoo! Classifieds feature in Neibauer, and the bulletin board in Miller.

First, Yahoo! Classifieds, described in the same chapter of Neibauer as Yahoo! Clubs, provides a feature for allowing users to post messages about items for sale. (Neibauer, p.491.) This is shown in Figure 21-20:

Computers and Software Classifieds — Submit Your Free Listing!

Step 2 - Determine where to list your ad.

* *Indicates required information.*

* ZIP CODE 08403 (e.g. 99999)

Step 3 - Tell us about the item for sale.

CATEGORY Hardware - PC

AD TITLE

* CONDITION – Choose One –

* FOR SALE BY – Choose One –

* PRICE $ and/or Best Offer

* WARRANTY – Choose One –

* DESCRIPTION

FIGURE 21-20 Posting a classified ad

(Neibauer, p.491, Fig. 21-20.) As shown, a user posts an advertisement by entering product-identifying information. (Neibauer, p.491, Fig. 21-20.)

It would have been obvious to apply the Yahoo! Classifieds teachings to the club message board feature, predictably resulting in the club message board being used to post messages offering items for sale. (EX-1002, ¶¶203-04.) *See also Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 991 (Fed. Cir. 2009) ("Combining two embodiments disclosed adjacent to each other in a prior art [reference] does not require a leap of inventiveness."). Moreover, use of a club message board to post advertisements is suggested by Miller, which discloses a similar bulletin board for selling goods. (Miller, Fig. 2, 0046:20-33.) "A bulletin board…lists notices posted by group members, which may be offers to buy or sell, but need not be limited to such offers." (Miller, 0046:20-22.)

It thus would have been obvious that messages posted in the club message board ("*the mobile information channel*") would include information identifying a product for purchase or sale ("*product-identifying information*"). (EX-1002, ¶¶203-04.) This information would have been obtained "*over said at least one wireless network*," because it would have been obtained from the club member posting the listing via a mobile device connected the wireless network. The proposed combination would also have resulted in "*inserting content into the mobile information channel based on the obtained product-identifying information*,"

because the product-identifying information would have been included in the title and/or body of the message, which would have been available through the club message board. (EX-1002, ¶204.)

E. Claim 5

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*inserting content into the mobile information channel based on the received product-identifying information comprises inserting information relating to at least one of product ordering and product purchase support*" [5]. As explained for claim 4, the inserted content would also have comprised pricing and sales conditions information ("*product ordering*") and warranty information from the seller ("*product purchase support*"). (Neibauer, p.491, Fig. 21-20.) It would have been obvious that other well-known types of product ordering and support could have been provided, including information on returns, payment, and shipping, among others. (EX-1002, ¶205.)

F. Claim 6

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the information associated with at least one wireless networking functionality of said at least one wireless network comprises location-based service information*" [6]. As explained for limitation [1F], the information associated with at least one

wireless networking functionality would have comprised location-based service information. (Squibbs, ¶¶0098, 0101; EX-1002, ¶206.)

