

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and
AUDIBLE, INC.,**
Petitioners,

v.

AUDIO POD IP, LLC,
Patent Owner.

Case No. IPR2025-00768
U.S. Patent No. 10,805,111

**~~PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 10,805,111~~**

DECLARATION OF PROFESSOR KETAN MAYER-PATEL, Ph.D.

Amazon v. Audio Pod
US Patent 10,805,111
Amazon EX-1002

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I, Ketan Mayer-Patel, do hereby declare:

I am making this declaration at the request of Petitioners Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. AND FEE PAYMENT 74

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TABLE OF EXHIBITS

1. ("Petitioners"). I have been retained by Petitioners as a technical expert in this mat- ter.

2. I am being compensated for my work on this case. My compensation does not depend on the content of this Declaration or the outcome of these proceed- ings.

I. BACKGROUND

A. Experience and Qualifications

3. I received Bachelor of Arts degrees in Computer Science and Econom- ics in 1992, a Master of Science in 1997 from the Department of Electrical Engi- neering and Computer Science, and a Ph.D. in 1999 from the Department of Electri- cal Engineering and Computer Science, all from the University of California, Berke- ley.

4. I have been involved in the research and development of multimedia computing systems for nearly 30 years. I have been a faculty member at the Uni- versity of North Carolina since January 2000, where I perform research and teach in the areas of networking, web programming, and multimedia computing. I also have

expertise other areas, including distributed systems, networking devices, and the general operation of computer systems.

5. I am a member of the Association for Computing Machinery (ACM) and the Institute of Electrical and Electronics Engineers (IEEE). These are the two leading professional societies for both academic and practicing computer scientists.

6. I have authored or co-authored over 30 papers in peer-reviewed journals and conference proceedings. I have served as an Associate Editor for both IEEE Transactions on Multimedia and ACM Transactions on Multimedia Computing, Communications, and Applications, which are the two leading journals in the field. I regularly serve as a member of the technical program committee for a number of different conferences and workshops including ACM Multimedia, The International Workshop on Network and Operating System Support for Digital Audio and Video (NOSSDAV), IFIP Networking, ACM Multimedia Systems (MMSys), MMEDIA, and SIGMAP. I am also currently chair of the standing executive committee for both NOSSDAV and MMSys. A complete listing of all my publications can be found in my CV, which I understand is being submitted as Exhibit 1096. I am also a named inventor or co-inventor on multiple issued patents, which are also listed in my CV.

7. My research has been supported by both government agencies as well as private industry. I received the National Science Foundation (NSF) CAREER Award in 2003 while an Assistant Professor. I have been a principal investigator for

grants awarded by the NSF, the Office of Naval Research, and the Laboratory of Analytic Sciences. I have also served on several NSF reviewing panels for funding recommendations.

8. In my research and teaching I have considered problems of video streaming, dynamic adaptation and transcoding of media, adaptive streaming transport protocols, telepresence, and scalable display architectures, among others.

9. In the classroom, I have regularly taught classes on Data Structures, Foundations of Programming, Modern Web Programming, Files and Databases, and Multimedia Computing and Networking. I also serve as the Director of Undergraduate Studies for the Department of Computer Science.

B. Materials Considered

10. In preparing this Declaration, I have considered the following materials:

Exhibit No.	Description
1001	U.S. Patent No. 10,805,111 (“the ’111 patent”)
~~1002~~	~~Declaration of Professor Ketan Mayer-Patel, Ph.D.~~
1003	NATIONAL INFORMATION STANDARDS ORGANIZATION, SPECIFICATIONS FOR THE DIGITAL TALKING BOOK (ANSI/NISO Z39.86-2002) (2002) (“DTB”)
1004	European Patent Publication No. EP 1463258 A1 (“Lindahl”)

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Declaration of Ketan Mayer-Patel – U.S. Pat. No. 10,805,111

Exhibit Number 1005 Not Used

<u>Exhibit No.</u>	<u>Description</u>
1006	Yoshimura et al., <i>Content Delivery Network Architecture for Mobile Streaming Service Enabled by SMIL Modification</i> , 86 IEICE TRANSACTIONS ON COMM’N 1778 (2003) (“Yoshimura”)
<i>Exhibit Numbers 1007-1025 Not Used</i>	
1026	B. PRABHAKARAN, MULTIMEDIA SYSTEMS AND TECHNIQUES, 177-216 (Borko Furht ed., 1996) (“Prabhakaran”)
1027	U.S. Patent Publication No. 2003/0013073 (“Duncan”)
1028	U.S. Patent Publication No. 2002/0184189 (“Hay”)
1029	Robert Steele, et al., <i>Accessing SMIL-based Dynamically Adaptable Multimedia Presentations from Mobile Devices</i> , in INT’L CONF. ON INFO. TECH.: CODING AND COMPUTING (IEEE 2004) (“Steele”)
1030	U.S. Patent No. 6,260,011 (“Heckerman”)
1031	THEODOR S. GEISEL, THE CAT IN THE HAT (1957) (“Dr. Seuss”)

~~Exhibit No.~~	~~Description~~
1032	U.S. Patent No. 6,108,703 (“Leighton”)
1033	U.S. Patent No. 5,922,045 (“Hanson”)
<i>~~Exhibit Numbers 1034-1052 Not Used~~</i>	
1053	U.S. Patent No. 5,845,303 (“Templeman”)
1054	U.S. Patent No. 6,789,229 (~~“Dunietz”~~)(~~“Dunietz”~~)
1055	U.S. Patent No. 4,723,209 (“Hernandez”)
1056	U.S. Patent No. RE37,258 (“Patel”)
1057	U.S. Patent No. 5,798,841 (“Takahashi”)
1058	U.S. Patent No. 5,021,989 (“Fujisawa”)
~~1059~~	~~PCT Patent Publication No. WO2001/01373A2 (“Hendricks”)~~

<u>Exhibit No.</u>	<u>Description</u>
<u>1059</u>	<u>PCT Patent Publication No. WO 01/01373 (“Hendricks”)</u>
1060	PCT Patent Publication No. WO2002/08948A2 (“Sull”)
1061	U.S. Patent No. 6,622,171 (“Gupta”)
1062	U.S. Patent No. 6,208,995 (“Himmel”)
1063	P. Delacourt & C.J. Wellekens, <i>DISTBIC: A speaker-based segmentation for audio data indexing</i> , 32 SPEECH COMMUNICATION 111 (2000) <u>)).</u> (“Delacourt”)
1064	Excerpt from WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY (2002)

~~Exhibit No.~~	~~Description~~
1065	Excerpt from RANDOM HOUSE WEBSTER’S COLLEGE DICTIONARY (2nd ed. 2001)
1066	Excerpt from B. PRABHAKARAN, MULTIMEDIA DATABASE MANAGEMENT SYSTEMS (1997) (“Prabhakaran II”)
1067	U.S. Patent Publication No. US 2004/0024898 (“Wan”)
1068	Joshua Hodas , et al., <i>NOVeLLA: A Multi-Modal Electronic-Book Reader With Visual and Auditory Interfaces</i> , 4 INT’L J. SPEECH TECH., 269 (2001) (“Hodas”)
1069	PCT Patent Publication No. WO2002/080524A2 (“Dimitrova”)
1070	PATRICK SCHMITZ, THE SMIL 2.0 TIMING AND SYNCHRONIZATION MODEL, TECH. RPT. MSR-TR-2001-01- (2001) (“Schmitz”)
1071	U.S. Patent Publication No. 2005/0245243A1 (“Zuniga”)

<u>Exhibit No.</u>	<u>Description</u>
1072	Excerpt from File History for European Patent Publication No. EP1961154
1073	Advisory Action dated Oct. 12, 2010, U.S. Patent App. No. 12/096933
1074	Final Office Action dated July 28, 2010, U.S. Patent App. No. 12/096933
1075	Barry Arons, <i>SpeechSkimmer: A System for Interactively Skimming Recorded Speech</i> , 4 ACM TRANSACTIONS ON COMPUTER-HUMAN INTERACTION 3 (1997) (“Arons”)
~~<i>Exhibit Numbers 1076–1078 Not Used</i>~~	

~~Exhibit No.~~	~~Description~~
1079	THEODOR S. GEISEL, THE CAT IN THE HAT AND OTHER DR. SEUSS FAVORITES (narrated by Kelsey Grammer et al., Listening Library 2003) (CD)
~~Exhibit Numbers 1080-1094 Not Used~~	
1095	File History for U.S. Patent No. 10,805,111
~~1096~~	~~CV of Professor Ketan Mayer Patel, Ph.D.~~
~~1097~~	~~Declaration of Sylvia D. Hall-Ellis, Ph.D.~~

~~Amazon.com, Inc. v. Audio Pod IP, LLC
IPR Petition—U.S. Pat. No. 10,805,111
Petitioners Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and
Audible, Inc. (“Petitioners” or “Amazon”) respectfully request *inter partes* review~~

~~In addition, I have reviewed the full file history of claims 1–16 of U.S. Patent No.
10,805,111 (“the ’111 patent”), which Audio Pod IP, LLC (“Patent Owner” or “PO”)
purportedly owns.~~

I. INTRODUCTION

~~The challenged claims are directed to a client device that renders images. I have also
relied on my education, training, and~~

~~1.11. corresponding audio, which are obtained from a network accessible library. The broadest
claims recite the well-known steps of downloading images experience, and audio clips, assembling a
page from my knowledge of pertinent literature in the images, and rendering the page while
playing the audio. By the time field of the ’111 patent’s earliest possible priority date in December 2005,
such methods were widely known patent.~~

II. The primary references in this Petition were never submitted APPLICABLE LEGAL STANDARDS

~~12. I have been asked to provide my opinion as to, or considered by, whether
the Examiner, who allowed claims of the ’111 patent claims without a single Office Ac tion.
Although would have been obvious to a person of ordinary skill in the art at the time
of the alleged invention, in view of the claims avoided meaningful examination during prior
art.~~

~~13. I am a computer scientist by training and profession. The opinions I
am expressing in this report involve the application process, of my training and technical~~

knowledge and experience to the evaluation of certain prior art with respect to the
'111 patent.

14. Although I have been involved as a technical expert in patent matters
before, I am not an expert in patent law. Therefore, the attorneys from Knobbe,
Martens, Olson & Bear, LLP have provided me with guidance as to the applicable
patent law in this matter. The paragraphs below express my understanding of how I
must apply current principles related to patent validity to my analysis.

A. Claim Construction

15. It is my understanding that in determining whether a patent claim is
obvious in view of the prior art, the Patent Office construes the claim by giving the
claim terms their plain and ordinary meaning, as they would have been understood
by a person of ordinary skill in the art at the time of the invention in view of the
intrinsic record (patent specification and file history). For the purposes of this re-
view, and to the extent necessary, I have interpreted each claim term in accordance
with its plain and ordinary meaning as it would have been understood by a person of
ordinary skill in the art at the time of the invention, in view of the intrinsic record. I
understand that the time of the invention is December 13, 2005.

16. I understand that a patent and its prosecution history are considered “in-
trinsic evidence” and are the most important sources for interpreting claim language
in a patent. I also understand that in reading the claim, I must not import limitations

from the specification into the claim terms; in other words, I must not narrow the scope of the claim terms by implicitly adding disclosed limitations that have no express basis in the claims. The prosecution history of related patents and applications can also be relevant.

17. I understand that sources extrinsic to a patent and its prosecution history (such as dictionary definitions and technical publications) may also be used to help interpret the claim language, but that such extrinsic sources cannot be used to contradict the unambiguous meaning of the claim language that is evident from the intrinsic evidence.

18. Unless expressly stated herein, I have applied the plain and ordinary meaning of the claim terms, which I understand is the meaning that a person of ordinary skill in the art would have given to terms in December 2005 based on a review of the intrinsic evidence.

B. Obviousness

19. It is my understanding that a claim is “obvious” if the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time of the alleged invention. I understand that an obviousness analysis involves a number of considerations. I understand that the following factors must be evaluated to determine whether a claim would have been obvious: (i) the scope and content of the prior art; (ii) the differences, if any, between each claim of the ’111 patent and

the prior art; (iii) the level of ordinary skill in the art in December 2005; and (iv) additional considerations, if any, that indicate that the invention was obvious or not obvious. I understand that these “additional considerations” are clearly unpatentable and—often referred to as “secondary considerations” of non-obviousness or obviousness.

20. I also understand that the frame of reference when evaluating obviousness is what a hypothetical person of ordinary skill in the pertinent art would have known in December 2005. I understand that the hypothetical person of ordinary skill is presumed to have knowledge of all pertinent prior art references.

21. It is my understanding that something is “inherent in,” and therefore taught by, the prior art, if it necessarily flows from the explicit disclosure of the prior art. I understand that the fact that a certain result or characteristic *may be* present in the prior art is not sufficient to establish inherency. However, if the result or characteristic is *necessarily* present based upon the explicit disclosure in the prior art, it is inherent in the prior art and is therefore disclosed.

22. I understand that a prior art reference may be a pertinent prior art reference (or “analogous art”) if it is in the same field of endeavor as the patent or if it is pertinent to the problem that the inventors were trying to solve. A reference is reasonably pertinent if it logically would have commended itself to an inventor’s attention in considering the problem at hand. If a reference relates to the same problem

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as the claimed invention, that supports use of the reference as prior art in an

obviousness analysis. Here, all of the references relied on in my obviousness analysis below are from the same field of endeavor as the '111 patent, e.g., content distribution and/or rendering. The references are also pertinent to a particular problem the inventor was focused on, e.g., efficient and effective distribution and/or rendering of content.

23. It is my understanding that the law recognizes several rationales for combining references or modifying a reference to show obviousness of claimed subject matter. Some of these rationales include:

- combining prior art elements according to known methods to yield predictable results;
- simple substitution of one known element for another to obtain predictable results;
- a predictable use of prior art elements according to their established functions;
- using known techniques to improve similar devices (methods, or products) in the same way;
- applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (in which case a claim would have been obvious to try);
- known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and
- some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

24. I understand that “secondary considerations” must be considered as part of the obviousness analysis when present. I further understand that the secondary considerations may include: (1) a long-felt but unmet need in the prior art that was satisfied by the claimed invention; (2) the failure of others; (3) skepticism by experts; (4) commercial success of a product covered by the patent; (5) unexpected results achieved by the claimed invention; (6) industry praise of the claimed invention; (7) deliberate copying of the invention; and (8) teaching away by others. I also understand that evidence of the independent and nearly simultaneous “invention” of the claimed subject matter by others is a secondary consideration supporting an obviousness determination and may support a conclusion that a claimed invention was

within the knowledge of a person of ordinary skill as of December 13, 2005. I am not aware of any evidence of secondary considerations that would suggest that the claims of the '111 patent would have been nonobvious in December 2005.

2.25. I understand that when assessing obviousness, using hindsight is impermissible; that is, what is known today or what was learned from the teachings of the patent should be canceled not be considered. The patent should not be used as a road map for selecting and combining items of prior art. Rather, obviousness must be considered from the perspective of a person of ordinary skill at the time the alleged invention was made – December 2005 in this case.

II. 26. ~~BACKGROUND AND STATE~~ I also understand that an obviousness analysis must consider the invention as a whole, as opposed to just a part or element of the invention. I understand this “as a whole” assessment to require showing that one of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the elements from the prior art and combined them in the claimed manner.

I.III. PERSON OF ORDINARY SKILL IN THE ART

27. It is my understanding that when interpreting the claims of the '111 patent and evaluating whether a claim would have been obvious, I must do so based on the perspective of a person of ordinary skill in the art at the relevant priority date.

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~~I understand that the relevant priority date of the '111 patent is December 13, 2005.~~

28. I understand that in determining the level of ordinary skill in the art, several factors are considered. Those factors may include: (i) the type of problems encountered in the art; (ii) prior art solutions to those problems; (iii) the rapidity with which innovations are made; (iv) the sophistication of the technology; and (v) the educational level of active workers in the field. A person of ordinary skill in the art must have the capability of understanding the scientific and engineering principles applicable to the pertinent art.

29. The '111 patent describes the use of well-known technologies for the rendering and/or distribution of digital content. Based on my review of the specification and claims of the '111 patent, it is my opinion that a person of ordinary skill in the art would have had a minimum of a bachelor's degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design, development, and/or implementation of content rendering and/or distribution systems. Work experience could substitute for formal education and additional formal education could substitute for work experience.

30. My conclusions below that the claims of the '111 patent would have been obvious would remain the same even if the priority date, field of endeavor, or level of ordinary skill were slightly different.

31. I meet the above definition of a person of ordinary skill in the art, and did so as of December 13, 2005. Also, I have worked with persons of ordinary skill

in the art through my professional and academic experiences, and I have an understanding of their skill level around December 2005.

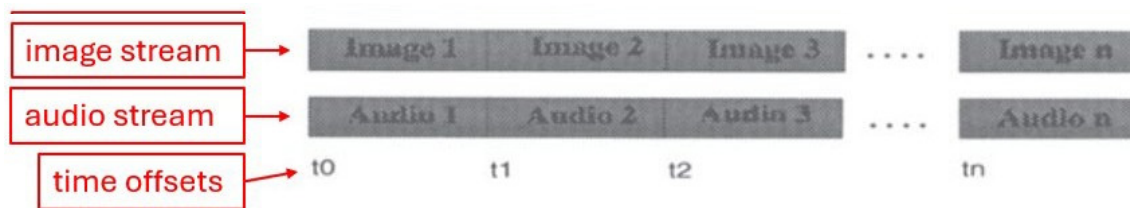
IV. TECHNOLOGY BACKGROUND

A multimedia presentation comprises different media streams such as text,

3.32. images, audio, and video. (EX-1026, (Prabhakaran), 177; ~~EX-1002 ¶32.~~)

Multimedia ~~synchroni- zation~~syn- chronization refers to the task of coordinating objects from different media streams in the time domain. (*Id.*)

4.33. ~~In 1996, nearly a decade before the earliest possible priority date of the '111 patent~~In 1996, Prabhakaran disclosed a method that included downloading corresponding image and audio streams from a multimedia database, assembling ~~images~~im- ages for ~~dis- play~~display, and rendering the images with their corresponding audio. (EX-1026, (Prabhakaran), 177-78; ~~EX-1002 ¶33.~~) Synchronization was achieved using pre-defined temporal relations, which specified the time offsets of the audio stream



~~corresponding~~correspond- ing to each image:

(~~EX-1026, Id.~~, 177-78, Fig. 4¹¹ (excerpt); ~~EX-1002 ¶33.~~)).

¹ Figures in this Declaration may be colored and/or annotated for clarity.

~~5.34.~~ In 2002, the National Information Standards Organization approved a ~~stand—ard~~standard for creating digital talking books, which involved the synchronized ~~rendering~~render- ing of text, images, and audio. (EX-1003, (DTB), vii, ~~EX-1002 ¶34.~~) Using that standard, users could access digital talking books via the Internet and control the font size and audio playback speed on their devices. (~~EX-1003, Id.~~, vii, 21, 24-25, 63; ~~EX-1002 ¶34.~~)

In 2003, Duncan disclosed an electronic book device that downloaded a media stream from a database. (EX-1027 (Duncan) ¶¶[0004], [0023], Fig. 2; ~~EX-1002 ¶35.~~) The

⁺~~Figures herein may be colored and/or annotated for clarity.~~

~~6.35.~~ device displayed a page and simultaneously read that page aloud before automatically turning the page to continue reading. (~~EX-1027~~Id., Abstract, ¶¶[0013], [0033]; ~~EX-1002 ¶35.)~~.) The device stored “the start and end position of a page of text being displayed” to ~~determine~~deter- mine when a page should be displayed during the audio playback. (~~EX-1027~~Id. ¶[0028]; ~~EX-1002 ¶35.)~~.) The device also paginated on the fly if, for ~~ex-ample~~example, a user selected a different font size. (~~EX-1027~~Id. ¶¶[0042]-[0044]; ~~EX-1002~~.)

~~¶35.)~~

~~III.~~IV. THE '111 PATENT

A. Overview

The '111 patent describes well-known steps to download, assemble and render 36. images and corresponding audio. (~~EX-1002 ¶36.)~~ It describes accessing a library to download a portion of an audio stream and one or more images, the images ~~asso-~~ciated with time information relative to the audio timeline. (EX-1001; ('111 patent), 2:54-3:2; 6:53-7:2.) It describes assembling a page from the images, assigning time ~~infor-~~ mation

information to the page, and simultaneously rendering the page and corresponding audio. (*Id.*, 29:15-30:56, 39:34-43.)

B. Claims

Claims

I have been asked to consider claims 1-16 ~~are challenged~~ in this ~~petition~~Declaration. Claims 1 and 16 are independent.

~~Claim~~ Independent claim 1 is representative and recites:

7.37. A a “method comprising” several steps:

- [a] accessing, by a client device, a network accessible library having stored thereon an image stream of static graphic images and a corresponding audio stream;
- [b] downloading to the client device from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream;
- [c] assembling, by the client device, a first page from the one or more static graphic images;
- [d] assigning to the first page, by the client device, time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first

page is determined on the basis of the time information for the one or more static graphic images;

~~[d]~~[e] downloading to the client device from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page; and

~~[e]~~[f] simultaneously rendering the first page and the portion of the audio stream on the client device by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.

8-38. The dependent claims recite trivial variations, such as the library ~~including~~in- cluding a server, the number of images rendered being dependent on the size of the image or device capabilities, assembling a second page, and automatically turning the page.

C. Prosecution

~~The Examiner allowed the claims without a single Office Action. (EX-1095, 23-30.) None of the references herein were meaningfully considered by the Examiner. Hay (relied on herein for dependent claims 6 and 7) was cited in a lengthy IDS but none of the other references were before the Examiner.~~

D. Priority

~~The '111 patent's earliest possible priority date is December 13, 2005. (EX-1001, 1-2.) Petitioner does not concede that the claims are entitled to that priority date.~~

IV. LEVEL OF ORDINARY SKILL IN THE ART

~~A POSITA is “a person of ordinary creativity, not an automaton.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). Here, a POSITA would have had at least a bachelor’s degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design, development, and/or implementation of content rendering and/or distribution systems. (EX-1002 ¶¶27-31); see *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). Work experience could substitute for formal education and additional formal education could substitute for work experience. (EX-1002 ¶29.)~~

V. ~~CLAIM CONSTRUCTION~~

~~No claim terms require construction to resolve the obviousness challenges here. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). For this proceeding only, Petitioners assume the claims are not invalid under §112.~~

VI. ~~STATEMENT OF PRECISE RELIEF REQUESTED~~

A. ~~Grounds~~

~~The Board should cancel the claims as obvious under §103 on the following~~
~~Grounds:~~

Ground	Challenged Claims	References
~~1A~~	~~1-2, 4-5, 16~~	~~Prabhakaran and Duncan~~
~~1B~~	~~3~~	~~Prabhakaran, Duncan, and Templeman~~
~~1C~~	~~6~~	~~Prabhakaran, Duncan, and optionally Hay~~
~~1D~~	~~7~~	~~Prabhakaran, Duncan, and optionally Hay and/or Heckerman~~
~~1E~~	~~8-11~~	~~Prabhakaran, Duncan, and DTB~~
~~1F~~	~~12-15~~	~~Prabhakaran, Duncan, and Dr. Seuss~~
~~2A~~	~~1-2, 4-5, 8-11, 16~~	~~DTB, Steele, and Duncan~~
~~2B~~	~~3~~	~~DTB, Steele, Duncan, and Templeman~~

Ground	Challenged Claims	References
2C	6	DTB, Steele, Duncan, and Hay
2D	7	DTB, Steele, Duncan, Hay, and Prabhakaran
2E	12-15	DTB, Steele, Duncan, and Dr. Seuss

~~Additional support is included in the Declaration of Professor Ketan Mayer-Patel, Ph.D. (EX-1002.)~~

~~B. Status of References as Prior Art~~

~~Each reference is prior art under pre-AIA 35 U.S.C. §102(b) because it published more than one year before the '111 patent's earliest possible priority date of December 13, 2005: Dr. Seuss (1957); Prabhakaran (1996); Templeman (1998); Heckerman (2001); DTB (2002); Hay (2002); Duncan (2003); and Steele (April 2004). (EX-1053, 1; EX-1030, 1; EX-1028, 1; EX-1027, 1; EX-1097 ¶¶51-78.)~~

~~These references are analogous art because they are from the same field of endeavor as the '111 patent, e.g., content distribution and/or rendering. (EX-1002 ¶22); *Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1000 (Fed. Cir. 2016). They are also pertinent to a particular problem the inventor was focused on, e.g., efficient and effective distribution and/or rendering of content. (*Id.*)~~

VI. GROUND 1A: CLAIMS 1-2, 4-5, AND 16 OF THE '111
VII. PATENT WOULD HAVE BEEN OBVIOUS IN VIEW OF
PRABHAKARAN AND DUNCAN.

