

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK, INC.,
Petitioners

v.

DISTEFANO WEBSITE INNOVATIONS, LLC.,
Patent Owner

PTAB Case No. IPR2025-01061
Patent No. 11,763,316

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 35 U.S.C. § 42.107**

September 23, 2025

TABLE OF CONTENTS

TABLE OF AUTHORITIES	v
I. INTRODUCTION	1
II. MANDATORY NOTICES (37 C.F.R. § 42.8)	1
A. Real Party in Interest	1
B. Related Matters	1
C. Counsel and Service Information	2
D. 37 C.F.R. § 42.28(b)(4): Service Information	3
III. The Petition must specify where each element of the claim is found in the prior art	3
IV. U.S. PATENT NO. 11,763,316	5
A. Background	5
B. Independent Claims 1 and 14	6
C. Priority	9
V. PERSON OF ORDINARY SKILL IN THE ART	9
VI. CLAIM CONSTRUCTION	11
A. Claim Construction Standard	11
B. Petitioner’s failure to present claim constructions for nearly all of the claim elements	12
C. The terms “server system configured to modify and serve web pages,” “first user,” “first client device,” “other users of the server system”	13
D. The phrase “modifying, based upon the first information indicating that the first identification was received, the second web site to include a reciprocal second hyperlink to the first web site”	15

E.	The terms “graphical user interface,” “editing screen,” “primary display screen”	16
F.	The terms “graphical user interface” and “first web site”	17
G.	The phrases “one or more identifiers respectively associated with one or more previously-created websites that were previously-created by one or more other users of the server system” and “a selection of a second website from the one or more previously-created websites”	18
VII.	OVERVIEW OF THE PRIOR ART	20
A.	Block (Exh. 1007)	20
B.	Arnold (Exh. 1008).....	21
C.	Arora (Exh. 1009).....	24
VIII.	RESPONSE TO SPECIFIC IPR GROUNDS	25
A.	GROUND 1: Obviousness Based on <i>Block</i>	25
1.	TikTok’s inconsistent mapping of claim limitations to teachings within <i>Block</i>	25
a.	“web asset”	26
b.	“editing screen”	27
c.	“primary display screen”	28
2.	Claims 1 and 14 – “forwarding, to the first client device and to be displayed by the graphical user interface, one or more identifiers respectively associated with one or more previously-created websites that were previously-created by one or more other users of the server system” and “modifying, based upon the first information indicating that the first identification was received, the first web site to include the first hyperlink”	29
3.	Claims 1 and 14 – “serving computer data associated with the first website that includes the edited web asset and the first hyperlink from the first web site to the second web site”	32

4.	Claims 1 and 14 – “receiving, from the first client device and via the graphical user interface, a first identification indicating a selection of a second website from the one or more previously-created websites to create a first hyperlink from the first web site to the second web site”	35
5.	Claims 1 and 14 – “receiving, ... via the graphical user interface, information indicating a selection of a web asset to be used in a first web site,” “receiving, ... via an editing screen ... an instruction to modify the web asset to generate an edited web asset,” “generating, based upon the instruction, the edited web asset,” and “a primary display screen configured to display the edited web asset based upon the instruction”	40
B.	GROUND 2: Obviousness Based on <i>Arnold</i> and <i>Arora</i>	46
1.	No motivation to modify <i>Arnold</i> ’s purchase tracking system with <i>Arora</i> ’s web page editor	46
2.	Overview of deficiencies of <i>Arnold</i>	47
3.	Claims 1 and 14 – Arnold fails to teach a “first user”/”first client device” that is distinct from the “server system”	48
4.	Claims 1 and 14 – “identifiers associated with one or more previously-created websites that were previously-created by one or more other users of the server system”	49
5.	Claims 1 and 14 – “modifying, based upon the first information indicating that the first identification was received, the first web site to include the first hyperlink”	50
6.	Claims 1 and 14 – “the server system is configured to host the first web site and the second website”	52
IX.	SECONDARY CONSIDERATIONS	54
	CONCLUSION	54
	CERTIFICATE OF SERVICE	a
	CERTIFICATE OF COMPLIANCE	b

TABLE OF AUTHORITIES

Cases

<i>Anderson v. Eppstein</i> , 59 USPQ2d 1280, 1287 (BPAI 2001).....	5
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064, 1073 (Fed. Cir. 2015).....	47
<i>Novartis AG v. Torrent Pharms.</i> , 853 F.3d 1316, 1326 n.2 (Fed. Cir. 2017).....	4
Pat. App. LEXIS 7895, *15-16 (P.T.A.B. February 3, 2020)	5
<i>Trading Techs. Int'l, Inc. v. IBG LLC</i> , 921 F.3d 1378 (Fed. Cir. 2019).....	5
<i>Trading Techs. Int'l, Inc. v. IBG LLC</i> , 921 F.3d 1378, 1385 (Fed. Cir. 2019).....	4
<i>United States v. Dunkel</i> , 927 F.2d 955, 956 (7 th Cir. 1991).....	5

Statutes

35 U.S.C. § 282(b)	11
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Regulations

37 C.F.R. § 42.100	11
37 C.F.R. § 42.107	1

TABLE OF EXHIBITS

Exhibit	Title
1001	Certified Copy of U.S. Patent No. 11,763,316
1002	Certified File History of U.S. Patent No. 11,763,316
1003	Declaration of Andy Cockburn
1004	Curriculum Vitae of Dr. Andy Cockburn
1005	Certified File History of 09/589,551
1006	Provisional U.S. Patent 60/172,983
1007	U.S. Patent Publication 2003/0050976A1
1008	U.S. Patent 6,016,504
1009	U.S. Patent 5,845,299
1010	IPR2019-00419, Paper No. 6, (POPR)
1011	<i>DiStefano Website Innovations, LLC v. Bytedance Ltd. Et al.</i> , Case no. 2:24-cv-00763, Complaint (W.D. Tex. Jul. 8, 2024)
1012	<i>DiStefano Website Innovations, LLC v. Bytedance Ltd. Et al.</i> , Case no. 2:24-cv-00874-RWS-RSP, Complaint (E.D. Tex. Oct. 29, 2024)
1013	U.S. Patent 6,785,671
1014	U.S. Patent 6,029,141
1015	U.S. Patent 5,995,099
1016	U.S. Patent 7,028,254
1017	U.S. Patent Publication 2001/0034646
1018	U.S. Patent 7,139,727
1019	U.S. Patent 6,629,135
1020	Six Degrees, https://web.archive.org/web/19980416103152/http://sixdegrees.com

Exhibit	Title
1021	Guide to Web Site Promotion: How Companies Can Draw More Qualified Traffic to Their World Wide Web Sites
1022	Turbo Promote, https://web.archive.org/web/19970418080213/http://www.turbopromote.com/links.html
1023	Puzzle Depot, https://web.archive.org/web/19990417052546/http://www.puzzledpot.com:80/recips.shtml
1024	https://www.w3.org/People/Berners-Lee/WorldWideWeb.html
1025	https://www.w3org/People/B
1026	Macromedia, https://web.archive.org/web/19990223214509/http://www.macromedia.com/software/dreamweaver/
1027	U.S. Patent 5,911,145
1028	RAE Technology, WIKIPEDIA, https://en.wikipedia.org/wiki/Rae_Technology
1029	Macromedia Hums the E-Business Tune, FORBES (Oct. 7, 1999), https://www.forbes.com/199910/07/mu3html
1030	<i>Macromedia, Inc. v. Adobe Sys. Inc.</i> , Case No. 01-03940 SSI, Complaint (N.D. Cal. Oct. 19, 2021)
1031	Macromedia, WIKIPEDIA, https://en.wikipedia.org/wiki/Macromedia
1032	IPR2019-00419, Paper 2 (Linkedin Petition)
1033	RESERVED
1034	RESERVED
1035	Andy Cockburn, Steve Jones. Which way now? Analysing and easing inadequacies in WWW navigation. <i>International Journal of Human-Computer Studies</i> , Volume 45, Issue 1, 1996, Pages 105-129, ISSN 1071-5819, https://doi.org/10.1006/ijhc.1996.0044
1036	A Cockburn, B McKenzie and M JasonSmith, <i>Pushing Back: Evaluating a New Behavior for the Back and</i>

Exhibit	Title
	<i>Forward Buttons in Web Browsers</i> , International Journal of Human-Computer Studies. 57(5):397-414, Academic Press. 2002.
1037	U.S. Patent 8,768,760
1038	Revised Opening Brief of Appellant DiStefano Patent Trust III, LLC filed in <i>DiStefano Patent Trust III v. LinkedIn Corporation</i> , Case No. 19-01210, Dkt. 25 (Fed. Cir. Mar. 27, 2019).
1039	<i>DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.</i> , Civ. No. 1-17-cv-01798, Dkt. 1, Complaint (D. Del. Dec. 14, 2017)
1040	<i>DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.</i> , 346 F. Supp. 3d 616, 623 (D. Del. 2018)
1041	https://www.oed.com/dictionary/site_n
1042	RESERVED
1043	C.Ahlberg, C.Williamson, B.Shneiderman, <i>Dynamic queries for information exploration: an implementation and evaluation</i> . In Proceedings of the SIGCHI Conference on Human Factors in Computing Systems (CHI '92). Association for Computing Machinery, New York, NY, USA, 619-626
...	RESERVED
1058	Petitioner's <i>Sotera</i> Stipulation
2001	Scheduling Conference Order of August 13, 2025
2002	Email from Sinofaith dated November 6, 2022
2003	Executive Order of June 19, 2025
2004	Interim Processes for PTAB Workload Management at 1 (Mar. 26, 2025)
2005	PTAB Dashboard
2006	Revised Opening Brief for Appellant Distefano Patent Trust III. (No. 19-1210), March 27, 2019

I. INTRODUCTION

Patent Owner DiStefano Website Innovations, LLC, (“DiStefano” or “Patent Owner”) submits the following Patent Owner Preliminary Response (“POPR”) pursuant to 37 C.F.R. § 42.107(a). *See also* 37 C.F.R. § 42.107(b). Petitioner TikTok Inc. (“TikTok” or “Petitioner”) filed a Petition for *Inter Partes* Review of U.S. Patent No. 11,763,319 (the ’316 patent) on May 40, 2025. (IPR2025-01061, Paper No. 1 (“Petition”)).

Patent Owner respectfully requests that the Board deny institution of *Inter-Partes* Review because TikTok failed to meet its burden to show a reasonable likelihood that at least one of the challenged claims is unpatentable. Specifically, TikTok failed to demonstrate a reasonable likelihood that any claim of the ’316 patent would be rendered obvious in view of any of the two (2) asserted Grounds. Thus, the Board should deny institution of an *Inter-Partes* Review of the ’316 patent.

II. MANDATORY NOTICES (37 C.F.R. § 42.8)

A. Real Party in Interest

Patent Owner DiStefano is the real party-in-interest.