G. Claims 7 and 8

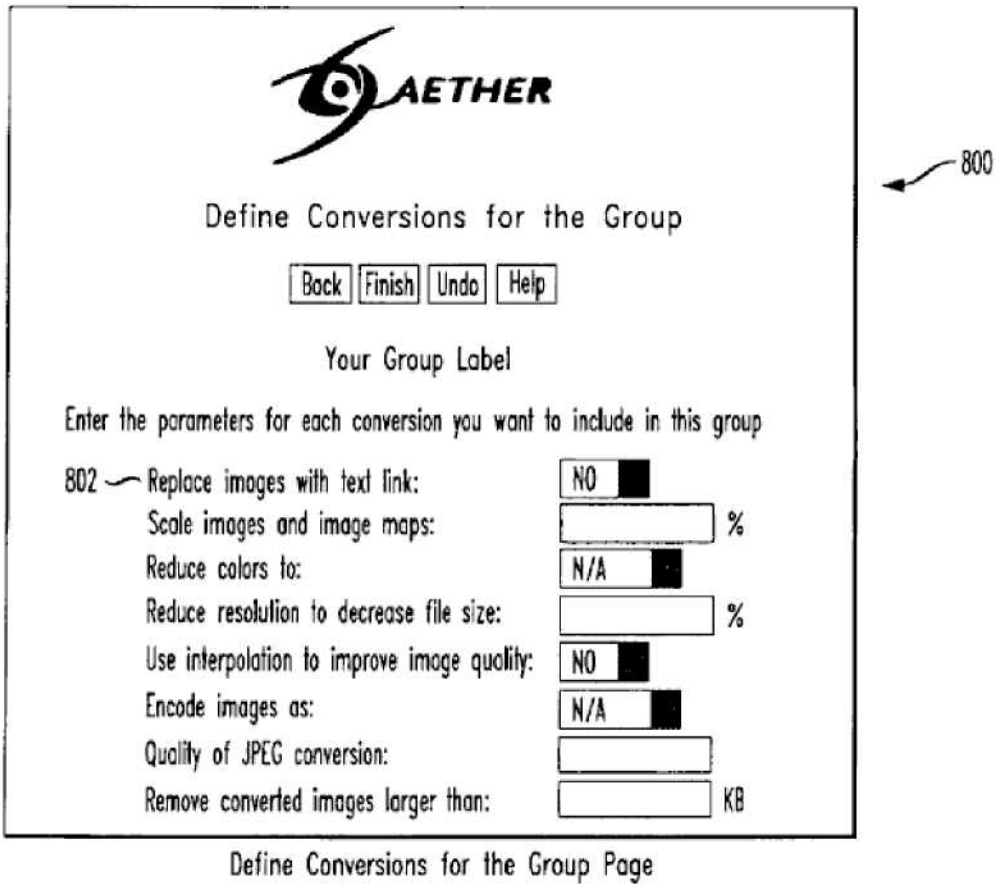
The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the information associated with at least one wireless networking functionality of said at least one wireless network comprises one or more messaging actions implementable over the wireless network*" [7] and "*the information associated with at least one wireless networking functionality of said at least one wireless network comprises one or more collaboration actions implementable over the wireless network*" [8]. As explained for limitation [1F], the information associated with at least one wireless networking functionality can comprise either "*one or more messaging actions" or "one or more collaboration actions*," both of which would have been implemented over the wireless network, as recited in claims 7 and 8. (EX-1002, ¶207.)

H. Claim 9

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*providing one or more content integration options to the first user and the plurality of additional users*" [9]. As explained for limitation [1A], one of the mobile information channels available in Neibauer is a photo sharing feature. (Neibauer, pp.477-479.) In Neibauer, users can resize photos during uploading.

(Neibauer, p.478, ¶4.) Cheng similarly discloses that images can undergo a number of user-selected conversions:

FIG. 8



Cheng, Fig. 8

Cheng's conversions include reducing the size of an image including, among other things, scaling, color reduction, resolution reduction, and reducing the quality. (Cheng, 10:63-11:19.) The user can also specify a maximum file size. (Cheng, 11:17-19, 12:47-50.)

Including these conversion options with the photo sharing feature of Neibauer (along with its existing resizing capability) would have been obvious to provide further control over interacting with bandwidth limited handheld devices.

(EX-1002, ¶209.) Any one of the conversion options disclosed in Neibauer alone or in combination with Cheng qualifies as a "*content integration option*," because each option allows members to specify how uploaded photos will be integrated into the photo sharing feature. (*Id.*)

I. Claim 10

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the one or more content integration options are based in part on respective wireless networking functionalities available to the first user and the plurality of additional users*" [10]. Content integration options would also have been based, at least in part, "*on respective wireless networking functionalities.*" This is because the "*content integration options*" address bandwidth limitations by reducing the size of photos, thereby reducing the amount of transmitted data.

The option to specify a maximum image file size discussed for claim 9, for example, allows the user to specify that images greater than a certain size will not be transmitted to mobile devices. (Cheng, *e.g.*, 11:15-19, 12:48-50.) Cheng explains that maximum image file size "<u>can be based on the type of Internet connection the mobile device **108** uses</u>. For example, if the mobile device **108** has a slow connection, the conversion engine **118** can be configured to omit images over a specified size. If the mobile device **108** has a faster connection, larger file size value can be specified." (Cheng, 12:50-55.) This option is thus based in part

on the wireless networking functionalities of the members' handheld devices. (EX-1002, ¶210.)

It would have been obvious that the same rationale would have applied to the other content integration options, including image resizing as disclosed in Neibauer, as well as image scaling, color reduction, resolution reduction, and reducing the quality of the JPEG image conversion in Cheng. (EX-1002, ¶211.) Each of these options allows members to tailor their uploaded content based on bandwidth limitations of their handhelds, thus advantageously conserving network bandwidth, improving performance, and optimizing overall experience. (*Id.*)

J. Claims 11 and 12

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the additional content is associated with the mobile information channel via one or more user-activatable control mechanisms*" [11] and "*the one or more user-activatable control mechanisms comprise a hyperlink*" [12]. Neibauer discloses multiple examples where "*additional content*" is associated through a user-activatable control mechanism, including a hyperlink. As to a "*mobile information channel*" of a club message board, a club member can write a new message and "[c]lick the Post Message button" to add it to the message board. (Neibauer, p.471, ¶4.) Clicking on this button (*i.e.* a "*user-activatable control mechanism*") adds

("*associates*") the new message ("*the additional content*") with the club message board ("*the mobile information channel*").

