

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK INC.
Petitioner,

v.

DISTEFANO WEBSITE INNOVATIONS, LLC,
Patent Owner.

Case No. IPR2025-01224
U.S. Reissued Patent No. 45,971

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C §312 AND 37 C.F.R. §42.104**

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35 U.S.C. § 315(a)	102

EXHIBIT LIST

No.	Short Name	Reference
1001	971 Patent	Certified Copy of U.S. Reissued Patent 45,971
1002	971 File History	Certified File History of RE45,971
1003	Cockburn Decl.	Expert Declaration of Dr. Andy Cockburn
1004	Cockburn CV	Curriculum Vitae of Dr. Andy Cockburn
1005	551 File History	Certified File History of 09/589,551
1006	<u>Block</u> Provisional	Provisional U.S. Patent Application 60/172,983
1007	<u>Block</u>	U.S. Patent Application 2003/0050976A1
1008	<u>Arnold</u>	U.S. Patent 6,016,504
1009	<u>Arora</u>	U.S. Patent 5,845,299
1010	LinkedIn IPR POPR	IPR2019-00419, Paper No. 6 (Patent Owner's Preliminary Response)
1011	WDTX Complaint	<i>DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.</i> , Case no. 1:24-cv-00763, Complaint (W.D. Tex. Jul. 8, 2024)
1012	EDTX Complaint	<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	RESERVED	
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1016	Xia	U.S. Patent 7,028,254
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1019	Ross	U.S. Patent 6,629,135
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1032	<i>LinkedIn</i> IPR	IPR2019-00419, Paper 2
1033	Ludwig	U.S. Patent No. 5,854,893
1034	259 Patent	Certified Copy of U.S. Patent 7,996,259

1035	Cockburn 1996	Andy Cockburn & Steve Jones, <i>Which way now? Analysing and easing inadequacies in WWW navigation</i> , 45 INT’L J. OF HUMAN-COMPUTER STUD. 105, 129 (1996) https://doi.org/10.1006/ijhc.1996.0044
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1037	’760 Patent	U.S. Patent 8,768,760
1038	CAFC Brief	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	LinkedIn Complaint	<i>DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.</i> , Civ. No. 1-17-cv-01798, Dkt. 1, Complaint (D. Del. Dec. 14, 2017)
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1046	Underwood	U.S. Patent No. 6,601,057
1047	Moore	U.S. Patent No. 6,330,575
1048	Mason	U.S. Patent No. 6,401,075
1049	Alberts	U.S. Patent No. 5,937,392
1050	Dan	U.S. Patent No. 6,560,639

1051	Webster	MERRIAM-WEBSTER'S DICTIONARY OF BASIC ENGLISH (2000)
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LISTING OF CHALLENGED CLAIMS

Element	Claim Limitation
Claim 1	
1[pre]	A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:
1[a]	during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;
1[b]	saving the information at a first database that is coupled to the user interface;
1[c]	obtaining the element for marketing of the type indicated;
1[d]	causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;
1[e]	determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; [and]
1[f]	creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed; <i>and</i>
1[g]	<i>when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.</i>
Claim 2	

2	[The method of claim 1, further comprising: when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.]
Claim 3	
3[pre]	[The] A method [of claim 1, further] of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:
3[a]	during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;
3[b]	saving the information at a first database that is coupled to the user interface;
3[c]	obtaining the element for marketing of the type indicated;
3[d]	causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;
3[e]	determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed;
3[f]	creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed; and
3[g]	when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

Claim 4	
4[pre]	A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:
4[a]	registering the second website with the website implementation system;
4[b]	receiving, by the website implementation system, a request by a first user to implement the first website;
4[c]	receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website;
4[d]	establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and
4[e]	upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element, and (ii) the second website to implement the second functional marketing element, wherein
4[f]	the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and
4[g]	the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.
Claim 5	
5[pre]	A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:
5[a]	at least one processor, the at least one processor configured for
5[b]	registering the second website with the website implementation system;
5[c]	receiving a request by a first user to implement the first website;

