

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.
Petitioner

v.

AFTERWORDS, INC.
Patent Owner

IPR Case No.: 2025-00677
U.S. Patent No. 10,430,811

**PATENT OWNER'S CONTINGENT MOTION TO AMEND
UNDER 37 C.F.R. § 42.121**

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LIST OF EXHIBITS

Exhibit No.	Description
2001	Declaration of Ivan Zatkovich with Curriculum Vitae
2002	File history for provisional patent application No. 62/104,043 with a filing date of 1/15/2015
2003	File history for U.S. Application No. 16/279,387 with a filing date of 2/19/2019 and now U.S. Patent. 10,380,611

I. INTRODUCTION

AfterWords, Inc. (“**Patent Owner**”) files this Contingent Motion to Amend and requests that: (i) should the Board find independent claims 1 and 19 to be unpatentable, Patent Owner be permitted to cancel claims 1 and 19 and enter the substitute claims 20 and 21 set forth in the claims listing attached as **Appendix A**; and (ii) the Board provide preliminary guidance setting forth the Board’s initial views on the motion to amend. *See* 37 C.F.R. § 42.121(e).

The proposed substitute claims incorporate the elements of current independent claims 1 and 19, including the claimed Survey Module. The substitute claims are directed to clarifying that the Survey Module comprises software code that “*implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question.*” This feature finds support in the ‘811 Patent specification, which states “[t]he survey may be assembled into an autonomous, self-contained, web-container package *with branching logic that changes the questions presented* or the order of the questions presented *based upon a survey respondent’s answers to prior survey questions.*” EX1001, Patent No. 10,430,811 (“‘811 Patent”), Col. 11, ll. 30-34 (“C11:30-34”) (emphasis added); EX2001, Declaration of Ivan Zatkovich (“Zatkovich Decl.”) ¶¶ 75-76.

The Petition challenges Patent Owner’s claims 1-7, 10, 13, 16, and 18-19 as anticipated. Yet the references cited by the Petition do not teach or disclose a Survey Module as originally claimed and as further clarified by the substitute claims. Given that the references cited by the Petition do not disclose every element of Patent Owner’s claims, the Petition should be denied at least as to the substitute claims. *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1341 (Fed. Cir. 2016) (“[A] prior art reference will anticipate if it ‘disclose[s] each and every element of the claimed invention.’”).

The proposed substitute claims are novel over the references cited by the Petition and, therefore, go directly to the grounds of unpatentability asserted in the Petition. The Board’s decision to grant institution of the *inter partes* review considered “Patent Owner’s argument that the recited survey module must have software logic capable of making decisions,” but ultimately disagreed stating that “this is simply not part of the claims’ requirements as we understand them at this point.” *See* Oct. 7, 2025 Decision Granting Institution of *Inter Partes* Review, p. 32 (“October 2025 Decision”). While Patent Owner respectfully disagrees with the Board’s conclusion, the proposed substitute claims make it clear that the Survey Module includes software logic that is a distinguishing feature over the references cited by the Petition.

The substitute claims include nearly all of the original language from independent claims 1 and 19 with additional language to more clearly and specifically recite the Survey Module. By incorporating the original claim language along with additional elements relating to the Survey Module, the proposed amendments do not enlarge the scope of the original claims. Nor do the amendments add new matter given that the proposed additional language is supported by the ‘811 Patent specification, as described more fully below.

Patent Owner has presented a reasonable number of substitute claims. *See* 37 C.F.R. § 42.121(a)(3) (“Any motion to amend may . . . propose a reasonable number of substitute claims.”). There is a presumption that the Patent Owner is permitted to submit one substitute claim for each challenged claim, *id.*, and here, the number of substitute claims (2) is significantly less than the number of challenged claims (12).

Considering that the substitute claims respond to asserted grounds of unpatentability and are supported by the ‘811 Patent specification, the present motion to amend is properly granted in the event that the Board finds claims 1 and 19 to be unpatentable. Claims 2–18, which depend from original claim 1, would be unchanged in scope and would depend from substitute claim 20. *See Toyota Motor Corp.*, IPR2013-00419, 2014 WL 1691619, at *1 (PTAB Mar. 7, 2014) (“[A]n unchanged dependent claim, which depends from a cancelled claim, still retains its same scope and does not need to be rewritten.”).