Similarly as to photo sharing, members can "click Upload to move a copy of the photo into the club's Web space." (Neibauer, p.478, ¶¶2-4.) Clicking the Upload link associates the new photo with the photo sharing feature and users can view the photo by clicking on its title. (Neibauer, p.477.)

Finally, for a club chat, a member can type in a textual message and click "Send." (Neibauer, p.458.) Members also view the chat by clicking on the chat feature. (Neibauer, p.479.)

In each example, "*content is associated with the mobile information channel*," *e.g.*, via the club message board, photo sharing feature, or chat, by a user-activatable control mechanism. "[*A*] *hyperlink*," as recited in claim 12, would have been obvious because it is a clickable element that causes the website to take action. (EX-1002, ¶216.) Neibauer explains that "[a] *hypertext link*, better known as a *hyperlink*, is a graphic or line of text that you can click to move to another Web location." (Neibauer, p.116 (italics in original).) This statement is consistent with how a POSITA would have understood "*hyperlink*" in claim 12. (EX-1002, ¶216.)

K. Claim 13

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*inserting at least a portion of the additional content into the mobile information channel comprises inserting advertising content into the mobile information channel along with said portion of the additional content*" [13]. Neibauer discloses that a club can also be used to distribute advertising content under two theories. First, Neibauer discloses displaying advertising on club pages:

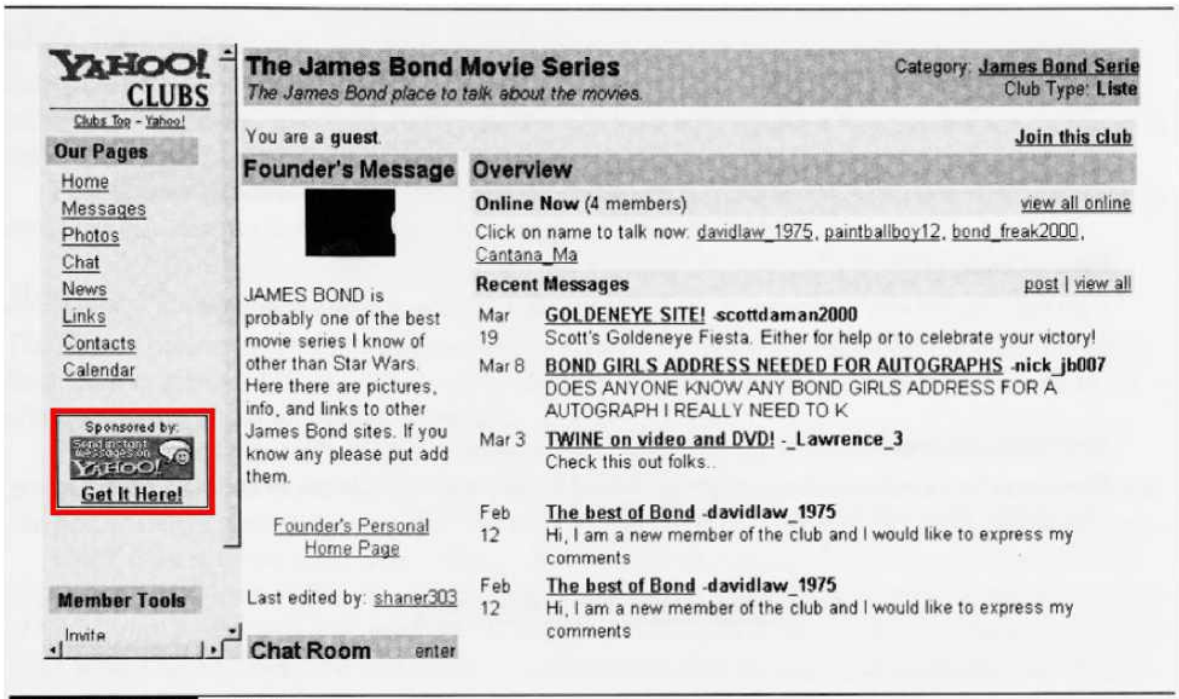


FIGURE 21-8 Club page

(Neibauer, p.475, Fig. 21-8 (red box added).) As shown in the red box, an advertisement shows that the club was sponsored. The advertising content is also shown accompanying the club message board ("*mobile information channel*"). (EX-1002, ¶217.) This is consistent with Miller, which confirms that it would have

been obvious to include advertising content on a web page, which was well known. (Miller, 0047:1-5.; EX-1002, ¶218.)