B. Related Matters

The following proceedings involving the ’316 Patent may affect or be affected by a decision in this proceeding:

- Distefano Website Innovations, LLC v. Bytedance Ltd., Bytedance Pte. Ltd., Tik Tok Ltd., and Heliophilia Pte. Ltd., Case No. 2:24-cv-00874 (E.D. Tex.) (“Bytedance Litigation”). The complaint was filed on October 29, 2024.

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D. 37 C.F.R. § 42.28(b)(4): Service Information

DiStefano submitted its Mandatory Notices, Paper 3, and Power of Attorney, Paper 4. DiStefano also consents to electronic service directed to the following email address:

DiStefano-IPR@addyhart.com

III. The Petition must specify where each element of the claim is found in the prior art

The Petition fails to meet the requirements of 37 C.F.R. § 42.104(b)(4), because the Petition's lack of specificity as to where each element of the claims of the '316 patent is found in the relied-upon prior art patents and printed publications. Instead, the Petition spews string cites to multiple paragraphs throughout the petition

with little or no explanation as to what those paragraphs in the references and expert declaration explanation actually mean.

The Federal Circuit has repeatedly held that conclusory assertions and string cites are insufficient. *See, e.g., Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1378, 1385 (Fed. Cir. 2019) (holding that a conclusory assertion with no analysis was not adequately developed); *Novartis AG v. Torrent Pharms.*, 853 F.3d 1316, 1326 n.2 (Fed. Cir. 2017) (finding that an argument presented in one conclusory sentence and a string cite was “far from sufficient to raise a meaningful challenge” and “amount[ed] to little more than a request that the Board peruse the cited evidence and piece together a coherent argument on Novartis’ behalf”). For example, *see* Petition, pp. 22- 37. Petitioner makes statements that do not identify where in the references each element is described. The Petitioner then makes improper string cites to the expert declaration, forcing the Board to hunt for how the cites relate to any asserted elements. This approach also prevents the Patent Owner from knowing precisely what the Petitioner is actually asserting in the reference.

Similarly, the Board has ruled in comparable situations that “a string citation lacking any explanation whatsoever is imprecise and vague” and that judges “are not like pigs, hunting for truffles buried in briefs”; nor will [judges] hunt for truffles buried in string citations, offered in briefs.” *Anderson v. Eppstein*, 59 USPQ2d 1280,

1287 (BPAI 2001) (quoting *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991)); *see also Parus Holdings, Inc. v. Google LLC*, 70 F.4th 1365, 1371-72 (Fed. Cir. 2023) (*also citing Dunkel*, 927 F.2d at 956); *Apple Inc. v. Qualcomm Inc.*, IPR2018-01276, 2020 Pat. App. LEXIS 7895, *15-16 (P.T.A.B. Feb. 3, 2020).

Even assuming Petitioner has a viable theory, which it does not, Petitioner should have explained that theory in its Petition. *See, e.g., Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1378, 1385 (Fed. Cir. 2019) (holding that a conclusory assertion with no analysis was not adequately developed).

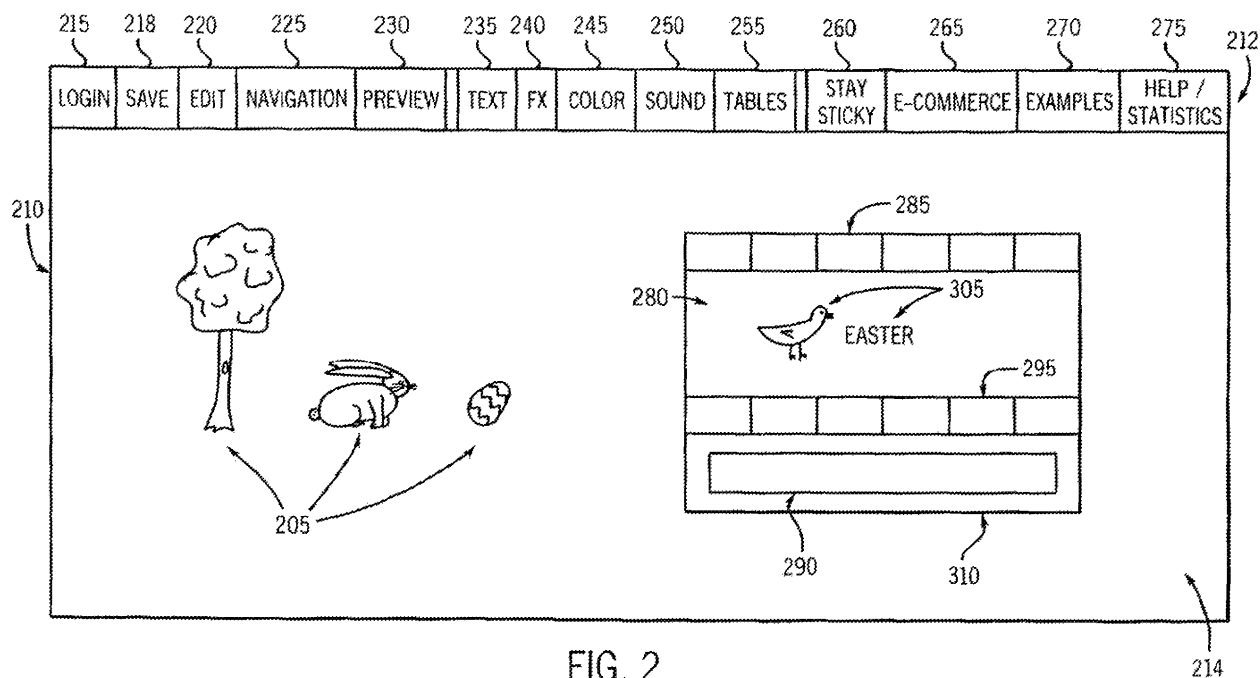
IV. U.S. PATENT NO. 11,763,316

A. Background

The ’316 Patent, titled “*Server System Configured to Provide Graphical User Interface for Modifying Web Pages to Include Hyperlinks*,” issued on September 19, 2023. The inventor, Thomas DiStefano III, recognized at the time of the first filing that it was difficult for a layperson to create his or her own websites and web pages. *See* Exh. 1012, ¶33. “The World Wide Web (web) has rapidly become an invaluable tool to individuals and businesses,” but “the average individual has little or no knowledge about how to create a web page [and] does not know how to create an HTML document or to post that document to a server computer.” *See* Exh. 1012, ¶34, Exh. 1001 1:33-34, 2:4-8.

B. Independent Claims 1 and 14

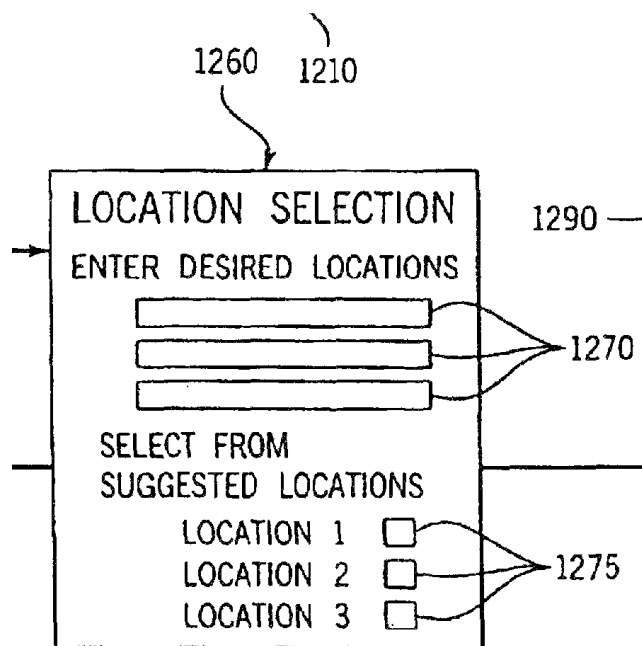
Independent claims 1 and 14 of the '316 are respectively directed to a method performed within and by a server system and the server system itself. Exh. 1001 (Claims 1 and 14). An illustrative and non-limiting overview of the limitations recited in Claims 1 and 14 are discussed with reference to the following two figures. The first of these two figures is FIG. 2 of the '316 Patent.



The independent claims recite the use of a graphical user interface (GUI) 214 that includes a primary display screen 210 and an editing screen 310. As claimed, the server system receives, via the GUI 214, a selection of a web asset 305 to be used in a first web site. The server system also receives, via the editing screen 310 of the

GUI 214, an instruction to modify the web asset 305, which results in the generation of an edited web asset that is displayed in the primary display screen 210.

Reference is also made to FIG. 12 of the '316 Patent, which is reproduced below:



The graphical user interface is also used to display one or more identifiers (e.g., Location 1, Location 2, Location 3) associated with one or more previously-created websites that were created by other users of the server system. Notably, as this point is relevant to the second ground (i.e., the combination of *Arnold* and *Arora*) argued by TikTok, the claims require at least three distinct entities: (i) the server system, (ii) the first user (associated with the first client device and first website),

and (iii) one or more other users of the server system (one of which is associated with a second website).

As claimed, the graphical user interface is used to communicate to the server system an indication of a selection of the second website from one or more previously-created websites. Based upon this selection, the second website is modified by the server system to include a second hyperlink to the first website. The first website is modified to include a first hyperlink to the second website. Additionally, the first website is modified by the server system to include the aforementioned edited web asset.

The specification of the '316 Patent describes how a user with little computer background can create their own websites/web pages using the described tools without the need for separate web page development services. DiStefano identified many types of features that users may desire in creating their own websites – for example, a user may want to add content (e.g., web assets such as text/images/audio) to a website/web page and/or want to be able to edit existing text/images. *See* Exh. 1012, ¶34. Another feature a user may want is a link to the web page of another website in return for a link from that website to the user's own website (i.e., a reciprocal link). *See* Exh. 1012, ¶34. These features are described in Independent Claims 1 and 14.

C. Priority

The '316 Patent issued from U.S. Patent Application No. 13/946,461, filed on July 19, 2013. This application is a Continuation of U.S. Patent Application No. 13/763,128 (now U.S. Patent No. 8,996,392), filed on Feb. 8, 2013, which is a Continuation of U.S. Patent Application No. 13/669,027, filed on Nov. 5, 2012 (now U.S. Patent No. 8,423,399), which is a Continuation of U.S. Patent Application No. 13/206,483 (now U.S. Pat. No. 8,335,713), filed on Aug. 9, 2011, which is a Continuation of U.S. Patent Application No. 09/589,551 (now U.S. Pat. No. 7,996,259¹), filed on Jun. 7, 2000. *See* Exh. 1001, cover pgs. 1-2. Therefore, the Priority date of the '316 patent is June 7, 2000.