A.

A. Claims 1-2, 4-5, and 16 Would Have Been Obvious in View of
Prabhakaran and Duncan.

39. For at least the reasons I discuss below, Prabhakaran and Duncan render
claims 1-2, 4-5, and 16 obvious.

1. Claim 1

1. Preamble

~~9.40.~~ The preamble recites “[a] method comprising.” Prabhakaran discloses a method including the steps of (1) acquiring multimedia objects from servers, (2) ~~syn-chronizing~~synchronizing multimedia objects in the time domain, and (3) concurrently ~~presenting~~present- ing synchronized multimedia objects. (EX-1026, (Prabhakaran), 177-81, 206-10; ~~EX-1002 ¶40.)~~ Accordingly, to the extent .) Thus, Prabhakaran discloses or renders obvious the preamble ~~is limiting, it is disclosed or rendered obvious by Prabhakaran.~~ (EX-1002 ¶40.)of claim 1.

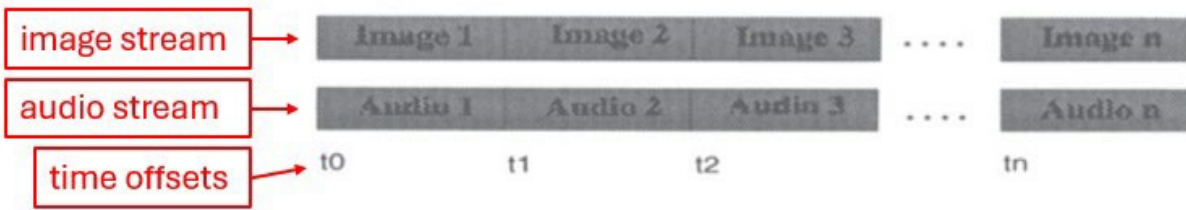
2. Element 1[a]: Accessing a Network Accessible Library

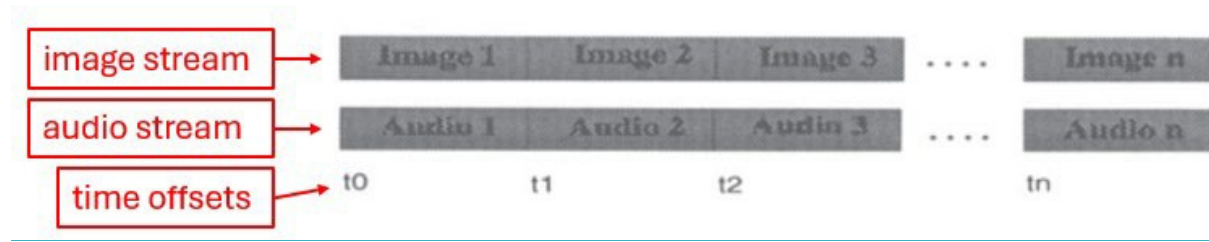
~~10.41.~~ Element 1[a] recites “accessing, by a client device, a network accessible ~~li-brary~~library having stored thereon an image stream of static graphic images and a corre- sponding audio stream.” Prabhakaran discloses or renders obvious this claim ele- ment.

~~11.42.~~ Prabhakaran discloses that client devices retrieve (via a network) “~~multimedia~~mul- timedia objects” including text, images, audio, and video from databases stored on servers. (EX-1026, (Prabhakaran), 177-78, 181 (network/database), 206 (~~network~~net- work/servers), 210 (multimedia objects retrieved from server); ~~EX-1002 ¶42.)~~.) Synchronization

points (also referred to as “temporal relations” or “points of synchronization”) ~~between~~be- tween the multimedia objects are “pre-defined” and “stored along with the ~~multimedia~~multime- dia objects.” (*Id.*, 177, 213.) Figure 1 shows a presentation of images corresponding

(EX 1026, 177, 213.) Figure 1 shows a presentation of images corresponding to audio clips at time offsets (e.g., t_0 , t_1 , t_2 , t_n):





(*Id.*, 178, Fig. 1 (excerpt); ~~EX-1002 ¶42.~~)).

~~12.43.~~ Prabhakaran therefore discloses or renders obvious a client device ~~accessing ac-~~ cessing (e.g., retrieving multimedia objects from) a network accessible library (e.g., ~~multi-media~~ multimedia database on server) having stored thereon an image stream of static graphic images (e.g., Image 1, Image 2, Image 3, ... Image n) and corresponding audio stream (e.g., Audio 1, Audio 2, Audio 3, ... Audio n). (~~EX-1002 ¶¶41-43.~~) Thus, Prabhakaran discloses claim element 1[a].

a. Element 1[b]: Downloading Image Associated with Time Information

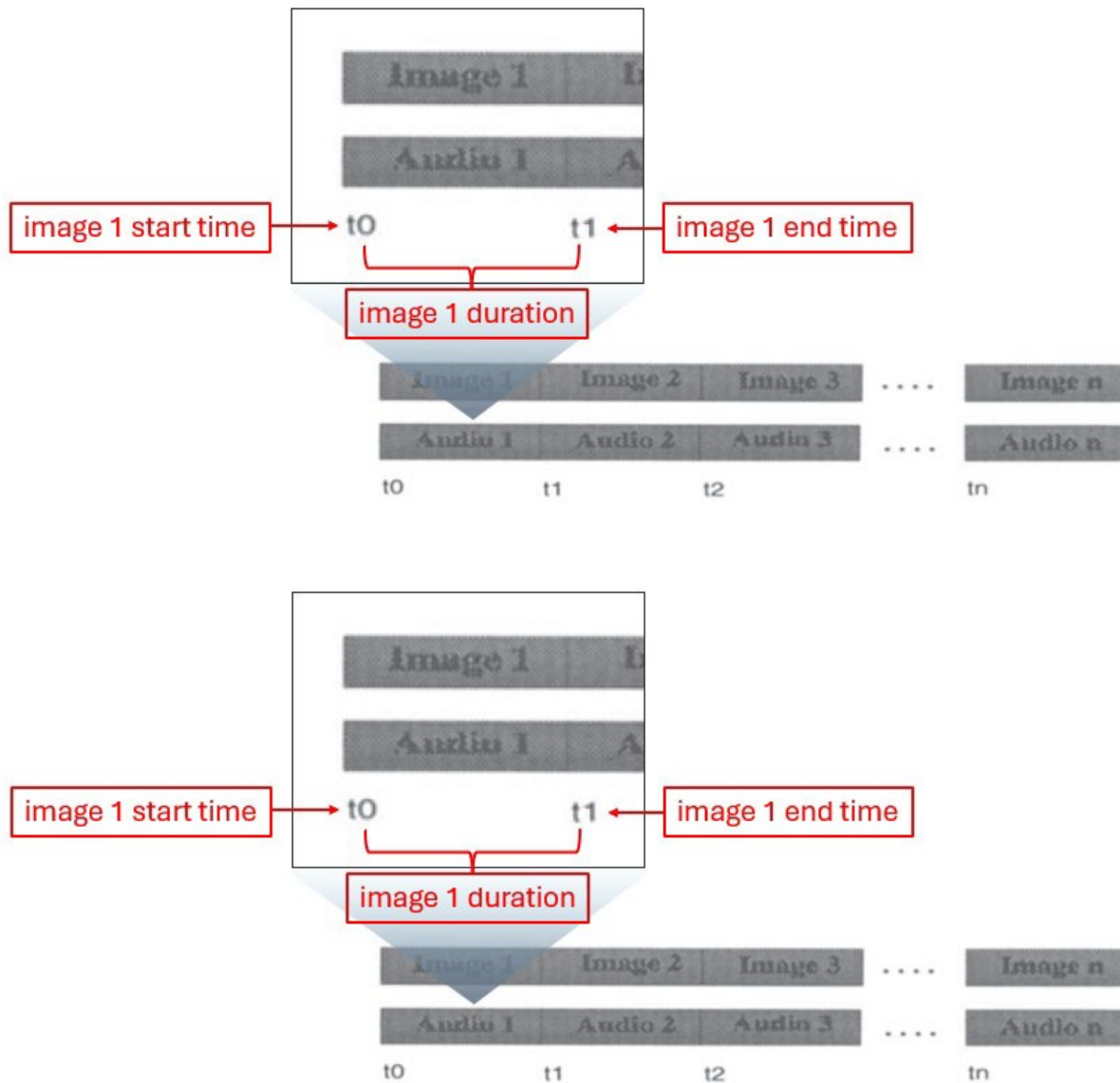
~~13.44.~~ Element 1[b] recites “downloading to the client device from the ~~network~~ ac- ~~cessible net-~~ work accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time ~~information in-cluding~~ infor- mation including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream.” Prabhakaran discloses or renders obvious this claim element.

45. Prabhakaran’s client retrieves, from the server via a network, images from an image stream. (*Supra* §VII.A.2.) (See ¶¶41-43, above.) Pre-defined temporal

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relations-

between the image

and audio streams are stored in the multimedia database. (*Id.*) Figure 1 shows each image corresponds to an audio clip (e.g., Image 1 corresponds to Audio 1) such that the corresponding image and audio clip share the same start time, end time, and duration:



(EX-1026, [\(Prabhakaran\)](#), 178, Fig. 1 (excerpt); [EX-1002 ¶45.](#))). Each image is therefore displayed relative to the same timeline as the corresponding audio file.

~~14.46.~~Prabhakaran therefore discloses or renders obvious downloading (e.g., ~~retriev~~~~-ing~~retrieving) to the client device from the network accessible library (e.g., multimedia ~~data-base~~database on server) one or more static graphic images from the image stream (e.g., Image 1), each associated with time information including at least one of a start time, an end time, and a duration (e.g., t0-t1) relative to a timeline of the audio stream. ~~(EX-1002 ¶¶44-46.)~~Thus, Prabhakaran discloses or renders obvious claim element 1[b].

4a: Element 1[c]: Assembling a First Page

~~15.47.~~ Element 1[c] recites “assembling, by the client device, a first page from the one or more static graphic images.” ~~Prabhakaran discloses assembling a first page because it renders a page comprising, e.g., Image 1. (EX-1002 ¶48.)~~ Prabhakaran and/or Duncan disclose or render obvious this claim element.

Prabhakaran discloses assembling a first page because it renders a page comprising, e.g., Image 1. Prabhakaran’s process for assembling a page is the same as the ’111 patent’s.
~~(Id.)~~

~~16.48.~~ The ’111 patent describes a “dynamic approach” where pages are created at run time. (EX-1001, (’111 patent), 29:34-63.) “[P]ages are defined on the basis of screen size, font size, font type, presentation style, included graphics, other ancillary content, writing style ... and text availability.” (*Id.*, 29:35-39.) The available space on a page is “filled with appropriately formatted text and ancillary content” including images. (*Id.*, 29:47-49.) A page may contain only one image or more than one image. (*Id.*, 30:30-37; ~~EX-1002 ¶48.~~)

~~17.49.~~ Prabhakaran similarly explains that the user can modify the ~~presentation~~ presenta- tion by, for example, “scal[ing] the spatial requirements” and “handl[ing] spatial clash[.]” (EX-1026, (Prabhakaran), 178 (“The points of synchronization in a ~~multimedia~~ multi- media presentation can be modified by the user going through the presentation.... for example, a user may ~~in- teract~~ interact by giving inputs such as ... scale the spatial ~~requirements~~ require- ments, handle spatial clash”); ~~EX-~~

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~~1002 ¶49. – Users can”) Prabhakaran allows users to~~ modify the size of ~~objectsob- jects~~

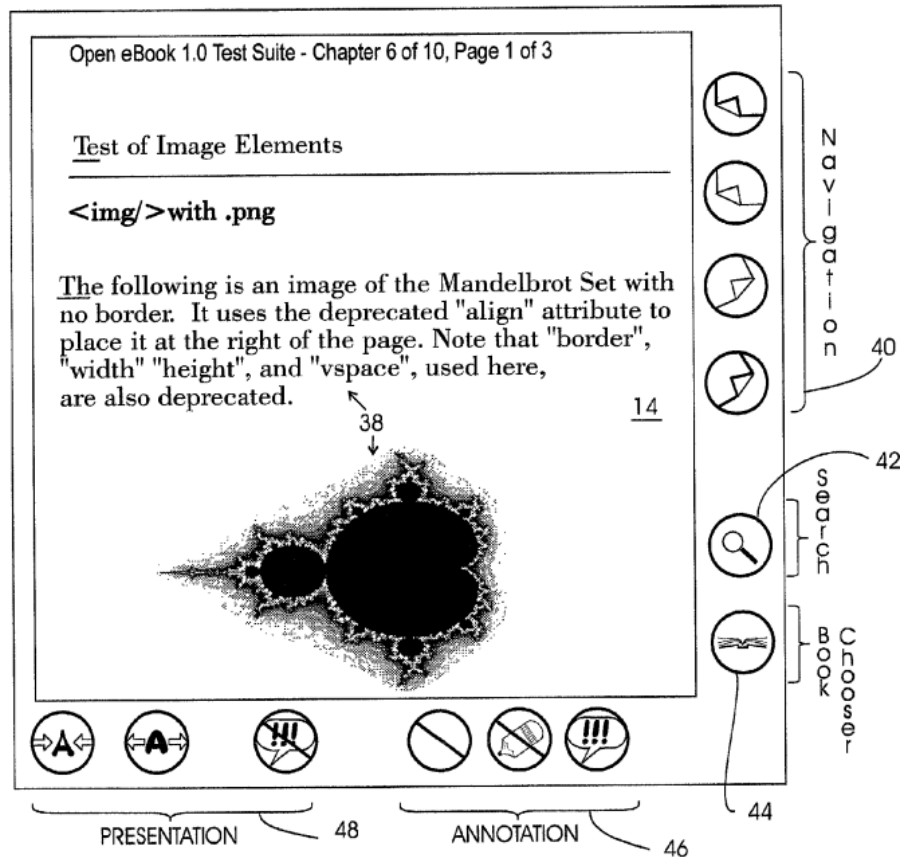
displayed on the screen and therefore assemble a page in the same way ~~disclosed~~

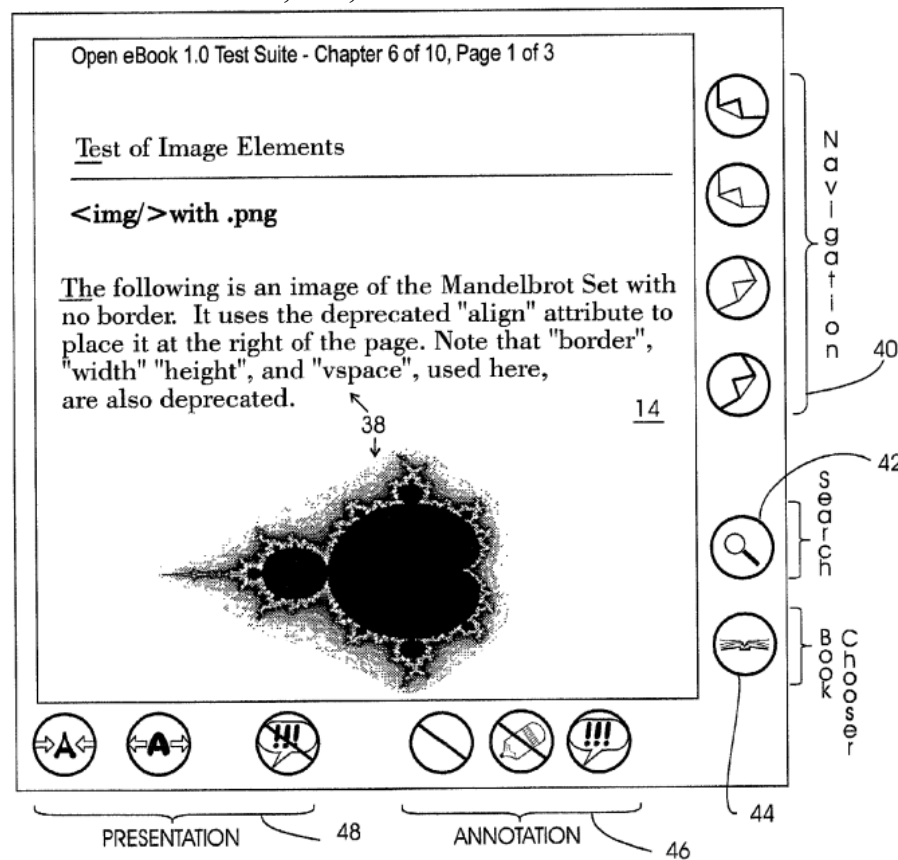
~~by the ’111 patent (e.g.,~~

disclosed by the '111 patent (e.g., modifying content size at run time). (Id.) A
POSITAA per- son of ordinary skill in the art would have understood that on client
devices with large displays, the client device may arrange Images 1-3 on a single
page, modifying the synchronization points so that Images 1-3 were all ~~dis-~~
~~played~~displayed on a page from t0 to t3. ~~(EX-1002 ¶49.)~~ On client devices with
smaller displays, the client device may fit only Images 1-2 on a page, modifying the
~~syn-chronization~~synchronization points so that Images 1-2 were ~~displayed~~dis-
played on a page from t0 to t2. ~~(Id.) Prabhakaran therefore discloses or renders~~
~~obvious assembling (e.g., in re- sponse to user input scaling the object size), by the~~
~~client device, a first page (e.g.,~~

~~18.50.~~Prabhakaran therefore discloses or renders obvious assembling (e.g.,
responding to user input scaling the object size), by the client device, a first page
(e.g., display) from one or more static graphic images. (Id. ¶¶47-50.)

~~19.51.~~Even if Prabhakaran did not disclose or render obvious thisThis limitation, ~~it~~ would
also have been obvious in view of Duncan. ~~(Id. ¶51.) Duncan~~Dun- can discloses an ~~elec-~~
~~tronic~~electronic book device that assembles pages including images. ~~((See generally~~
~~EX-1027.)~~ An ~~exam- plary~~exemplary page is shown in Figure 3:





(*Id.*, Fig. 3.) Just as the '111 patent describes “a dynamic approach to pagination” (EX-1001, [\('111 patent\)](#), 29:34-47), Duncan describes a “paginator” that can “~~function dynami-~~~~cally~~~~func-~~~~tion dynamically~~ at any time” (EX-1027 ([Duncan](#)) ¶[0042]). Duncan, like the '111 patent, discloses re-paginating in response to a change in font size. (*Compare* EX-1001, [\('111 patent\)](#), 29:34-45 with EX-1027 ([Duncan](#)) ¶[0042]-[0044].) The client’s microprocessor performs this pagination. (EX-1027 ([Duncan](#)) ¶[0021]-[0025], Fig. 1 (client’s microprocessor executes pagination logic).) Duncan therefore discloses a client device performing this limitation. (~~EX-1002 ¶51.)~~

~~A~~POSITA

~~20.52.~~ A person of ordinary skill in the art would have been motivated to use Duncan’s pagination method in Prabhakaran’s system for several reasons. ~~(Id. ¶¶52-57.)~~

~~21.53.~~ First, a ~~POSITA~~ person of ordinary skill would have understood the benefits of allowing users to ~~ad-just~~ adjust the size of images and text being rendered. ~~(Id. ¶53.)~~ Indeed, Duncan teaches that display scalability would beneficially accommodate people with visual ~~impair-ments~~ impairments. (EX-1027 (Duncan) ¶[0005]; ~~EX-1002 ¶53.)~~.) Moreover, a ~~POSITA~~ person of ordinary skill understood that adjusting component sizing improved user comfort as different users may prefer ~~dif-ferent~~ different text or image sizes depending on their vision, screen size, or reading ~~prefer-ence~~ preference. (EX-1002 ~~¶53.)~~ preference. Allowing the client device to adjust the sizing and/or ~~posi-tioning~~ positioning of displayed components also ensures optimal viewing on a device regardless of screen size or device capabilities. ~~(Id.)~~

~~22.54.~~ Second, Duncan explains that the preferred output modes for its system align with Prabhakaran’s presentation (e.g., including “visual graphics and sound”). (EX-1027 (Duncan) ¶¶[0008]-[0009]; ~~EX-1002 ¶54.)~~.)

~~23.55.~~ Third, Prabhakaran states that “presentation of multimedia information to the user involves spatial organization” and that the user can “scale the spatial ~~require-ments~~ requirements[.]” (EX-1026, (Prabhakaran), 177-78.) This would have incentivized a ~~POSITA~~ person of ordinary skill to look for methods of scaling image

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size. ~~(EX-1002-¶55.) A POSITA~~ A person of ordinary skill would have understood

Duncan's pagination method to be a viable and beneficial method of doing so. ~~(Id.)~~

Fourth, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., Duncan’s pagination method) to another known element (e.g., Prabhakaran’s displaying images from an image stream) to obtain ~~predictable~~pre- dictable results (e.g., arranging a page of image(s)). (~~EX-1002 ¶56~~); ~~KSR, 550 U.S. at 417~~.

Fifth, the combination ~~represents~~repre- sents the use of a known technique (e.g., Duncan’s pagination method) to improve a similar method (e.g., Prabhakaran’s displaying ~~im- ages~~images) in the same way. (~~Id.~~)

~~24.56.~~Sixth, the combination applies a known technique (e.g., Duncan’s pagination method) to a known method (e.g., Prabhakaran’s rendering) that is ready for ~~im- provement~~improvement and yields predictable results (e.g., a page of image(s)). (~~Id.~~)

~~25.57.~~Finally, assembling an electronic page was commonplace, well-~~understood~~under- stood, and disclosed by numerous references, giving a ~~POSITA~~person of ordinary skill a ~~reasonable~~rea- sonable expectation of success in the modification. (~~Id.~~ ¶57 (citing (~~E.g.~~, EX-1053, (Templeman), 11:32-47; EX-1054, (Dunietz), 2:7-30; EX-1055, (Hernandez), 12:15-22; EX-1056, (Patel), 1:37-40).)

58. Thus, Prabhakaran and/or Duncan disclose or render obvious claim element 1[c].

a. **Element 1[d]: Assigning Time Information to First Page**

59. Element 1[d] recites “assigning to the first page, by the client device,-

time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first-
~~page is determined on the basis of the time information for the one or more static~~
~~graphic images.”~~ The ’111 patent describes the start and end time of a page as
the time

page is determined on the basis of the time information for the one or more static graphic images.” Prabhakaran and/or Duncan disclose or render obvious this claim element.