Second, claim 13 is obvious for the same reasons as claim 4, as it would have been obvious for messages posted in the club message board to have included advertising content, such as offers to buy or sell items. (EX-1002, ¶¶219-20.) Neibauer discloses a classified ads system for such messages. (Neibauer, p.491; EX-1002, ¶219.)

In both cases, the advertising content would have been inserted "*along with said portion of the additional content*." In the first example of Figure 21-8 of Neibauer, the sponsorship advertisement appearing on the club page ("*advertising content*") was inserted alongside messaging content. In the second, advertising messages appear along with other messages. Each discloses advertising content being inserted "*along with said portion of the additional content*." (EX-1002, ¶220.)

L. Claim 14

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*at least a portion of the additional content is obtained from a device-captured data source of the given user, the device-captured data source comprising a source of at least one of device-captured video data, device-captured audio data and device-captured location coordinates*" [14]. It would have been obvious that the

additional content would have been obtained from a "*device-captured data source of the given user*" that includes at least a source of "*device-captured location coordinates*."[7] As noted for claim 1, Neibauer discloses a photo sharing feature for uploading and sharing photos. (Neibauer, pp.477-479.) Under the proposed combination with Squibbs, as explained for limitation [1F], photos uploaded by the user would have included location coordinates associated with the photo. (EX-1002, ¶221; Squibbs, Fig. 4, ¶0049) These coordinates are captured by the mobile device. (Squibbs, ¶0098.)

M. Claim 15

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the mobile information channel comprises a collaborative workspace*." [15]. As explained for limitation [1A], the mobile information channel can include, for example, a club message board, club photo sharing feature, or club chat, where each "*comprises a collaborative workspace*," because members can collaborate within each. (EX-1002, ¶¶135-39, 222.)

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

N. Claim 16

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*permitting the first user to establish a title for the mobile information channel*" [16]. As explained for claim 1, one of the steps for creating a club involves the club founder ("*the first user*") providing a title or name for the club. (Neibauer, *e.g.*, p.481, ¶4 ("Enter a name for the club.").) This name is then used as the title for the club page containing the mobile information channels:

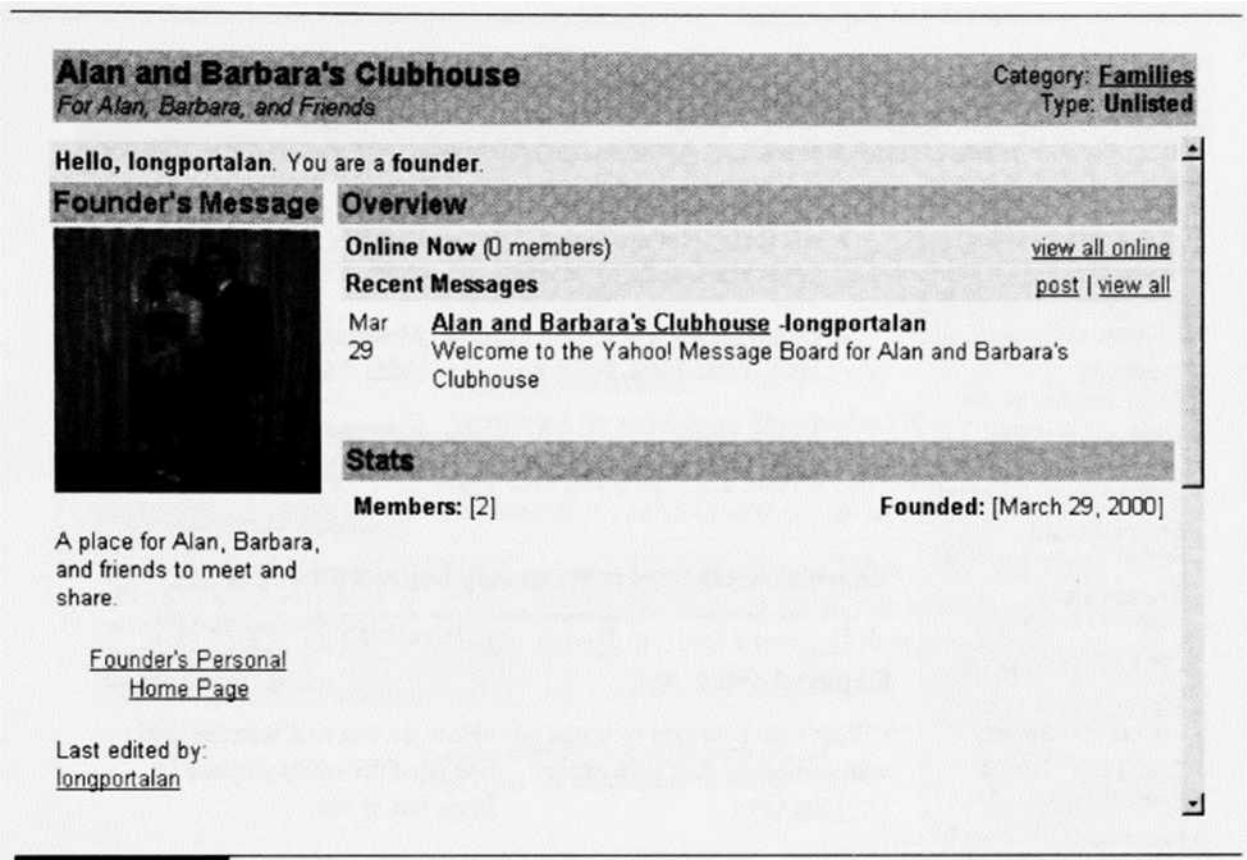


FIGURE 21-13 A Personal club

(Neibauer, p.483, Fig. 21-13.) "Figure 21-13 shows an example of a personal club page. The page contains all of the elements found on other club pages." (Neibauer,

p.482.) The title of the club page in this example is "**Alan and Barbara's Clubhouse**," which serves as a title for all the club's "*mobile information channels*."

Neibauer discloses other relevant examples. In the club photo sharing feature, the user can "enter an album name." (Neibauer, p.479; *see also id.*, p.478, Fig. 21-10 ("Blueraja's BOND GIRL Album").) For the club message board, a user can specify a message topic (thread) with a title heading. (Neibauer, p.471; EX-1002, ¶¶223-24.)

O. Claim 17

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the mobile information channel comprises a chat channel facilitating interaction between the first user and the plurality of additional users*" [17]. As explained for claim 1, Neibauer discloses a *mobile information channel* in the form of a *chat channel facilitating* communication between at least the club founder and other club users. (Neibauer, p.479; EX-1002, ¶225.)

P. Claims 18 and 19

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the mobile information channel is associated with an entertainment- related entity*" [18] and "*the entertainment-related entity comprises at least one of a television program, a movie and a music artist*" [19]. It would have been obvious

that a mobile information channel could have been associated with an entertainment-related entity, such as a club devoted to a particular movie or movie series. (EX-1002, ¶226.) Figure 21-8 of Neibauer shows a club relating to James Bond:

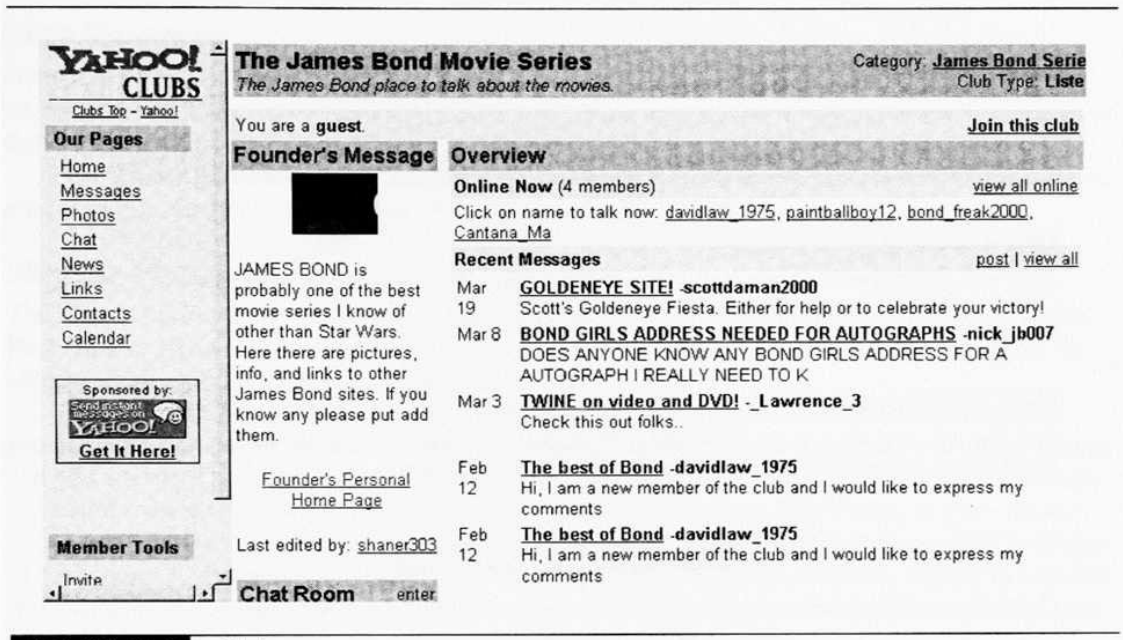


FIGURE 21-8 Club page

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

Q. Claim 20

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the mobile information channel is associated with a mobile device application*"

[20]. Each mobile information channel is also associated with "*a mobile device application*," *i.e.*, a browser software application executing on the mobile device. (Cheng, *e.g.*, 2:11-15 (listing exemplary mobile browsers).) This is consistent with the '801 patent, which similarly specifies that a mobile device can access a mobile website using a browser. (EX-1001, 12:64-66.) Each mobile information channel is thus "*associated with a mobile device application*," because the web browser on the mobile device is used to access the mobile information channel, as explained in claim 1. (EX-1002, ¶227.)

R. Claim 21

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

the browser application on the mobile device "*comprises a personalized content application*." (EX-1002, ¶228.)

Separately, Neibauer discloses the ability to customize one's own Yahoo! home page using Yahoo! Companion, a toolbar added to the web browser. (Neibauer, pp.56.) This feature allows the user to personalize and customize aspects of the user's My Yahoo! home page. (Neibauer, pp.66-74.) Under either theory, the browser "*comprises a personalized content application*" because the browser allows a user to access personalized content through the features described in Neibauer. (EX-1002, ¶¶228-30.)

S. Independent Claim 22

The combination of Neibauer, Miller, Cheng, and Squibbs 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*" [22]. Claim 22 adds nothing of patentable significance, as it would have been obvious that the steps of claim 1 would have been carried out by software code executed by a processing element, such as a server with a processor and memory. (EX-1002, ¶231; Cheng, *e.g.*, 23:16-20.) The software used to carry out the functions of claim

1 would have been stored on at least one non-transitory computer-readable storage medium, such as a hard drive. (Cheng, *e.g.*, 23:64-24:4.) Under the combination with Cheng, therefore, the "*processing element*" would have included origin web server **102** in Cheng (which would have performed the functions in Neibauer), and proxy server **110** (which would have made the features of Neibauer available to mobile devices). (EX-1002, ¶232.)

Mapping the claimed "*processing element*" to origin web server **102** <u>and</u> proxy server **110** is consistent with the '801 patent, which makes clear that a processing element or server can itself comprise multiple servers. (EX-1001, 9:8-10) 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, ¶233.) Cheng 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.) A POSITA would have been familiar with well-known techniques for consolidating tasks within a single server when needed. (EX-1002, ¶233.) For example, a POSITA would have been motivated to combine these servers to improve performance of the overall system, as this would have eliminated the step of (and

network overhead associated with) origin server **102** having to send the original web page **104** to proxy server **110**. (*Id.*)

T. Independent Claim 23

1. Preamble [23P]

Claim 23 is little more than an apparatus counterpart to method claim 1. To the extent the preamble is limiting, the combination of Neibauer, Miller, Cheng, and Squibbs renders obvious an "*apparatus*" [23P].

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.

2. Limitation [23A]

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*a processing element comprising a processor coupled to a memory*" [23A]. (EX-1002, ¶¶234-36; Cheng, 23:16-20; Miller, 0041:32-0042:2.) Dependent claim 24, which depends from claim 23, expressly recites that "*the processing element comprises at least one server*," confirming that the claimed processing element can comprise servers.

It would have apparent and obvious that origin web server **102** in Cheng (which would have provided the features deceived in Neibauer and Miller), and proxy server **110**, under the proposed combination, would have comprised "*a processing element comprising a processor coupled to a memory*." (EX-1002, ¶236.) Mapping the claimed "*processing element*" as including a web server <u>and</u>

proxy server **110** is consistent with the '801 patent, as explained for claim 22. And as explained for claim 22 above, it would also have been obvious to combine origin server **102** and proxy server **110** if the claim were construed to impose such a requirement. (EX-1002, ¶¶233, 236.)