5[d]	receiving a selection by the first user as to a second functional marketing element to be activated on the second website;
5[e]	establishing a reciprocal site in the first website for a first functional marketing element; and
5[f]	implementing, upon the first website being activated with respect to the internet, the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element, and (ii) the second website to implement the second functional marketing element, wherein
5[g]	the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and
5[h]	the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.
Claim 6	
6	The website implementation system of claim 5, further comprising a database of registered websites.
Claim 7	
7[pre]	A computer program product including a computer-readable storage medium having stored therein computer usable program code for establishing a reciprocal arrangement between a first website and a preexisting second website, the computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform:
7[a]	registering the second website with the website implementation system;
7[b]	receiving a request by a first user to implement the first website;
7[c]	receiving a selection by the first user as to a second functional marketing element to be activated on the second website;
7[d]	establishing a reciprocal site in the first website for the first functional marketing element; and

7[e]	upon the first website being activated with respect to the internet, implementing the reciprocal arrangement by causing (i) the first website to implement a first functional marketing element, and (ii) the second website to implement the second functional marketing element, wherein
7[f]	the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and
7[g]	the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.
Claim 8	
8[pre]	A method, within a computer hardware web page implementation system, of establishing a reciprocal arrangement between a first web page, associated with a first user, and a second web page, comprising:
8[a]	generating, by the web page implementation system, a second functional marketing element, associated with the first user, to be activated on the second web page;
8[b]	establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and
8[c]	implementing, by the web page implementation system and upon the first web page being activated with respect to the internet, the reciprocal arrangement by causing (i) the first web page to implement the first functional marketing element, and (ii) the second web page to implement the second functional marketing element, wherein
8[d]	the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and
8[e]	the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.
Claim 9	

9	The method of claim 8, further comprising including, within the first web page, a web asset provided by a third party separate from the computer hardware system.
Claim 10	
10	The method of claim 9, further comprising causing, based upon the web asset being included within the first web page site, the third party to be compensated.
Claim 11	
11	The method of claim 9, wherein the web asset is a functional application.
Claim 12	
12	The method of claim 8, wherein the second functional marketing element includes an image.
Claim 13	
13	The method of claim 12, further comprising receiving, from the first user, the image.
Claim 14	
14[pre]	A computer hardware web page implementation system configured to establish a reciprocal arrangement between a first web page, associated with a first user, and a second web page, comprising:
14[a]	at least one processor, wherein the at least one processor is configured to perform:
14[b]	receiving a request by the first user to implement the first web page;
14[c]	generating a second functional marketing element, associated with the first user, to be activated on the second web page;
14[d]	establishing a reciprocal site in the first web page for a first functional marketing element; and
14[e]	implementing the reciprocal arrangement upon the first web page being activated with respect to the internet by causing (i) the first web page to implement the first functional marketing element, and (ii) the second web page to implement the second functional marketing element, wherein

14[f]	the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and
14[g]	the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.
Claim 15	
15	The system of claim 14, wherein the at least one processor is further configured to perform: including, within the first web page, a web asset provided by a third party separate from the computer hardware system.
Claim 16	
16	The system of claim 15, wherein the at least one processor is further configured to perform: causing, based upon the web asset being included within the first web page site, the third party to be compensated.
Claim 17	
17	The system of claim 15, wherein the web asset is a functional application.
Claim 18	
18	The system of claim 14, wherein the second functional marketing element includes an image.
Claim 19	
19	The system of claim 18, wherein the at least one processor is further configured to perform: receiving, from the first user, the image.
Claim 20	
20	The method of claim 8, wherein the first functional marketing element consists of a hyperlink to the second web page, and the second functional marketing element consists of a hyperlink to the first web page.
Claim 21	

21	The method of claim 20, wherein the reciprocal arrangement is based upon both the first user and a user associated with the second web page opting into the reciprocal arrangement.
Claim 22	
22	The system of claim 14, wherein the first functional marketing element consists of a hyperlink to the second web page, and the second functional marketing element consists of a hyperlink to the first web page.
Claim 23	
23	The system of claim 22, wherein the reciprocal arrangement is based upon both the first user and a user associated with the second web page opting into the reciprocal arrangement.
Claim 24	
24	The method of claim 4, wherein the first functional marketing element consists of a hyperlink to the second website, and the second functional marketing element consists of a hyperlink to the first website.
Claim 25	
25	The method of claim 24, wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement.
Claim 26	
26	The system of claim 5, wherein the first functional marketing element consists of a hyperlink to the second website, and the second functional marketing element consists of a hyperlink to the first website.
Claim 27	
27	The system of claim 26, wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement.
Claim 28	
28	The computer program product of claim 7, wherein the first functional marketing element consists of a hyperlink to the second

	website, and the second functional marketing element consists of a hyperlink to the first website.
Claim 29	
29	The computer program product of claim 28, wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement.