V. PERSON OF ORDINARY SKILL IN THE ART

Patent Owner asserts that a person of ordinary skill in the art would have some familiarity with underlying technologies involving a web server and websites. Using claim 1 as an example, a server system configured to modify and serve web pages,

¹ U.S. Patent No. 7,996,259 was subsequently reissued as U.S. Reissue Patent No. RE45,971 (hereinafter the '971 Reissue Patent). The '971 Reissue Patent is the subject of IPR2025-01224, which was filed on July 8, 2025, and involves the same parties as well as the same cited prior art references.

first web site, second web site, web asset, first hyperlink, and a graphical user interface ... to display the edited web asset. *See* Exh. 1001, 28-29:47-23. A person of ordinary skill in the art would need to know how to utilize and code features in a web server and web sites using hyperlinks that access web servers, but would not necessarily need to be an expert on the design of a complete web server. Thus, the web server and web sites are not just an embodiment in the specification, they are claim elements and an expert has to have in depth knowledge of such beyond a POSITA.

A person of skill in the art would have at least a bachelor's degree in computer science or a similar degree, along with at least 5 years of experience in website development. More education may be substituted for some experience, but at least 2 years of experience in website development is needed.

While the claimed invention involves a graphical user interface, and person of ordinary skill in the art would have some expertise with graphical user interfaces, this expertise alone would be insufficient for a person as to be an expert in the claimed technology. A graphical user interface can be an interface for a car radio, programmable thermostat, coffeemaker, etc., and does not necessarily require any knowledge of a web server, web site, or hyperlinks, which a person of ordinary skill in the art of the claimed technology would have.

VI. CLAIM CONSTRUCTION

A. Claim Construction Standard

In an *inter partes* review proceeding, “a claim of a patent ... shall be construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b). Claims must be construed “in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art *and the prosecution history pertaining to the patent.*” 37 C.F.R. § 42.100(b) (*emphasis added*) (citing 35 U.S.C. § 282(b)). “In IPR proceedings the Board now applies the Phillips claim construction standard governing federal courts.” *CUPP Computing AS v. Trend Micro Inc.*, 53 F.4th 1376, 1380 (Fed. Cir. 2022).

“When construing claim terms, we first look to, and primarily rely on, the intrinsic evidence, including the claims themselves, the specification, and the prosecution history of the patent, which is usually dispositive.” *Sunovion Pharms., Inc. v. Teva Pharms. USA, Inc.*, 731 F.3d 1271, 1276 (Fed. Cir. 2013). Additionally, a proper claim interpretation gives full effect to the recitation of distinctly claimed elements. *See Becton, Dickinson and Co. v. Tyco Healthcare Group, LP*, 616 F.3d

1249, 1254 (Fed. Cir. 2010) (“Where a claim lists elements separately, ‘the clear implication of the claim language’ is that those elements are ‘distinct component[s]’ of the patented invention.”); *CAE Screenplates, Inc. v. Heinrich Fiedler GmbH & Co.*, 224 F.3d 1308, 1317 (Fed. Cir. 2000) (“In the absence of any evidence to the contrary, we must presume that the use of... different terms in the claims connotes different meanings.”); *Unique Concepts, Inc. v. Brown*, 939 F.2d 1558, 1561-62 (Fed. Cir. 1991). A proper claim construction requires consideration of the claims elements as a whole – not just the single elements in isolation. *Hockerson-Halberstadt, Inc. v. Converse Inc.*, 183 F. 3d 1369, 1375 (Fed. Cir. 1999).

B. Petitioner’s failure to present claim constructions for nearly all of the claim elements

The Petition does not present any claim construction for any of the terms recited within Independent Claims 1 and 14. Pet. 8-10. The only proposed claim construction is for the term “reciprocal link site,” which is found in Dependent Claims 13 and 26. The Petition also identified dependent Claims 7 and 20 as including language that “signals a *Markush* group.” Pet. 10. Consequently, Petitioner has waived its right to make new claim construction arguments for additional claim terms by failing to include them in its Petition. Petitioner presented no claim constructions for any of the terms found in the challenged Independent Claims 1 and 14 and is now prevented from doing so.

To the extent Petitioner states that no express construction is required and then later advocates for a specific interpretation during the course of any instituted IPR, such action would be contrary to federal regulation, this Board’s guidelines, and settled law. *See* 37 C.F.R. § 41.104(b)(3) (“The statement [of relief requested] must identify ... [h]ow the challenged claim is to be construed.”); *Microsoft Corp. v. Uniloc*, IPR2019-01188, Paper 27 at 19, 2020 Pat. App. LEXIS 12698 (PTAB Nov. 4, 2020) (on reply, petitioner “cannot raise new claim construction issues that were not previously raised in its petition”) (quoting Consolidated Trial Practice Guide 44-45 (Nov. 2019) *available at* <https://www.uspto.gov/TrialPracticeGuide>).

C. The terms “server system configured to modify and serve web pages,” “first user,” “first client device,” “other users of the server system”

Independent Claims 1 and 14 of the ’316 Patent recite operations that are performed within and by a *server system* configured to modify and serve web pages. Web pages² of websites³ being modified/served by this *server system* are associated

² As recited in dependent Claims 11 and 24 of the ’316 Patent, a web site can include a plurality of web pages.

³ Although DiStefano used the phrase “website” throughout the prosecution of the ’316 Patent, the ’316 Patent was erroneously printed using both “website” and “web

with a *first user* (interacting via a *first client device*) as well as *other users* of the *server system*.

Consistent with the case law discussed previously, see *supra* § VI, the *first user* (and associated *first client device*) as well as the *other users*, must be construed as being individual elements that are distinct from the *server system*, which is consistent with the well-known client-server architecture described within the specification of the '316 Patent. Exh. 1001 1:50-60. As such, the *first user* and *other users* cannot be properly disclosed by the teachings also used to disclose the claimed *server system*.

Additionally, properly construed, the claimed operations being performed by the *server system* are not performed by the *first user* (using the *first client device*) or the *other users* (e.g., using other client devices). Instead, those operations are performed by the *server system* itself. This claim construction is consistent with the prosecution history of the '316 Patent. In particular, on page 17 of the Appeal Brief filed July 5, 2019, DiStefano argued:

Appellant's invention, however, does more than just improve
upon conventional systems by taking old processes performed by

site.” In the present response, DiStefano will attempt to use the claim language as the claim language is found in the printed version of the '316 Patent.

different entities and performing these combined processes in a single system. In addition, the claims describe[] a different manner by which reciprocal links between webpage are generated, which results in additional benefits, as discussed in more detail *infra*. (underline added)

Exh. 2006, p.17. Consequently, a teaching in the prior art that shows an operation being performed by the *first user (first client)* or the *other users* cannot properly disclose a claimed limitation in which the operation, as claimed, is being performed by the *server system* itself.

D. The phrase “modifying, based upon the first information indicating that the first identification was received, the second web site to include a reciprocal second hyperlink to the first web site”

Independent Claims 1 and 14 of the '316 Patent recite that the second web site be modified to include a *reciprocal second hyperlink to the first web site*. Prior limitations recited in Claims 1 and 14 also clarify that: (i) the *second website* is selected from previously-created websites, and (ii) the *previously-created websites* were previously-created by one or more *other users* of the *server system*. Consequently, a proper claim construction recognizes that the *second web site* is associated with one of the *other users* of the *server system*.

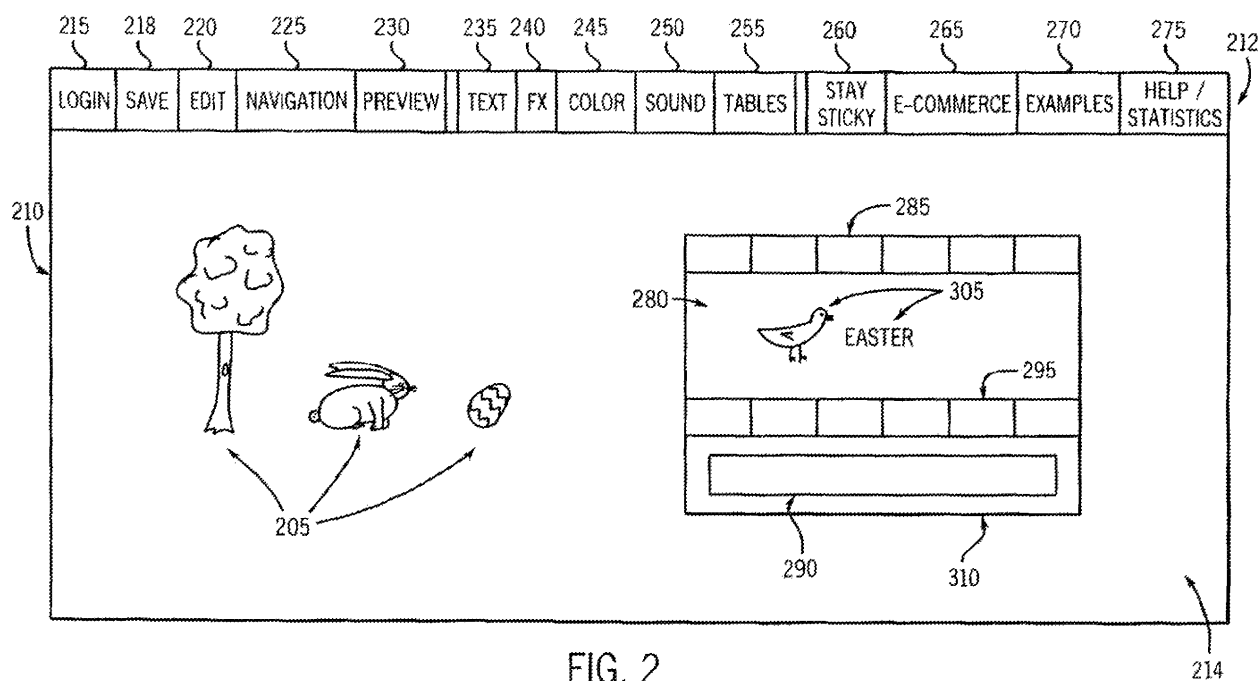
Consistent with the case law discussed previously in claim construction (*see supra* § V), a proper claim construction requires that the *other users* be distinct from the server system. Since the *second web site* (that includes the *reciprocal second*

hyperlink to the first web site) is associated with one of the *other users* and not the *server system* itself, the *second web site* is also distinct from the *server system*.

E. The terms “graphical user interface,” “editing screen,” “primary display screen”

Independent Claims 1 and 14 of the '316 Patent recite a *graphical user interface* associated with the server system. Additionally, the *graphical user interface* includes both an *editing screen* and a *primary display screen*. The *editing screen* is used to receive an instruction to modify a web asset to generate an edited web asset, and the *primary display screen* is configured to display the edited web asset.

An example of the *graphical user interface*, *editing screen*, and *primary display screen* is illustrated in FIG. 2 of the '316 Patent, which is reproduced below:



The specification of the '316 Patent discloses “[t]he GUI is provided on a display at the registered user computer 180 and includes a primary display screen, which is termed a STICKY WEB™ website design plate 210.” Exh. 1001, 7:15-17. Additionally, the specification of the '316 Patent discloses:

Web assets 305 can be manipulated on the STICKY PAD™ 310, which acts as the editing platform for the registered user and appears when it is necessary to edit or otherwise modify web assets.