II. INSTITUTED GROUNDS FOR UNPATENTABILITY

Ground 1: Claim 19 is anticipated by U.S. Publication No. 2015/0193794 to Douglas, *et al.* (“**Douglas**”). See EX1007.

Ground 2: Claims 1-7, 10, 13, 16, and 18 are anticipated by Douglas.

Ground 3: Claim 19 is anticipated by U.S. Publication No. 2014/0337098 to Ganesh, *et al.* (“**Ganesh**”). See EX1008.

Ground 4: Claims 1-7, 10, 13, 16, and 18 are anticipated by Ganesh.

III. CONFERRAL

Patent Owner reached out to Petitioner by email on December 12 and 19 and by phone on December 12 to confer regarding the present motion to amend. The Petitioner responded by reserving the right to oppose the present motion to amend based on a review of the specific proposed amendments. Patent Owner requested a call with the Board by email on December 12 and 24, though, Patent Owner’s emails were inadvertently sent to an incorrect email address. The Petitioner followed up with an email to the Board December 26 with availability for a call with the Board. A call with the Board took place on January 7.

IV. LEGAL STANDARDS

On a motion to amend, the patent owner bears the burden of persuasion to show, by a preponderance of the evidence, that the proposed substitute claims: (i) do

not enlarge the scope of the original claims or introduce new matter; (ii) respond to the grounds of unpatentability raised in the petition; (iii) have support in the original disclosure of the patent; and (iv) have support in an earlier-filed disclosure for each claim for which the benefit of the filing date of the earlier-filed disclosure is sought. 35 U.S.C. § 316(d)(1)-(3); 37 C.F.R. § 42.121(e).

“[T]he patent owner’s right to propose amended claims is an important tool that may be used to adjust the scope of patents in an IPR.” *Aqua Prods., Inc. v. Matal*, 872 F.3d 1290, 1299 (Fed. Cir. 2017) (*en banc*). “Congress deemed the patent owner’s right to amend so important that, in § 316(d), it mandated that the patent owner be permitted to amend the patent *as of right* . . . provided certain specified statutory conditions were met.” *Id.*

While a patent owner bears the burden of showing amendments are responsive to a ground of unpatentability raised in the petition, the burden of proving unpatentability remains on the petitioner. *Askeladden LLC v. Rothschild*, IPR2019-00855, 2020 WL 6815069, at *4 (PTAB Nov. 19, 2020). The rules do not require that “every word added to or removed from a claim in a motion to amend be solely for the purpose of overcoming an instituted ground” of unpatentability. *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, 2019 WL 1118864, at *2 (PTAB Feb. 25, 2019). A patent owner may include additional language to address, for example, potential § 112 issues. *Id.*

“[T]he Board may exercise its discretion to grant or deny a motion to amend or raise a new ground of unpatentability in connection with a proposed substitute claim.” 37 C.F.R. § 42.121(d)(3). “Where the Board exercises its discretion to raise a new ground of unpatentability in connection with a proposed substitute claim, the parties will have notice and an opportunity to respond.” *Id.*

V. DISCUSSION

A. **The substitute claims respond to the asserted unpatentability grounds and do not raise new grounds for unpatentability.**

The Petition contends that Douglas and Ganesh each anticipate independent claims 1 and 19, which are incorporated into substitute claims 20 and 21. However, neither reference discloses a Survey Module as recited by the substitute claims. The substitute claims clarify that the Survey Module comprises software code that implements branching logic and that the software executes at the vendor interface to dynamically display subsequent survey questions based on user inputs, thereby reducing server round trips and minimizing latency—features that are not found in Douglas or Ganesh. EX2001, Zatkovich Decl. ¶¶ 83-87, 99-100, 112-119. The substitute claims, therefore, address the grounds of unpatentability raised in the Petition.

Both Ganesh and Douglas teach a server-centric system in which survey logic resides on a centralized server. The survey logic processes user inputs received from

a remote interface (*e.g.*, a user mobile device) to determine additional content that is pushed to the remote interface for display. This mode of operation is distinct from Patent Owner's claimed system where Survey Module software code is executed by a vendor interface—not a centralized server—to implement logic that determines content for display.