26-60. The '111 patent describes the start and end time of a page as the time information associated with “the first and last words on each page.” (EX-1001, ('111 patent), 30:8-12.) While much of the '111 patent's disclosure relates to text, it could also apply to images. (~~EX-1002 ¶60.~~) The duration of a page can be determined by direct lookup of “the start time of the first word on the page” and calculating “[t]he start time of the last word plus the duration of the last word.” (*Id.*, 27:6-10, 30:12-17, 30:30-37.) Where “there is only one piece of [] content on the page, the start time and end time will be that associated with that one piece of [] content.” (*Id.*, 30:35-37.) Because the timing information (e.g., start, end, duration) of the page is based on the time assigned to the contents (e.g., text, images, etc.) of the page, a client device “assigns” time information to a page by determining what is displayed on a page (e.g., as a result of font size changes). (~~EX-1002 ¶60.~~)

27-61. Prabhakaran's client computer assigns time information to a page in at least three ways.

a. Assembling a Page

28-62. Prabhakaran assigns time information to a first page in the same manner ~~de-scribed~~described by the '111 patent. (~~EX-1002 ¶62.~~)

As I discuss above, Prabhakaran, alone or in combination with Duncan, discloses assembling a page by determining what content is displayed on each page (e.g., through font and image size). (~~*Supra* §VII.A.4; EX-1002 ¶¶63.~~)See ¶¶47-58, above.) Where Prabhakaran's client ~~assem-bles~~assembles a page comprising only Image 1, the client device assigns time to that page

~~29.63.~~ associated with the audio rendered when Image 1 is displayed (i.e., start at t0, end at t1, and a duration of t0-t1). (EX-1026, [\(Prabhakaran\)](#), 178, Fig. 1; ~~EX-1002 ¶63.) However,)~~ How- ever, where Prabhakaran’s client scales the spatial aspects of the visual components of the presentation to include, for example, Images 1-3 on a page (*supra* §VII.A.4); see ¶¶47-58, above), the client device assigns time to that page associated with audio rendered for Images 1-3 (i.e., start at t0, end at t3, and a duration of t0-t3). (~~EX-1002 ¶63.)~~ Prabhakaran expressly refers to the relationship “among the objects to be presented” as “*relative* temporal relationships.” (EX-1026, [\(Prabhakaran\)](#), 179; *see also id.*, 179-80 (the specification to “present object A with ... object B” is a “relative temporal specification”).)

~~30.64.~~ ~~Even if Prabhakaran did not disclose or render obvious this~~ This limitation, ~~it also~~ would have been obvious in view of Duncan. ~~Duncan~~ Dun- can, like the ’111 patent, discloses identifying “the start and end position of a page [] being displayed” when rendering a digital talking book. (Compare EX-1027 [\(Duncan\)](#) ¶[0028] with EX-1001, [\(’111 patent\)](#), 30:8-12 (~~deter- mining~~ determining time offsets for “the first and last words on each page” when producing ~~syn-chronized~~ synchronized audiovisual output); ~~EX-1002 ¶64.)~~.)

Accordingly, Prabhakaran alone or in combination with Duncan ~~discloses~~dis-
closes or renders obvious assigning to the first page (e.g., Image 1 or Images 1-3),
by the client device (e.g., based on scaling the spatial aspects of the images), time
information including at least one of a start time (e.g., t_0), an end time (e.g., t_1 or
 t_3), and a duration (e.g., t_0-t_1 or t_0-t_3) relative to the timeline of the audio stream,
wherein the

~~31.65.~~ time information for the first page is determined on the basis of the time information for the one or more static graphic images. ~~(EX-1002 ¶¶62-65.)~~ A ~~POSITA~~person of ordinary skill in the art would have been motivated to combine Duncan's paginator with ~~Prabhakaran's synchro-nized~~Prabhakaran's synchronized rendering of images and audio. ~~(Supra §VII.A.4; EX-1002 ¶65~~ for the reasons I discuss above. (See ¶¶47-58, above.)

~~32.66.~~ Moreover, a ~~POSITA~~person of ordinary skill would have reasonably expected success in using a ~~pag-inator~~paginator (e.g., Duncan's) with synchronized pre-recorded audio in systems like ~~Prabhakaran's~~Prabhakaran's (e.g., where visual content like images is pre-linked with pre-recorded ~~au-dio~~audio) at least because doing so would have been "straightforward to implement," ~~ae-cording~~according to Duncan's inventors. (EX-1068, 284; ~~EX-1002 ¶66.)~~ Duncan's inventors explained in an academic publication that "[b]y associating an MP3 stream [] with each paragraph of a document, it would be straightforward to implement a book-on-tape mode in which the spoken text could be synchronized with the presen- tation of text." (Id.)

b.

ii. Changing the Presentation Speed

~~33-67.~~ Prabhakaran discloses that the user can “scale the speed of ~~presentation~~ presenta- tion.” (EX-1026, (Prabhakaran), 178.) Scaling the speed alters the amount of time each image is ~~dis- played.~~ (EX-1002 ¶67.) displayed. When the user scales the presentation speed, the client assigns new time information for each image, and consequently for the page on which it is displayed, to maintain synchronization with the accelerated audio. ~~(Id.)~~

~~34-68.~~ For example, if a user accelerated the speed of the presentation depicted in Figure 1 by a factor of 2, the client would assign new time information to each page (e.g., image):



(EX-1026, (Prabhakaran), 178, Fig. 1 (excerpt); EX-1002 ¶68.))

35-69. The newly assigned time information for the page (start, end, duration) is ~~rel-ative~~relative to the timeline of the audio stream because the time information assigned to the page (t0, t0.5, etc.) is based on the time information of the images, which ~~Prab- hakaran discloses is “relative” to the timeline of the audio stream.~~ (EX-1002 ¶69.)

Prabhakaran discloses is “relative” to the timeline of the audio stream.

~~36-70.~~ The newly assigned time information is also relative to the original ~~audioau-~~ audio timeline because each new transition/synchronization point (e.g., Image 1/Audio 1 to Image 2/Audio 2) is dependent on (e.g., calculated as a ratio of) the original audio transition/synchronization points. (EX-1064, (Webster's 3d New Int'l Diction- ary), 1916 (defining “relative” as “~~ex-pressed~~ expressed as the ratio of the specified quantity to the total magnitude or to the mean of all the quantities involved”); EX-1065, (Web- ster's College Dictionary), 1040 (defining “relative” as “something ~~de-pendent~~ dependent upon external conditions for its specific nature, size, etc. (opposed to ~~abso- lute~~)”); EX-1002 ¶70, (absolute)”).)

~~37.71.~~ The time information for the first page is determined on the basis of the time information for the images because the accelerated display time of the pages (e.g., images) are calculated based on (e.g., as a ratio of) the time information for the ~~im-ages.~~ (EX-1002 ¶71.) images.

~~38.72.~~ Again, this is precisely why Prabhakaran teaches using “relative ~~temporal~~ relationships” between the images (pages) and the audio. ~~(Id. ¶72.)~~ When a user “scale[s] the speed of presentation,” the time information assigned to the new im- age/page is “relative to” the original timeline (e.g., duration is half the original time when the speed is doubled). ~~(Id.)~~

73. Accordingly, Prabhakaran discloses or renders obvious assigning to the first page (e.g., Image 1), by the client device (e.g., by scaling the speed), time ~~infor-~~ in- formation including at least one of a start time (e.g., t0), an end time (e.g., t0.5), and

a duration (e.g., t_0 - $t_{0.5}$) relative to the timeline of the audio stream, wherein the time information for the first page is determined on the basis of the time information for the one or more static graphic images. ~~(Id. ¶¶67-73.)~~

**iii. Translating Synchronization Times
into Presentation Times**

A ~~POSITA~~person of ordinary skill in the art would have understood that ~~Prabhakaran's~~Prab- hakaran's client assigns time by translating the proposed synchronization points (e.g., t_0 , t_1 , etc.) to actual ~~presenta- tion~~presentation times. ~~(Id. ¶74.)~~ In a contemporaneous textbook, ~~Prabhakaran's~~Prab- hakaran's author ~~ex-
plained~~explained that the pre-defined temporal relationships between ~~mediame- dia~~ objects (e.g., the

synchronization points between image and audio streams) “have to be *translated* into a presentation schedule that specifies the time instants and ~~duration~~sdu- rations of the ~~ob- ject~~object presentations.” (EX-1066, (Prabhakaran II), 157 (emphasis in original); *see also* EX-1067

~~39.74. (Wan)~~ ¶¶[0044]-[0045]; ~~EX-1002 ¶74.)~~.) The client assigns ~~presentation~~presenta- tion times to the pages by converting the relative timeline assigned to the objects to “the real-world time at which the event happens.” (EX-1070, (Schmitz), 13; ~~EX-1002 ¶74.)~~ Future objects (e.g., ~~ob- jects~~objects occurring at t1, t2, tn) are then assigned presentation (e.g., real-world) times based on the presentation time of prior objects using the same relative, pre-assigned temporal spacing. (*Id.*)

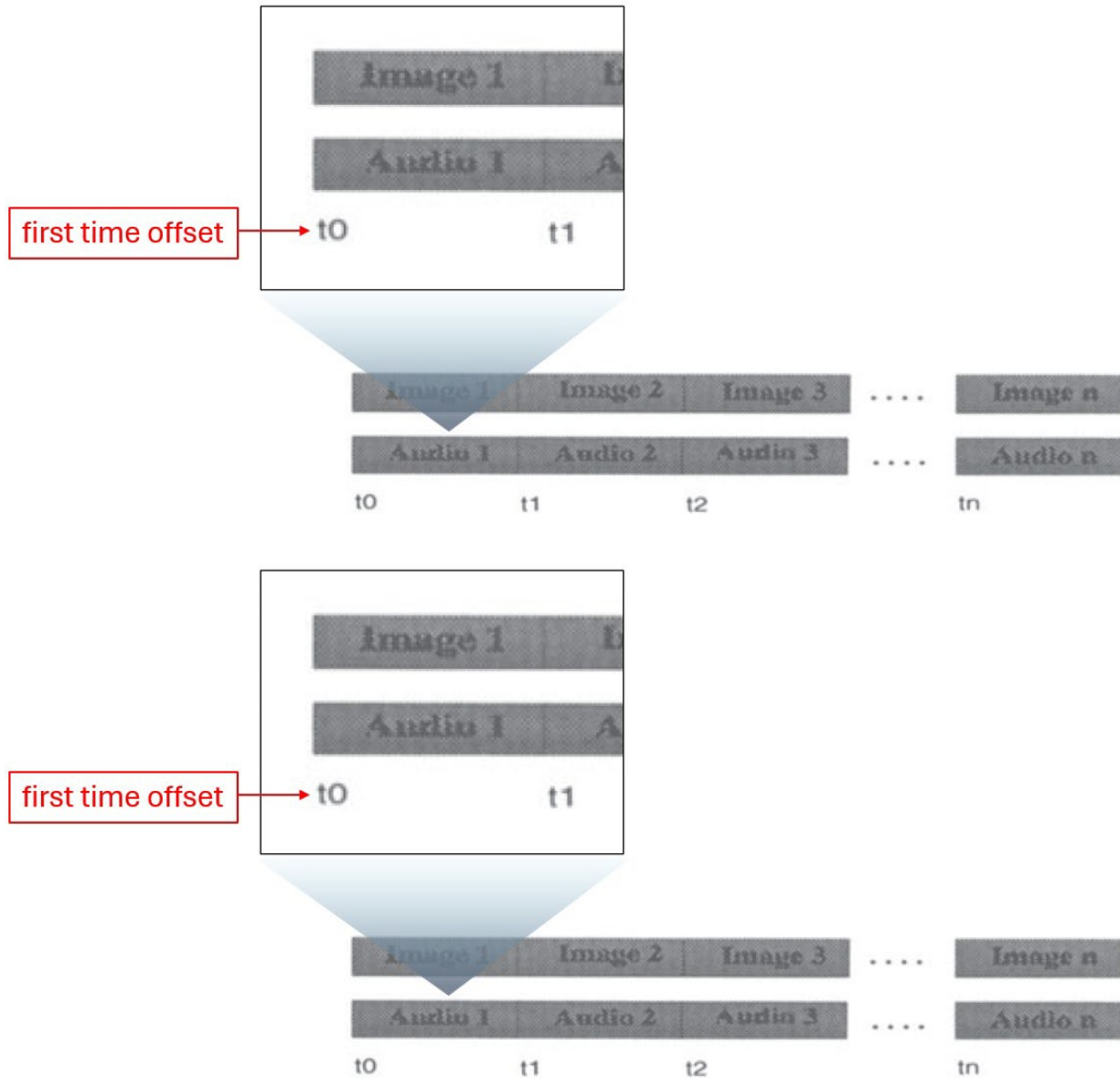
75. Thus, ~~Prabhakaran~~ and/or Duncan disclose or render obvious claim el-
ement 1[d].

a. **Element 1[e]: Downloading Audio**

76. Element 1[e] recites “downloading to the client device from the ~~network~~ ~~ac-~~ ~~cessible~~ net- work accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page.” Prab- hakaran discloses or renders obvious this claim element.

40-77. The ’111 patent discloses a default time offset of zero. (EX-1001, (’111 patent), 17:18-19.) The ’111 patent also acknowledges that downloading a portion of an audio stream was not new. (*Id.*, 2:16-21; ~~see also EX-1004; EX-1002 ¶77.~~) (describing existing technology where “a very small portion of the audio stream is downloaded”); see also EX-1004 (Lin- dahl).

41-78. As shown in Figure 1, ~~Prabhakaran’s~~ Prabhakaran discloses that the client downloads a portion of the audio stream (e.g., Audio 1), which includes a first time offset (e.g., t0), and that time offsets corresponds to a first position (starting time or starting ~~spatial~~ spa- tial position) on the first page (e.g., comprising Image 1 or Images 1-3):



(EX-1026, [\(Prabhakaran\)](#), 178, Fig. 1 (excerpt); EX-1027, [\(Duncan\)](#), Fig. 3; EX-1002 ¶78.) The segments are retrieved from a network accessible library (e.g., multimedia database on server). (*Supra* §VII.A.3; See ¶¶44-46, above; see also EX-1026, [\(Prabhakaran\)](#), 206-09 ([disclosingdisclos- ing](#) an “optimal retrieval [sched- uleschedule](#)” of the segments of Prabhakaran’s audio stream); EX-1002 ¶78.)).

42.79. Prabhakaran therefore discloses or renders obvious downloading (e.g.,

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~~retriev~~~~ing~~retrieving) to the client device from the network accessible library (e.g., multimedia ~~data-base~~database on server) a portion of the audio stream (e.g., Audio 1 or Audio 1-3) ~~including~~in- cluding a first time offset (e.g., t0) that corresponds to a first position (e.g., starting time or starting spatial position) on the first page (e.g., page comprising Image 1 or Images 1-3). ~~(EX 1002 ¶¶ 76-79.)~~

Indeed

~~43-80.~~I also note that, even if Prabhakaran disclosed downloading the entire audio stream, it would still disclose this claim limitation because “a portion” ~~includes~~in- cludes the entirety of the audio stream.

~~the audio stream. (EX-1002 ¶80); see Kom Software, Inc. v. NetApp, Inc., No. 2021-1075, 2021 WL 5985360, at *1 (Fed. Cir. Dec. 17, 2021) (rejecting the argument that “portion” must mean “less than the entirety of each file” where a dependent claim included the phrase “only a portion”); (cf. EX-1001, claim 14 (referencing “only a portion”).)~~

81. Thus, 7. Prabhakaran discloses or renders obvious claim element 1[e].

a. Element 1[f]: Simultaneously Rendering Images and Audio

44.82. Element 1[f] recites “simultaneously rendering the first page and the portion of the audio stream on the client device by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.” Prabhakaran discloses or renders obvious this claim element.

45.83. As I discuss above, Prabhakaran discloses rendering the page and ~~corresponding~~ cor- responding audio using the relevant time information.

~~(Supra §§VII.A.4-VII.A.6.) (See ¶¶47-81, above.)~~

Because the multimedia presentation is rendered according to—and in ~~de-~~ pendence dependence on—the synchronization points, the audio and image streams are ~~rendered~~ ren- dered in dependence on the time offset. ~~(EX-1002 ¶84.)~~ For example, Audio 1 and Image 1 are rendered in dependence upon the time offset, t0.

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~~(Id.) To~~ I understand the ~~extent PO argues~~ Patent Owner may argue that this limitation requires the rendering to occur in response to, e.g., a ~~bookmark~~ book- mark, play command, etc., In that case, it still would have been obvious to a ~~POSITA~~ person of ordinary skill in the art in view of Prabhakaran

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84. alone or in combination with-

Duncan. (~~Supra §VII.A.4;(See ¶¶47-58, above; EX-1027 (Duncan) ¶[0032] (navigation~~
~~tion~~navigation buttons allow users to navigate to specific page or “go to the end or
start of the book”); EX-1002 ¶[84.]”).)

~~46-85.~~ Prabhakaran therefore discloses or renders obvious simultaneously
~~rendering~~ren- dering (e.g., presenting concurrently) the first page (e.g., Image 1 or
Images 1-3) and the portion of the audio stream (e.g., Audio 1 or Audio 1-3) on the
client device by using the time information (e.g., t0, t1, t2) for the one or more static
graphic images (e.g., Image 1, Image 2, Image 3) or for the first page, wherein the
portion of the audio stream is rendered in dependence upon the first time offset (e.g.,
t0). (~~Supra~~See
§§VII.A.3 (¶¶44-46 (image time information), VII.A.4 (47-58 (first page), VII.A.5
(59-75 (first page time information), VII.A.6 (infor- mation), 76-81 (audio portion
with first time offset); EX-1002 ¶¶[82-87.]”).)

B6. Thus, Prabhakaran discloses or renders obvious claim element 1[f].

87. Accordingly, for at least the reasons I discuss above, Prabhakaran and
Duncan render claim 1 obvious as a whole.

2. Claim 2

~~47-88.~~ Claim 2 depends from claim 1 and further recites that “the network
~~accessible~~ac- cessible library includes one or more server devices.” Prabhakaran
discloses the additional claim element of claim 2.

~~48-89.~~ Prabhakaran discloses a network accessible library stored on “server(s),” plural. (EX-1026, (Prabhakaran), 206-13; ~~supra §VII.A.2.)~~ see ¶¶41-43, above.) Thus, Prabhakaran ~~therefore~~ discloses ~~or renders obvious this limitation.~~ (EX-1002 ¶¶88-90.) the additional claim element of claim 2.

90. Accordingly, for at least the reasons I discuss above, Prabhakaran and Duncan render claim 2 obvious as a whole.

3. Claim 4

49.91. Claim 4 depends from claim 1 and further recites “wherein the first time offset is a start time of the first page, a start time of one of the one or more static graphic ~~im—ages~~images, or a bookmarked position.” Prabhakaran discloses the additional claim element of claim 4.

50.92. Prabhakaran discloses or renders obvious a first time offset (e.g., t0) that is the start time (e.g., t0) of the first page (~~supra §VII.A.4~~see ¶¶47-58, above) and a start time (e.g., t0) of one of the one or more static graphic images (Image 1). (~~EX-1002 ¶¶91-93.~~) Thus, Prabhakaran discloses the additional claim element of claim 4.

D3. Accordingly, for at least the reasons I discuss above, Prabhakaran and Duncan render claim 4 obvious as a whole.

4. Claim 5

94. Claim 5 depends from claim 1 and further recites the steps for “of: assembling a second page” from the one or more static graphic images; and assigning to the second page time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the second page is determined

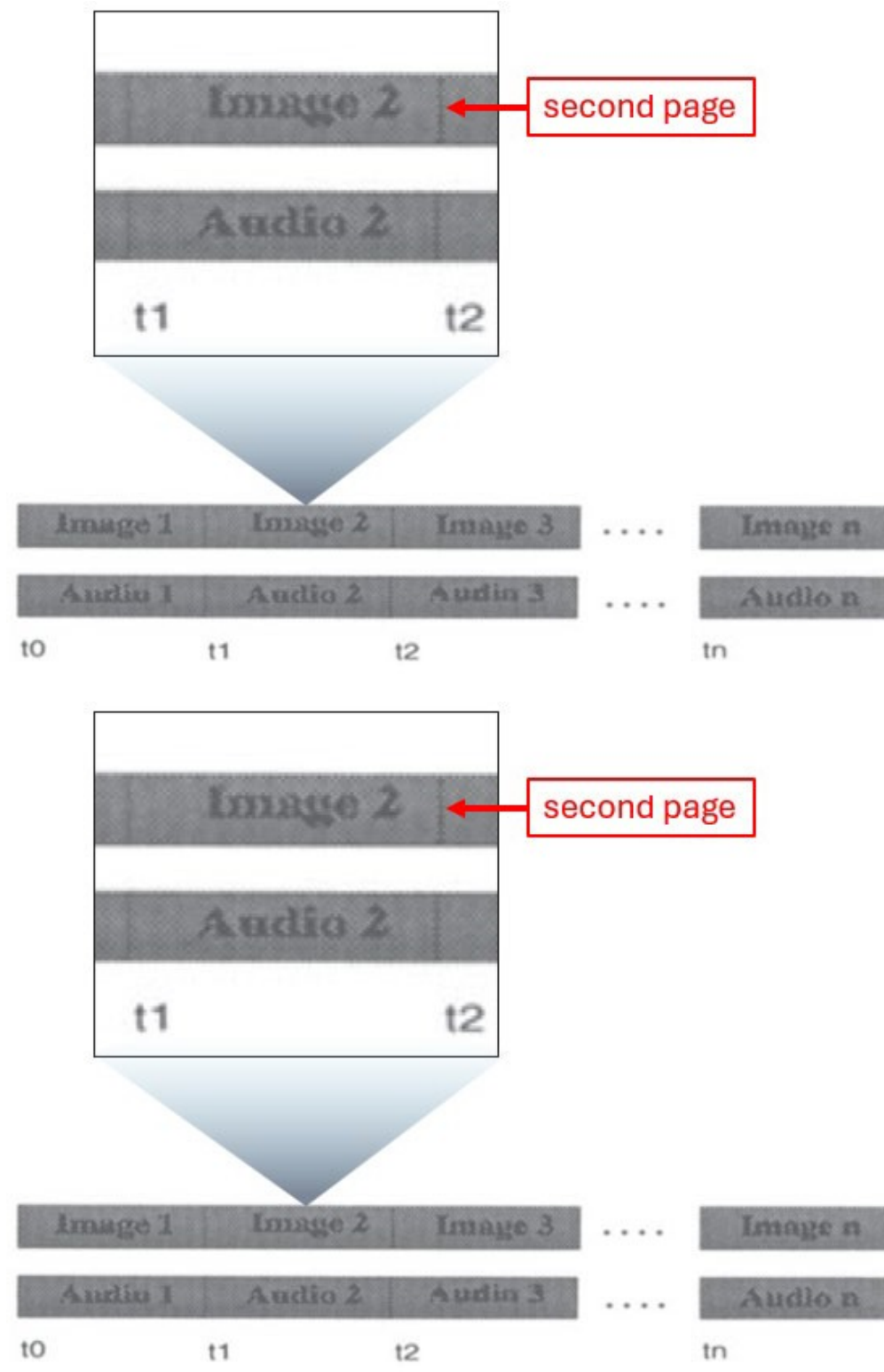
on the basis of the time information for the one or more static graphic images.

These steps recite, for a second page, identical steps to those in claim 1's steps 1 for assembling assembling, and assigning time information to, a first page. (EX-1002 ¶¶94.) Prabhakaran and/or Duncan disclose or render obvious the additional claim elements of claim 5.

51-95. Prabhakaran discloses or renders obvious assembling and assigning time information to a second page for the same reasons it discloses assembling and assigning time information to a first page. (*Supra* §§VII.A.4, VII.A.5; EX-1002, as I discuss above. (See ¶¶47-75.)

¶95.)