Exh. 1001, 7:61-64. Accordingly, in the example illustrated in FIG. 2, the GUI 214 is an example of the *graphical user interface*, the design plate 210 is an example of the *primary display screen*, and the STICKY PAD 310 is an example of the *editing screen*.

Consistent with the case law previously discussed (*see supra* § VI), a proper claim construction requires the separately-claimed editing screen and primary display screen to be construed as being distinct from one another. As such, teaching a single screen cannot properly disclose both the *editing screen* and the *primary display screen*.

F. The terms “graphical user interface” and “first web site”

Independent Claims 1 and 14 of the '316 Patent recite a *graphical user interface* associated with the server system. Additionally, the claims also recite that

a selection of a web asset to be used in a *first web site* is received via the *graphical user interface*.

The specification of the '316 Patent discloses “the present invention employs a graphical user interface (GUI) to allow a registered user to develop a website comprising one or more web pages easily.” Exh. 1001, 6:55-57. In other words, the *graphical user interface* is used to design/modify/edit the *first web site* and the web assets included therein. Thus, the *graphical user interface* is different than the *first web site*.

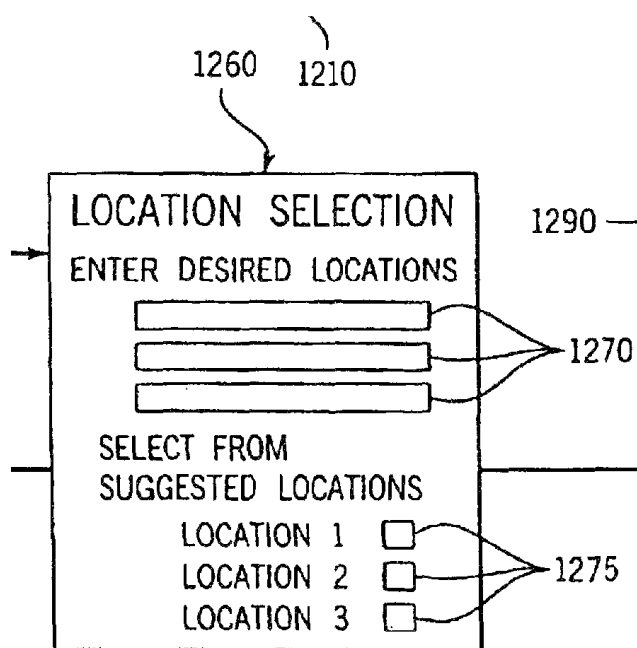
Consistent with the case law discussed previously (*see supra* § V), the claimed *graphical user interface* (along with its subcomponents, the *editing screen* and *primary display screen*) is to be construed as being distinct from the first web site. As such, teaching a single screen/web page cannot properly disclose both the graphical user interface and the first web site.

G. The phrases “one or more identifiers respectively associated with one or more previously-created websites that were previously-created by one or more other users of the server system” and “a selection of a second website from the one or more previously-created websites”

Independent Claims 1 and 14 of the '316 Patent recite that *identifiers* associated with *previously-created websites* are forwarded, by the *server system*, to the *graphical user interface* for display. These *previously-created websites* were *previously-created*

by *other users* of the *server system*. Additionally, the *graphical user interface* is used by the first user for a *selection of a second website* from one of these *previously-created websites*, and the server system receives a *first identification* indicative of this *selection*.

An example of a *graphical user interface* used for the display of the *identifiers* and *selection* thereof is found in FIG. 12 of the '316 Patent, which is reproduced, in part, below:



As discussed in the specification of the '316 Patent:

location selection menu 1260 lists the suggested websites that were identified in the search performed by server computer 140 upon selection of the suggested marketing locations option 1230. The list includes

selection boxes 1275 that the registered user can check to indicate its selection of the various suggested website. (emphasis added).

Exh. 1001, 15:58-63. As such, properly construed, the claimed *selection of a second website* from the *previously-created websites* involves the user selecting one of the websites that were displayed in the *graphical user interface*.

If the Board construes any other claim terms, Patent Owner reserves the right to provide constructions for those terms or other terms, if they become material to the Board's decision.

VII. OVERVIEW OF THE PRIOR ART

A. Block (Exh. 1007)⁴

Block teaches a methodology for facilitating the development and population of a community-oriented website. Exh. 1007, ¶¶12, 89. In the context of a sports-related community, the community can include, for example, a personalized web page for an individual/player (FIG. 3), team (FIG. 6), and league (FIG. 9). Exh. 1007, ¶¶16, 18, 121, 123, 125.

⁴ DiStefano's ultimate position is that *Block* is not prior art. *Block* claims priority back to a Provisional Patent Application filed on December 10, 1999. Exh. 1007, cover page. Although not argued herein, DiStefano intends to establish that the '316 Patent can claim priority prior to December 10, 1999.

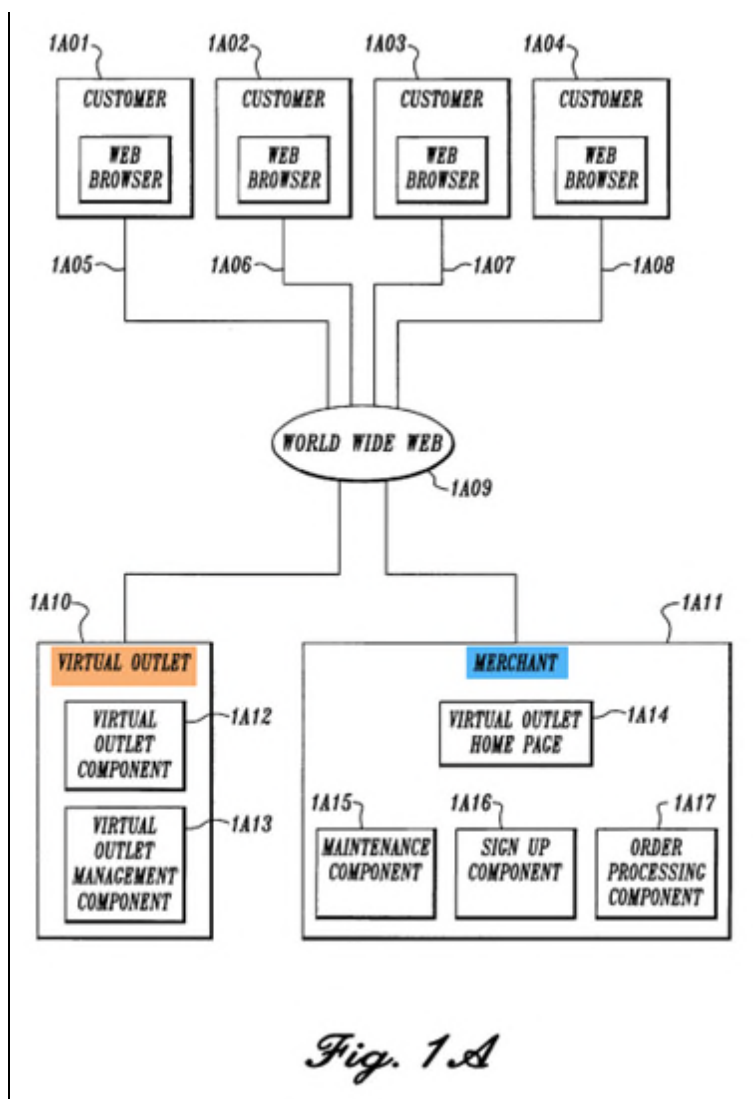
Block describes the difficulty in expanding the registration database (i.e., adding new users). Exh. 1007, ¶9. *Block* also describes a need for more efficient access to one or more communities hosted on the website. Exh. 1007, ¶10. The approach described by *Block* for addressing the need to expand the registration base is a methodology in which people already within the community are permitted to generate invitations to friends/trusted people. Exh. 1007, ¶¶12, 17. The person generating the invitation can also define an access level that a particular invitee has to a community. Exh. 1007, ¶¶12, 17. The access level of a user can also be defined by the role a particular user has within the community. Exh. 1007, ¶19. The invitee can be either an existing member of the website (but not necessarily a member of the community) or not yet a member of the website. Exh. 1007, ¶12.

B. Arnold (Exh. 1008)

Referring to FIG. 1A,⁵ which is reproduced below, *Arnold* teaches customer computers 1A01-1A04 that can access a virtual outlet (VO) computer 1A10 and merchant computer 1A11 via the World Wide Web (internet) 1A09. Exh. 1008, 7:1-2. The overarching problem addressed by *Arnold* is to improve the mechanism by which advertisers (e.g., the virtual outlet) and sellers (e.g., the merchant) interact.

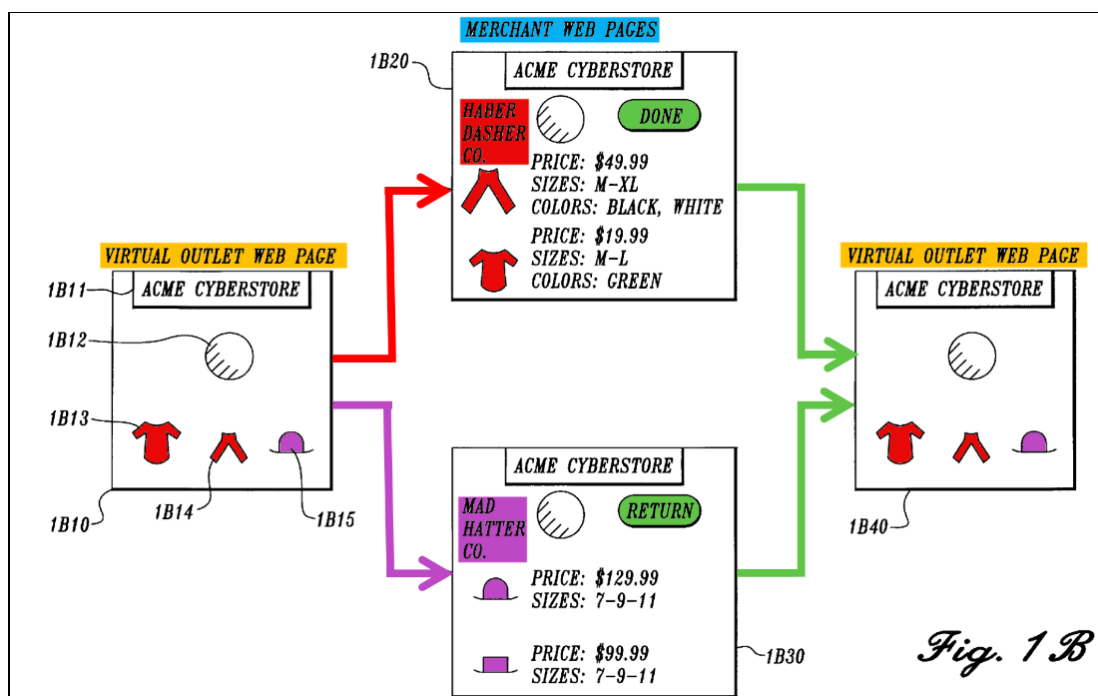
⁵ The reproduced FIGS. 1A and 1B of *Arnold* are taken from TikTok's Petition and include the color coding added by TikTok.