The distinctions over Patent Owner's system are apparent from a plain reading of Douglas and Ganesh. Turning first to Douglas, survey responses are input to a customer device 106 and sent across a network 108 to a survey generator 103. EX1007, Douglas ¶¶ [0005]-[0006], [0035], [0037], [0069]. The survey generator 103 runs on a backend survey system 101 that is remote from the customer device 106. *Id.*, ¶ [0059] ("Backend 218 may be associated with one or more servers that enable the . . . survey system 101.") & Figure 1 (showing the Survey Generator 103 as part of the Survey System 101 that is remote from the customer device 106).

Douglas's survey generator 103 processes the survey responses received from the remote customer device 106 to determine follow-up commands or questions that are sent to the customer device 106 for display. *Id.*, ¶ [0035] ("[S]urvey generator 103 may create and transmit additional Survey queries based on the responses received from customer device 106."), ¶ [0069] ("Survey generator 103 may provide additional Surveys to the customer based on the responses received."). In other words, the survey content transmitted to the customer device 106 does not contain

any executable software capable of making decisions that implement a survey. EX2001, Zatkovich Decl. ¶ 84 (“Douglas does not disclose a survey or survey module that comprises software code.”). Douglas does not teach a client-side survey module with branching logic to generate survey content, as recited in Patent Owner’s proposed substitute claims.

Douglas is clear that the software applications that are used to perform a survey are installed on the customer device 106 prior to receiving the survey. EX1007, Douglas ¶ [0018] (“Survey system 101 may interact with the customer using one or more software applications *on customer device 106* . . . [that] provide one or more user interfaces.”) (emphasis added). Douglas provides examples stating that “[t]he one or more software applications may be web-based applications and/or native mobile applications installed on the customer device 106.” *Id.*

Douglas transmits survey content that includes notifications, text messages, visual graphics, images, animations, videos, and other digital media for the customer as well as potentially webpages that comprise “HTML documents, which may include images, style sheets and scripts in addition to text content.” EX1007, Douglas ¶¶ [0033], [0054]. One of ordinary skill in the art would understand that such content does not include executable software code. EX2001, Zatkovich Decl. ¶¶ 79-80, 87, 91.

Additionally, Douglas does not teach the receipt of a Survey Module with survey logic that is used to generate or display survey content on a graphical user interface. As recognized by Patent Owner's expert, "[t]he type of graphical user interface disclosed in Douglas . . . would be software that is already present on the customer's computer device such as a Web Browser." *Id.*, ¶ 92. Douglas, therefore, cannot meet any claim limitation requiring generation, transmission, and execution of Survey Module software code.

Similarly, Ganesh discloses a system that uses a time-of-purchase ("TOP") software module 540B running on a server 105A that pushes content to a remote portable computing device ("PCD") 110 based on a user's survey response. EX1008, Ganesh ¶¶ [0055], [0059] ("Once the survey response is recorded . . . the survey server 105A determines if there is additional content to be pushed to PCD 110."). The stepwise flow of Ganesh's system requires the user PCD 110 to send a survey question response to the server 105B before the next question can be generated and sent to the consumer device. *Id.*, ¶¶ [0052], [0055]-[0056], [0059]-[0060]. Once again, the survey logic that determines content runs on a server that is remote from the interface where the content is displayed.

Ganesh teaches only server-side processing and server-generated follow-up content, with no disclosure of software code incorporated into and transmitted as part of a survey module. EX2001, Zatkovich Decl. ¶ 119. In Ganesh's system,

survey content is generated through queries to a query database 120A. EX1008, Ganesh ¶ [0052] (“[T]he memory 119B may include a survey content determination module that works with, or as part of, the TOP module 540B to query database 120A and determine survey content, such as survey questions, to be pushed to PCD 110.”). Nothing indicates that the survey content determination module or the TOP module 540B generate executable software code sent to, and executed by, a vendor survey interface. EX2001, Zatkovich Decl. ¶ 118 (“There is no teaching or suggestion that the content determination module actually generates software to be included in the survey.”).

Like Douglas, the only software that arguably relates to displaying survey content in Ganesh is software that is pre-installed on the PCD 110, such as a web browser. EX1008, Ganesh ¶ [0044] (“Each PCD 110 may run or execute web browsing software.”), ¶ [0045] (“A PCD 110 may execute, run or interface to a multimedia platform that may be part of a plug-in for an Internet web browser.”).