52-96. For example, a ~~POSITA~~person of ordinary skill in the art would have understood that if Prabhakaran ~~assem-ble~~assembled a first page comprising Image 1 only, then ~~Prabhakaran~~Prab- hakaran would assemble a ~~see-on~~second page comprising Image 2, and would assign time information to that second page (e.g., start t1, end t2, and duration t2-t1):



(EX-1026; [\(Prabhakaran\)](#), 178, Fig. 1 (excerpt); [EX-1002 ¶96](#))). The assigned time

information would be relative to the timeline of the audio stream (just like the first page) and the time information would be determined on the basis of the time information (t1 to t2) for the image (Image 2) displayed on the page. (~~EX-1002 ¶96.~~)

97. ~~Even if Prabhakaran did not disclose assembling a second page and assigning time information, it~~ This limitation also would have been obvious in view of Duncan for the same ~~rea-sons~~ reasons as for limitations 1[c]-1[d]. (~~Supra §§VII.A.4-VII.A.5; (See ¶¶47-75, above.; EX-1027 (Duncan)~~

¶[0033] (~~dis-closing~~ disclosing advancing to a “next page”); ~~EX-1002 ¶97.) A POSITA”).~~ A person of ordinary skill in the art would have been motivated to combine Prabhakaran and Duncan. (~~Supra §§VII.A.4-VII.A.5; EX-1002 ¶97 for the reasons I discuss above. (See ¶¶47-75, above.)~~

98. Thus, Prabhakaran and/or Duncan disclose or render obvious the additional claim elements of claim 5.

99. Accordingly, for at least the reasons I discuss above, Prabhakaran and Duncan render claim 5 obvious as a whole.

5. Claim 16

Claim

53-100. Independent claim 16 recites substantially the same limitations as claim 1, but recites “[a] non-transitory computer-readable storage medium ~~having~~ inghaving stored thereon instructions which, when executed by a processor of a computing device, cause the computing device to” perform the method steps of claim 1.

54-101. Prabhakaran discloses a “client” in a “computer network.” (EX-1026; (Prabhakaran), 206.) A ~~POSITA~~ person of ordinary skill in the art would have understood the client computer to comprise a “non-transitory computer readable storage ~~medium~~ me- dium” that includes instructions for performing the steps described. ~~(EX-1002 ¶101.)~~ Thus, ~~Prabhakaran~~ Prabhakaran discloses the preamble. ~~(Id.)~~ Duncan also discloses this. ~~(Id.; EX-1027 ¶¶[0010], [0023].)~~ (Duncan) After ¶¶[0010], [0023] (client device has “computer readable instruction ... for causing a computer to display electronic content in more than one mode”).)

I have compared the ~~preamble, elements in~~ claim 16 ~~merely recites steps identical to these~~ to the elements in claim

102. 1. ~~(EX-1002 ¶102.)~~

As shown, the actions recited in claim 16 mirror the method steps recited in claim 1.

The table below demonstrates how the elements correspond. As I discuss above for

claim 1, Prabhakaran and Duncan together disclose ~~or render~~ all the actions recited
in claim 16. (See ¶¶40-87, above.)

	<u>Claim 16</u>		<u>Claim 1</u>
<u>16[pre]</u>	<u>A non-transitory computer-readable storage medium having stored thereon instructions which, when executed by a processor of a computing device, cause the computing device to:</u>	<u>1[pre]</u>	<u>A method comprising:</u>
<u>16[a]</u>	<u>access a network accessible library having stored thereon an image stream of static graphic images and a corresponding audio stream;</u>	<u>1[a]</u>	<u>accessing, by a client device, a network accessible library having stored thereon an image stream of static graphic images and a corresponding audio stream;</u>
<u>16[b]</u>	<u>download from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream;</u>	<u>1[b]</u>	<u>downloading to the client device from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream;</u>
<u>16[c]</u>	<u>assemble a first page from the one or more static graphic images;</u>	<u>1[c]</u>	<u>assembling, by the client device, a first page from the one or more static graphic images;</u>
<u>16[d]</u>	<u>assign to the first page time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first page is determined</u>	<u>1[d]</u>	<u>assigning to the first page, by the client device, time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information</u>

	<u>Claim 16</u>		<u>Claim 1</u>
	<u>on the basis of the time information for the one or more static graphic images;</u>		<u>for the first page is determined on the basis of the time information for the one or more static graphic images;</u>
<u>16[e]</u>	<u>download from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page; and</u>	<u>1[e]</u>	<u>downloading to the client device from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page; and</u>
<u>16[f]</u>	<u>simultaneously render the first page and the portion of the audio stream by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.</u>	<u>1[f]</u>	<u>simultaneously rendering the first page and the portion of the audio stream on the client device by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.</u>

103. Accordingly, for at least the reasons I discuss above, Prabhakaran and Duncan render claim 16 obvious each as a whole.

B. Claim 3 Would Have Been Obvious in View of those steps Prabhakaran, Duncan, and thus Templeman.

55-104. As I discuss above, Prabhakaran and Duncan disclose and/or render ob- vious each limitation of claim 1. (See ¶¶40-87, above.) For at least the reasons I discuss below, claim 3 would have been obvious claim 16. (Supra §VII.A; EX 1002in further view of Templeman.

¶¶100-03.)

**VIII. ~~GROUND 1B: CLAIM 3 WOULD HAVE BEEN OBVIOUS IN VIEW OF
PRABHAKARAN, DUNCAN, AND TEMPLEMAN.~~**

Claim 3 depends from claim 1 and recites that “the number of the one or more

~~56.105.~~ static graphic images included on the first page is determined on the basis of the size of the one or more static graphic images and the graphic rendering ~~capability of the client device.~~ capa- bility of the client device.” Prabhakaran and Duncan together render obvious the additional claim element of claim 3 for the reasons I discuss above regarding claim element 1[c]. (See ¶¶47-58, above.) Templeman also renders obvious the additional claim element of claim 3.

~~Claim 3’s additional limitation would have been obvious in view of Prabhakaran and Duncan. (Supra §VII.A.4; EX-1002 ¶105.)~~

~~Even if Prabhakaran and Duncan did not render this limitation obvious, it would have been obvious in view of Templeman. (EX-1002 ¶105.)~~

~~57.106.~~ Templeman discloses a system for manipulating and displaying ~~information~~infor- mation where the system determines constraints on the display. (EX-1053; (Temple- man), Abstract; ~~EX-1002 ¶106.~~) Templeman’s devices may automatically select a display format (referred to as a “form” or “metaform”) depending on the capabilities of the device. (~~EX-1053, Id.~~, 3:26-48; ~~EX-1002 ¶106.~~) Specific formats “may be developed for ~~par- ticular~~particular screen display types to effectively utilize available space and size.” (~~EX-1053, Id.~~, 11:50-53, 12:21-29.) For example, if the display device “is a six inch diagonal screen for a PDA, individual frame size will be more severely constrained than if display device [] were a fifteen inch diagonal monitor on a desktop computer system.” (*Id.*, 9:3-14.) Templeman’s device then fills the page with content until the page is filled (e.g., “the page bottom constraints are violated”) before filling the next page with remaining content. (*Id.*, 11:17-41, 10:46-65 (disclosing importing images in addition to text).)

~~58-107.~~ 107. A ~~POSITA~~ person of ordinary skill in the art would have been motivated to ~~determine~~ de- termine the number of images displayed on a page based on the size of the images and the display constraints (e.g., fill a page with images where the page size is ~~determined~~ de- terminated by the screen size as ~~dis-closed~~ disclosed by Templeman) for multiple reasons. ~~(EX-1002 ¶¶107-12.)~~

~~59-108.~~ First, a ~~POSITA~~person of ordinary skill would have been motivated to look to a reference like ~~Tem-pleman~~Templeman to understand how to “scale the spatial requirements” as suggested by ~~Prab- hakaran. (Supra §VII.A.4; EX-1002 ¶108)~~Prabhakaran, which I discuss above. (See ¶¶47-58, above.)

~~60-109.~~ Second, a ~~POSITA~~person of ordinary skill would have been motivated, in view of Templeman, to select the number of images Prabhakaran’s client displays on a page based on the image size and device capabilities. A ~~POSITA~~person of ordinary skill would have been motivated to ~~dis- play~~display, for example, a single image (e.g., ~~Prabhakaran’s~~Prab- hakaran’s Image 1) per page on a 6-inch screen, but display multiple images (e.g., Prabhakaran’s Images 1-3) per page on a 15-inch screen. (~~Supra VII.A.4; See ¶¶47-58, above; EX-1053; (Templeman), 9:44-46; EX-1002 ¶109.~~)

~~61-110.~~ Third, a ~~POSITA~~person of ordinary skill would have been motivated to select the images to be ~~dis- played~~displayed on the page based on image and screen size because ~~Templeman~~Tem- pleman warns that “shrink[ing] the size of the [content] to correspond to the smaller screen” would be “unsatisfactory as it may make the [content] illegible [and/or] ~~resultre- sult~~ in a document having an excess of whitespace[.]” (EX-1053, (Templeman), 2:49-50; ~~EX-1002 ¶110.~~)

Fourth, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., modifying the amount of content on a page ~~depending~~depend- ing on content size and screen size) to another known element (e.g., Prabhakaran’s pages comprising images) to obtain predictable results (e.g., pages where the number of images is based on image and screen size). (~~EX- 1002 ¶111~~); ~~KSR, 550 U.S. at 417.~~

Fifth, the combination represents the use of a known technique (e.g., ~~modify-~~
~~ing~~~~modifying~~ the amount of content on a page ~~depending~~~~depend-~~ ~~ing~~ on content and screen
size) to ~~im-~~~~prove~~~~improve~~ a similar method (e.g., Prabhakaran’s display) in the same way. (~~Id.~~)

~~62.111.~~ Sixth, the combination applies a known technique (e.g., modifying
the amount of content on a page depending on the content and screen size) to a
known method (e.g., Prabhakaran’s) that is ready for improvement and yields
predictable results (e.g., arranging images based on the size of the image and the size
of the screen). (~~Id.~~) The combination would improve the user experience by ~~allowing~~~~al-~~
~~lowing~~ users to better see the content on their device. (~~EX-1002 ¶111.~~)

~~63.112.~~ Finally, a ~~POSITA~~~~person of ordinary skill~~ would have reasonably
expected ~~success~~~~SUC-~~ ~~cess~~ because ~~pagina-~~~~tion~~~~pagination~~ based on the size of the content
and the size of the display could be implemented through routine code that was
commonly known and well understood by ~~such~~ a ~~POSITA.~~ (~~Id. ¶112.~~)~~person.~~ Moreover,
Duncan describes providing audiobooks via HTML and ~~Tem-~~~~pleman~~~~Templeman~~
teaches that HTML-formatted data can be “readily ~~imported~~~~im-~~ ~~ported~~ or easily ~~trans-~~
~~lated~~~~translated~~” for use with its metaforms. (EX-1027 ¶¶[0025], [0041]; ~~EX-1053, 7:62-~~
~~67.~~) (~~Duncan~~)

**IX. ~~GROUND 1C: CLAIM 6 WOULD HAVE BEEN OBVIOUS IN VIEW OF~~
~~PRABHAKARAN, DUNCAN, AND OPTIONALLY HAY.~~**

¶¶[0025], [0041]; EX-1053 (Templeman), 7:62-67.)

113. Thus, Templeman renders obvious the additional claim element of claim 3.

114. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and Templeman render claim 3 obvious as a whole.

C. Claim 6 Would Have Been Obvious in View of Prabhakaran, Duncan, and Optionally Hay.

115. As I discuss above, Prabhakaran and Duncan disclose and/or render obvious each limitation of claims 1 and 5. (See ¶¶40-87, 94-99, above.) For at least the reasons I discuss below, claim 6 would have been obvious over Prabhakaran and Duncan, and also in further view of Hay.

Claim 6 depends from claim 5 and further recites “automatically ~~turning~~turning from the first

~~64.116.~~ page to the second page in dependence upon the time information for the first page or for the second page as the portion of the audio stream is ~~rendered.~~rendered. Prabhakaran, Duncan, and Hay each disclose or render obvious the additional claim element of claim 6.

117. Prabhakaran discloses multimedia presentations that a user can “freeze and restart.” (EX-1026, (Prabhakaran), 178.) A ~~POSITA~~person of ordinary skill in the art would therefore have understood that ~~Prab- hakaran’s~~Prabhakaran’s display of an image stream ~~progresses~~pro- gresses without user action as the audio stream is rendered. ~~(EX-1002 ¶117.)~~ Accordingly, ~~Prabhakaran~~Prab- hakaran discloses or renders obvious automatically turning (e.g., progressing ~~without~~with-
out user action) from the first page (e.g., Image 1) to the second page (e.g., Image 2)-

in dependence upon the time information for the first page or for the second page (t1) as the portion of the audio stream (Audio 1 to Audio 2) is rendered. ~~(Id.)~~

~~65.118. Even if Prabhakaran did not disclose or render obvious this~~ This limitation, ~~it~~ also would have been obvious over Duncan. Duncan teaches that, “[w]hen the system reaches the end of the text of the current page, it automatically advances the viewer to the next page.” (EX-1027 (Duncan) ¶[0033].) In view of this teaching, a ~~POSITA~~ person of ordinary skill would have been motivated to implement Prabhakaran’s multimedia presentation such that it automatically ~~advances~~ advances to the next “page” in dependence upon the timing ~~infor-mation~~ information for the first page (e.g., end time (t1)) or the second page (e.g., begin time (t1)). ~~(EX-1002 ¶118.)~~

~~Even if Prabhakaran and Duncan did not disclose and render obvious this limitation, it~~ This limitation would further have been obvious ~~in view of~~ over Hay.

Hay ~~discloses~~ dis-closes that “during audible reading of the narration by the software, when the reader software reaches the bottom of a page, the display will automatically

66.119. advance to and display the next page” by means of a synchronization file linking the audio with the text. (EX-1028 (Hay) ¶¶[0100], [0217]; ~~EX-1002 ¶119.~~) Hay therefore discloses automatically turning from the first page to the second page in dependence upon the time ~~information~~infor- mation for the first page or for the second page (e.g., time ~~as-~~so-ciated associated with the bottom of the first page) as the portion of the audio stream is rendered (e.g., audio narration). (*Id.*)

67.120. A POSITA person of ordinary skill in the art would have been motivated to ~~automatically~~ auto- tomatically turn Prabhakaran's pages (e.g., as disclosed by Duncan or Hay) for ~~multiple~~ mul- tiple reasons. ~~(EX-1002 ¶¶120–24.)~~

68.121. First, a POSITA person of ordinary skill would have understood that ~~automatically~~ automati- cally turning the page would improve the reader's experience and be more ~~convenient.~~ ~~(Id. ¶121.)~~ conven- ient. For example, automatic page turning would allow a smooth flow of audio and avoid unnecessary interruptions in the reading experience at the end of every page. ~~(Id.)~~ It would also eliminate the need to press a button or provide another input at the end of each page. ~~(Id.)~~

69.122. Second, Prabhakaran discloses that a user can “freeze” a presentation ~~syn-~~ chronized synchronized with time tags. (EX-1026, (Prabhakaran), 178; ~~EX-1002 ¶122.~~) A POSITA person of ordinary skill would have been incentivized to look for methods to automatically progress Prabhakaran's presentation using time tags, which Hay discloses. ~~(EX-1026; Id.,~~ 178; EX-1028 (Hay) ¶¶[0100], [0217].) ~~¶¶[0100], [0217]; EX-1002 ¶122.)~~

~~70.123.~~ Third, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., automatic page turning) to another known element (e.g., multimedia presentations) to obtain predictable results (e.g., continuous ren- dering of content). Fourth, the combination uses a known technique (e.g., automatic page turning) to improve a similar method (e.g., Prabhakaran's content rendering) in the same way. Fifth, the combination applies a known technique (e.g., automatic rendering of content). (EX-1002 ¶123); *KSR*, 550 U.S. at 417.

~~Fourth, the combination uses~~

page turning) to a known ~~technique (e.g., automatic page turn-ing)~~ to improve a similar method (e.g., Prabhakaran's content rendering) ~~in the same way. (Id.)~~

~~Fifth, the combination applies a known technique (e.g., automatic page turn-ing) to a known method (e.g., Prabhakaran's content rendering)~~ that is ready for ~~im-~~
~~provement~~improvement and yields predictable results (e.g., continuous rendering of pages). ~~(Id.)~~

Finally, methods to automate page turning were commonplace, well-~~under—stood~~
understood, and disclosed by numerous references, giving a ~~POSITA~~person of ordinary skill
a reasonable ~~expec—tation~~expectation of success in the modification. (*Id.* ¶124 (*citing E.g.,*

EX-1059, (Hen-dricks), 49:6-7; EX-1057,

~~71.124.~~ (Takahashi), Abstract; EX-1058, (Fujisawa), 4:32-40).)

X. ~~GROUND 1D: CLAIM 7 WOULD HAVE BEEN OBVIOUS IN VIEW OF PRABHAKARAN, DUNCAN, AND OPTIONALLY HAY AND/OR HECKERMAN.~~

125. Thus, Prabhakaran, Duncan, and Hay render obvious the additional claim element of claim 6.

126. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and optionally Hay render claim 6 obvious as a whole.

D. Claim 7 Would Have Been Obvious in View of Prabhakaran, Duncan, and Optionally Hay and/or Heckerman.

127. As I discuss above, Prabhakaran, Duncan, and/or Hay disclose and/or

render obvious each limitation of claims 1, 5, and 6. (See ¶¶40-87, 94-99, 115-126, above.) For at least the reasons I discuss below, claim 7 would have been obvious over Prabhakaran and Duncan, and also in further view of Hay and/or Heckerman.

Claim 7 depends from claim 6 and further recites “wherein the portion of the audio 128. stream is rendered without any perceptible interruption.” Prabhakaran and Heckerman each disclose or render obvious the additional claim element of claim 7.

Prabhakaran renders this obvious because a ~~POSITA~~person of ordinary skill in the art would have understood that Prabhakaran's multimedia presentation ~~—is presented~~pre-sented without ~~any~~ interruption. ~~—(EX-1002 ¶129.)—~~The '111

72.129. patent discusses two means for rendering an audio stream without interruption: (1) “segmenting an audio stream into a ~~plurality~~plural-ity of small digital audio files” to avoid download delays and (2) doing so “using gaps in the natural language of the audio” such as periods of silence between words. (EX-1001, (‘111 patent), 1:49-64; 2:54-3:2, 35:24-34; ~~EX-1002 ¶129.~~) Both of these would have been obvious. ~~(EX-1002 ¶129.)~~

73.130. Prabhakaran explains that “multimedia objects can be very large and hence can consist of many packets” retrieved on a schedule to avoid transfer delays. (EX-1026, (Prabhakaran), 206-09; ~~EX-1002 ¶130.~~ (“communication network [] introduce[s] delays in transferring the required multimedia objects” due to “congestion of a database server” or “locking of the data objects by some other application.”).) Thus, it would have been obvious that ~~Prab-~~hakaranPrabhakaran downloads an audio stream in portions to avoid interruptions caused by downloading a larger file. ~~(EX-1002 ¶130 (citing EX-1073, 2-3 (“For example, the Patent Office determined during prosecution of a related patent application that a “quicker download” is the “predictable result” of “breaking each audio files into smaller ones”).~~ (EX-1073 (‘933 Advisory Action), 2-3.)

74.131. Prabhakaran therefore discloses or renders obvious a method by which ~~per-tions~~portions of an audio stream would be rendered without perceivable interruption. ~~(EX-1002 ¶131.)~~

132. This limitation also would have been obvious in view of Heckerman.
~~(EX-1002 ¶132.)~~

Like the '111 patent, Heckerman discloses segmenting audio streams at natural ~~language~~lan- guage gaps. ~~(Id.)~~ Heckerman uses speech recognition, where silence is modeled as a word that can be recognized. ~~(EX-1030, Abstract, 4:1-13, (EX-1030 (Heckerman), Abstract, 4:1-13, 11:49-67, Figs. 5-7.)~~ Heckerman then uses time stamps associated with the confirmed silences in the audio stream to generate synchronized text/audio files. (Id.)

~~11:49-67, Figs. 5-7.) Heckerman then uses time stamps associated with the confirmed silences~~
A person of ordinary skill in the ~~audio stream to generate synchronized text/audio files.~~
~~(Id.; EX-1002 ¶132.)~~

~~75.133.~~ A POSITA ~~art~~ would have been motivated to ~~combine~~ com- bine Heckerman's method for segmenting an audio stream with Prabhakaran's ~~segmented~~ seg- mented audio stream for several reasons. ~~(EX-1002 ¶¶133-38.)~~

~~76.134.~~ First, a POSITA person of ordinary skill would have understood that segmenting the audio at a period of silence would have led to smoother audio rendering. ~~(Id. ¶134.)~~

~~77.135.~~ Second, a POSITA person of ordinary skill would have been "motivated to do so in order to exploit acoustic cues to segment recorded speech into semantically ~~meaningful chunks.~~" ~~(EX-1074, 5; EX-1002 ¶135~~ mean- ingful chunks," as the Patent Office determined during examination of a related pa- tent application. (EX-1074 ('933 Final Office Action), 5.)

Third, the combination represents the simple addition of one known ~~elementel- ement~~ (e.g., segmenting audio based on natural language gaps) to another known element (e.g., Prabhakaran's segmented audio) to obtain predictable results (e.g., smoother audio rendering). ~~(EX-1002 ¶136); KSR, 550 U.S. at 417.~~

~~78.136.~~ Fourth, the combination uses a known technique for segmenting audio (e.g., based on natural language gaps) to improve a similar method ~~(e.g.,~~

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~~Prabhakaran's) in the same way. (Id.)~~

(e.g., Prabhakaran's) in the same way. Fifth, the combination applies a known ~~technique~~tech- nique (e.g., Heckerman's ~~seg- menting~~segmenting audio based on natural language gaps) to a known method (e.g., ~~Prab- hakaran's~~Prabhakaran's) that is ready for improvement and yields ~~predietable~~pre- dictable results (e.g., smoother audio rendering). ~~(Id.)~~

79.137. Finally, according to a European patent Examiner evaluating a similar claim in a foreign equivalent of the '111 patent, segmenting audio based on natural ~~lan- guage~~language gaps was “merely one of several alternative straightforward possibilities which the skilled person would select~~[.]~~” and was “notoriously well-known~~[.]~~” (EX-1072, (EP '154 File History), 5, ~~and~~.) It was also disclosed by numerous references, giving a ~~POSITA~~person of ordinary skill in the art a reasonable expectation of success in the modification. ~~(EX-1002 ¶¶137-38 (citing~~(E.g., EX-1069, (Dimitrova), 2:4-6; EX-1063, (Delacourt), 113-15; EX-1075, (Arons), 9-10~~)).~~

XI. ~~GROUND 1E: CLAIMS 8-11 WOULD HAVE BEEN OBVIOUS IN VIEW OF PRABHAKARAN, DUNCAN, AND DTB.~~

A38. For example, Delacourt addressed segmenting audio files for index-
ing. (EX-1063 (Delacourt), 112-13.) Delacourt disclosed the use of silence detec-
tion to determine the segmentation, which corresponds to a natural language gap
detection. (Id., 114-15.) Similarly, Dimitrova addressed bookmarking video seg-
ments. (EX-1069 (Dimitrova), 1:23-24.) Dimitrova disclosed analyzing “audio fea-
tures such as silence [] speech, [] and combinations thereof [] to determine the be-

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ginning and ending of a segment.” (*Id.*, 2:4-6.)

139. Thus, Prabhakaran and Heckerman render obvious the additional claim element of claim 7.

140. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and optionally Hay and/or Heckerman render claim 7 obvious as a whole.

E. Claims 8-11 Would Have Been Obvious in View of Prabhakaran, Duncan, and DTB.

141. As I discuss above, Prabhakaran and Duncan disclose and/or render obvious each limitation of claim 1. (See ¶¶40-87, above.) For at least the reasons I discuss below, claims 8-11 would have been obvious over Prabhakaran and Duncan in further view of DTB.

1. Claim 8

Claim 8 depends from claim 1 and further recites “setting a second time offset as a

80.142. bookmarked position, wherein the second time offset corresponds to a second position on the first page or a position in the timeline of the audio stream.” Prabhakaran and DTB disclose or render obvious the additional claim element of claim 8.