Exh. 1008, 2:23-3:67. *Arnold* describes a mechanism for (i) tracking purchases (on a merchant web site) from users originating from a virtual outlet, Exh. 1008, 4:2-4, and (ii) returning those users to the virtual outlet. Exh. 1008, 4:20-24.



Reference is made to FIG. 1B of *Arnold*, which is reproduced below. In operation, a customer 1A01 is served a web page 1B10 from the virtual outlet 1A10 (e.g., AcmeCyberstore) that displays a number of products (e.g., shirts 1B13, pants 1B14, and hats 1B15). Exh. 1008, 7:36-41. Upon selecting one of the products (e.g.,

shirts 1B13), the user is directed via a link to a merchant computer 1A11 that sells shirts, and the merchant computer 1A11 serves to the customer 1A10 a web page 1B20 that illustrates shirts for sale. Exh. 1008, 7:41-48. Upon completing a purchase on the merchant computer 1A11 for the shirts, the customer 1A10 can then be directed back to a webpage 1B40 of the virtual outlet 1A10. Exh. 1008, 8:4-6.



The virtual outlet initiates the creation of the relationship between the virtual outlet and the merchant using a sign-up procedure, Exh. 1008, Figs. 4 and 5, and the merchant decides whether to establish the relationship with the virtual outlet. Exh. 1008, 11:41-43. Assuming that a relationship has been created, the virtual outlet can browse a catalog of products provided by the merchant. *Arnold* further describes:

The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages.

Exh. 1008, 10:47-50 (*emphasis added*). Thus, the virtual outlet is inserting the links (URLs) to the merchant into the web pages (e.g., 1B10) being served by the virtual outlet.

Whereas the virtual outlet creates the links to the merchant, the merchant creates the link back to the virtual outlet. As described in *Arnold*:

The merchant computer modifies the merchant Web page to contain a return link so that upon completion of the purchase, the customer computer displays the return Web page of the virtual outlet identified by the link and sends to the customer computer the modified merchant Web page.

Exh. 1008, 4:21-24 (*emphasis added*).

C. Arora (Exh. 1009)

Arora discloses a web-page editor that uses a drag and drop interface for allowing a user to design a Web page. Exh. 1009, 2:21-22. The drag and drop interface is used to define the page layout and allows for new text and images. Exh. 1009, 5:37-43. The Web page can then be published using a “publish” button, which results in the automatic generation of HTML for the Web page. Exh. 1009, 5:43-46.

The Web page is then translated into a form displayable by a browser. Exh. 1009, 5:46-48.

VIII. RESPONSE TO SPECIFIC IPR GROUNDS

In addition to the reasons highlighting the shortcomings of the Petition, *see supra* § III, the Board should deny the Petition because it fails to show a reasonable likelihood that the challenged claims are unpatentable. In both the first ground (*Block*) and the second ground (*Arnold/Arora*), the Petitioner's alleged findings as to what is taught by the prior art are flawed by being based upon unstated and incorrect assumptions as to how the claims should be properly construed. When properly construed, the applied prior art fails to teach many of the claimed limitations recited within Independent Claims 1 and 14 of the '316 Patent.

A. GROUND 1: Obviousness Based on *Block*

For the following reasons, the Petitioner fails to meet its burden of proof regarding the *Block* reference. *Block* (Exh. 1007) does not render obvious claims 1-26 because *Block* fails to teach every element of Independent Claims 1 and 14.

1. TikTok's inconsistent mapping of claim limitations to teachings within *Block*

For many of the claimed limitations, TikTok does not map the claim limitation at issue to a single teaching within *Block*. Instead, TikTok maps multiple different teachings within *Block* to the same claim limitation. As will be discussed in greater

detail *below*, TikTok's analysis suffers from the inability to present a single, consistent analysis of the claimed limitations. In multiple instances, while TikTok can allege that a particular teaching in *Block* corresponds to a particular claimed limitation, this same teaching does not correspond to other portions of the independent claims involving the same claimed limitation. TikTok attempts to cure these problems by relying upon other teachings within *Block* for the same claimed limitation; however, these other teachings also have their own failings when considering the claimed invention as a whole.

Additionally, TikTok's reliance upon multiple, different teachings for the same limitations renders TikTok's Petition confusing and difficult to follow. Examples of TikTok's reliance upon multiple different teachings for certain claimed limitations are discussed below.

a. "web asset"

The term *web asset* and its related *edited web asset* (i.e., the *web asset* after it has been edited/modified) are recited a combined eight times in both Independent Claims 1 and 14.

In the Petition, TikTok alleges that the following teachings in *Block* correspond to the claimed *web asset*: "tables," Pet. 17, "username," Pet. 19, "capsules 306-326," Pet. 20, "[p]ersonalized information 326," Pet. 22, 39, "new table," Pet. 22, 25, 32, "capsules," Pet. 23, "logo," Pet. 24, "schedule capsule," Pet.

24, “tables of group of listings,” Pet. 36, “grouping to view,” Pet. 38, and “league logos,” Pet. 39.

b. “editing screen”

The term *editing screen* is recited twice in both Independent Claims 1 and 14. As discussed in claim construction, *see supra* § VI(E), the *editing screen* is part of the *graphical user interface* and is a distinct element from the *primary display screen*, which is also part of the *graphical user interface*.

In the Petition, TikTok alleges:

My-Friends-page 900 and New-Invitations-page 2200 (“*a graphical user interface*”) are also an “*editing screen*” because each is used to edit the user’s mini-site.

Pet. 23 (*emphasis in original*). Similarly, TikTok alleges “My-Friends-page 900 is an ‘*editing screen*.’” Pet. 35 (*emphasis in original*). However, TikTok also cites the New Invitations page of FIG. 22 of *Block* as corresponding to the claimed *editing screen*. Pet. 36, 38.

However, TikTok also alleges:

An individual with edit access to League-Home 500 (e.g., league administrator) can modify capsules (“*web assets*”) on League-Home 500 by providing instructions in the webpage 2900 (**orange**, Fig. 29) (“*editing screen of the graphical user interface*”), for example, via box

2908 to select an image file for a “Logo” and checkbox 2910 to “Delete existing logo” to modify the logo (**blue**) on League-Home 500.

Pet. 23-24 (*emphasis in original*). Similarly, TikTok alleges “the League editing page 2900 (Fig. 29), is an ‘*editing screen of the graphical user interface*.’” Pet. 24, 39. Along the same lines, TikTok alleges:

A POSA would have understood that “an editable version of the page” is an “*editing screen [] configured to display the web asset*” (e.g., **orange**, Fig. 29).

Pet. 37 (*emphasis in original*). Consequently, TikTok has cited three different teachings within *Block* as allegedly corresponding to the claimed *editing screen*: (i) My Friends page 900, (ii) New Invitations page 2200, and (iii) League editing page 2900, which are respectively illustrated in FIGS. 9, 22, and 29 of *Block*.

c. “primary display screen”

The term *primary display screen* is recited once in both Independent Claims 1 and 14. As discussed *supra* in claim construction Section V(E), the *primary display screen* is part of the *graphical user interface* and is a distinct element from the *editing screen*, which is also part of the *graphical user interface*.

TikTok alleges that the My Friends page 900 is a *primary display screen* (e.g., “[t]he inputted information will then be displayed on My-Friends-page 900 (‘a

primary display screen’” (*emphasis in original*)). Pet. 37-38. However, TikTok also asserts that the “League-Home 500” or the “My-Home 300” are other examples of a *primary display screen*. Pet. 39.

Consequently, TikTok has cited three different teachings within *Block* as alleged corresponding to the claimed *primary display screen*: (i) My Friends page 900, (ii) League Home 500, and (iii) My Home 300, which are respectively illustrated on FIGS. 9, 5, and 3 of *Block*.

2. Claims 1 and 14 – “forwarding, to the first client device and to be displayed by the graphical user interface, one or more identifiers respectively associated with one or more previously-created websites that were previously-created by one or more other users of the server system” and “modifying, based upon the first information indicating that the first identification was received, the first web site to include the first hyperlink”

These limitations are respectively labeled 1[d]/14[f] and 1[h]/14[j] by TikTok. Pet. viiii, xii. Notably, limitations 1[d]/14[f] recite *identifiers associated with previously-created websites* to be displayed by the *graphical user interface*, and limitations 1[h]/14[j] recite modifying the *first web site* to include a *first hyperlink*. TikTok’s analysis is inconsistent with claim construction Section VI(F) *supra*, that the *first web site* be distinct from the *graphical user interface*. In particular, TikTok improperly relies upon the My Home page 900 to teach both the *first web site* and the *graphical user interface*.

As to limitations 1[d]/14[f], TikTok asserted the following:

My-Friends-page 900 includes a “listing of” names with “click-through” links to each listed “person’s My-Home page.” Exh. 1007, [0134], Fig. 9. Since My-Friends-page 900 displays names and Member-IDs of members (**yellow**) associated with a link to “that person’s My-Home page,” Block describes “*display[ing]*” “*one or more identifiers respectively associated with... [the] previously-created websites.*” The “*one or more identifiers*” displayed on My-Friends-page 900 are also “*forward[ed]*” to the “*first client device*” because the “*identifiers*” are displayed in the web browser of the “*first client device*” (as below).

Exh. 1003, ¶¶182-83, 318-19. Pet. 26 (*emphasis* in original). Thus, TikTok is relying upon the My Friends page 900 to teach the *graphical user interface* upon which the *one or more identifiers* are to be displayed.

As to limitations 1[h]/14[j], TikTok asserts:

Block explains that names on the “My-Friends list” (“*first website*”) are click-through links (**purple**). Exh. 1007, [0133], Figs. 8-9; §§VI.A.2(viii)-VI.A.2(ix). The click-through links lead to the My-Home for a second user (“*second website*”). Exh. 1003, ¶¶203-05. Since My-Friends “displays ‘friends’ who are people that the user has invited to be myteam.com Members,” Exh. 1007, [0132], a POSA would have

understood that when the “*first user*” invites another user (second user), the second user’s information and a hyperlink (“*the first hyperlink*”) to the “*second website*” are added to the “*first user*” My-Friends (“*first website*”).

Exh. 1003, ¶¶203-06, 326-27; §VI.A.2(viii). Pet. 33 (emphasis in original).

As explicitly asserted by TikTok, the “My-Friends list” (i.e., the My Friends page 900 of FIG. 9) allegedly corresponds to the claimed *first web site*. Therefore, TikTok is asserting that the My Friends page 900 discloses both the *first web site* and the *graphical user interface*. However, properly construed, these are distinct elements of the claimed invention that cannot be disclosed by the same teaching.