A person of ordinary skill in the art would recognize that a web browser plug-in or any other type of application installed on the PCD device is not executable software code that received from a survey server 105A as part of a survey module. EX2001, Zatkovich Decl. ¶ 120. A skilled artisan would also understand that “the use of a browser to perform a survey only discloses that the survey questions are provided as HTML script, which is not software code.” *Id.*

By contrast, Patent Owner’s proposed substitute claims recite Survey Module software code that is executed by a vendor interface to dynamically display questions as an integrated component within a graphical user interface (“GUI”). *See* Appendix A, Substitute Claims 20-21. The Survey Module implements branching logic that displays a subsequent question based on user inputs to a prior question. The next-question decision can be executed locally on a mobile computing device and is not confined to a centralized survey server. EX1001, ‘811 Patent, C2:52-63, C11:15-34, C17:12-17. Patent Owner’s system minimizes the required communication between system devices that could delay survey processing, which is an advantage not achieved by the systems of Douglas or Ganesh. *Id.*, C11:15-18 (“In this manner, the system 100 can minimize the required communication between system devices that could delay survey processing.”).

“A claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). The single reference “must also disclose those elements [as] ‘arranged as in the claim.’” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (citation omitted).

Given Douglas and Ganesh do not disclose every element of Patent Owner’s independent claims, the references do not anticipate any challenged claim. Moreover, even if these references taught Survey Module software code with

branching logic, there is no disclosure that the software code is sent to, or run by, a vendor interface to dynamically display survey questions based on user inputs. In other words, neither Douglas nor Ganesh disclose a system with the same elements, *arranged in the same manner*, as the system claimed by Patent Owner, and the references are not anticipating prior art.

Petitioner cannot bridge the gap through inherency. Petitioner would need to show that Douglas and Ganesh *necessarily* include a Survey Module and not merely that they *could* or *probably* include a Survey Module. *See, e.g., Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002). Petitioner would also need to show that these references include a Survey Module that works in the same manner as Patent Owner’s claimed Survey Module—*i.e.*, as autonomous software code that is executed by a vendor interface to implement branching logic. *See, e.g., Nokia of Am. Corp. v. Gen. Access Sols., Ltd.*, No. IPR2023-01415, 2024 WL 1241505, at *6 (PTAB Mar. 22, 2024) (“Petitioner has failed to meet its burden regarding inherency . . . ‘[while] Barratt ’470 might include a controller, it is not the case that Barratt ’470 necessarily includes a controller arranged in the same manner.’”). Considering the differences in structure and functionality between Patent Owner’s system and the systems of Douglas and Ganesh, it cannot be concluded that these references inherently disclose the Survey Module claimed by Patent Owner.

The Douglas and Ganesh references also do not provide grounds for raising a new question of patentability based on obviousness grounds, regardless of whether the references are considered alone or in combination with other references. An obviousness analysis requires considering a claim as a whole, 35 U.S.C. § 103, and a suggestion of all limitations in a claim. *CFMT, Inc. v. Yieldup Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Gulack*, 703 F.2d 1381, 1385 n.9 (Fed. Cir. 1983) & *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

In this case, the fact that Douglas and Ganesh do not disclose each element of Patent Owner’s substitute claims undermines any potential obviousness argument. *See, e.g., Broadcom Corp. v. Emulex Corp.*, 732 F.3d 1325, 1334 (Fed. Cir. 2013) (holding the ‘150 patent was nonobvious where “[the applied reference] does not address the ‘150 patent’s . . . data recovery function”); *Vizio, Inc. v. Int’l Trade Comm’n*, 605 F.3d 1330, 1343 (Fed. Cir. 2010) (finding an invention nonobvious because “none of the prior art references . . . discloses replication of the identifiers . . . required by [Applicant’s] claims”).

The distinct modes of operation between Patent Owner’s system and the systems of Douglas and Ganesh also illustrate why these references do not support a finding of obviousness. When modifying the teachings of a prior art reference would change its principle of operation, one of skill in the art would not have a motivation to modify or combine the teachings to arrive at a patent owner’s system.

See, e.g., Plas-Pak Indus., Inc. v. Sulzer Mixpac AG, 600 F. App’x 755, 758 (Fed. Cir. 2015) (“[C]ombinations that change the ‘basic principles under which the [prior art] was designed to operate’ . . . fail to support a conclusion of obviousness.”) (internal citations omitted); *In re Gardner*, 449 F. App’x 914, 916 (Fed. Cir. 2011) (“[I]f a proposed modification or combination of the prior art would change the principle of operation . . . then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”) (citation omitted).