81.143. DTB explains how to “set bookmarks [] at any point in a [digital talking book], whether based on the audio file or the textual content file.” (EX-1003, (DTB), 45-50.) The bookmark positions are identified

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using a time offset that corresponds to “the exact position ...in the audio

file” and therefore correspond to a position in ~~the audio~~

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the audio stream timeline. ~~(Id.; EX-1002 ¶143.)~~ Because the audio file and text/image files are

linked, the time offsets in the bookmark file also correspond to the text or images being rendered on the page. ~~(EX-1002 ¶143.)~~

82.144. For example, if the first page of Prabhakaran’s presentation comprised Image 1 and Audio 1, and its duration (from t0 to t1) was 10 minutes, a user may set a bookmark (as taught by DTB) at 5 minutes. ~~(Id. ¶144.)~~ This combination would disclose or renders obvious setting a second time offset (t0.5) as a bookmarked position, wherein the second time offset (t0.5) corresponds to a second position (halfway through page duration or second spatial position) on the first page or a position in the timeline of the audio stream (t0.5 or 5 minutes). ~~(Id.)~~

83.145. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~combine~~com- bine DTB’s bookmark ~~func- tionality~~functionality with Prabhakaran’s multimedia presentation method for several reasons. ~~(Id. ¶¶145-54.)~~

84.146. First, Prabhakaran discloses that a “a user may interact by giving inputs such as ... freeze and restart[.]” (EX-1026, (Prabhakaran), 178.) A ~~POSITA~~person of ordi- nary skill would have understood that a user freezing a presentation would be ~~motivated~~moti- vated to set a bookmark because a ~~book- mark~~bookmark would allow the user to “restart the presentation” at the same point where the user left off. ~~(EX-1002 ¶146.)~~

85.147. Second, a ~~POSITA~~person of ordinary skill would have looked to an industry standard like DTB when evaluating what features to implement in its

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system. ~~(Id. ¶147.)~~

Third, DTB teaches other benefits of bookmarking, including the ~~ability~~abil- ity to export bookmarks to other devices (so the user can resume at the same point later on a different device) and other users (for sharing content). (EX-1003, (DTB), 45; ~~EX-1002~~

~~86-148.~~ ¶148.) A ~~POSIT~~a person of ordinary skill would have understood that bookmarking saves time and ~~frustra- tion~~frustration by starting from a bookmarked position instead of having to ~~redownload~~redown- load and replay content. (~~EX-1002~~ ¶148.) A ~~POSIT~~a person of ordinary skill also would have understood that ~~book- marking~~bookmarking allows users to identify the specific portion of media they wish to share with other users which would reduce confusion and save time on behalf of the user receiving the bookmarked content. ~~(Id.)~~

Fourth, the combination represents the simple addition of one known element (e.g., bookmark functionality) to another known element (e.g., ~~Prabhakaran's~~Prab- hakaran's presentations) to obtain predictable results (e.g., restart presentation where the user left off). ~~(Id.~~ ¶149); KSR, 550 U.S. at 417.

Fifth, the combination represents the use of a known technique (e.g., DTB's bookmark functionality) to improve a similar method (e.g., ~~Prabhakaran's presenta- tion~~Prab- hakaran's presentation) in the same way. ~~(Id.)~~

~~87-149.~~ Sixth, the combination applies a known technique (e.g., DTB's bookmark functionality) to a known method (e.g., ~~Prabhakaran's~~Prab- hakaran's) that is ready for improvement and yields predictable results (e.g., restart presentation

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where user left off). ~~(Id.)~~

150. A ~~POSITA~~person of ordinary skill would have reasonably expected success in making the ~~modificat-ion~~modification because bookmarking was well-known, disclosed in ~~numerous~~nu- merous prior art ~~refer- ences~~references, and routine to such a ~~POSITA~~person.

151. For example, Sull disclosed methods “enabling users to add bookmarks to multimedia files, such as movies, and audio files, such as music.” (EX-~~1002 ¶¶ 150-53~~ (citing EX-1060; (Sull), Abstract.) Sull’s “multimedia bookmark facilitates the searching of portions or segments of multimedia files[.]” (*Id.*) Sull’s multimedia bookmark has “content information about the segment at the intermediate point, wherein a user can utilize the multimedia bookmark to access the segment without accessing the beginning of the multimedia file.” (*Id.*, 16:1-3.)

152. Another example, Dimitrova, discloses a method and apparatus for “bookmarking video content for identifying meaningful segments of a video signal for convenient retrieval at a later time.” (EX-1069; (Dimitrova), 1:3-4.) “This can be accomplished by pressing a button, clicking with a mouse or otherwise sending a signal to a device for marking a particular location of the video that is of inter- est.” (*Id.*, 1:26-28.) A “bookmark signal identifies a frame and the segment is based on time, such as 30 seconds or 1 minute, or video length such as a selected number of frames, for example, before and after the selected frame.” (*Id.*, 2:27-29.)

153. Furthermore, Himmel discloses “creating a bookmark set at a first com-

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puter system computer system coupled to a network[.]” (EX-1062, (Himmel), 2:66-

67.) The bookmark set contains a “set of Uniform Resource Locators (URLs).” (Id., 2:67-3:2.) And, Hanson discloses that the “playback module uses the bookmark value to index a point in the program where the user left off.” (EX-1033.) (Hanson), 5:61-6:2.) The playback module “mark[s] the restart location according to the time or step information provided with the bookmark value.[, ...] then begins to play the program from the bookmark[.]” (Id.)

88-154. Moreover, DTB reflects an industry standard, and a ~~POSITA~~person of ordinary skill would have expected success in implementing Prabhakaran’s multimedia ~~presenta- tion~~presentation using ~~the~~such an industry standard. ~~(EX-1002 ¶154.)~~

B5. Thus, Prabhakaran and DTB disclose or render obvious the additional claim element of claim 8.

156. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and DTB render claim 8 obvious as a whole.

2. Claim 9

89-157. Claim 9 depends from claim 8 and further recites “transmitting the bookmarked position to a network accessible server device or a second other client device.” DTB discloses the additional claim element of claim 9.

90-158. DTB discloses this limitation because it discloses that playback systems can “export the [bookmarks] to other compliant playback devices.” (EX-1003; (DTB), 45.)

A ~~POSIT~~person of ordinary skill in the art would have been motivated to ~~combinecom-~~bine DTB's transmittable bookmark functionality with Prabhakaran's multimedia presentation method for the same reasons ~~discussedI~~discuss above. (~~Supra §XI.A(See ¶¶142-156, above.)~~) It would also allow users to share passages from books with others and it would allow the user to restart the ~~presenta-~~tionpresentation from the bookmarked position on another device. (~~EX-1002 ¶159.)~~ Moreover, it would reflect the simple addition of one known element (e.g., transmittable ~~book-mark~~bookmark functionality) to another known element (e.g., ~~Prabhakaran'sPrab-~~hakaran's distributed ~~mul-timedia~~multimedia presentations) to obtain predictable results (e.g., ability for the same or a different user to restart from bookmarked position on ~~differentdif-~~ferent device); it represents

91.159. the use of a known technique (transmittable bookmark) to improve a similar method (Prabhakaran's presentations) in the same way; and it applies a known technique (transmittable bookmark) to a known method (~~Prabhakaran's~~ Prabhakaran's presentations) that is ready for improvement and yields predictable results (e.g., allowing users to resume presentation on a different device).

(Id.); *KSR*, 550 U.S. at 417.

160. A ~~POSITA~~ person of ordinary skill in the art would have reasonably expected success in making the ~~modification~~ modification because transmitting bookmarks was well-known, disclosed in numerous prior art references, and routine to such a ~~POSITA~~ person.

161. For example, Himmel discloses a first computer coupled to a network that creates a bookmark set. (EX-1002 ¶¶ 160-64 (citing EX-1062; Himmel), 2:66-67.)

"A request for

downloading the bookmark set results in sending the bookmark set via the network to a second computer system.” (Id., 3:3-5.)

162. Dimitrova discloses that users “can access content from various internet or web accessible content sources by transmitting the frame identifier or segment identifier to the content source.” (EX-1069; (Dimitrova), 3:14-28.) “Bookmarks in accordance with the invention can be backed up to a remote device, such as a PDA or other computerized storage device.” (Id.) “In certain embodiments of the invention, the bookmarks can be accessed through web pages, mobile communication devices, PDAs, watches and other electronic devices.” (Id.)

163. Sull discloses “a method for sending a multimedia bookmark between devices over a wireless network.” (EX-1060; (Sull), 18:10-19.) Sull’s method “includes acknowledging receipt of a multimedia bookmark by a video bookmark message service center upon receipt of the multimedia bookmark from a sending device.” (Id.) “After requesting and receiving routing information from a home location register, the video bookmark message service center preferably invokes a send multimedia bookmark operation at a mobile switching center.” (Id.) “The mobile switching center then preferably sends the multimedia bookmark and, upon acknowledgement of receipt of the multimedia bookmark by the recipient device, notifies the video bookmark message service center of the completed multimedia bookmark transaction.” (Id.)

92.164. Finally, Lindahl discloses that “[i]f the user wishes to end the current session and resume the hearing of the audio book at a later date from the passage in the book at wish to currently stop play, they can request that a bookmark be set.” (EX-1004). (Lindahl) ¶[0036].) “The client device will then create a bookmark associated with the recorded time at which the user paused play, and then transmit the bookmark to the server device for storage[.]” (*Id.*) “Once created, a bookmark may then be uploaded to the server where it is cross-correlated with the correspond- ing portion of the data file that is resident on the server.” (*Id.*)

65. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and DTB render claim 9 obvious as a whole.

3. **Claims 10 and 11**

93.166. Claim 10 depends from claim 1 and further recites “wherein the time information for the one or more static graphic images is external to the audio stream.” Claim 11 depends from claim 10 and further recites “wherein the time information for the one or more static graphic images is stored in a descriptor file.” Prabhakaran and DTB disclose or render obvious the additional claim elements of claims 10 and 11.

167. Prabhakaran discloses that the order of objects in the time domain “is ~~explic- itly~~ explicitly formulated and stored along with the multimedia objects.” (EX-1026;

(Prabhakaran), 177, 213.) Prabhakaran therefore discloses or renders obvious these limitations. (EX-1002

¶167.)

This limitation also would have been obvious in view of DTB. (EX-1002

¶168.) DTB discloses a synchronization file, referred to as a SMIL file, that is used

94.168. to ~~synchronize~~synchroni- nize audio, text, and image files to provide a multimedia presentation (e.g., an ~~audiobook~~audi- obook). (EX-1003, (DTB), 3; *see also id.*, 21, 61, 23-34.) DTB’s SMIL file includes “parallels” that describe the sequence of content and what content should be ~~rendered~~ren- dered simultaneously. (*Id.*, 21-27.) The parallels include “time-based ~~posi- tions~~positions” represented as clipBegin and clipEnd attributes for any audio rendered in the ~~parallel~~paral- lel. (*Id.*) Images referenced in the parallel are rendered at the same time as the audio. (*Id.*)

95.169. As shown below, DTB’s SMIL file (highlighted in yellow) is separate from (e.g., external to) to the audio stream (in blue):

```
<man<manifest>
  <item id="opf" href="rs.opf" media-type="text/xml" />
  <item id="text" href="rs.xml" media-type="text/xml" />
  <item id="text_style" href="dtbbase.css" media-type="text/css2" />
  <item id="ncx" href="rs.ncx" media-type="text/xml" />
  <item id="ncx_style" href="ncx16.css" media-type="text/css2" />
  <item id="SMIL" href="rs.smil" media-type="application/smil" />
  <item id="foreword" href="rs_fwdx.mp3" media-type="audio/mp3" />
  <item id="standards" href="rs_std.mp3" media-type="audio/mp3" />
  <item id="appendices" href="rs_app.mp3" media-type="audio/mp3" />
  <item id="index" href="rs_index.mp3" media-type="audio/mp3" />
  <item id="fig_01" href="fig1.png" media-type="image/png" />
  <item id="resource" href="rs.res" media-type="text/xml" />
  <item id="resource_audio" href="res.mp3" media-type="audio/mp3" />
</ma</manifest>
```

(*Id.*,

(EX-1003 (DTB), 14-15; EX-1002 ¶169.) DTB therefore discloses or renders obvious time information (e.g., parallels and audio clip time information) stored in a descriptor file (SMIL file) that is external to the audio stream. (EX-1002 ¶169.)

96.170. A ~~POSITA~~ person of ordinary skill in the art would have been motivated to ~~combine~~ combine DTB's external descriptor file with Prabhakaran's stored temporal relations for several reasons. (~~Id. ¶¶170-75.~~)

171. First, a ~~POSITA~~person of ordinary skill would have been motivated to adhere to a standard for ~~syn-chronizing~~synchronizing distributed multimedia. (See EX-1003, 21.) (SMIL “was developed by the World Wide Web Consortium as a standard for definition and play- back of multimedia presentations over the Internet.”). A ~~POSITA~~person of ordinary skill would also have been motivated to use SMIL’s external descriptor file because, as a standard, it ~~at- lowed~~allowed for consistent rendering across more devices. (*Id.*; EX-1006 (Yoshimura), 1779 (~~POSITA~~a person of ordinary skill could “easily create SMIL files for describing streaming content ~~be- cause~~because SMIL is a standard and popular scene ~~description~~descrip- tion language”); ~~EX-1002 ¶171.)~~”).)

97.172. Second, Prabhakaran discloses “pre-defined temporal relations” that are “stored along with the multimedia database.” (EX-1026, (Prabhakaran), 213.) This would have incentivized a ~~POSITA~~person of ordinary skill to look for other references, such as DTB, that describe how to store such temporal relations. ~~to store such temporal relations. (EX-1002 ¶172.)~~

~~98-173.~~ Third, a ~~POSITA~~person of ordinary skill would have understood the benefits of using DTB's SMIL file, including the ability to index, navigate, synchronize, and retrieve files in large multimedia presentations. (~~Id.~~ ¶173.)

Fourth, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., DTB's descriptor file) to another known element (e.g., Prabhakaran's stored, pre-defined temporal relations) to obtain predictable ~~results~~re- sults (e.g., rendering consistent with a standard). (~~Id.~~ ¶174); KSR, 550 U.S. at 417.

Fifth, the combination represents the use of a known technique (e.g., DTB's descriptor file) to improve a similar method (e.g., Prabhakaran's stored, pre-defined temporal relations) in the same way. (~~Id.~~)

~~99.174.~~ Sixth, the combination applies a known technique (e.g., DTB’s descriptor file) to a known method (e.g., Prabhakaran’s stored, pre-defined temporal relations) that is ready for improvement and yields predictable results (e.g., allowing for rendering according to a standard). ~~(Id.)~~

~~100.175.~~ A ~~POSITA~~person of ordinary skill would have reasonably expected success in making the ~~modificat-ion~~modification because, as a standard, DTB’s descriptor file was well-known and commonly used by such a POSITA person. (EX-1006, (Yoshimura), 1779 (~~POSITA~~a per- son of ordinary skill could “easily create SMIL files for describing streaming content because SMIL is a standard and popular scene ~~descrip- tion~~description language”); ~~EX-1002 ¶175 (citing~~see also EX-1003, (DTB), 21). ~~.)~~

XII. ~~GROUND 1F: CLAIMS 12-15 WOULD HAVE BEEN OBVIOUS IN VIEW OF PRABHAKARAN, DUNCAN, AND DR. SEUSS.~~

A.

176. Thus, Prabhakaran and DTB disclose or render obvious the additional claim elements of claims 10 and 11.

177. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and DTB render claims 10 and 11 obvious as a whole.

F. Claims 12-15 Would Have Been Obvious in View of Prabhakaran, Duncan, and Dr. Seuss.

178. As I discuss above, Prabhakaran and Duncan disclose and/or render obvious each limitation of claim 1. (See ¶¶40-87, above.) For at least the reasons I discuss below, claims 12-15 would have been obvious over Prabhakaran and Duncan in further view of Dr. Seuss.

1. Claim 12

Claim 12 depends from claim 1 and further recites “wherein the one or more static

~~101.~~179. graphic images contain elements that form text characters when rendered.” This rendered.” I note that this limitation recites the content of the information displayed (e.g., text characters) and is therefore not entitled to patentable weight. *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1169 (Fed. Cir. 2018); see also *In re Marco Guldenaar Holding B.V.*, 911 F.3d 1157, 1162 (Fed. Cir. 2018) (printed matter not inventive). Prabhakaran and Dr. Seuss render obvious the additional claim element of claim 12.

Regardless, the claim is obvious. Images containing text were ubiquitous by

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2005 (e.g., labels, ~~advertisements~~advertise- ments, logos, infographics, menus, and picture books).

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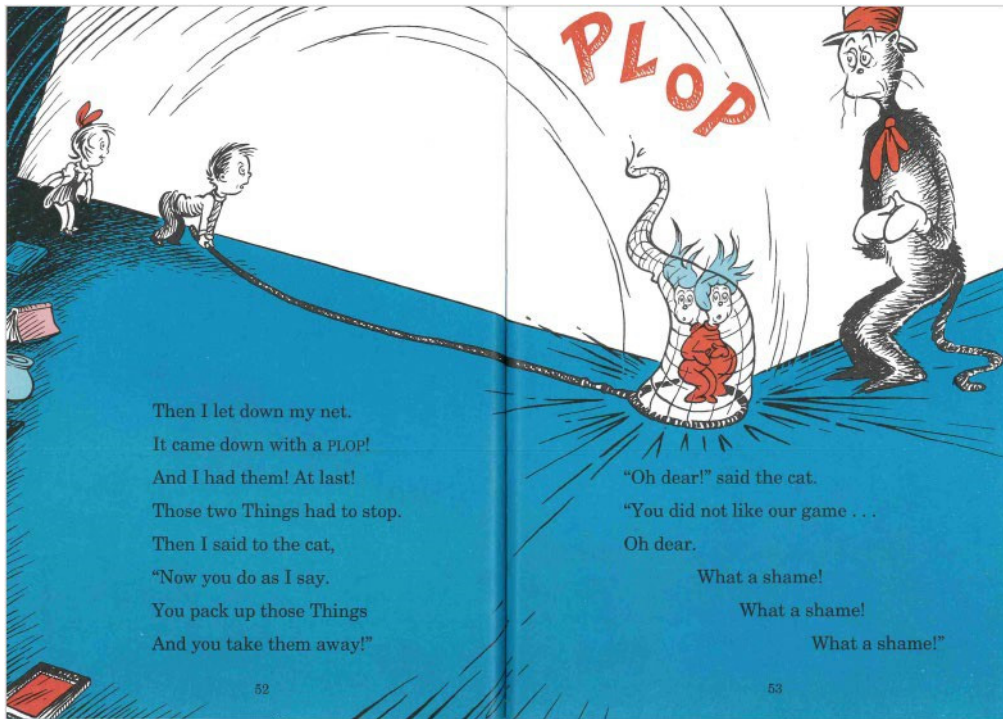
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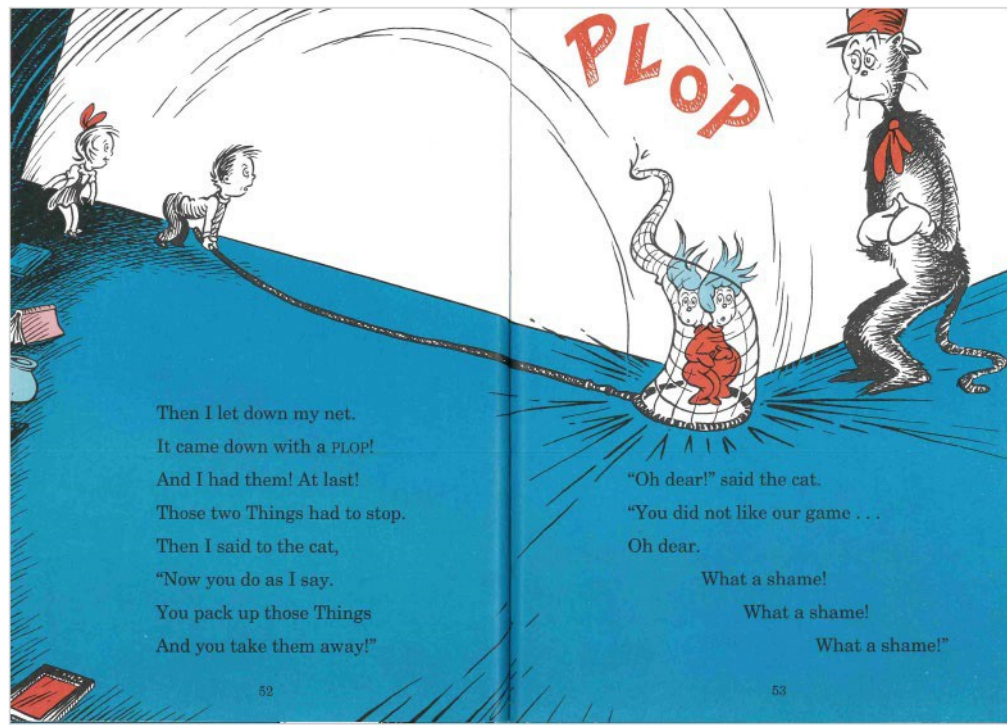
180. ~~(EX-1002 ¶ 180.)~~ It would have been obvious to a ~~POSITA~~person of ordinary skill in the art that Prabhakaran's ~~im-ages~~images (e.g., Image 1) would contain elements that form text characters when rendered. ~~(Id.)~~ Indeed, this would-

occur each time that Prabhakaran's system is used to render an image
(e.g., ~~presentation~~presen- tation title page, book cover, album cover, etc.)
that includes text. ~~(Id.)~~

~~102.181.~~ Even if Prabhakaran did not render this limitation obvious, it This
would further have been obvious in view of Dr. Seuss. ~~(EX 1031, 1); Dr.~~
~~Seuss Enters., L.P. v. Penguin Books USA, Inc., 109 F.3d 1394, 1396 (9th Cir. 1997).~~ As
~~illustrated~~illus- trated below, Dr. Seuss includes a variety of images that
contain text characters:







(EX-1031; (Dr. Seuss), 4-5, 52-53; ~~EX-1002 ¶181.~~)

103.182. Dr. Seuss therefore discloses or renders obvious one or more static graphic images containing elements that form text characters (e.g., "BUMP!" and/or "PLOP") when rendered. ~~(EX-1002 ¶182.)~~

104.183. ~~A POSITA~~ A person of ordinary skill in the art would have been motivated for the following reasons to use the text and images along with a recorded audio narration of *The Cat in the Hat*, such as the 2003 recording narrated by actor Kelsey Grammer, to create a digital talking book that renders *The Cat in the Hat* through Prabhakaran's system. (See EX-1079; ~~EX-1002 ¶¶183-86.~~) (Dr. Seuss CD).)

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184. First, a ~~POSITA~~person of ordinary skill would have been motivated to use ~~Prabhakaran's~~Prab- hakaran's system to deliver multimedia content for books that contained images.

comprising text and ~~cor-responding~~corresponding text passages, as in the Dr. Seuss reference. ~~Indeed~~In- deed, Dr. Seuss would have been a natural choice for content because, as I under- stand, “The Cat in the Hat” and other Dr. Seuss books were widely popular, ~~selling more than 35 million copies between 1931 and 1991. (EX 1002 ¶184); Dr. Seuss, 109 F.3d at 1396, 1403 (“[t]he good will and reputation associated with Dr. Seuss’ work is substantial”).~~

Second, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., Dr. Seuss’s images containing text) to another known ~~ele- ment~~element (e.g., Prabhakaran’s image stream) to obtain predictable results (e.g., allowing text in images to be synchronized with other forms of media like plain text). ~~(EX 1002 ¶185); KSR, 550 U.S. at 417.~~

Third, the combination represents the use of a known technique (e.g., ~~render- ing images~~rendering im- ages that include text) to improve a similar method (e.g., Prabhakaran’s image stream) in the same way. ~~(Id.)~~

~~105.185.~~ Fourth, the combination applies a known technique (e.g., including text in ~~im- ages~~images) to a known method (e.g., Prabhakaran’s image stream) that is ready for ~~im- provement~~improvement and yields predictable results (e.g., synchronizing images with text with other forms of media). ~~(Id.)~~

~~106-186.~~ Finally, a ~~POSITA~~person of ordinary skill would have reasonably expected ~~succcess~~suc- cess because Dr. Seuss merely provides the content and does not alter the system in any way. ~~(EX-1002 ¶186.)~~

~~B37.~~ Thus, Prabhakaran and Dr. Seuss render obvious the additional claim element of claim 12.

188. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and Dr. Seuss render claim 12 obvious as a whole.

2. Claim 13

1. Element 13[a]: Rendering Text Passages

~~107.189.~~ Claim 13 depends from claim 12. Element 13[a] recites “rendering on the first page one or more text passages representing the text characters formed by the elements in the one or more static graphic images.” ~~This~~ I note that this limitation ~~is directed to~~ recites the content ~~being of~~ the information displayed (e.g., text characters). Prabhakaran and ~~is therefore~~ not entitled to patentable weight. (Supra Dr. Seuss render obvious this claim element.

~~§XII.A.)~~

~~108.190.~~ As illustrated below, Dr. Seuss comprises text passages representing the text in the image:



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(EX-1031, [\(Dr. Seuss\)](#), 4-5.)

191. Thus, Prabhakaran alone or in combination with Dr. Seuss renders
~~obvious-render-ing~~ob-vious rendering on the first page one or more text passages
representing the text-

characters formed by the elements in the one or more static graphic images. ~~(EX-1002 ¶¶190-91.) A POSITA~~ A person of ordinary skill would have been motivated to combine the references, and ~~reasonably~~ reasonably expected success. ~~(Supra §VII.A; EX-1002 ¶191,~~ for the reasons I discuss above. (See ¶¶179-188, above.)

192. Thus, Prabhakaran and Dr. Seuss render obvious claim element 13[a].

b. Element 13[b]: Assigning Time Information

193. Element 13[b] recites “assigning to each of the one or more text ~~passages~~ passages time information including at least one of a start time, an end time, and a ~~duration~~ duration relative to the timeline of the audio stream, wherein the time information for each text ~~pas-sage~~ passage is determined on the basis of the time information for the one or more static graphic images.” Prabhakaran, alone or with Dr. Seuss, renders obvious this claim element.

194. As I discuss above, Prabhakaran discloses that text objects have pre-defined temporal ~~infor-mation.~~ information. ~~(Supra §VII.A.3; EX-1002 ¶194.) A POSITA~~ (See ¶¶44-46, above.) A person of ordinary skill in the art would have understood that a text passage representing text in an image would be assigned the same temporal information as the image with which it is associated. ~~(EX-1002 ¶194.)~~

195. Prabhakaran, alone or in combination with Dr. Seuss, therefore renders ~~obvi-ous~~ obvious assigning to each of the one or more text passages (e.g., text), time ~~information~~ infor-mation (e.g., temporal information) including at least one of a

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start time, an end time, and a duration (e.g., t_0 to t_1) relative to the timeline of the

audio stream, wherein the time information for each text passage (e.g., text) is

determined on the basis of the ~~time~~

time information (e.g., t0 to t1) for the one or more static graphic images (e.g., start and end time of Image 1). (~~Id.~~ ¶195.) Thus, Prabhakaran, alone or with Dr. Seuss, renders ob- vious claim element 13[b].

¶196. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and Dr. Seuss render claim 13 obvious as a whole.

3. Claim 14

197. Claim 14 depends from claim 13 and further recites “wherein only a portion of a first text passage associated with a first static graphic image is rendered on the first page.” Prabhakaran, Duncan, and/or Dr. Seuss disclose or render obvious the additional claim element of claim 14.

Duncan discloses that increasing the font size of text necessitates ~~repagina-~~
112.198. tion. (Supra §VII.A.4; EX 1002 ¶198.) A POSITA repag- ination. (See ¶¶47-58, above.) A person of ordinary skill in the art would have understood that a text passage would spread across two pages if the font size was sufficiently ~~in-~~
~~creased~~increased, leaving only a portion of the text passage rendered on the first page. (~~EX 1001, 40:54-67; EX 1002 ¶198.~~)

113.199. Prabhakaran in view of Duncan therefore renders obvious that only a portion of a first text passage associated with a first static graphic image is rendered on the first page. (~~EX 1002 ¶199.~~) A POSITA A person of ordinary skill would have been motivated to combine Duncan’s pagination method with Prabhakaran’s

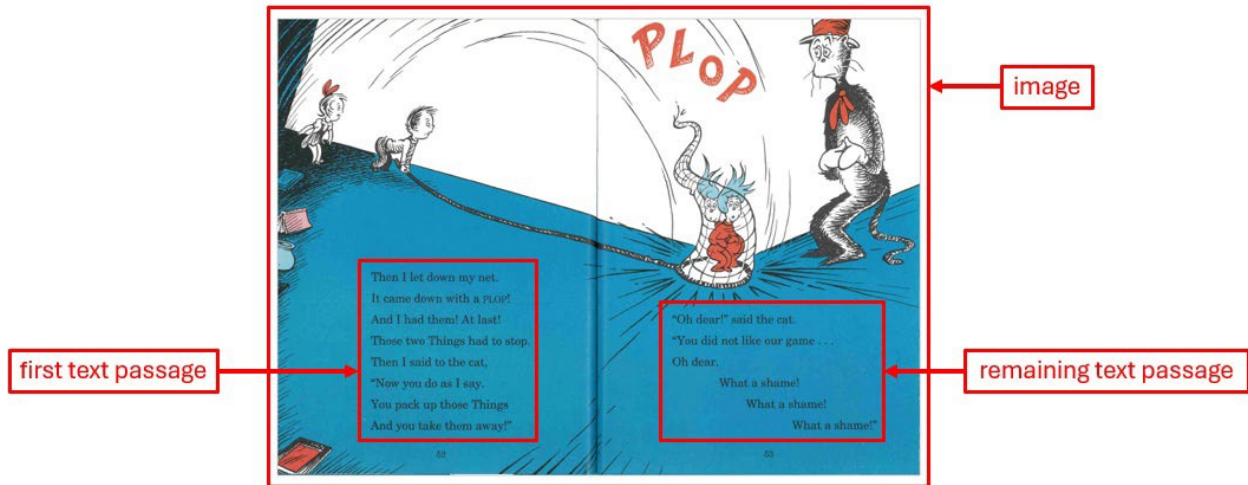
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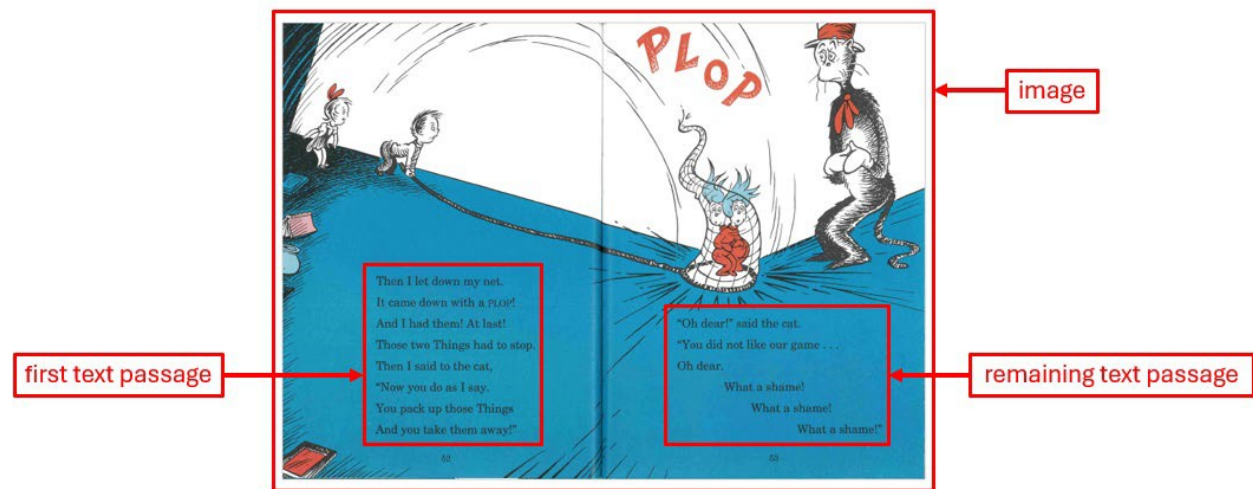
multimedia presentation—~~(*Supra*~~ for the reasons I discuss above. (See ¶¶47-58, above.)

~~§VII.A.4; EX-1002 ¶199.)~~

114.200. Dr. Seuss also illustrates an example wherein only a portion of a first text passage associated with a first static graphic image is rendered on the first page:



rendered on the first page:



(EX-1031, (Dr. Seuss), 52-53; ~~EX-1002 ¶200.~~)

201. Thus, Prabhakaran, Duncan, and/or Dr. Seuss disclose or render obvious the additional claim element of claim 14.

202. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and Dr. Seuss render claim 14 obvious as a whole.

4. Claim 15

115.203. Claim 15 depends from claim 14 and recites “wherein a remaining ~~portion~~por- tion of the first text passage is rendered on a second page, wherein the first static graphic image is replicated on the second page in association with the remaining portion of the first text passage, and wherein the second page is repaginated.”

Prabhakaran, Duncan, and/or Dr. Seuss disclose or render obvious the additional claim element of claim 15.

~~116-204.~~ Duncan discloses repagination when a font size increase pushes text onto a second page. (EX-1027 (Duncan) ¶[0042].) A ~~POSITA~~person of ordinary skill in the art would have understood that the image associated with the text passage would appear on all pages the text passage spans to maintain synchronization between the text passage and image. (~~EX-1001, 40:54-67; EX-1002 ¶204.~~) Furthermore, a ~~POSITA~~person of ordinary skill would have desired this result because the viewer would want to keep viewing the image along with its associated text. (~~Id.~~)

~~117.205.~~ Prabhakaran in view of Duncan therefore renders obvious that a ~~remaining~~re- maining portion of the first text passage is rendered on a second page, wherein the first static graphic image is replicated on the second page in association with the remaining portion of the first text passage, and wherein the second page is ~~repaginated.~~ ~~(Supra~~repagi- nated. (See ¶¶47-58, above.) A person of ordinary skill would have been motivated to combine Duncan’s pagination method with Prabhakaran’s multimedia presenta- tion for the reasons I discuss above. (*Id.*)

~~§VII.A.4; EX-1002 ¶205.) A POSITA would have been motivated to combine Dun- can’s pagination method with Prabhakaran’s multimedia presentation. (*Id.*)~~

206. Moreover, Dr. Seuss renders this obvious because, as ~~shown~~I discuss above for claim 14, a ~~POSITA~~person of ordinary skill would have understood that the remaining portion of the first text passage would be rendered on a second page. (See ¶¶197- 202, above.) It would have been obvious to repeat the first static graphic image on-

both pages in an e-reader format. ~~(EX-1002 ¶206.)~~ This page would be repaginated as described by Duncan. ~~(Id.)~~

XIII. 207. GROUND 2A: CLAIMS Thus, Prabhakaran, Duncan, and/or Dr. Seuss disclose or render obvious the additional claim element of claim 15.

208. Accordingly, for at least the reasons I discuss above, Prabhakaran, Duncan, and Dr. Seuss render claim 15 obvious as a whole.

G. Claims 1-2, 4-5, 8-11, and 16 Would Have Been Obvious in View of DTB, Steele, and Duncan.

118.209. For at least the reasons I discuss below, DTB, Steele, and Duncan render claims 1-2, 4-5, 8-11, ~~AND 16 WOULD HAVE BEEN OBVIOUS IN VIEW OF DTB, STEELE, AND DUNCAN~~ and 16 obvious.

A. 1. Claim 1

¶: Preamble

119.210. The preamble recites “[a] method comprising.” DTB discloses a method of creating digital talking books that can be accessed over the Internet and rendered on a playback device. (EX-1003, (DTB), vii, 21-22.) ~~Accordingly, to the extent~~ Thus, DTB discloses or renders obvious the preamble ~~is limiting, it is disclosed or rendered obvious by DTB. (EX-1002 ¶210.)~~ of

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[claim 1.](#)

2: Element 1[a]: Accessing a Network Accessible
Library

211. Element 1[a] recites “accessing, by a client device, a network accessible library having stored thereon an image stream of static graphic images and a

corresponding audio stream.” DTB and/or Steele disclose or render obvious this claim element.

120.212. DTB specifies a standard for multimedia presentations accessed online for playback on a playback device. (EX-1003, (DTB), vii (“The DTB [] can include not just the audio rendition of the work, but the full textual content and images as well.”), 3 (SMIL is “a standard for [] playback of multimedia presentations over the Internet”), 21, 60, 97-98.)

121.213. DTB therefore discloses or renders obvious a client device (e.g., playback de-viceplay- back device) accessing (e.g., over the Internet) a network accessible library (e.g., content accessible over the Internet) having stored thereon an image stream of static graphic images and corresponding audio (e.g., sequence of audio and image files correspond-ingcorresponding as specified in parallels). ~~(EX-1002 ¶¶212-13.)~~

122.214. ~~Even if DTB did not disclose or render obvious this~~ This limitation, it also would have been obvious in view of Steele. ~~(Id. ¶¶214-20.)~~ Steele discloses networked ~~multi-media~~ multimedia databases containing SMIL files and associated content:

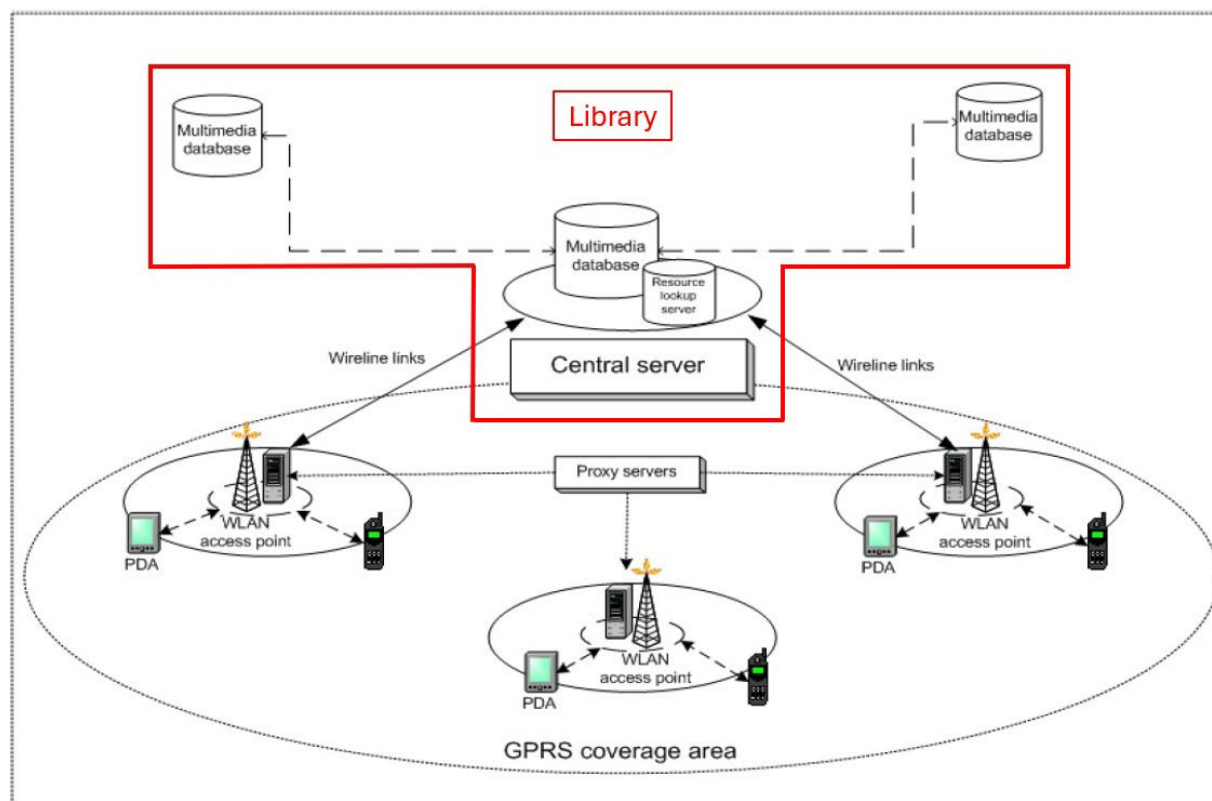


Figure 2: System architecture

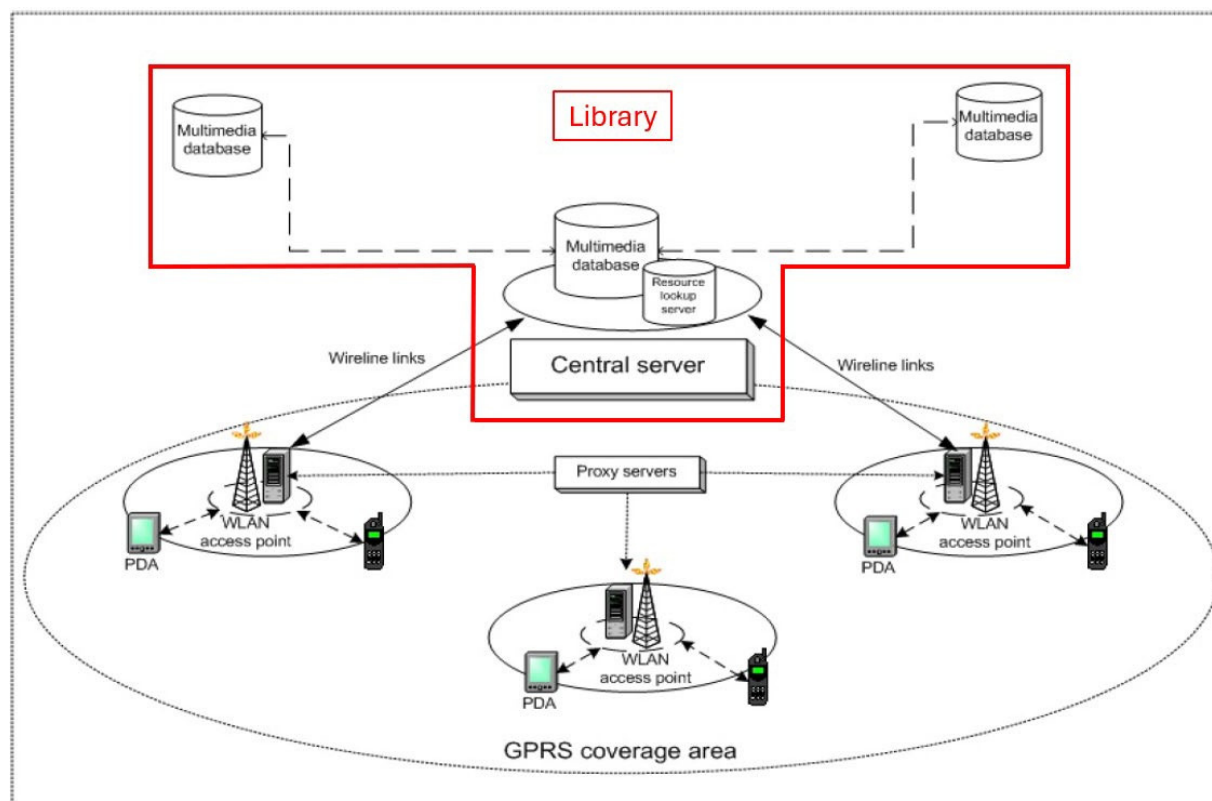


Figure 2: System architecture

(EX-1029, (Steele), Fig. 2; ~~EX-1002 ¶214~~.) Steele further discloses that “SMIL allows for the ~~sendingsend-~~ ing of [] still images, and sound” comprising a presentation. (~~EX-1029, Id.~~, 1.) The multimedia files are stored on servers (*id.*, 2), which are a network accessible library.

~~123.215.~~ 215. A ~~POSITA~~ person of ordinary skill in the art would have been motivated to ~~combinecom-~~ bine Steele’s network ~~accessi-ble~~ accessible multimedia library (database/servers) with DTB for several reasons. (~~EX-1002 ¶¶215-19.~~)

~~124.216.~~ 216. First, DTB discloses “playback of multimedia presentations over the Internet” using SMIL files (EX-1003, (DTB), 3), which would have incentivized a ~~POSITA~~ person of ordinary skill to look to other references, such as Steele, for methods to

~~to other references, such as Steele, for methods to~~
store SMIL files and the ~~multime~~multimedia content referenced by
SMIL files in Internet-accessible locations. ~~(EX-1002~~

~~¶216.)~~

~~125-217.~~ Second, DTB is a SMIL-based system and Steele
discloses storing and ~~dis-tributing~~distributing SMIL files and their associated
content. ~~(EX-1002 ¶217.)~~

Third, the combination represents the simple addition of one known ~~elementel-~~
ement (e.g., Steele's Internet-accessible database) to another known element (e.g.,
DTB's internet-based playback system) to obtain predictable results (e.g., accessing
~~multi-media~~multimedia content online). ~~(EX-1002 ¶218); KSR, 550 U.S. at 417.~~

Fourth, the combination represents the use of a known technique (e.g.,
Steele's networked multimedia database) to improve a similar method (e.g., DTB's
multimedia playback over the Internet) in the same way. ~~(Id.)~~

~~126-218.~~ Fifth, the combination applies a known technique (e.g.,
Steele's networked multimedia database) to a known method (e.g., DTB's
multimedia playback over the Internet) that is ready for improvement and
yields predictable results (e.g., accessing ~~multimedia~~multi-media content
online). ~~(Id.)~~

Finally, downloading content from network accessible multimedia ~~librariesli-~~
braries was commonplace, routine, and disclosed by numerous references, giving a

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~~POSITA~~person of ordinary skill in the art a reasonable expectation of success in the

~~modification. (EX-1002 ¶219 (citing~~

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~~127.219.~~ modifi- cation. (E.g., EX-1004 (Lindahl) ¶[0010], Fig. 1; EX-
1027 (Duncan) ¶[0023]; EX-1028 (Hay) ¶¶[0004], [0185]; EX-1032, (Leighton),
12:53-67; EX-1061, (Gupta), 3:44-57.)

3.

220. Thus, DTB and/or Steele disclose or render obvious claim element 1[a].

**a. Element 1[b]: Downloading ImagesImage
Associated with Time Information**

221. Element 1[b] recites “downloading to the client device from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream.” DTB and/or Steele disclose or render obvious this claim element.