Similarly, TikTok also relies upon the teachings of the My Friends page 900 of FIG. 9 to teach the claimed “receiving, ... **via the graphical interface**, a first identification indicating a selection of a second website.” Pet. 29 (*emphasis added*). In fact, TikTok has alleged that the My Friends page 900 corresponds to both the claimed *primary display screen*, Pet. 37-38, and the claimed *editing screen*, Pet. 23, 35 – both of which are part of the *graphical user interface*. Such findings are inconsistent with how the claims should be properly construed for at least two reasons.

First, as discussed *supra* in claim construction Section V(E), the separately-claimed *editing screen* and *primary display screen* are to be construed as being

distinct from one another, yet TikTok improperly alleges that the My Friends page 900 corresponds to both limitations. Second, as discussed *supra* in claim construction Section V(F), the separately-claimed *graphical user interface* and *first web site* are to be construed as being distinct from one another, yet TikTok improperly relies upon the same teaching (i.e., My Friends page 900) to teach both the claimed *graphical user interface* and the claimed *first web site*.

Therefore, TikTok has not alleged findings of fact in the Petition that *Block* teaches a *graphical user interface* distinct from the first web site, based on a proper interpretation of Independent Claims 1 and 14. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art teaches (or renders obvious) all of the claimed limitations.

3. Claims 1 and 14 – “serving computer data associated with the first website that includes the edited web asset and the first hyperlink from the first web site to the second web site”

These limitations are labeled 1[j]/14[l] by TikTok. Pet. ix, xii. In the Petition regarding these limitations, TikTok asserted:

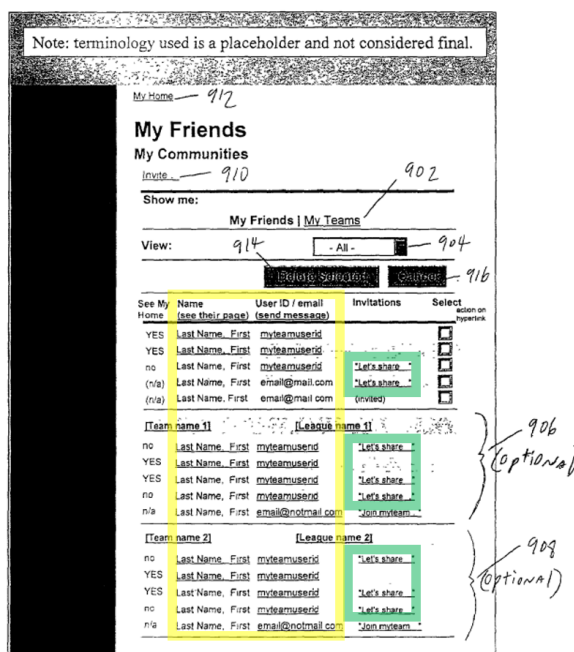
Block discloses that the website/webpage of the users “can be hosted on computers and servers”—i.e., a “*server system*” configured to “*serve web pages.*” Exh. 1007, [0011], [0207]. Once the webpage is modified based on the instruction from the user via the “invite” hyperlink 910 and the Invitations page (**orange**, Fig. 22), the modified

listings become viewable to a user (**green**, Fig. 9) §VI.A.2(x). A POSA would have understood that serving the web page includes “*serving computer data associated with the first website.*” Exh. 1003, ¶¶211-14,330-31.

Pet. 35 (*emphasis in original*). TikTok’s marked-up copy of FIG. 9 of *Block* is reproduced below:

My Communities - My Friends

Visual Design



In short, the limitations require at least that “computer data ... that includes the edited web asset and the first hyperlink” be served. These limitations are also similar to the previously-discussed limitations labeled 1[h]/14[j] discussed previously, *see supra* § VII(A)(2), which recite “modifying, based upon the first

information indicating that the first identification was received, the first web site to include the first hyperlink” in that both limitations refer to the *first web site* including a *first hyperlink*.

The only mention of “hyperlink” in TikTok’s analysis as to these limitations is the citation to “hyperlink 910.” Pet. 35. However, as claimed, the claimed *first hyperlink* is to the *second web site*, which was selected via the *graphical user interface* and associated with one of the *other users* of the *server system*. However, hyperlink 910 does not go to a website associated with one of the other users of the server system. Instead, hyperlink 910 goes to new invitation pages 2200. Exh. 1003, ¶134 (“hyperlink 910 links to the Invitations page”), which is not associated with one of the other users of the server system. Instead, the new invitations page 2200 is part of the graphical user interface employed by the alleged server system of *Block*. Exh. 1007, ¶156. Consequently, TikTok’s analysis is not consistent with a proper interpretation of the claim language, which requires the first hyperlink to be from the first website to the second website.

Alternatively, and assuming that TikTok intended to cite the yellow highlighted section of FIG. 9 (i.e., the “click-through names to see that person’s My Home page”) as corresponding to the claimed *first hyperlink*, TikTok’s analysis again improperly relies upon the My Friends page 900 to teach both the *first web site* (that contains the *first hyperlink*), and the *graphical user interface*.

As discussed *supra* in claim construction Section V(F), a proper claim construction requires that the *first web site* be distinct from the *graphical user interface*. TikTok’s findings of fact, however, are inconsistent with this claim construction, as they rely upon the same teaching for both limitations. Therefore, similar to the limitations discussed immediately above in Section VII(A)(2), TikTok has not alleged findings of fact, supported by evidence, that *Block* teaches the limitations at issue, as properly construed. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art teaches (or renders obvious) all of the claimed limitations.

4. Claims 1 and 14 – “receiving, from the first client device and via the graphical user interface, a first identification indicating a selection of a second website from the one or more previously-created websites to create a first hyperlink from the first web site to the second web site”

These limitations are labeled 1[e]/14[g] by TikTok. Pet. viii, xii. TikTok purportedly addressed these limitations on pages 27-31 of the Petition. As alleged by TikTok and with reference to FIG. 9 of *Block*, “the Invitation column includes ... a ‘Let’s share’ button (**green**) used to send out invitations to current members.” Pet. 27 (emphasis in original). TikTok’s marked-up copy of FIG. 9 of *Block* is reproduced below:

My Communities - My Friends

Visual Design

Note: terminology used is a placeholder and not considered final.

My Home — 912

My Friends

My Communities

Invite — 910

Show me:

My Friends | My Teams

View: 914 — All — 904

916

See My Home	Name (see their page)	User ID / email (send message)	Invitations	Select action on hyperlink
YES	Last Name, First	myteamuserid		☐
YES	Last Name, First	myteamuserid		☐
no	Last Name, First	myteamuserid	*Let's share	☐
(n/a)	Last Name, First	email@mail.com	*Let's share	☐
(n/a)	Last Name, First	email@mail.com	(invited)	☐
[Team name 1] [League name 1]				
no	Last Name, First	myteamuserid	*Let's share	☐
YES	Last Name, First	myteamuserid	*Let's share	☐
YES	Last Name, First	myteamuserid	*Let's share	☐
no	Last Name, First	myteamuserid	*Let's share	☐
n/a	Last Name, First	email@notmail.com	*Join myteam	☐
[Team name 2] [League name 2]				
no	Last Name, First	myteamuserid	*Let's share	☐
YES	Last Name, First	myteamuserid	*Let's share	☐
YES	Last Name, First	myteamuserid	*Let's share	☐
no	Last Name, First	myteamuserid	*Let's share	☐
n/a	Last Name, First	email@notmail.com	*Join myteam	☐

906 (optional)

908 (optional)

FIG. 9 is described in *Block* as follows:

The listing of My Friends includes click-through names to see that person's My Home page, and click-through Member-ID ("myteamuserid") to send that person a message (as above). The access level is shown in the "See My Home" column. The Invitation column includes the type of Invitation (and indication of status). As before, names can be selected, deleted, or canceled via the corresponding selection boxes and control tabs.

...

An “invite” hyperlink 910 links to the Invitations page, where additional friends can be invited.

Exh. 1007, ¶134 (*emphasis added*).

As evidenced by this passage, “Let’s Share” is not a button used to send out invitations to current members, as alleged by TikTok. *Block* does not describe the “Let’s Share” in the Invitation column as a graphical widget or control element (e.g., a button). Rather and with reference to the first underlined portion of paragraph [0134] reproduced above, *Block* describes the contents of the Invitation column as merely indicating “the type of Invitation (and indication of status).” Consequently, *Block* does not disclose a “Let’s share” button for sending out invitations – contrary to what is alleged by TikTok.

Instead, as recognized by TikTok and with reference to the second underlined portion of paragraph [0134] reproduced above, *Block* teaches that the invite hyperlink 910 is used to link to the invitations page, Pet. 28, which is illustrated in FIG. 22 of *Block*. Notably, *Block* explicitly teaches that the invitations page 2200 is used to invite friends. Exh. 1007, ¶156. Thus, TikTok has mischaracterized the teachings of *Block* by asserting that the “Let’s Share” is a button used to send out an invitation to a current member.

TikTok's marked up versions of FIGS. 9 and 22 of *Block* from page 29 of the Petition are reproduced below:

My Communities - My Friends

Visual Design

Note: terminology used is a placeholder and not considered final.

My Home — 912

My Friends
My Communities

Invite — 910

Show me: My Friends | My Teams — 902

View: 914 — All — 904

916

See My Home	Name	User ID / email (see their page)	Invitations (send message)	Select action on hover
YES	Last Name, First	myteamuserid		☐
YES	Last Name, First	myteamuserid		☐
no	Last Name, First	myteamuserid	Let's share	☐
(n/a)	Last Name, First	email@mail.com	Let's share	☐
(n/a)	Last Name, First	email@mail.com	(invited)	☐

[Team name 1] [League name 1]

no	Last Name, First	myteamuserid	Let's share	
YES	Last Name, First	myteamuserid	Let's share	
no	Last Name, First	myteamuserid	Let's share	
n/a	Last Name, First	email@notmail.com	Join myteam	

[Team name 2] [League name 2]

no	Last Name, First	myteamuserid	Let's share	
YES	Last Name, First	myteamuserid	Let's share	
no	Last Name, First	myteamuserid	Let's share	
n/a	Last Name, First	email@notmail.com	Join myteam	

906 (optional)

908 (optional)

Fig. 9

My Communities - New Invitations

Visual Design

My Home > My Communities

New Invitations
[My / Team / League] Communities

Invite your friends and family to visit [your personal / the team / the league] home page on myteam.com.

They will be added to [your / the team's / the league's] Visitors Community list so you can track their response. When they have joined, you will be able even click to their home pages and send them messages from the Community page!