LISTING OF ABBREVIATIONS

'971 Patent	U.S. Reissued Patent No. 45,971
'760 Patent	U.S. Patent No. 8,768,760
'259 Patent	U.S. Patent No. 7,996,259
AIA	The Leahy–Smith America Invents Act
Challenged Claims	Claims 1–29 of U.S. Reissued Patent No. 45,971
DiStefano	DiStefano Website Innovations, LLC
EDTX Action	<i>DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.</i> , Case no. 2:24-cv-00874-RWS-RSP (E.D. Tex. Oct. 29, 2024)
HTML	Hypertext Markup Language
IPR	<i>Inter Partes</i> Review
MMC	Merchant Management Component
Petitioner	TikTok Inc.
VO	Virtual Outlet
VOMC	Virtual Outlet Management Component
WDTX Action	<i>DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.</i> , Case no. 1:24-cv-00763 (W.D. Tex. Jul. 8, 2024)
WWW	World Wide Web
WYSIWYG	What You See Is What You Get

I. INTRODUCTION

Petitioner requests cancellation of claims 1-29 of U.S. Reissued Patent No. 45,971.

The Challenged Claims are directed to a method for creating a “reciprocal arrangement” between two websites/pages. EX1001, cl. 4-7, 8, 14, 21, 23, 25, 27, 29. The Claims each generally require a “*first web[site/page]*”¹ that includes a hyperlink to a “*second web[site/page]*” where the “*second web[site/page]*” includes a **reciprocal** hyperlink to the “*first web[site/page]*.”² However, the '971 Patent and DiStefano admit that the claimed subject matter was neither novel nor nonobvious as of June 7, 2000 (the earliest priority).

The background of the invention explains how the software and hardware used to implement the claimed invention was “typical” and well-known. EX1001, 1:26-3:4. DiStefano also admits that “reciprocal links were known in the art at the time of DiStefano’s invention.” EX1038, 5-6; §III. At best, the Claims purport to provide a more convenient way to implement generic and conventional reciprocal links.

Even accounting for this alleged convenience, the prior art discloses every limitation of the Claims. Block (EX1007) discloses a social media website, where

¹ Italics indicate claim language.

² All emphasis is added unless otherwise noted.

each user is associated with their own mini-site (“*first web[site/page]*”), that includes a “My-Friends-list” showing other users who the “*first user*” “has a relationship” with. EX1007, [0132]-[0133]. A hyperlink is associated with each “name” on the “My-Friends-list” that can be used to access “that person’s My-Home page” (“*second web[site/page]*”). *Id.* The “*second web[site/page]*” also includes a My-Friends-list with a **reciprocal** link back to the “*first web[site/page]*.”

Arnold (EX1008) discloses a Virtual Outlet (“VO”) website (“*first web[site/page]*”) and a merchant website (“*second web[site/page]*”). The VO website can offer various products for sale. EX1008, Fig. 1B. When a user clicks on products on the VO website, they are directed through a hyperlink to the merchant website. The user can then click a “return” button (a reciprocal hyperlink) located on the merchant website to return to the VO website. Arnold includes a “page layout” system that is used to specify the design of a webpage and then dynamically create webpages “in accordance with the layout.” EX1008, 7:58-65.

The Challenged Claims would have been obvious by at least June 2000.

II. IDENTIFICATION OF CHALLENGE

A. Grounds

Ground		Claims	Prior Art
1	§103	1-29	<u>Block</u>
2	§103	1-10, 12-16, 18-29	<u>Arnold</u>
3	§103	11, 17	<u>Arnold/Arora</u>

B. Prior Art

Each reference qualifies as prior art under pre-AIA 35 U.S.C. §102, as of the earliest alleged priority date of June 7, 2000.