~~128.222.~~ DTB synchronizes images and audio elements using “time containers” called parallels (“<par>”). (EX-1003, (DTB), 21, 26-27.) Parallels define a “time grouping in which multiple media objects play back at the same time.” (*Id.*, 21; *see also id.*, 26.) The objects may include the “audio rendition of the work” as well as “full textual content and images.” (*Id.*, vii; *see also id.*, 26-27.) The parallels include pointers to the audio and image files referenced in the parallel. (*Id.*; ~~EX-1002 ¶222.~~)

223. Parallels with audio clips include “clipBegin” and “clipEnd” attributes ~~speci-fying~~specifying the start and end “of a continuous audio file as a time offset from the start of the audio file” to be rendered. (EX-1003, (DTB), 27.) An image in a parallel with an audio clip is displayed while the audio clip is rendered; therefore,

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the image is associated with the clipBegin and clipEnd of the audio clip. (*Id.*; see

also id., 6, 30-

(“[d]uration of image display will be equal to that of the longest media object or time container contained within the same par”), 32; ~~EX-1002 ¶223.~~)

~~129.224.~~ DTB’s Example 7.2 below shows a sample implementation of SMIL for an image and its associated caption and producer’s note. ~~(EX-1003, 32-33.) “The im-age file is presented in parallel with text and audio versions of the figure caption and~~ (EX-1003 (DTB), 32-

33) “The image file is presented in parallel with text and audio versions of the figure

caption and a producer’s note describing the figure.” (*Id.*) “The entire group is wrapped in a par, with the image file rendered simultaneously with a sequence of two pars.” (*Id.*)

```
<par id="img1">
  
  <seq id="icap1">
    <par id="cap1">
      <text region="caption" src="rs.xml#caption_1" />
      <audio src="rs_fwdx.mp3"
        clipBegin="00:01:45.98" clipEnd="00:01:52.66" />
    </par>

    <par id="pnote1" customTest="prodnote">
      <text region="text" src="rs.xml#prodnote_1" />
      <audio src="rs_fwdx.mp3" clipBegin="00:01:53.08"
        clipEnd="00:02:55.34" />
    </par>
  </seq>
</par>
</par>
```

(*Id.*, 32; ~~EX-1002 ¶224.~~)

~~130:225.~~ It would have been obvious to a ~~POSITA~~person of ordinary skill in
the art to download image and audio clips referenced by a SMIL file to the DTB
player. (EX-1003; (DTB), vii, 21 (“playback of ~~mul-timedia~~multimedia presentations
over the Internet”); ~~EX-1002 ¶225.~~Inter-net”).)

~~131.~~226. DTB therefore discloses or renders obvious downloading to the client device (e.g., playback system) from the network accessible library (e.g., server) one or more static graphic images from the image stream (e.g., images identified in ~~image element~~image element), each associated with time information including at least one of a start time (e.g., clipBegin), an end time (e.g., clipEnd), and a duration (e.g., clipBegin to clipEnd) relative to a timeline of the audio stream (e.g., an audio file). ~~(EX-1002~~

~~¶226.)~~

~~132.227.~~ ~~Even if DTB did not render obvious this~~ This limitation, ~~it~~ would also have been ~~obvi-ous~~ obvious in view of Steele. ~~(EX-1002 ¶227.)~~ Steele discloses that, rather than embedding all the multimedia files, a SMIL file may “just provide[] references (URLs) for the multimedia files and these can be *downloaded* separately from these specified URLs.” (EX-1029, (Steele), 2 (emphasis added); *see also id.*, 1 (multimedia includes images and sound), 1 (multimedia presentations need to be downloaded and viewed ~~incre-mentally~~ incrementally)).)

~~133.228.~~ ~~A POSITA~~ A person of ordinary skill in the art would have been motivated to ~~combine~~ com- bine Steele’s network ~~aceessi-ble~~ accessible multimedia library storing content available for download with DTB’s method. ~~(Supra §XIII.A.2; EX-1002 ¶228~~ for the reasons I discuss above. (See ¶¶211-220, above.)

229. Thus, 4.TB and/or Steele disclose or render obvious claim element 1[b].

a. **Element 1[c]: Assembling a First Page**

230. Element 1[c] recites “assembling, by the client device, a first page from the one or more static graphic images.” DTB and/or Duncan disclose or render obvious this claim element.

134.231. DTB discloses assembling a page on a client device in at least two ways. (EX-1003, (DTB), 6-7, 23-25, 32, 59-60; ~~EX-1002 ¶231.~~)

135.232. First, DTB discloses that the player assembles a page because the player ~~ren- ders~~renders the elements in the parallel, e.g., an image and text. For example, when ~~imple- menting~~implementing DTB’s Example 7.2, the player would assemble a first page ~~comprising~~compris- ing

```
<par id="img1">
  
  <seq id="icap1">
    <par id="cap1">
      <text region="caption" src="rs.xml#caption_1" />
      <audio src="rs_fwdx.mp3"
        clipBegin="00:01:45.98" clipEnd="00:01:52.66" />
    </par>

    <par id="pnote1" customTest="prodnote">
      <text region="text" src="rs.xml#prodnote_1" />
      <audio src="rs_fwdx.mp3" clipBegin="00:01:53.08"
        clipEnd="00:02:55.34" />
    </par>
  </seq>
</par>
```

at least an image (fig1.png) and text (rs.xml#caption_1):

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```
<par id="img1">
  
  <seq id="icap1">
    <par id="cap1">
      <text region="caption" src="rs.xml#caption_1" />
      <audio src="rs_fwdx.mp3"
        clipBegin="00:01:45.98" clipEnd="00:01:52.66" />
    </par>

    <par id="pnote1" customTest="prodnote">
      <text region="text" src="rs.xml#prodnote_1" />
      <audio src="rs_fwdx.mp3" clipBegin="00:01:53.08"
        clipEnd="00:02:55.34" />
    </par>
  </seq>
</par>
```

(EX-1003, (DTB), 32; ~~EX-1002 ¶232~~.)

233. Second, like the '111 patent, DTB's players use style sheets to control ~~presen—tation~~presentation styles and assemble pages. (Compare EX-1001, (‘111 patent), 29:7-14 with EX-1003, (DTB), 59-60 (“Developers of playback systems may implement user-

interface features that support local control of style sheets, thereby allowing the user to define styles that supersede default player- or producer-defined styles.”), 7, 4 (“[i]t is in the best ~~inter-est~~interest of users that ... players make information available in as many presentation modes as practical, including ... large print with user-specifiable size and text re-wrapping for players with visual display”); ~~EX-1002 ¶233.)~~.) A ~~POSITA~~person of ordinary skill in the art would have understood that a DTB player would use the style sheets (which control, e.g., image size and number) to assemble a page. ~~(EX-1002 ¶233.)~~

Third, playback devices must support SMIL elements and attributes such as <layout>, <region>,> and <customTest>, all of which impact page assembly. (EX-1003, (DTB), 23-25.) ~~–Layout controls “where on a visual, audio, or tactile-~~
~~rendering~~

~~136.234.~~ ren-dering space various producer-defined elements, e.g., figures, text, footnotes, etc. are ~~dis-played~~displayed.” (*Id.*, 24.) Region controls “the position, size, and scaling of media objects (e.g., text, img).” (*Id.*) CustomTest defines “the kinds of structures (e.g., page ~~num-bers~~numbers, notes, line numbers, etc.) which the user can choose to have presented or skipped during normal playback of a DTB.” (*Id.*, 25.) Playback devices parse the SMIL file and assemble pages based on these instructions. (~~EX-1002 ¶234.~~) Thus, DTB discloses that the client device assembles a first page from at least one image. (~~Id.~~)

~~137.235.~~ Even if DTB did not disclose or render obvious this This limitation, ~~it~~ would also have been obvious in view of Duncan. (~~Supra §VII.A.4.) A POSITA, as I discuss above. (See ¶¶47-58, above.) A person of ordinary skill~~ would have been motivated to combine Duncan’s paginator with DTB for several reasons. (~~EX-1002 ¶¶235-39.)~~

~~138-236.~~ First, both references seek to “accommodate sight-impaired readers.” (EX-1027 (Duncan) ¶[0004]; EX-1003, (DTB), vii.) It would have been obvious to a ~~POSITA~~person of ordinary skill that Duncan’s pagination method would have made DTB’s system more accessible to print-disabled persons, which was a primary motivation of the DTB standard. (EX-1003, (DTB), Abstract; EX-1027 (Duncan) ¶[0004], [0042]; ~~EX 1002 ¶236.~~)

~~139-237.~~ Second, DTB discloses the use of style sheets for rendering an ~~electronic~~elec- tronic book. (EX-1003, (DTB), 60.) This would have incentivized a ~~POSITA~~person of ordinary skill to look for methods, like Duncan’s, using style sheets in electronic book devices. ~~(EX 1002 ¶237.)~~

Third, the combination represents nothing more than the addition of one known element (e.g., Duncan's pagination method) to another known element (e.g., DTB's style sheets) to obtain predictable results (e.g., displaying one or more images on a page with proper spatial organization). (*Id.* ¶238); *KSR*, 550 U.S. at 417.

Fourth, the combination represents the use of a known technique (e.g., ~~Duncan's~~ Duncan's pagination method) to improve a similar method (e.g., DTB's style sheets) in the same way. (*Id.*)

~~140.238.~~ Fifth, the combination applies a known technique (e.g., Duncan's pagination method) to a known method (e.g., DTB's style sheets) that is ready for improvement and yields predictable results (e.g., displaying image(s) on a page with proper spatial organization). (*Id.*) ~~The combination would improve the user experience because users could customize the viewing experience. (EX-1002 ¶238.)~~

combination would improve the user experience because users could customize the viewing experience.

141.239. Finally, as I discuss above, methods involving pagination were ~~commonplace~~com- monplace and disclosed by numerous references, giving a ~~POSITA~~person of ordinary skill a reasonable expectation of success in the modification. (*Supra* §VII.A.4; EX-1002 ¶239)(*See* ¶¶47-58, above.)

240. Thus, DTB and/or Duncan disclose or render obvious claim element 1[c].

a. **Element 1[d]: Assigning Time Information to First Page**

241. Element 1[d] recites “assigning to the first page, by the client device, time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first page is determined on the basis of the time information for the one or more static graphic images.” DTB and/or Duncan disclose or render obvious this claim element.

142.242. DTB players assign time information to a page in at least two ways.
(EX-1002

¶¶242-46.)

i. Assigning Time Information by Assembling a Page

243. As I discuss above, DTB (alone or in combination with Duncan) ~~discloses~~dis- closes assembling a page. ~~(Supra §XIII.A.4; EX-1002 ¶243.) A POSITA(See ¶¶230-240, above.) A person of ordinary skill in the art~~ would have understood that, when a DTB player applies parses the SMIL file to-

assemble a page, it assigns time ~~infor-mation~~information including a start time, end time, and duration to the page. ~~(Id.)~~

~~143.244.~~ Even if DTB did not disclose or render obvious this limitation, it would have been obvious in view of Duncan. ~~(Supra §VII.A.5.)~~ A ~~POSITA~~, as I discuss above. (See ¶¶59-75, above.) A person of ordinary skill would have ~~under-stood~~understood that where a page includes one ~~image~~im-age, the client device determines the duration of that display to be the difference between the start and end times (clipBegin; clipEnd) of that image. ~~(EX-1002 ¶244.)~~ Likewise, a ~~POSITA~~person of ordinary skill would have ~~under-stood~~understood that where the page includes multiple images (~~supra §XIII.A.4;~~see ¶¶230-240, above), the client ~~de-vice~~device determines the duration of that ~~display~~dis- play to be the difference between the start time of the first image and the end time of the last image. (EX-1027 (Duncan) ¶[0028]; ~~EX-1002 ¶244.~~.)

~~144.245.~~ A ~~POSITA~~A person of ordinary skill would have been motivated to use a paginator (e.g., Duncan's) with synchronized pre-recorded audio in a system like DTB (e.g., where visual ~~con-tent~~content like images is pre-linked with pre-recorded audio) with a ~~reasonable~~rea- sonable expectation of success. ~~(Supra §§XIII.A.4, VII.A.5.a; EX-1002 ¶245~~ for the reasons I discuss above. (See ¶¶62-66, 230- 240, above.)

**¶: Assigning Time Information by Changing the
Presentation Speed**

246. DTB strongly recommends that “playback systems implement Time-Scale Modification (TSM) to enable user control of playback speed.” (EX-1003, 3; *see also id.*, 63, (“Playback rates continuously variable from one-third to three times

normal speed are recommended.”), 22.) When the user adjusts playback speed, the client device assigns new time information for each page to maintain ~~synchro~~synchronization with the accelerated audio. (~~Supra~~ §VII.A.5.b; EX-1002 ¶246(See ¶¶67-73, above).)

247. Thus, DTB and/or Duncan disclose or render obvious claim element 1[d].

a. Element 1[e]: Downloading Audio

248. Element 1[e] recites “downloading to the client device from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page.” DTB, Steele, and/or Duncan disclose or render obvious this claim element.

145.249. Audio content in a parallel would be downloaded in the same manner as I discuss above regarding the image content. (~~Supra~~ §XIII.A.3; EX-1002 ¶249(See ¶¶221-229, above).)

146.250. DTB (alone or in combination with Steele) therefore discloses or ~~renders ob-vious~~ren- ders obvious downloading to the client device (e.g., playback system) from the ~~network~~net- work accessible library a portion of the audio stream (e.g., audio clip) including a first time offset (e.g., clipBegin), wherein the first time offset corresponds to a first ~~posi- tion~~position on the first page. (~~Supra~~ §§XIII.A.3 (~~See~~ ¶¶221-229 (downloading disclosed or obvious in view of DTB and/or Steele), ~~VII.A.6~~

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(EX-1002 ¶250 76-81, above.)

251. ~~Even if DTB did not render~~ Using a first time offset corresponding to a first position on the first page ~~obvious, it~~ also would have been obvious in view of Duncan. ~~(Supra §XIII.A.5.)~~ A POSITA for the reasons I discuss

above. (See ¶¶241-247, above.) A person of ordinary skill would have been
motivated~~moti-~~ vated to combine Duncan's first position on a first page
with DTB's page of one or more images- for the reasons I discuss above.
(*Id.*; ~~EX-1002 ¶251.~~)

252. Thus, DTB, Steele, and/or Duncan disclose or render obvious claim element 1[e].

a. **Element 1[f]: Simultaneously Rendering Images and Audio**

253. Element 1[f] recites “simultaneously rendering the first page and the portion of the audio stream on the client device by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.” DTB, Steele, and Duncan together disclose or render obvious this claim element.

147.254. DTB players simultaneously present images with corresponding audio clips using synchronization information in the SMIL file. (EX-1003, (DTB), vii, 6, 7; EX-1002.)

¶254.)

148.255. Because the audio stream and associated image are associated by the parallel, the audio is rendered in dependence on the clipBegin/clipEnd information in the parallel. (EX-1002 ¶255.)

256. DTB, in combination with Duncan and Steele, therefore discloses or renders obvious simultaneously rendering (e.g., simultaneously presenting images with cor-respondercorresponding audio clips) the first page and the portion of the audio stream on-

the client device (e.g., playback device) by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset. ~~(Supra §§XIII.A.3 (image)(See ¶¶221-229 (image time information), XIII.A.4 (230-240 (first page), XIII.A.5 (241-247 (first page time information), 248- 252 (audio portion with first time offset).)~~

~~XIII.A.6 (audio portion with first time offset); EX-1002 ¶256.)~~

~~257. Thus, DTB, Steele, and Duncan together disclose or render obvious claim element 1[f].~~

~~258. Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claim 1 obvious as a whole.~~

2. Claim 2

~~259. Claim 2 depends from claim 1 and further recites that “the network accessible library includes one or more server devices.” Steele discloses the additional claim element of claim 2.~~

~~149.260.~~ Steele discloses “[m]ultiple servers storing multimedia files” where “[c]ertain multimedia files may be duplicated at many servers.” (EX-1029, (Steele), 2.) Steele therefore discloses or renders obvious that the network accessible library includes server devices. ~~(EX-1002 ¶260.)~~ A ~~POSITA~~person of ordinary skill in the art would have been ~~motivated~~moti- vated to combine Steele’s servers with DTB’s multimedia

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playback over the Internet for the reasons I discuss above. (See ¶¶211-220, above.)

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~~Steele's servers with DTB's multimedia playback over the Internet. (*Id.*; *supra*~~

~~§XIII.A.2.)~~

~~261.~~ Thus, Steele discloses the additional claim element of claim 2.

262. Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claim 2 obvious as a whole.

3. Claim 4

263. Claim 4 depends from claim 1 and further recites “wherein the first time offset is a start time of the first page, a start time of one of the one or more static graphic images, or a bookmarked position.” DTB discloses or renders obvious the additional claim element of claim 4.

150-264. This limitation would have been obvious in view of DTB. For example, DTB shows a first time offset (clipBegin=“00:00:00”) that is the start time of a first page (p1):

```
<par id="p1" customTest="pagenum">
  <text region="text" src="rs.xml#pg_1" />
  <audio src="rs_fwdx.mp3" clipBegin="00:00:00"
    clipEnd="00:00:00.91" />
</par>