Join myteam.com

2202

First Name Last Name Email

Choose what to see - Choose a Relationship -

Choose what to see - Choose a Relationship -

Choose what to see - Choose a Relationship -

Choose what to see - Choose a Relationship -

Choose what to see - Choose a Relationship -

Choose what to see - Choose a Relationship -

Members, See My Home (Team or League Home)

First Name Last Name myteam.com ID

Choose what to see - Choose a Relationship -

2204

2206

2208

2210

Fig. 22

Paragraph [0156] refers to the invitation page 2200 illustrated in FIG. 22 and teaches the following:

FIG. 22 shows a first representative version 2200 of a New Invitations web page as would be accessed from an individual's My Home page. A first table on the page allows invitations to be sent for joining myteam.com. A second table allows a Member to invite friends and family whom are already Members to visit the home page of

themselves, their team, or their league (i.e. My Home, Team Home, and League Home pages) on myteam.com.

Exh. 1007, ¶156 (*emphasis added*).

The first table on the invention page (page 2200) cannot disclose the claimed limitations, as it necessarily does not involve "one or more previously-created websites," as claimed, because those being invited are not already members. As to the second table disclosed in FIG. 22, paragraph [0156] explicitly teaches that the "second table allows a Member to invite friends and family whom are already Members to visit the home page of themselves, their team, or their league."

As discussed *supra* in claim construction Section V(G), a proper claim construction requires that the claimed selection of a *second website* from the *previously-created websites* involves the user making a selection from one of the websites that were displayed in the graphical user interface. However, the second table of FIG. 22 (reproduced below) does not involve a user selecting one of the websites.

Members, See My Home (Team or League Home)

First Name	Last Name	myteam.com ID
- Choose what to see -		- Choose a Relationship -

Rather, a user enters in the first and last names and the myteam.com ID of the invited member. Exh. 1007, ¶156. Consequently, *Block* does not disclose “a first identification indicating a selection of a second website from the one or more previously-created websites,” as claimed.

5. Claims 1 and 14 – “receiving, ... via the graphical user interface, information indicating a selection of a web asset to be used in a first web site,” “receiving, ... via an editing screen ... an instruction to modify the web asset to generate an edited web asset,” “generating, based upon the instruction, the edited web asset,” and “a primary display screen configured to display the edited web asset based upon the instruction”

These limitations are respectively labeled 1[a]/14[c], 1[b]/14[d], 1[c]/14[e], and 1[m]/14[o] by TikTok. Pet. viii-ix, xii. TikTok purportedly addressed these limitations on pages 15-22, 22-25, 25-26, and 37-40 of the Petition. When considered as a whole, these limitations require two things to be received by the server system: (i) *information indicating a selection of a web asset*, and (ii) an *instruction to modify the web asset* via the editing screen. Additionally, the *web asset* is to be used in a *first web site*, and the *web asset* is to be modified to generate an *edited web asset*. Also, the *primary display screen* is configured to display the *edited web asset*. As discussed previously, *see supra* §VIII(A)(1), TikTok relies upon multiple different features for the claimed *web asset*, *edited web asset*, and *editing screen*.

As to the claimed “receiving, ... via an editing screen ... an instruction to modify the web asset” TikTok presents two different allegations. Pet. 22-25. The first allegation, Pet. 22-23, is that the claimed *editing screen* is disclosed by the My Friends page 900 (FIG. 9) or the New Invitations page 2200 (FIG. 22), and the table being modified to generate a new table corresponds to the claimed modification of the *web asset* to generate an *edited web asset*. The second allegation (pages 23-25 of the Petition) is that the League editing page 2900 (FIG. 29) of *Block* corresponds to the claimed *editing screen*, and the capsules (e.g., an image such as a logo) correspond to the claimed *web asset*. However, neither of these allegations accounts for all of the claimed limitations as a whole.

Regarding the first allegation, TikTok’s analysis improperly relies upon the My Friends page 900 of FIG. 9 to teach both the claimed *first web site* and the claimed *editing screen*. The table cited by TikTok is only displayed by the My Friends page 900 in FIG. 9. As such, this version of TikTok’s analysis implicitly relies upon the My Friends page 900 to teach the claimed *first web site*. However, TikTok’s analysis also asserts that the My Friends page 900 corresponds to the claimed the *graphical user interface*. Pet. 22-23. As discussed *supra* in claim construction Section V(F), a proper claim construction requires that the *first web site* be distinct from the *graphical user interface*, and consequently, TikTok’s findings of fact are not consistent with this claim construction.

Alternatively, TikTok asserts that the New Invitations page 2200 of FIG. 22 corresponds to the claimed *editing screen*. This assertion addresses the aforementioned problem of relying on the same teaching for both the claimed first website and the claimed editing screen – assuming that TikTok alleges that the My Friends page (900) is the claimed first website and the New invitations page (2200) is the claimed *editing screen*. However, the claims require “receiving, ... via the graphical user interface, information indicating a selection of a web asset to be used in a first web site.” These limitations TikTok addressed on pages 15-22 of the Petition. Notably, TikTok’s analysis regarding the “selection of a web asset to be used in a first website” relies upon the selection of a table, in which TikTok asserts:

“The user is [also] given the option to select between a showing of My-Friends or the listing of Teams...**via the click-through selector 902,**” (green) and the option to select “which grouping to view” via the “drop-down menu 904” (red)—which includes values such as All, Friends, Team1, Team2.” Exh. 1007, [0134], Fig. 9; Exh. 1003, ¶153. Thus, the “*first user*” can interact with controls available in My-Friends-page 900 (“a graphical user interface”) to select which table is visible.

Pet. 18 (emphasis in original, underline added).

TikTok asserts that the user interacts with the My Friends page 900 to select the table (i.e., the alleged web asset), which is only visible in the My Friends page 900, and hence, the My Friends page 900 would be the *first website*. However, the claims require the selection of the *web asset* be performed via the *graphical user interface*. Consistent with the underlined portion of the above-reproduced passage, TikTok is also alleging that the My Friends page 900 is the *graphical user interface*. Therefore, TikTok is again using the My Friends page 900 to improperly teach both the claimed *graphical user interface* and the claimed *first web site*.

Regarding the second allegation, TikTok asserts that the League editing page 2900 of FIG. 29 is used to provide an instruction to modify the *web asset* to generate an *edited web asset*. Consistent with claim construction Section V(F) discussed *supra*, which requires a distinction between the *first web site* and the *primary display screen* of the *graphical user interface*, TikTok must establish that *Block* teaches a *first web site* with which the *web asset* is to be used, and a *primary display screen* of the *graphical user interface* that is configured to display the *edited web asset*. However, these are findings that TikTok has not and cannot make.

With reference to FIG. 29, *Block* teaches “certain representative elements are shown which comprise a web page 2900 for editing the League Profile,” Exh. 1007,

¶169, and the League Profile web page 2800 is illustrated in FIG. 28 of *Block*.⁶ While the League Profile 2800 (or League Home page 500) could be asserted as corresponding to either the *primary display screen* or the *first web site*, it cannot properly disclose both limitations since the *primary display screen* is part of the *graphical user interface* and a same teaching cannot be properly used to teach both the *graphical user interface* and the *first web site*.

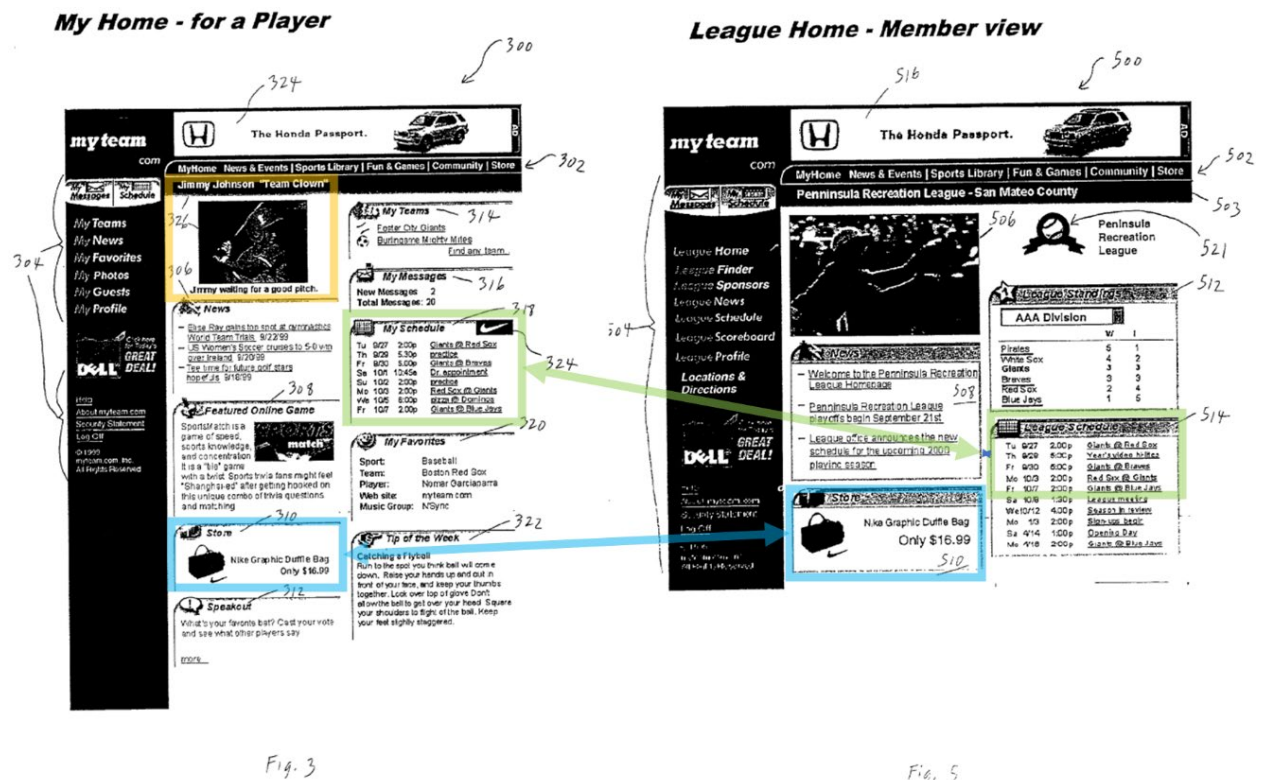
The League Profile 2800 (or League Home page 500) would be best characterized as *web sites* being served by the *server system*. As stated by TikTok, “Block illustrates editing the capsule using an editable webpage: ‘Editing League Profile’ page 2900 for editing League-Home page 500.” Pet. 20. Properly construed, the *graphical user interface* is used during the development (i.e., generating/modifying/editing) of a *web site*/web page. However, the League Home page 500 is not used during development. Instead, it is a completed *web site* that is served to users. Consequently, the cited League Home page 500 of *Block* should properly be construed as a *web site* according to the claims – not as a *primary display screen* of the *graphical user interface*.

⁶ TikTok alleges that the web page 2900 is used to edit the League Home page 500 (FIG. 5), but this is inaccurate as paragraph [0169] of *Block* explicitly refers to editing the League Profile, which is illustrated in FIG. 28.