Reference	Priority	Statue
<u>Block</u>	Dec. 10, 1999	§102(e)
<u>Arnold</u>	Aug. 8, 1996	§102(b)
<u>Arora</u>	July 29, 1996	§102(b)

III. OVERVIEW OF THE TECHNOLOGY

The rapid growth of the “World Wide Web” in the 1990s led to significant developments in website creation technologies. Users sought more intuitive ways to design webpages, leading to the emergence of WYSIWYG editors and dynamically created websites, which allowed users to create webpages visually without extensive HTML knowledge. EX1035, 1-2, 16-18; EX1036, 1-2, 15-16. Reciprocal linking also became a common way to interconnect webpages and generate web traffic. EX1003, ¶¶101-03.

WYSIWYG: Tools like Dreamweaver, released in 1997, became industry standards due to their robust feature set and ease of use, with nearly 66% of professional website developers using Dreamweaver. EX1029, 2; EX1056. Dreamweaver, and other WYSIWYG editors, enabled users to design webpages visually—by dragging and dropping pre-defined webpage elements. EX1027, Abstract; EX1009, Abstract. Rather than having to write HTML code to implement

visual elements; the WYSIWYG editor would instead automatically generate HTML code based on the user's visual design. EX1009, 2:20-26, 5:60-63; EX1027, 2:17-20, 2:26-44; EX1028, 1-2; EX1026; EX1003, ¶¶104-11; EX1016, Abstract, 1:50-61; EX1024, 16-17; EX1025, 1-2; EX1030, 2-3; EX1031, 1-2.

Reciprocal Links: “Reciprocal links” emerged as a term to describe a common method of interconnecting webpages to cross-promote content. A website would include hyperlinks to other sites with overlapping audiences, and reciprocal links on those other sites would mutually generate web traffic for the original website by linking back to the original website. EX1015, 1:60-66, 2:1-3, 3:27-30. Hoyt described creating interconnections between webpages through dynamic links, Pierce described marketing products through linked sites, and Web Rings provided a search engine for locating linking opportunities. EX1017, [0009]; EX1018, 2:41-42, 2:54-56, 3:47-48; EX1021, 43-44; EX1003, ¶¶112-16; EX1022, 1; EX1023, 1-2.

Internet Marketing: By the late 1990s, e-commerce websites supported affiliate marketing, with reciprocal links driving traffic and supporting mutual growth in online presence and sales. EX1019, 1:29-33. Ross allowed hosts to create website storefronts and select products from a merchant's catalog, controlling the customer experience and dynamically generating webpages and links. *Id.*, 2:52-63, 6:8-28, 9:4-27, 21:50-22:9, 23:39-24:27; EX1003, ¶¶117-20.

Social Networking: By 1998, social networking sites like sixdegrees.com, had made interlinking of user profiles a standard practice. Sixdegrees.com managed user connections based on the users' relationships. EX1020, 1, 5. Block describes a structure to facilitate sharing between member profile pages within community areas, allowing users to navigate between profiles based on their relationships. EX1007, [0012], [0024], [0128]; EX1003, ¶¶121-22; EX1022, 1.

URLs Associated with Pictures/Graphics: By 1996, links were commonly associated with a profile picture or another representative graphic. EX1053, 1:26-35; EX1054, c.14. Arnold describes a VO webpage that offers products associated with a link to the merchant webpage. EX1008, 4:3-5, 4:14-20, Fig. 1B. Ludwig discloses a system for teleconferencing, including a user interface with "quick-dial buttons" provided by face icons associated with a WAN address for each person they represent. EX1033, 19:1-5, Fig. 2A; EX1003, ¶¶123-25.

IV. THE '971 PATENT

A. Overview

Fundamentally, the '971 Patent pertains to inserting links into web[sites/pages] to create a reciprocal arrangement between two web[sites/pages]. EX1001, 3:8-13, 3:22-24, Abstract. The '971 Patent describes a "*reciprocal arrangement*" between two web[sites/pages]. *Id.*, cl. 4-5, 7-8, 14, 21, 23, 25, 27, 29. For example, each web[site/page] includes elements like "advertising messages

(“banner ads”) that include a “link to the first web[site/page].” *Id.*, 2:36-39, Abstract. And the first web[site/page] includes an additional “*functional marketing element*” that directs the user back to “the second web[site/page].” *Id.*, cl. 4-5, 7-8, 14, 20, 22, 24, 26, 28; EX1003, ¶¶42-44.