3. Limitation [23B]

Limitation [23B] ("*the processing element providing at least a portion of an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users*") is substantially similar to limitation [1A], and is obvious for the same reasons. (EX-1002, ¶237.) This function would also have been performed by the claimed processing element as described above. Under the proposed combination, origin web server **102** and proxy server **110** (the "*at least one processing element*") would have worked together to provide the claimed interface.

4. Limitations [23C]-[23H]

Limitations [23D] ("*activate the mobile information channel responsive to input received from the first user via the interface*"), [23E] ("*insert content provided by the first user into the mobile information channel*"), [23F] ("*receive additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network*"), [23G] ("*insert at least a portion of the additional*

content into the mobile information channel"), and [23H] ("*integrate into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network*") are substantially identical to the steps recited in limitations [1B]-[1F] and are therefore obvious for the same reasons. Each of these functions would have been carried out by "*the processing element*," of limitation [23C] as explained previously. (EX-1002, ¶238.)

U. Claim 24

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*the processing element comprises at least one server accessible over the Internet via a network interface*" [24]. The servers of claim 23 are accessible over the Internet. (Cheng, 3:67-4:2). "*[V]ia a network interface*," is the way this communication would take place. (EX-1002, ¶240; 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).)

V. Independent Claim 25

Claim 25 is little more than a system counterpart to method claim 1.

1. Preamble [25P]

To the extent the preamble is limiting, the combination of Neibauer, Miller, Cheng, and Squibbs renders obvious a "*network-based communication system*" [23P].

2. Limitation [25A]

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*a plurality of servers configured to communicate over a network*" [25A]. As explained for claim 1 and limitation [23A], the proposed combination of Neibauer and Cheng discloses a network-based communication system that includes at least two servers because the system includes the end-server as well as Cheng's proxy server "*configured to communicate over a network*." (Cheng, 3:31-37; 3:67-4:2; EX-1002, ¶¶243-44.)

3. Limitation [25B]

The combination of Neibauer, Miller, Cheng, and Squibbs renders obvious "*at least one of the servers providing at least a portion of an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users*" [25B]. This step is substantially similar to limitation [1A]. Under the proposed combination as described, 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, as claimed. (EX-1002, ¶245.)

4. Limitations [25C]-[25H]

Limitations [25D] ("*activate the mobile information channel responsive to input received from the first user via the interface*"), [25E] ("*insert content provided by the first user into the mobile information channel*"), [25F] ("*receive additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network*"), [25G] ("*insert at least a portion of the additional content into the mobile information channel*"), and [25H] ("*integrate into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network*") are substantially identical to the steps recited in limitations [1B]-[1F] and are therefore obvious for the same reasons. (EX-1002, ¶246.)

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

Ground 2 is substantially the same as Ground 1 except that it adds Harvey (**EX-1010**) to account for a construction of "mobile information channel" proposed by Petitioner in litigation. If this term is unconstrued, this ground need not be considered.

Meta has argued in the MDT-Meta-Litigation that "*mobile information channel*" should be construed as "a virtual location at the content management site at which user-authored content may be added for transmission to the mobile web

site." (EX-1025, at 1-2.) The proposed construction, for purposes of Ground 2, would require user-authored content to be added "*at a content management site*," – defined in the co-pending litigation as "a web site that allows a user without programming to create and manage content on a mobile web site, or a portion thereof." (EX-1025, at 3.) The "*content management site*" corresponds to a website for creating and managing a new club, and the "*mobile website*" to the club website made available to club members via mobile devices.

Harvey discloses techniques for allowing users to create on-line communities, similar to the web-based clubs disclosed in Neibauer and the collaborative environments described in Miller. (Harvey, 4:24-43.) Harvey allows a community creator to author content for a community <u>before</u> the community is launched. 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 the ability to add content to a community before the community is created.

Motivation to Combine with Harvey: It would have been obvious to combine the prior art cited for Ground 1 with Harvey, predictably resulting in the club creation user interface in Neibauer with the further ability to allow the club founder to add content to mobile information channels, before the club is launched. (EX-1002, ¶251.) This satisfies 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." Under the proposed combination, therefore, the "*content management site*" would have included the web-based interface for allowing the founder to create a Neibauer club, which would have further permitted the club founder to add content for the club via the mobile information channels. This information would have been made available for transmission to "*the mobile website*," *i.e.*, the club site as delivered to mobile users, on the club page itself as described for limitations [1A]-[1B] in Ground 1. (EX-1002, ¶252.)