The server-centric designs in Douglas and Ganesh are not mere implementation details—they are fundamental to the disclosed systems, which rely on a server’s continuous analysis of event data, such as customer location or lingering behavior, to select for display. To illustrate, Douglas teaches that a “merchant 107 may be able to identify where the customer is/has traveled in the store, and provide trigger signals to . . . determine how long a customer is staying in a specific area.” EX1007, ¶¶ [0023], [0026]. The trigger signals are sent to the “[s]urvey generator 103 [that] may create one or more surveys for customer device 106 based on the received trigger signal.” *Id.*, ¶¶ [0031]-[0032].

The surveys generated by Douglas can be customized to a customer’s particular location or biometrics, and the survey design depends on real-time communication between a centralized server and a customer device 106. For instance, if a trigger signal “determines that the customer has lingered at a certain

section of the store . . . survey generator 103 may send one or more surveys to customer device 106” asking the customer if “he or she would like more detailed information about the product or products he or she is currently looking at.” *Id.*, ¶ [0038]. The system can also monitor facial expressions or biometrics with the customer device 106 and generate surveys based on those inputs. *Id.*, ¶ [0041].

Ganesh likewise relies on real-time, server-centric communication as its required mode of operation. This design is driven by Ganesh’s principal aim of “provisioning a consumer survey during the checkout process” to address the stated problem of low survey participation after a customer has completed a purchase. EX1008, ¶ [0004] (“[F]or many consumers filling out a survey on a PCD after a receipt has been generated (i.e., after the purchase transaction has been completed) is unlikely.”).

Ganesh’s system relies on “[t]he POS 125 recognizing that the consumer is in the process of completing the purchase transaction . . . to present a survey ID to the consumer.” *Id.*, ¶ [0036]. The system uses cameras, weight scales, or other devices to determine the duration of a purchase transaction as part of designing a survey with a length that coincides with the time it takes a customer to finish the transaction. *Id.*, ¶¶ [0028]-[0029] (“Systems and methods for estimating a checkout time for the purpose of calculating the amount of time available to push a TOP survey to a

consumer Based on such knowledge, the embodiment may build a TOP survey of three questions, for example.”).

The systems of Douglas and Ganesh are intentionally designed to be centralized with a server that orchestrates survey implementation. Moving the branching logic into a self-contained software module, like Patent Owner’s Survey Module, that operates locally without contacting a server to display the next question, would preclude the continuous server control that both Douglas and Ganesh require. Where, as here, modifying references to arrive at a patent owner’s claimed invention would produce a seemingly unsatisfactory system, there is no suggestion or motivation to make the modification, and the references cannot serve as a predicate for a *prima facie* case of obviousness. *Univ. of Maryland Biotechnology Inst. v. Presens Precision Sensing GmbH*, 711 F. App’x 1007, 1010 (Fed. Cir. 2017) (“[A] person of ordinary skill generally would not be motivated to modify a reference by contradicting its basic teachings . . . or by making it ‘inoperable for its intended purpose.’”) (quoting *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)).

A person of ordinary skill would not have a reason, consistent with the core teachings of Douglas and Ganesh, to package the branching logic in a self-contained software module that is executed at the point of next-question display. The alleged benefits of Douglas and Ganesh derive from server access to dynamic context at

each step, such as store location, lingering behavior, or even biometrics. Eliminating the server callback before displaying the next question would frustrate those aims by decoupling question sequencing from the very server-side data and algorithms the references consider essential. The Petition identifies no teaching or rationale to replace this server-orchestrated interaction model with a locally autonomous module, and none is apparent.

The intrinsic record of the '811 Patent confirms that the claimed Survey Module is not a mere label for any survey content that shows up on a device. The specification explains that the survey is “assembled into an autonomous, self-contained, web-container package” with branching logic that changes questions based on prior answers. *See* EX1001, '811 Patent, C11:30–38. That is what the substitute claims now recite.