B. Prosecution History

The ’971 Patent, filed on August 9, 2013, is a reissue of the ’259 Patent, which was filed on June 7, 2000. EX1003, ¶¶45-47; EX1034.

The ’259 Patent was issued 11 years after its June 7, 2000 filing date. EX1005, 1; EX1003, ¶59. The ’259 Patent was rejected as unpatentable under §§112, 103, and 102, including over Wexler (EX1044), Hess (EX1045), Underwood (EX1046), Moore (EX1047), Mason (EX1048), Alberts (EX1049), and Dan (EX1050), appealed to the PTAB (twice), and then finally allowed. EX1005, 226-41, 271-85, 287-303, 414, 414-27, 473-87, 519-36, 560-64, 572-76, 582-93, 598-606, 617-50, 688; EX1003, ¶¶49-59.

DiStefano filed a Reissue Patent Application to “broaden[] the claims of the ’259 Patent.” EX1002, 58; EX1003, ¶¶60-62. During prosecution of the ’971 Patent, the Examiner twice rejected all pending claims under §101, finding they were directed to the abstract idea of a method of organizing human activities. EX1002, 576, 601; EX1003, ¶¶63-66. A new Examiner later withdrew the previous rejection and rejected all pending claims under §§251, 112, 103, and 102, finding the

Applicant improperly sought to recapture previously surrendered material and that the claims were obvious/anticipated by Horstmann (EX1015). EX1002, 610, 612-615, 617, 622; EX1003, ¶¶67-70. Applicant amended “independent claims 8 and 14 ... to include limitations comparable” to the previously presented claims upon which the reissue was based. EX1002, 669-71, 676. EX1003, ¶¶71-78. Applicant thereafter amended independent claim 1 and rewrote independent claims 8 and 14, and the Examiner issued a Notice of Allowance. EX1002, 722, 727, 728-29, 737; EX1003, ¶¶79-83.

C. LinkedIn Case

In December 2017, DiStefano filed suit against LinkedIn alleging infringement of the '760 Patent (EX1037). The '760 Patent is in the same patent family as the '971 Patent and shares the same specification. EX1003, ¶84; EX1039. In 2018, the District Court held (and the Federal Circuit affirmed) that claims 1, 4, 5, 8, and 10 of the '760 Patent were invalid under §101 because the claims were directed to the “abstract idea of facilitating cross-marketing relationships and fail to add any inventive combination, even when considered as an ordered combination.” *DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.*, 346 F. Supp. 3d 616, 623 (D. Del. 2018) (EX1040) *aff'd*, 784 F. App'x 785 (Fed. Cir. 2019); EX1003, ¶¶84-85.

D. LinkedIn IPR

On December 14, 2018, LinkedIn filed an IPR challenging the '760 Patent. IPR2019-00419, Paper 2 (EX1032). The Board denied institution of LinkedIn's IPR, which presented grounds entirely different than those presented herein.³

In its POPR on March 14, 2019, DiStefano acknowledged that the limitations of the '760 Patent were "comparable" and "same or similar" to the limitations of the '971 Patent. EX1010, 2, 15-16. DiStefano described claim limitations including the term "reciprocal," such as "reciprocal linking arrangement," "reciprocal links," and "reciprocal site." *Id.*, 8-11, 14, 27-28; EX1003, ¶¶86-91.

E. Level of Ordinary Skill in The Art (POSA)

A POSA at the time of the purported inventions of the '971 Patent would have had at least a bachelor's degree in computer science, computer engineering, or a related field, and two to three years of experience with the design or implementation of graphical user interfaces and applications for computers: a higher level of education or skill can make up for less experience, and vice versa. EX1003, ¶128; EX1004.

³ LinkedIn's petition was premised upon the assertion that U.S. Patent Application No. 13/206,483, filed on August 9, 2011, which was in the continuation chain of the '760 Patent, failed to provide written description support for the '760 Patent claims. LinkedIn, accordingly, asserted the parent '259 Patent as prior art.

V. CLAIM CONSTRUCTION

A. “*reciprocal site*”

A “*reciprocal site*” is a space within a webpage (within a website) for displaying reciprocal links to other websites. EX1003,¶131.