A POSITA would have been motivated to combine to provide club founders with greater customizability for clubs by allowing them to use the club-creation interface *before* the club is made available to other members. (EX-1002, ¶254.)

This would have allowed the club founder to ensure that other club members would not experience a "blank" club devoid of content, because the club founder would have populated mobile information channels (such as the club message board) with initial content, thus providing 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, ¶¶253, 255.)

VIII. 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), Squibbs (EX-1011) 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, 241 & 276 (excerpts of Neibauer), 254 (Cheng).) These references were among hundreds of prior art references cited during prosecution.

Petitioner respectfully submits that the Examiner's consideration of Neibauer and Cheng does not raise § 325(d) issues in light of the uneventful prosecution history. As noted above, the '801 patent issued after the applicants traversed a single office action rejecting the claims for obviousness-type double patenting. (EX-1022, 231-234, 300, 330.) No prior art rejections were entered. While Cheah was identified as the closest prior art in the examiner's statement of reasons for allowance (EX-1022, 320), that reference was not discussed during prosecution, and there is no explanation for the examiner's conclusion that Cheah fails to disclose the "activating," "inserting," "receiving," "inserting," and "integrating" limitations.

Petitioner respectfully submits that the Examiner materially erred in failing to rely on Neibauer and Cheng to reject the challenged claims. These references confirm that all limitations of the claims were obvious in view of the prior art – including the limitations that the Examiner found missing from Cheah. In fact, the PTO cited and relied on both Neibauer and Cheng in the successful reexamination of the earlier '801 patent (to which the present '801 patent was terminally disclaimed) which resulted in cancellation of all claims. (EX-1024, 4 (PTAB decision affirming prior art rejections and listing Cheng and Neibauer), 18-19 (Federal Circuit affirmance).)

The art in the present grounds is presently before the Board in IPR2024-00247. To the extent the Board issues a Final Written Decision in IPR2024-00247, 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).

IX. 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 matter 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*, IPR2025-00538 (PTAB)

C. Notice of Counsel and Service Information

Pursuant to 37 C.F.R. §§ 42.8(b)(3), 42.8, Petitioner designates 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

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

X. Conclusion

Inter partes review of the challenged claims is respectfully requested.

Date: February 3, 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 Petitioner

APPENDIX A – LIST OF CLAIMS

[1P] A method comprising:

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

[1B] activating the mobile information channel responsive to input received from the first user via the interface;

[1C] inserting content provided by the first user into the mobile information channel;

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

[1E] inserting at least a portion of the additional content into the mobile information channel; and

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

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

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

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

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

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

[7] The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises one or more messaging actions implementable over the wireless network.

[8] The method of claim 1 wherein the information associated with at least one wireless networking functionality of said at least one wireless network comprises one or more collaboration actions implementable over the wireless network.

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

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

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

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

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

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

[15] The method of claim 1 wherein the mobile information channel comprises a collaborative workspace.

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

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

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

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

[20] The method of claim 1 wherein the mobile information channel is associated with a mobile device application.

[21] The method of claim 20 wherein the mobile device application comprises a personalized content application.

[22] 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.

[23P] An apparatus comprising:

[23A] a processing element comprising a processor coupled to a memory;

[23B] the processing element providing at least a portion of an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users;

[23C] the processing element being configured to:

[23D] activate the mobile information channel responsive to input received from the first user via the interface;

[23E] insert content provided by the first user into the mobile information channel;

[23F] receive additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network;

[23G] insert at least a portion of the additional content into the mobile information channel; and

[23H] integrate into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network.

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

[25P] A network-based communication system, comprising:

[25A] a plurality of servers configured to communicate over a network;

[25B] at least one of the servers providing at least a portion of an interface permitting a first user to control activation of a mobile information channel through which the first user can share access to content with a plurality of additional users;

[25C] wherein said at least one server is configured to:

[25D] activate the mobile information channel responsive to input received from the first user via the interface;

[25E] insert content provided by the first user into the mobile information channel;

[25F] receive additional content relating to the mobile information channel from one or more of said additional users via one or more respective mobile devices associated with at least one wireless network;

[25G] insert at least a portion of the additional content into the mobile information channel; and

[25H] integrate into the mobile information channel information associated with at least one wireless networking functionality of said at least one wireless network.

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. 8,825,801, 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 13,373. 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 3, 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 Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Petition for *Inter Partes* Review of U.S. Patent No. 8,825,801 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:

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

Attorneys for Mobile Data Technologies LLC

Courtesy copies of the foregoing document 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 3, 2025 /Lori A. Gordon/

Lori A. Gordon

Lead Counsel for Petitioner