<par id="p1" customTest="pagenum">
  <text region="text" src="rs.xml#pg_1" />
  <audio src="rs_fwdx.mp3" clipBegin="00:00:00"
    clipEnd="00:00:00.91" />
</par>
```

(EX-1003, (DTB), 32; ~~EX-1002 ¶264.~~) It would have been obvious to a POSITA person of ordinary skill in the art to include in the parallel above an image element instead of a text element. (~~EX-1002 ¶264.~~)

151-265. Alternatively, DTB’s bookmark points to the ID of a parallel that ~~contains~~ con- tains a time offset. (EX-1003, (DTB), 48.)

152.266. DTB therefore discloses or renders obvious a first time offset that is the start time (e.g., clipBegin=“00:00:00”) of the first page (e.g., p1), a start time of the ~~one or more static graphic images, or a bookmarked position (e.g., bookmark pointing to a time offset).~~ (EX 1002 ¶¶264-66.)

D.

one or more static graphic images, or a bookmarked position (e.g., bookmark pointing to a time offset).

267. Thus, DTB discloses or renders obvious the additional claim element of claim 4.

268. Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claim 4 obvious as a whole.

4. Claim 5

269. Claim 5 depends from claim 1 and further recites the steps of: assembling a second page from the one or more static graphic images; and assigning to the second page time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the second page is determined on the basis of the time information for the one or more static graphic images.

These steps recite, for a second page, identical steps to those in claim 1 for assembling, and assigning time information to, a first page. DTB and/or Duncan disclose or render obvious the additional claim elements of claim 5.

153:270. For the reasons I discuss above, DTB (alone or in combination with Duncan) discloses or renders obvious ~~assembling~~ assembling a second page (^{supra} §XIII.A.4; see ¶¶230-240, above; EX-1003, cover, 2; EX-1002 ¶¶269-70) and assigning

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time information to a second page (~~*supra* §XIII.A.5; EX-1002 ¶270~~); *see*

E. ¶¶241-247, above). Thus, DTB and/or Duncan disclose or render obvious the additional claim elements of claim 5.

271. Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claim 5 obvious as a whole.

5. Claims 8-11

~~DTB discloses or renders obvious the limitations of claims 8-11. (*Supra* §XI; EX-1002 ¶¶272-73.)~~

F.
272. Claim 8 depends from claim 1 and further recites “setting a second time offset as a bookmarked position, wherein the second time offset corresponds to a second position on the first page or a position in the timeline of the audio stream.” Claim 9 depends from claim 8 and further recites “transmitting the bookmarked position to a network accessible server device or a second other client device.” Claim 10 depends from claim 1 and further recites “wherein the time information for the one or more static graphic images is external to the audio stream.” Claim 11 depends from claim 10 and further recites “wherein the time information for the one or more static graphic images is stored in a descriptor file.” DTB discloses or renders obvious the additional claim elements of claims 8- 11 for the reasons I discuss above. (*See* ¶¶141-177, above.)

273. Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claims 8- 11 obvious as a whole.

6. Claim 16

Independent claim 16 recites substantially the same limitations as claim 1, but recites “[a] non-transitory computer-readable storage medium having stored thereon instructions which, when executed by a processor of a computing device, cause the computing device to” perform the method steps of claim 1.
~~Claim 16~~

~~154.~~274. DTB discloses a playback device that can parse a SMIL file and render a ~~digital~~digital talking book. (EX-1003, Abstract; ~~EX 1002 ¶274.~~) DTB therefore discloses ~~the~~claim 16’s preamble. (~~EX 1002 ¶274.~~)

~~155.~~275. The actions recited in the remainder of claim 16 mirror the method steps recited in claim 1. (See ¶102, above.) As I discuss above for claim 1, DTB, Steele, and Duncan together ~~disclose or~~ render obvious all the steps recited in claim 16. (~~Supra §§XIII.A; EX 1002 ¶¶274-76~~)(See ¶¶210- 258, above.)

XIV. ~~GROUND 2B: CLAIM 3 WOULD HAVE BEEN OBVIOUS IN VIEW OF DTB, STEELE, DUNCAN, AND TEMPLEMAN.~~

~~276.~~ ~~Templeman discloses claim 3’s~~Accordingly, for at least the reasons I discuss above, DTB, Steele, and Duncan render claim 20 obvious as a whole.

H. Claim 3 Would Have Been Obvious in View of DTB, Steele, Duncan, and Templeman.

As I discuss above, DTB, Steele, and Duncan disclose or render obvious each limitation. (~~Supra §VIII; EX 1002 ¶277.~~) A

277. ~~POSITA~~ of claim 1. (See ¶¶210-258, above.) I also discuss above how Templeman discloses and/or renders obvious the additional limitation of claim 3. (See ¶¶104-114, above.) A person of ordinary skill in the art would have been

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~~motivated~~mo- tivated to combine DTB's method for displaying ~~im-ages~~images with

Templeman's ~~modification~~modifi-

cation of the amount of content on a page depending on the size of the content and-

the size of the screen. ~~(Id.)~~ for the same reasons I discuss above. (See ¶¶107-114, above.) Thus, for at least the reasons I discuss above, DTB, Steele, Duncan, and Templeman together render claim 3 obvious.

XV. ~~GROUND 2C: CLAIM 6 WOULD HAVE BEEN OBVIOUS IN VIEW OF DTB, STEELE, DUNCAN, AND HAY.~~

I. Claim 6 Would Have Been Obvious in View of DTB, Steele, Duncan, and Hay.

278. Claim 6 depends from claim 5 and further recites “automatically turn- ing from the first page to the second page in dependence upon the time information for the first page or for the second page as the portion of the audio stream is ren- dered.”

As I discuss above, DTB, Steele, and Duncan disclose or render obvi- ous each limitation of claim 1. (See ¶¶210-258, above.) It would have been obvious to a POSITA in view of DTB to automatically

156.279. advance a digital talking book’s page to the next page while audio playback occurs using the timing information in a SMIL file.

~~(EX-1002 ¶279.) This~~ I also would have been discuss above how Duncan and Hay disclose and/or render obvious in view the additional limitation of Duncan or Hay. (Supra §IX.) claim 6. (See ¶¶115-126, above.)

~~157.280.~~ A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~include~~in- clude automatic page turning (as disclosed by Duncan and Hay) in DTB’s player for several reasons. ~~(EX-1002~~

~~¶¶280-84.)~~

281. First, as I discuss above, a ~~POSITA~~person of ordinary skill would have ~~understood~~under-
stood that automatically turning the page would improve the reader’s experience and be more convenient. ~~(Supra §IX; EX-1002 ¶281(See ¶121, above.)~~

~~158.282.~~ Second, DTB seeks to “accommodate sight-impaired readers.” (EX-1003, ~~(DTB)~~, vii.) It would have been obvious to a ~~POSITA~~person of ordinary skill that automatic page turning would have made DTB’s system more accessible to sight-disabled persons who rely ~~primarily~~primarily on the audio narration of a book and prefer not to be burdened by pressing a button to advance to the next page. ~~(EX-1002 ¶282.)~~

Third, the combination represents nothing more than the simple ~~addition~~addition of one known element (e.g., automatic page turning) to another known element (e.g., DTB’s rendering a digital talking book) to obtain predictable results (e.g., a ~~contin-~~uouscontinuous audio playback). ~~(Id. ¶283); KSR, 550 U.S. at 417.~~

~~159.283.~~ Fourth, the combination represents the use of a known technique (e.g., ~~auto-~~maticautomatic page turning) to improve a similar method (e.g., DTB’s rendering a digital talking book) in the same way.

~~(Id.)~~Fifth, the combination applies a known technique (e.g., automatic page turning) to a known method (e.g., DTB’s rendering digital talking book) that is ready for improvement and yields predictable results (e.g., continuous playback). The combination would improve the user experience because it would eliminate any need to initiate a page turn.

~~Fifth, the combination applies a known technique (e.g., automatic page turning) to a known method (e.g., DTB’s rendering digital talking book) that is ready for~~

~~improvement and yields predictable results (e.g., continuous playback). (*Id.*) The combination would improve the user experience because it would eliminate any need to initiate a page turn. (EX-1002 ¶283.)~~

Finally, as I discuss above, methods to automate page turning were commonplace and disclosed by numerous references, giving a ~~POSITA~~person of ordinary skill a reasonable expectation of success in the modification. (~~*Supra* §IX; EX-1002 ¶284.~~)

XVI. ~~160.284. GROUND 2D: CLAIM 7 WOULD HAVE BEEN OBVIOUS~~
~~**IN VIEW OF**~~(See ¶124, above.) Thus, for at least the reasons I discuss above, DTB,
~~**STEELE, DUNCAN, HAY, AND PRABHAKARAN**~~Steele, Duncan, and Hay
together render claim 6 obvious.

**J. Claim 7 Would Have Been Obvious in View of
DTB, Steele, Duncan, Hay, and Prabhakaran.**

285. Claim 7 depends from claim 6 and further recites “wherein the portion of the audio stream is rendered without any perceptible interruption.”

DTB discloses synchronization down to the “paragraph, sentence, or even word level.” (EX-1003, (DTB), 21.) A POSITAperson of ordinary skill would have understood that the audio is segmented based on natural language gaps (e.g., gaps between words).—(EX-1002

161.286. ¶286.) DTB therefore renders obvious rendering the portion of the audio stream without any perceptible interruption.—(Id.)

162.287. ¶287.) This limitation also would have been obvious in view of Prabhakaran.—(Supra §X; EX-1002, as I discuss above. (See ¶¶127-140, above.)

¶287.)

163.288. ¶288.) A POSITAperson of ordinary skill in the art would have been motivated to combine Prabhakaran’s retrieval schedule with DTB’s method for several reasons.—(EX-1002 ¶¶288-91.)

164.289. ¶289.) First, a POSITAperson of ordinary skill would have understood that obtaining multimedia from the Internet would involve

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delivery delays. (EX-1003, (DTB), 21, ~~EX-1002 ¶289~~.) A ~~POSIT~~person of

ordinary skill would have understood Prabhakaran's downloading

~~packets~~pack-ets of audio on a retrieval schedule to be a viable method for

eliminating such delays. ~~(Id.)~~

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290. Second, the combination represents nothing more than the simple ~~addition~~addi- tion of one known element (e.g., Prabhakaran’s retrieval schedule) to another known ~~ele- ment~~element (e.g., DTB’s playback over the Internet) to obtain predictable results (e.g.,-

an audio presentation free from interruptions). (~~EX 1002 ¶290~~); ~~KSR, 550 U.S. at 417~~. Third, the combination represents-

the use of a known technique (e.g., ~~Prabhakaran's~~ Prabhakaran's retrieval schedule) to improve a similar method (e.g., DTB's playback over the Internet) in the same way. (*Id.*)

Fourth, the combination applies a known technique (e.g., Prabhakaran's ~~re-~~ retrieval schedule) to a known method (e.g., DTB's playback over the Internet) that is ready for ~~im-~~ im- ~~provement~~ provement and yields predictable results (e.g., an audio presentation free from ~~interruptions~~). (*Id.*) inter- ~~ruptions~~).

~~165-291.~~ Finally, downloading media streams segmented into small portions was ~~com-~~ mon ~~place~~ common place and disclosed by numerous references, giving a ~~POSITA~~ person of ordinary skill a reasonable ~~ex-~~ pectation ~~expectation~~ of success in the modification. (~~EX-1002 ¶291 (citing (E.g., EX-1004 (Lin-~~ dahl) ¶[0010]; EX-1071 (Zuniga) ¶¶[0045]-[0047]; EX-1073, 2-3.).) Thus, for at least the reasons I discuss above, DTB, Steele, Duncan, and Prabhakaran together render claim 7 obvi- ous.

XVII. ~~GROUND 2E: CLAIMS~~ Claims 12-15 ~~WOULD HAVE BEEN OBVIOUS IN VIEW OF DTB, STEELE, DUNCAN, AND DR. SEUSS.~~

K. ~~DTB alone or Would Have Been Obvious in combination with View of DTB, Steele, Duncan, and Dr. Seuss renders.~~

As I discuss above, DTB, Steele, and Duncan disclose or render obvi- ous each limitation of claim 1. (See ¶¶210-258, above.) I also discuss above how Duncan and Dr. Seuss disclose and/or render obvious the additional limitations of claims 12-15.

~~166-292.~~ (~~See supra §XII; EX-1002 ¶292.~~) (See ¶¶178-208, above.) A ~~POSITA~~ person of ordinary skill in the art would have been motivated to ~~com-~~

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~~bine~~combine Dr. Seuss's images containing text with DTB's images for the same

reasons ~~a POSITA would have been motivated to combine Prabhakaran with Dr. Seuss. (Id.)~~I discuss

above. (See ¶¶178-208, above.) Thus, for at

~~XVIII. least the reasons I discuss above, DTB, Steele, Duncan, and Dr. Seuss together render claims 12-15 obvious.~~

~~IV.VII. SECONDARY CONSIDERATIONS OF NONOBVIOUSNESS~~

~~Where, as here, a strong *prima facie* obviousness showing exists, I am not aware of any secondary considerations may not dislodge the obviousness conclusion. *Leapfrog Enters., Inc.*~~

~~167.293. v. Fisher Price, Inc., 485 F.3d 1157, 1162 (Fed. Cir. 2007). Petitioners are aware of no of nonobviousness. If Patent Owner identifies any alleged evidence supporting a claim for of secondary considerations in the future, I reserve the right to respond to that information.~~

~~VIII. CONCLUSION~~

~~XIX. DISCRETIONARY DENIAL UNDER §314(A) IS NOT APPROPRIATE.~~

~~Efficiency, fairness, and~~

~~For the merits support institution. *Apple v. Fintiv*,~~

~~IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) (“*Fintiv*”).~~

~~A. **Factor**foregoing reasons, it is my opinion that claims 1: Potential Stay~~

~~168.294. On March 20, 2024, PO sued Petitioners for infringement 16 of the ’111 patent would have been obvious to a person of ordinary skill in the Eastern District of Virginia (“EDVA”) in *Audio Pod IP, LLC v. Amazon.com, Inc.*, 2:24 cv-00185 (E.D. Va.) (“*Audio Pod I*” or “art at the *Litigation*”). Petitioners will move to stay time of the *Litigation* pending resolution of this and related IPRs challenging alleged~~

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invention in view of the ~~patents asserted in the Litigation. The EDVA routinely grants motions to stay cases pending IPR proceedings, including pre institution, when asserted patents are challenged. See, e.g., *Sec. First Innovations, LLC v. Google LLC*, No. 2:23-cv-00097, 2024 WL 234720 (E.D. Va. Jan. 22, 2024); *Sharpe Innovations, Inc. v. T*~~ prior art discussed above.

~~*Mobile USA, Inc.*, No. 2:17-cv-00351, 2018 WL 11198604 (E.D. Va. Jan. 10, 2018).~~

~~On March 14, 2025, Petitioner Audible, Inc. (“Audible”) filed a declaratory judgment action, seeking a declaration that Audible does not infringe the ’111 patent,~~

~~against PO in *Audible, Inc. v. Audio Pod IP, LLC*, 1:25-cv-02158 (S.D.N.Y.) (the “Audible DJ Action”). That action seeks a declaration of noninfringement only; the validity of the ’111 patent is currently not at issue. However, Audible expects validity to become an issue in that case and, once it does, Audible expects to move to stay the Audible DJ Action in view of this IPR.~~

~~Thus, this factor weighs against denial.~~

B. ~~Factor 2: Proximity of Trial to FWD~~

~~The EDVA has not set a trial date in the Litigation. The median time to trial in civil cases in the EDVA for 2024 was 14.6 months², but it is clear a longer schedule will be needed here as the case has been pending for nearly 12 months with virtually no activity. (See *infra* §XIX.C.) The Audible DJ Action was filed recently, has no trial date, validity is not currently at issue, and SDNY’s time to trial of 39.3 months is much longer than this proceeding. Thus, this factor weighs against denial. *Amazon.com, Inc. v. Nokia Technologies OY*, IPR2024-01140, Paper 9 at 9 (P.T.A.B. Feb. 12, 2025) (factor weighs against denial when there is no trial date); *Aptiv Services US, LLC v. Microchip Technology, Inc.*, IPR2024-00646, Paper 11 at 32 (P.T.A.B. Sept. 25, 2024) (same); see *Eriessson Inc. v. XR Communications LLC*,~~

²~~See U.S. District Courts Combined Civil and Criminal Federal Court Management Statistics (December 31, 2024), available at https://www.uscourts.gov/sites/default/files/2025-02/fems_na_distprofile1231.2024.pdf.~~

~~IPR2024-00613, Paper 9 at 34 n.12 (P.T.A.B. Oct. 9, 2024) (“median-time-to-trial information” not useful where circumstances “do[] not reflect the normal course of a litigation”).~~

C. ~~Factor 3: Investment in Parallel Proceeding~~

~~PO filed its complaint in the Litigation on March 20, 2024. Petitioners filed a motion to dismiss or transfer on May 31, 2024 and no hearing date has been set for that motion. Otherwise, the parties have invested very little in the Litigation. Petitioners have not answered the complaint. The parties have not had a Rule 26(f) conference and fact discovery has not yet opened. The parties have not exchanged proposed claim constructions or submitted claim construction briefs. No expert reports have been served. No case schedule has been set. Thus, much work still remains, including fact discovery, claim construction, expert reports, expert discovery, dispositive motions, pretrial motions, and trial. Likewise, there has been no investment in the Audible DJ Action.~~

~~Because the remaining investment in the Litigation and Audible DJ Action significantly outweighs any investment made thus far, this factor weighs against denial. *Samsung Electronics Co. v. Empire Technology Development LLC*, IPR2024-00896, Paper 15 at 13 (P.T.A.B. Dec. 13, 2024) (factor weighs against denial where *Markman* hearing and close of fact and expert discovery were after institution deadline); *Ericsson*, IPR2024-00613, Paper 9 at 34-35 (factor weighs against denial~~

~~where “most efforts from the parties and court will take place after institution”;~~

~~Amazon.com, IPR2024-01140, Paper 9 at 9-10.~~

D. ~~Factor 4: Overlapping Issues~~

~~If this IPR is instituted and the Litigation and/or Audible DJ Action are stayed, Petitioners could not pursue in those proceedings any invalidity ground raised or that could have been reasonably raised in this IPR. *Cal. Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976 (Fed. Cir. 2022). If this IPR is instituted and the Litigation and/or Audible DJ Action are not stayed, Petitioners hereby stipulate not to pursue in those proceedings any ground of invalidity, against any claim challenged herein, that was raised or reasonably could have been raised in this Petition. This factor weighs heavily against discretionary denial. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020).~~

E. ~~Factor 5: The Parties~~

~~The parties are the same, but it is unlikely that the Litigation or Audible DJ Action will go to trial before a final written decision is entered in this IPR. Thus, this factor is neutral. See *Google LLC v. Jawbone Innovations, LLC*, IPR2022-00630, Paper 10 at 14 (P.T.A.B. Sept. 13, 2022).~~

F. ~~Factor 6: Other Circumstances~~

~~The merits of this Petition are compelling, as demonstrated above, which favors institution. *Fintiv*, IPR2020-00019, Paper 11 at 18. Further, denying institution~~

~~would negate Congress’s intent in providing a 1-year period to file petitions and would encourage forum shopping as patent owners look to shield their patents from PTAB scrutiny by seeking judges with aggressive case schedules.~~

~~Thus, the Board should not decline institution under §314(a).~~

XX. ~~DISCRETIONARY DENIAL UNDER §325(D) IS NOT APPROPRIATE.~~

~~The Office has not considered Prabhakaran, Duncan, Templeman, Hecker-~~
~~man, DTB, Steele, and/or Dr. Seuss. Nor has the Office considered “substantially~~
~~the same prior art or arguments.” 35 U.S.C. §325(d). During prosecution, the Office~~
~~considered Hay, but the Petition cites Hay for only two dependent claims, alongside~~
~~references the Office did not consider. This is sufficient to avoid denial. *Shenzen*~~
~~*Chic Elecs. v. Pilot, Inc.*, IPR2023-00810, Paper 12 at 21 n.11 (P.T.A.B. Nov. 8,~~
~~2023) (denial inappropriate where challenges based on new art/arguments “address~~
~~all challenged claims”). As shown, the references here clearly disclose each claim~~
~~element. Accordingly, they are not—and could not be—cumulative of previously-~~
~~considered references, absent material error by the Examiner. See *Quasar Sci. LLC*~~
~~*v. Colt Int’l Clothing, Inc.*, IPR2023-00611, Paper 10 at 14 (P.T.A.B. Oct. 10, 2023).~~
~~Thus, the Board should not deny institution under §325(d).~~

~~XXI. CONCLUSION~~

~~Amazon requests that the Board institute trial and cancel all challenged~~
~~claims.~~

XXII. ~~MANDATORY NOTICES, GROUNDS FOR STANDING, AND FEE PAYMENT~~

~~Pursuant to 37 C.F.R. §42.8(a)(1), the mandatory notices identified in 37 C.F.R. §42.8(b) are provided below as part of this Petition.~~

~~Real Parties-In-Interest (37 C.F.R. §42.8(b)(1))~~

~~Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. are the real parties-in-interest.~~

~~Related Matters (37 C.F.R. §42.8(b)(2))~~

~~PO asserted the '111 patent against Petitioners in a patent infringement lawsuit captioned *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 2:24-cv-00185 (E.D. Va., filed March 20, 2024). Audible also filed a complaint for declaratory judgment of noninfringement of the '111 patent, captioned *Audible, Inc. v. Audio Pod IP, LLC*, No. 1:25-cv-02158 (S.D.N.Y., filed March 14, 2025).~~

~~Coad and Backup Counsel (37 C.F.R. §42.8(b)(3))~~

~~Petitioners provide the following designation of counsel, all of whom are included in Customer No. 20,995 identified in Petitioners' Power of Attorney.~~

Amazon.com, Inc. v. Audio Pod IP, LLC
IPR Petition – U.S. Pat. No. 10,805,111

~~Lead Counsel~~	~~Back-up Counsel~~
~~Colin B. Heideman (Reg. No. 61,513) 2cbh@knobbe.com BoxSEAZNL2185LP5@knobbe.com~~	~~Joseph R. Re (Reg. No. 31,291) 2jrr@knobbe.com~~
~~Postal and Hand-Delivery Address: Knobbe, Martens, Olson, & Bear, LLP 925 4th Ave., Ste. 2500 Seattle, WA 98104 Telephone: (206) 405-2000 Facsimile: (206) 405-2001~~	~~Postal and Hand-Delivery Address: Knobbe, Martens, Olson, & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 Telephone: (949) 760-0404 Facsimile: (949) 760-9502~~
	~~Christie R.W. Matthaei (Reg. No. 62,933) 2crw@knobbe.com Nathan D. Reeves (Reg. No. 77,806) 2ndr@knobbe.com~~
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	~~Daniel Hughes (Reg. No. 76,592) 2dph@knobbe.com~~
	~~Postal and Hand-Delivery Address: Knobbe, Martens, Olson & Bear, LLP 3579 Valley Centre Dr., Ste. 300 San Diego, CA 92130 Telephone: (858) 707-4000 Facsimile: (858) 707-4001~~

~~Service Information (37 C.F.R. §42.8(b)(4))~~

~~Please direct all correspondence to lead counsel and back-up counsel at the addresses shown above. Petitioners also consent to electronic service by email to BoxSEAZNL2185LP5@knobbe.com.~~

~~Grounds for Standing (37 C.F.R. §42.104(a))~~

~~Petitioners certify that the '111 patent is available for IPR and that Petitioners are not barred or estopped from requesting IPR on the identified grounds. This petition is being filed within one year of service of the original complaint against Petitioners in the district court litigation.~~

~~Payment of Fees (37 C.F.R. §42.15(a))~~

~~The Office may charge the §42.15(a) fee to Deposit Account No. 11-1410. Review of sixteen claims is requested. Payment for any additional fees due may be charged to the above referenced Deposit Account.~~

Amazon.com, Inc. v. Audio Pod IP, LLC
IPR Petition – U.S. Pat. No. 10,805,111

~~Respectfully submitted,~~

~~KNOBBE MARTENS OLSON & BEAR, LLP~~

~~Dated: March 21, 2025~~

~~/Colin B. Heideman /~~

~~Colin B. Heideman (Reg. No. 61,513)~~

~~Joseph R. Re (Reg. No. 31,291)~~

~~Christie R.W. Matthaei (Reg. No. 62,933)~~

~~Nathan D. Reeves (Reg. No. 77,806)~~

~~Daniel Hughes (Reg. No. 76,592)~~

~~Counsel for Petitioners Amazon.com, Inc.,~~

~~Amazon.com Services LLC,~~

~~Amazon Web Services, Inc., and~~

~~Audible, Inc.~~

APPENDIX

Listing of Claims from U.S. 10,805,111	
Claim 1	
~~1[pre]~~	~~A method comprising:~~
~~1[a]~~	~~accessing, by a client device, a network accessible library having stored thereon an image stream of static graphic images and a corresponding audio stream;~~
~~1[b]~~	~~downloading to the client device from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream;~~
~~1[c]~~	~~assembling, by the client device, a first page from the one or more static graphic images;~~
~~1[d]~~	~~assigning to the first page, by the client device, time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first page is determined on the basis of the time information for the one or more static graphic images;~~
~~1[e]~~	~~downloading to the client device from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page; and~~

~~Listing of Claims from U.S. 10,805,111~~	
~~1[f]~~	~~simultaneously rendering the first page and the portion of the audio stream on the client device by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.~~
~~Claim 2~~	
~~—~~	~~The method of claim 1, wherein the network accessible library includes one or more server devices.~~
~~Claim 3~~	
~~—~~	~~The method of claim 1, wherein the number of the one or more static graphic images included on the first page is determined on the basis of the size of the one or more static graphic images and the graphic rendering capability of the client device.~~
~~Claim 4~~	
~~—~~	~~The method of claim 1, wherein the first time offset is a start time of the first page, a start time of one of the one or more static graphic images, or a bookmarked position.~~
~~Claim 5~~	
~~5[a]~~	~~The method of claim 1, further comprising:~~
~~5[b]~~	~~assembling a second page from the one or more static graphic images; and~~

~~Listing of Claims from U.S. 10,805,111~~	
5[c]	~~assigning to the second page time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the second page is determined on the basis of the time information for the one or more static graphic images.~~
~~Claim 6~~	
6[a]	~~The method of claim 5, further comprising:~~
6[b]	~~automatically turning from the first page to the second page in dependence upon the time information for the first page or for the second page as the portion of the audio stream is rendered.~~
~~Claim 7~~	
--	~~The method of claim 6, wherein the portion of the audio stream is rendered without any perceptible interruption.~~
~~Claim 8~~	
8[a]	~~The method of claim 1, further comprising:~~
8[b]	~~setting a second time offset as a bookmarked position, wherein the second time offset corresponds to a second position on the first page or a position in the timeline of the audio stream.~~
~~Claim 9~~	
9[a]	~~The method of claim 8, further comprising:~~
9[b]	~~transmitting the bookmarked position to a network accessible server device or a second other client device.~~

~~Listing of Claims from U.S. 10,805,111~~	
~~Claim 10~~	
~~—~~	~~The method of claim 1, wherein the time information for the one or more static graphic images is external to the audio stream.~~
~~Claim 11~~	
~~—~~	~~The method of claim 10, wherein the time information for the one or more static graphic images is stored in a descriptor file.~~
~~Claim 12~~	
~~—~~	~~The method of claim 1, wherein the one or more static graphic images contain elements that form text characters when rendered.~~
~~Claim 13~~	
~~13[a]~~	~~The method of claim 12, further comprising:~~
~~13[b]~~	~~rendering on the first page one or more text passages representing the text characters formed by the elements in the one or more static graphic images; and~~
~~13[c]~~	~~assigning to each of the one or more text passages time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for each text passage is determined on the basis of the time information for the one or more static graphic images.~~

~~Listing of Claims from U.S. 10,805,111~~	
~~Claim 14~~	
~~—~~	~~The method of claim 13, wherein only a portion of a first text passage associated with a first static graphic image is rendered on the first page.~~
~~Claim 15~~	
~~—~~	~~The method of claim 14, wherein a remaining portion of the first text passage is rendered on a second page, wherein the first static graphic image is replicated on the second page in association with the remaining portion of the first text passage, and wherein the second page is repaginated.~~
~~Claim 16~~	
~~16[pre]~~	~~A non-transitory computer-readable storage medium having stored thereon instructions which, when executed by a processor of a computing device, cause the computing device to:~~
~~16[a]~~	~~access a network accessible library having stored thereon an image stream of static graphic images and a corresponding audio stream;~~
~~16[b]~~	~~download from the network accessible library one or more static graphic images from the image stream, wherein the one or more static graphic images are each associated with time information including at least one of a start time, an end time, and a duration relative to a timeline of the audio stream;~~
~~16[c]~~	~~assemble a first page from the one or more static graphic images;~~

~~Listing of Claims from U.S. 10,805,111~~	
~~16[d]~~	~~assign to the first page time information including at least one of a start time, an end time, and a duration relative to the timeline of the audio stream, wherein the time information for the first page is determined on the basis of the time information for the one or more static graphic images;~~
~~16[e]~~	~~download from the network accessible library a portion of the audio stream including a first time offset, wherein the first time offset corresponds to a first position on the first page; and~~
~~16[f]~~	~~simultaneously render the first page and the portion of the audio stream by using the time information for the one or more static graphic images or for the first page, wherein the portion of the audio stream is rendered in dependence upon the first time offset.~~

~~CERTIFICATE OF COMPLIANCE~~

~~Pursuant to 37 C.F.R. §42.24(d), the undersigned certifies that this PETI-
TION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 10,805,111 con-
tains 13,961 words according to the word processing program used to prepare this
paper. The foregoing word count complies with the 14,000 word type volume limit
specified by 37 C.F.R. §42.24(a)(1).~~

Dated: March 21, 2025 By: /Colin B. Heideman/
Colin B. Heideman (Reg. No. 61,513)
~~KNOBBE MARTENS OLSON & BEAR, LLP~~

CERTIFICATE OF SERVICE

~~The undersigned hereby certifies that on the date below a copy of this~~
~~**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,805,111**~~
~~and **ACCOMPANYING EXHIBITS** are being served on March 21, 2025 via Federal Express~~
~~overnight mail on counsel of record for U.S. Patent No. 10,805,111 at the Correspondence~~
~~Address of record below:~~

~~Neil Teitelbaum Teitelbaum &
Bouevitch 834 Colonel By Drive
Ottawa, ON K1S 5C4 Canada~~

~~A courtesy copy is also being served via email on counsel for the patent holder in the~~
~~pending district court litigation:~~

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Blvd., Suite 450
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Email : DI-AudioPod@daignaultiyer.com~~

Dated: March 21, 2025 By: /Colin B. Heideman/
295. Colin B. Heideman (Reg. No. 61,513) KNOBBE MARTENS OLSON &
BEAR, LLP I reserve the right to supplement my opinions in the future to address or
respond to any issues that the Patent Owner may raise, as well as new information
including, but not limited to, any claim constructions advanced by the Patent Owner
or adopted by the Board in the Institution Decision, and respond to any alleged sec-
ondary considerations as they become available to me.

Amazon.com, Inc. v. Audio Pod IP, LLC
IPR Petition – U.S. Pat. No. 10,805,111

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on March 21st, 2025

at Chapel Hill, NC

A handwritten signature in black ink, appearing to read 'Ketan Mayer-Patel', is written over a horizontal line.

Professor Ketan Mayer-Patel, Ph.D.