First, the claims of the ’971 Patent support this construction. For example, Claims 4, 5, 7-8, and 14 recite “*a reciprocal site in the first web[site/page].*” A POSA would have appreciated, therefore, that the “*reciprocal site*” is “*in the first web[site/page].*” Thus, the “*reciprocal site*” is not a website, but is instead part of the website/webpage. EX1003,¶¶132-33.

Moreover, the antecedent basis for the “*first functional marketing element*” and “*second functional marketing element*” confirms that they are the “*hyperlink to the second web page*” and “*hyperlink [back] to the first web page,*” respectively. EX1001, cls. 20, 14. A POSA would have understood that the “*reciprocal site*” is a space within the first or second website to insert the first or second hyperlink. Thus, in this context, “*creat[ing]*” a “*site for [a] hyperlink*” within a “*web page*” is creating a location within a webpage where a hyperlink can be inserted. EX1041, 1 (“[S]ite” is “[a] place of position; a location.”); EX1003,¶133.

The ’971 Patent’s specification also confirms this construction. EX1001, 14:39-43, Fig. 20; EX1003,¶¶134-36. Referring to Figure 20, the ’971 Patent “determines whether a reciprocal link site has already been created in the registered

user's website, **for displaying links to other websites.**” EX1001, 24:44-48. A POSA would have understood that, because “reciprocal link site” is created “for displaying links to other websites,” “*reciprocal site*” refers to a space within a webpage (within a website) for displaying reciprocal links to other websites. EX1001, Fig. 20.

The file history also supports Petitioner’s construction. EX1003, ¶137. During the original prosecution of the ’259 Patent, the examiner explained that “the limitation ‘reciprocal site’ simply means ... providing a space in a website such that third parties can place their ads in said website.” EX1005, 506. DiStefano tacitly accepted that the term “reciprocal site” refers to a space in a website used to place ads in a website, challenging only that this “construction completely ignores the term ‘reciprocal’” arguing that “a reciprocal site refers to reciprocity.” EX1005, 506-07.

Finally, in the *LinkedIn* IPR, DiStefano stated that a “*reciprocal link site*” is **a location** for “**displaying links to other websites**” and supports “the concept of two webpages, each linking to the other.” EX1010, 14, 27 (“[T]he term ‘site,’ which means a location.”). DiStefano explained that “the specification of the ’760 and ’259 Patents disclose **a link, at a reciprocal link site**, to another webpage, and creating a link back, to the registered user’s website, at this other webpage.” EX1010, 14; EX1003, ¶138.

Thus, a “*reciprocal site*” is a space within a webpage (within a website) for displaying reciprocal links to other websites. EX1003,¶139.

VI. DETAILED EXPLANATION OF GROUNDS FOR INVALIDITY

A. Ground 1: Block Renders Claims 1-29 Obvious

1. Block

Block was filed on September 20, 2002, and published on March 13, 2003 and is prior art under at least §102(e). EX1003,¶¶141-44.

(i) *Prior Art Status*

Block is entitled to its provisional filing date of December 10, 1999 because the Block-Provisional supports at least claim 1 of Block. EX1003,¶142.

<u>Block</u>, Claim 1	<u>Block</u>-Provisional (EX1006)
<u>Block</u> -Element 1[pre].	<i>E.g.</i> , EX1006, 2, 6, 14, 16, 57.
<u>Block</u> -Element 1(a).	<i>E.g.</i> , EX1006, 16, 165-167, 209, 230, 233, 241.
<u>Block</u> -Element 1(b).	<i>E.g.</i> , EX1006, 16, 22, 171, 210, 230, 234.
<u>Block</u> -Element 1(c).	<i>E.g.</i> , EX1006, 16, 22, 171, 210, 230, 234.
<u>Block</u> -Element 1(d).	<i>E.g.</i> , EX1006, 5-8, 14, 18-19, 27, 55, 70.

The teachings of Block relied on herein were carried forward from the Block-Provisional. EX1003,¶143.