Finally, the substitute claims are focused in scope and responsive to the Petition. The substitute claims do not enlarge the scope of the original claims; rather, the substitute claims clarify the architectural distinction of Patent Owner’s system that are highlighted in Patent Owner’s Preliminary Response. Given that neither Douglas nor Ganesh discloses or suggests the features of Patent Owner’s claims—namely, that the '811 Patent requires server-generated software code placed into a Survey Module and executed locally on the vendor survey interface—the substitute claims are patentable over the cited references.

B. The ‘811 Patent family claims priority to January 15, 2015.

The application that resulted in the ‘811 Patent was filed on June 28, 2019. The ‘811 Patent is a continuation-in-part of U.S. Application No. 16/279,387 filed on February 19, 2019, which issued as U.S. Patent No. 10,380,611. Patent No. 10,380,611 is a continuation of U.S. Application No. 14/997,434 (“***434 Application***”) filed on January 15, 2016, which is now abandoned. Application No. 14/997,434 claims priority to U.S. Provisional Application No. 62/104,043 (“***043 Application***”) filed on January 15, 2015. Thus, the earliest priority date of the ‘811 Patent is January 15, 2015.

As discussed below, the substitute claims find support in the original disclosure of the ‘811 Patent and its predecessor provisional patent application. No new matter is added to the substitute claims.

C. The substitute claims find support in the original disclosure and do not introduce new matter.

Support for the proposed substitute claims from the original disclosure (*i.e.*, EX1001, U.S. Patent No. 10,430,811) as well as from the provisional application to which the ‘811 Patent claims priority is provided in the Tables below. *See* 37 C.F.R. § 42.121(b)(1)–(2). *See* EX1003, ‘811 Patent File History; EX2003, ‘043 Application File History. Citation to the original disclosure is made with reference to the paragraph numbers of the application for the ‘811 Patent, as filed. The ‘811

Patent specification was not amended during prosecution. Thus, all cited portions of the ‘811 Patent in this motion also appear in the application for the ‘811 Patent, as filed. The amendments to the proposed substitute claims are shown in redline.

Substitute Claim 20	Support in originally filed ‘811 Specification	Support in the ‘043 Application
A system for implementing transaction-specific surveys comprising:	At least Para. [007]–[0011]; Claim 1; FIGS. 1–4.	At least Abstract; Para. [02], [09]–[010], [0146] (claims 1-25); FIGS. 1–5, 7–8.
(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;	At least Para. [007]–[008], [0030], [0068], [00102]; Claim 1(a); FIGS. 1, 6.	At least Para. [06], [025]–[027], [036], [043], [092]–[093], [0146] (claims 19, 22); FIGS. 1–2.
(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:	At least Para. [0010], [0034], [0044], [0055]; Claim 1(b); FIGS. 1–3.	At least Para. [026]–[027], [046]–[047] [0146] (claim 19); FIGS. 1, 3–4.
(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein	At least Para. [0024], [0028], [0034], [0064], [0089]–[0090], [00105]–[00106]; Claim 1(b)(i); FIG. 1.	At least Para. [025]–[027], [061]–[066], [074]–[081], [095]–[096], [0146] (claim 19); FIG. 1.

(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a first Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code that <u>implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question</u>;	At least Para. [0034], [0053], [0063], [0065], [0070], [0090]–[0091], Claim 1(b)(ii); FIGS. 1–3, 5–6, 8.	At least Para. [027], [010], [045], [054]–[057], [061]–[069], [074]–[081], [090], [0118]–[0131], [0146] (claim 19); FIG. 1–2, 5, 7–8.
(c) a vendor survey interface configured to perform the operations comprising: (i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module; (iii) generating a graphical user interface on a display screen; (iv) running the Survey Module to display the first and second Survey Question as an	At least Para. [0037], [0046], [0063], [0065]–[0067]; [0073]–[0074]; [00119]–[00123]; Claim 1(c); FIGS. 2, 5–6.	At least Para. [027], [029], [055]–[057], [092]–[093], [096], [0105]–[0110], [129], [0146] (claim 19–25); FIG. 1, 4, 7–8.