TikTok reproduced the following combined FIGS. 3 and 5 (reproduced below) and asserted the following:

Therefore, a command from the “Editing League Profile” page includes
“a selection of a web asset” to be used on the user’s My-Home.

Pet. 21 (emphasis in original).



TikTok’s assertion is an improper inherency argument, as the League administrator is not necessarily (i.e., inherently) a Player. Therefore, the League administrator, who is capable of editing the League Home 500, does not necessarily result in the My-Home 300 being edited.

Thus, TikTok's analysis errs by making findings of fact that are not based upon a proper claim construction. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art teaches (or renders obvious) all of the claimed limitations.

B. GROUND 2: Obviousness Based on *Arnold* and *Arora*

For the following reasons, Petitioner failed to meet its burden of proof in regard to any motivation to combine, and such a combination, if even possible, fails to disclose every element of claims 1 and 14.

TikTok has not alleged that the combination of *Arnold* and *Arora* teaches the limitations at issue discussed *infra*. Rather, TikTok relies solely upon *Arnold* for these limitations. Moreover, TikTok has not presented any arguments regarding these limitations, as to why the combination of *Arnold* and *Arora* would teach anything different than what *Arnold* alone teaches, as to the limitations at issue. Consequently, while DiStefano does not directly address either *Arora* or the combination of *Arnold* and *Arora* regarding the limitations at issue, DiStefano's arguments identifying deficiencies in Arnold's teachings, by inference, also identify deficiencies in the teachings of the combination of *Arnold* and *Arora*.

1. No motivation to modify *Arnold*'s purchase tracking system with *Arora*'s web page editor

A POSIT would not look to combine the references of Arnold (Exh. 1008) and Arora (Exh. 1027). Just because both patents use the internet and web sites,

does not make the references analogous references. Just because references may be combined successfully does not mean there is a motivation to make such a combination. *See Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (“[O]bviousness concerns whether a skilled artisan not only could have made but would have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention.”). The problems being solved by each reference are different. One is for an editor for creating websites (Arora), and the other is using an already created website to track the purchase of a product or service.

There can be no motivation for a POSITA to look to and combine the Arnold and Arora references.

2. Overview of deficiencies of *Arnold*

As discussed *supra* in Section IV(B), the claimed invention involves the creation/modification by a *server system* of web sites associated with a *first user* and *other users*, and these *web sites* are subsequently hosted by the *server system*. Notably, the *first user* and *other users* are distinct from the *server system*. *Arnold*, however, does not teach a *first user*, *other users*, and a *server system* (i.e., three distinct entities). At best, *Arnold* only teaches two distinct entities: (i) the virtual outlet, and (ii) the merchant.

Additionally, the claims require that the *server system* modify the *web sites/web pages* associated with the *first user* and *other users*. However, the merchant of *Arnold* only modifies web pages associated with itself (i.e., the merchant), and the virtual outlet of *Arnold* modifies its own web pages. Therefore, on a very fundamental level, *Arnold* fails to disclose those portions of the claim limitations for which TikTok has relied solely on *Arnold* to disclose.

3. Claims 1 and 14 – Arnold fails to teach a “first user”/“first client device” that is distinct from the “server system”

Regarding the claimed *server system*, TikTok alleges “[i]n Arnold, a server system containing a **virtual outlet** and **merchant** sell products to ‘customers’ over the internet.” Pet. 59 (emphasis in original). Similarly, TikTok alleges “[t]his arrangement of VO-computer 1A10 and merchant-computer 1A11 together form ‘a *server system*.’” Pet. 67 (emphasis in original). Additionally, TikTok also alleges The virtual outlet (VO) computer in *Arnold* corresponds to the claimed *first client device*. Pet. 70.

As discussed *supra* in claim construction Section V(C), a proper claim construction requires that the *server system* be distinct from the *first user* (and *first client device*), TikTok analysis is inconsistent with this claim construction by asserting that the VO computer (i.e., the virtual outlet) corresponds to both the claimed *server system* and the claimed *first user* (and *first client device*). In other words, TikTok’s analysis improperly relies upon an implicit (and improper) claim

construction that does not recognize the distinction between the claimed *first user* (and *first client device*) and the claimed *server system*.

Thus, TikTok’s analysis errs by making findings of fact regarding *Arnold* that are not based upon a proper claim construction. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art of *Arnold* teaches all of the claimed limitations for which *Arnold* alone is being relied upon to teach.

4. Claims 1 and 14 – “identifiers associated with one or more previously-created websites that were previously-created by one or more other users of the server system”

These limitations are labeled 1[d]/14[f] by TikTok. Pet. viii, xii. TikTok purportedly addressed these limitations on pages 81-84 of the Petition, and TikTok relied exclusively on *Arnold* to teach these limitations.

Regarding the claimed *other users*, TikTok alleges:

Arnold explains VO representative’s device (“*to the first client device*”) can access a catalog of “[i]tems for sale” that “are described and listed along with URLs” that link “to the merchant site.” The merchant site is created by a Merchant, who is “*one or more other users of the server system.*”

Pet. 81 (emphasis in original).

TikTok is alleging that the Merchant of *Arnold* corresponds to the claimed *other users*. However, TikTok has already alleged that the Merchant of *Arnold* corresponds to the claimed *server system*. As discussed *supra* in claim construction Section V(C), a proper claim construction requires that the claimed *server system* be distinct from the users (e.g., “*other users*”) of that *server system*.

Thus, TikTok’s analysis errs by making findings of fact regarding *Arnold* that are not based upon a proper claim construction. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art of *Arnold* teaches all of the claimed limitations for which *Arnold* alone is being relied upon to teach.

5. Claims 1 and 14 – “modifying, based upon the first information indicating that the first identification was received, the first web site to include the first hyperlink”

These limitations are labeled 1[h]/14[j] by TikTok. Pet. viii, xii. TikTok purportedly addressed these limitations on pages 90-93 of the Petition, and TikTok relied exclusively on *Arnold* to teach these limitations.

Regarding these limitations, TikTok asserted:

Once the VO has an account they can select items to offer on the VO website (“*the first website.*”) §VI.B.5(iv). Each of the items will be associated with image for example “images 1B13, 1B14, and 1B15”— and “[e]ach image has a URL associated with it that is a hot link to a

Webpage provided by the Website of the merchant of the product.”

EX1008, 5:40-46, 7:30-31. As shown below, these images and hyperlinks are included in the “*first website*.” Therefore, based on the “*first information indicating...*” the “*first website*” is modified to include “*the first hyperlink*” (**red or purple**).

Pet. 90-91 (emphasis in original).

As explicitly asserted by TikTok, the VO website 1B10 of *Arnold* allegedly corresponds to the claimed *first website*. TikTok also points to “these images and hyperlinks are included in the ‘first website,’” and asserts that this corresponds to the claimed “modifying ... the first website to include the first hyperlink.”

TikTok’s analysis fails to establish that *Arnold* teaches the limitations at issue. Specifically, TikTok only asserts that the hyperlinks are “included in” the first website but does not allege findings of fact as to what entity actually modifies the first website. As discussed *supra* in claim construction Section V(C), a proper claim construction requires that the claimed operations – including the “modifying ...” operation – be performed by the server system, which is distinct from the first user (and first client device).

Notwithstanding TikTok’s failure to address the actual claim language, *Arnold* explicitly teaches that the virtual outlet – not the merchant (i.e., the claimed

server system) – modifies the VO website 1B10 to include the hyperlink.

Specifically, *Arnold* teaches:

The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant’s catalog as hot links in the VO Web page. Exh. 1008, 10:47-50.

Accordingly, the alleged *first web site* within *Arnold* is not disclosed as being modified by the alleged *server system* (i.e., the merchant), as required by the claims.

Thus, TikTok’s analysis errs by making findings of fact regarding *Arnold* that are not based upon a proper claim construction. Consequently, TikTok has not established a *prima face* case of obviousness for failure to establish that the applied prior art of *Arnold* teaches all of the claimed limitations for which *Arnold* alone is being relied upon to teach.

6. Claims 1 and 14 – “the server system is configured to host the first web site and the second website”

These limitations are labeled 1[k]/14[m] by TikTok. Pet. ix, xii. TikTok purportedly addressed these limitations on page 96 of the Petition, and TikTok relied exclusively on *Arnold* to teach these limitations.

Regarding the limitations at issue, TikTok asserts:

The server system of *Arnold* includes the VO-computer and merchant-computer. [cited omitted] The VO webpage is the “*first web site*,” and the merchant webpage is the “*second web site*.” [cites

omitted] Arnold explains that VO-computer 1A10 “provides the Webpages of the virtual outlet to customers via the WWW.” [cites omitted]. The merchant-computer 1A11 “provides the merchant Webpage to the customer computer.”

Pet. 96 (emphasis in original).

As previously argued, the VO computer and merchant computer cannot disclose the claimed server system as the VO computer and merchant computer of *Arnold* are distinct entities. Rather, the VO computer would be considered a *first client device* associated with a *first user* according to the claims. Consequently, the merchant computer, which would be considered a *server system* according to the claims, does not host the *first web site* and the *second web site*, as claimed. Instead, the VO computer host the alleged *first web site*, and the merchant computer hosts the alleged *second web site*.

Additionally, as discussed previously in claim construction section, see supra § VI(D), since the *second web site* is associated with one of the *other users* and not the *server system* itself, the *second web site* is also distinct from the *server system*. However, the merchant web page (i.e., the alleged *second web site*) in *Arnold* is not distinct from the merchant-computer (i.e., the alleged *server system*).

Thus, TikTok’s analysis errs by making findings of fact regarding *Arnold* that are not based upon a proper claim construction. Consequently, TikTok has not

established a *prima face* case of obviousness for failure to establish that the applied prior art of *Arnold* teaches all of the claimed limitations for which *Arnold* alone is being relied upon to teach.

IX. SECONDARY CONSIDERATIONS

As the Petitioner failed to meet its burden of establishing a *prima facie* case for any of the claims of the '316 Patent, much less to identify a proper motivation to modify *Arnold* in view of *Arora* in Ground 2, Patent Owner reserves the right to address secondary considerations, if needed, later in these proceedings.

CONCLUSION

Petitioner TikTok failed to establish that claims 1-26 are rendered obvious by any combination of the asserted prior art references, where elements are missing, and Petitioner has established no motivation to combine references. Therefore, institution by the Board of *inter partes* review is not appropriate. Thus, the Board should deny the Petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies the service of Patent Owner DISTEFANO WEBSITE INNOVATIONS, LLC, served this Patent Owner's Preliminary Response on the counsel of record for Petitioner TIKTOK INC., by filing this document through the P-TACTS, as well as delivering a copy via electronic mail to the following:

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CERTIFICATE OF COMPLIANCE

This Petition complies with the type-volume limitations as mandated in 37 C.F.R. § 42.24, totaling 10,161 words. Counsel has relied upon the word count feature provided in Microsoft® Word for Windows, version 2508.

Dated: September 23, 2025

By: /s/ *Robert Hart*
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