integrated component within the graphical user interface; (v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and (vi) transmitting the Respondent Header to the survey server computing device.		
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Substitute Claim 21	Support in originally filed '811 Specification	Support in the '043 Application
A computer-implemented method for providing transaction-specific surveys comprising the operations of:	At least Para. [007]–[008], [0010]; Claim 19; FIGS. 1–4.	At least Abstract; Para. [02], [09]–[010], [0146] (claims 1-25); FIGS. 1–5, 7–8.
(a) providing a survey server configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein	At least Para. [0030], [0034], [0055]; Claim 19(a); FIGS. 1–2.	At least Para. [06], [025]–[027], [036], [043], [0146] (claims 19, 22); FIGS. 1–2.
(i) the transaction data comprises purchase detail identifiers and a survey token; and	At least Para. [0030]; Claim 19(a)(i); FIGS. 1–2.	At least Para. [025]–[027], [036], [047], [092]–[093], [0146] (claim 1, 5); FIG. 1.
(ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;	At least Para. [0024]–[0025], [0034], [0064], [0090]; Claim 19(a)(ii); FIG. 1.	At least Para. [063], [074]–[081], [080], [096], [0102], [0146] (claim 1–2, 15, 25); FIG. 1.

(b) receiving by the survey server, a survey token;	At least Para. [0063], [00102]–[00103]; Claim 19(b); FIGS. 2–3, 6.	At least Para. [054]–[055], [0146] (claim 1, 12); FIG. 1, 4.
(c) retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token;	At least Para. [0063]; Claim 19(c); FIGS. 2, 5.	At least Para. [056], [058], [061], [0146] (claim 1, 5, 13, 15); FIG. 5, 7.
(d) determining by the survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier;	At least Para. [0090]–[0091]; Claim 19(d); FIG. 6.	At least Para. [045], [061]–[066], [083], [0146] (claim 1, 3, 13, 15); FIG. 5.
(e) generating by the survey server, a Survey Module comprising software code (i) for displaying the first Survey Question as an integrated component within a graphical user interface, and (ii) <u>implementing branching logic that displays a second Survey Question based on a first user-generated input in response to the first Survey Question</u> ;	At least Para. [009], [0065], [0073], [0091]; Claim 19(e); FIGS. 2, 6.	At least Para. [010], [027], [056]–[057], [068]–[069], [074]–[081], [090], [0118]–[0131] [0146] (claim 1, 14); FIG. 4–5, 7.
(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and	At least Para. [0073]; Claim 19(f); FIGS. 2, 6.	At least Para. [056]–[057], [0146] (claim 1); FIG. 1, 5.
(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to	At least Para. [00118]–[00120], [00121]–[00122]; Claim 19(g).	At least Para. [057]–[058], [096], [107], [0105]–[0110]; FIG. 7–8.

the at least one Survey Question.		
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VI. CONCLUSION

For the foregoing reasons, Patent Owner requests that this Contingent Motion to Amend be granted in the event claims 1 and/or 19 are found to be unpatentable.

**PATENT OWNER'S CONTINGENT MOTION TO AMEND
APPENDIX A – CLAIM LISTING**

Claim Listing Pursuant to 37 C.F.R. 42.121(a)–(b)

1. A system for implementing transaction-specific surveys comprising:

(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;

(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:

(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein

(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using

the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question;

(c) a vendor survey interface configured to perform the operations comprising: (i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module; (iii) generating a graphical user interface on a display screen; (iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface; (v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and (vi) transmitting the Respondent Header to the survey server computing device.

2. The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.

3. The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device.

4. The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.

5. The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.

6. The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction.

7. The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.

8. The system of claim 1, wherein:

(a) the campaign data structure further comprises an Exit Page that points to a webpage address and a second configurable Condition that is satisfied based on a Survey Question response;

(b) the display screen that displays the graphical user interface is an integrated component of a customer response client computing device, and the graphical user interface is displayed by a web browser integrated with the customer response client computing device; and wherein

(c) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code that redirects the web browser of the customer response client computing device to the Exit Page, if the second configurable Condition is satisfied.

9. The system of claim 1, wherein:

(a) the survey server computing device further comprises an Attribute Group database comprising one or more purchase detail identifiers sharing a preselected attribute;

(b) the campaign data structure further comprises a second configurable condition that is satisfied if a certain purchase detail identifier shares the preselected attribute; and wherein

(c) the survey server computing device is further configured to perform the operations of (E) determining whether the transaction data includes the certain purchase detail identifier that shares the preselected attribute such that the second configurable Condition is satisfied, and (F) if the second configurable Condition is

satisfied, generating a second Survey Question using the survey question data and the certain purchase detail identifier.

10. The system of claim 1, wherein:

(a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and

(b) the Survey Question comprises a Product Survey Question relating to the product/service.

11. The system of claim 1, wherein:

(a) the purchase detail identifiers comprise a vendor facility identifier that represents a vendor facility used by the vendor for commercial transactions; and

(b) the Survey Question comprises a Facility Survey Question relating to the vendor facility.

12. The system of claim 1, wherein:

(a) the purchase detail identifiers comprise a vendor personnel identifier identifying vendor personnel; and

(b) the Survey Question comprises a Vendor Personnel Survey Question relating to the vendor personnel.

13. The system of claim 1, wherein:

(a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and

(b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.

14. The system of claim 10, wherein:

(a) the purchase detail identifiers further comprise at least one vendor facility identifier that represents a vendor facility where the commercial transaction occurred;

(b) the campaign data structure comprises a second configurable Condition that is satisfied by the detection of a given vendor facility identifier;

(c) the survey server computing device is configured to perform the further operations comprising (E) determining whether the transaction data includes the given vendor facility identifier such that the second configurable Condition is satisfied, and if the second configurable Condition is satisfied, generating a Facility Survey Question using the survey question data and the given facility identifier, and (F) incorporating within the Survey Module software code for displaying the Facility Survey Question.

15. The system of claim 14, wherein:

(a) the purchase detail identifiers further comprise at least one internal facility location identifier identifying an internal location within a vendor facility;

(b) the campaign data structure comprises a third configurable Condition that is satisfied by the detection of a given internal facility location identifier;

(c) the survey server computing device is configured to perform the further operations comprising (G) determining whether the transaction data includes the given internal facility location identifier such that the third configurable Condition is satisfied, and if the third configurable Condition is satisfied, generating an Internal Facility Survey Question using the survey question data and the given internal facility location identifier, and (H) incorporating within the Survey Module software code for displaying the Internal Facility Survey Question.

16. The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question.

17. The system of claim 1, wherein the Campaign data structure further comprises a Max Question configurable Condition setting a maximum number of survey questions included within the Survey Module.

18. The system of claim 1, wherein:

(a) the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein

(b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.

19. A computer-implemented method for providing transaction-specific surveys comprising the operations of:

(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein

(i) the transaction data comprises purchase detail identifiers and a survey token; and

(ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;

(b) receiving by the survey server, a survey token;

(c) retrieving by survey server, the transaction data having the stored survey token corresponding to the received survey token;

(d) determining by survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier;

(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;

(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and

(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.

20. (Substitute for claim 1 if claim 1 is cancelled) A system for implementing transaction-specific surveys comprising:

(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;

(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:

(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein

(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a first Survey Question using the given survey question data and the purchase detail identifier, and

(D) generating a Survey Module comprising software code that implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question;

(c) a vendor survey interface configured to perform the operations comprising: (i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module; (iii) generating a graphical user interface on a display screen; (iv) running the Survey Module to display the first and second Survey Question as an integrated component within the graphical user interface; (v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and (vi) transmitting the Respondent Header to the survey server computing device.

21. (Substitute for claim 19 if claim 19 is cancelled) A computer-implemented method for providing transaction-specific surveys comprising the operations of:

(a) providing a survey server configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein

(i) the transaction data comprises purchase detail identifiers and a survey token; and

- (ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;
- (b) receiving by the survey server, a survey token;
- (c) retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token;
- (d) determining by the survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a first Survey Question using the survey question data and the purchase detail identifier;
- (e) generating by the survey server, a Survey Module comprising software code for (i) displaying the first Survey Question as an integrated component within a graphical user interface, and (ii) implementing branching logic that displays a second Survey Question based on a first user-generated input in response to the first Survey Question;
- (f) transmitting by the survey server, the Survey Module to a vendor survey interface; and
- (g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I certify that a copy of the foregoing document was served by electronic mail upon the following:

Timothy J. Bechen
Josh Long
Nathan Evans
WOODS ROGERS VANDEVENTER BLACK PLC
timothy.bechen@woodsrogers.com
josh.long@woodsrogers.com
nathan.evans@woodsrogers.com
Attorneys for Petitioner

Dated: January 14, 2026

/s/ Jeffrey B. Fabian
Jeffrey B. Fabian (Reg. No. 70,164)