Citation to <u>Block</u> (EX1007)	Corresponding <u>Block</u>-Provisional Citation (EX1006)
Abstract	2, 6
[0011]	6, 14
[0012]	6
[0015]	6
[0016]	6-7
[0020]	14, 18-19, 54

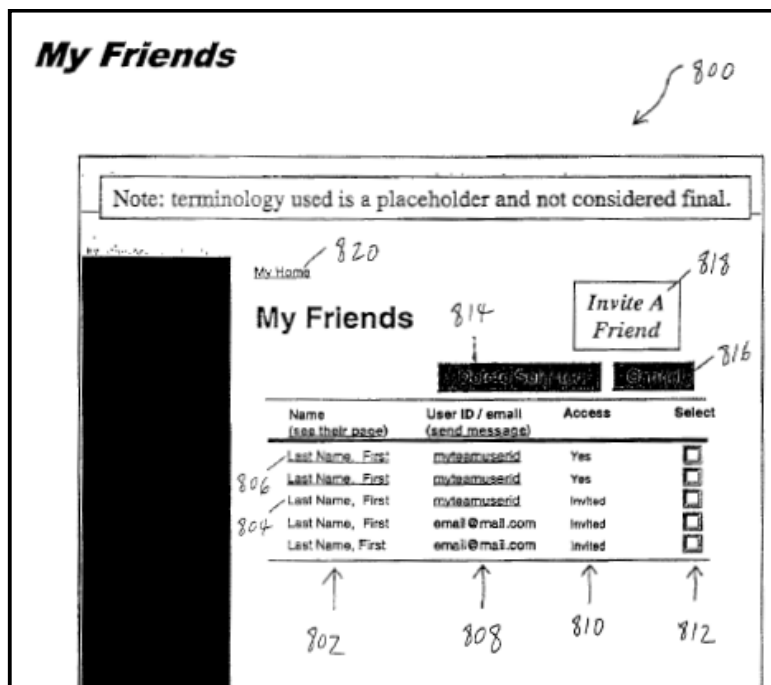
[0024]	6-7, 14-15
[0029]	6-8
[0033]	2, 6
[0089]	14
[0091]	14, 15, 19, 164
[0092]	14
[0093]	263, 264, 267
[0094]	19, 23, 24
[0095]	16, 17, 21, 164
[0096]	15-16
[0097]	16
[0098]	16, 163-164, 200, 230
[0099]	16-17
[0101]	17, 164
[0102]	17
[0103]	17, 163-164, 200, 230
[0107]	164
[0108]	19
[0118]	19
[0119]	7, 39, 212-218
[0121]	22
[0122]	17, 164
[0123]	22, 168-170
[0125]	23, 172-173
[0127]	23
[0128]	23, 24
[0132]	25
[0133]	25, 26
[0134]	26
[0140]	28
[0141]	28
[0142]	28, 29
[0144]	29
[0145]	29
[0146]	29-30
[0164]	35-36
[0168]	37
[0169]	37
[0170]	37, 91

[0184]	41-42
[0185]	42
[0190]	44
[0207]	48, 49
[0208]	48, 49
[0209]	49, 50
[0211]	49-50
Fig. 1	14-18, 163, 200, 233
Fig. 2	54, 164
Fig. 2D	7, 39, 212-218
Fig. 3	22, 165
Fig. 4	168
Fig. 6	23, 168
Fig. 8	25, 26, 55, 70
Fig. 9	26, 55
Fig. 12	27
Fig. 13	28, 29, 114
Fig. 14	114
Fig. 15	29, 74
Fig. 17	29
Fig. 28	87
Fig. 29	91
Fig. 30	38-39, 95, 123-124
Fig. 31	39-40, 97
Fig. 32	40, 100
Fig. 34	41, 106
Fig. 35	41-42, 109
Fig. 36	42-43, 112
Fig. 38	117
Fig. 39	44-45, 118
Fig. 40	45, 122
Fig. 41	45, 123-124
Fig. 42	45-46, 123-124
Fig. 43	46-47, 129
Fig. 44	47, 130
Fig. 45	131
Fig. 46A	48, 49
Fig. 46B	48, 49

(ii) **Overview of Block**

Block discloses a social media website with “a plurality of community areas.” EX1007, [0016], Abstract; EX1003, ¶¶145-47.

When an individual joins myteam.com, the “Member will be placed (by default) in their own My-Home mini-site 112.” EX1007, [0098]; EX1003, ¶148. The mini-site includes a My-Friends page 800 which “displays ‘friends’ who are people that the user has invited ... or other myteam.com Members with which the user has a relationship.” EX1007, [0128], [0094], [0132]-[0133]; EX1003, ¶¶149-51.



EX1007, Fig. 8.

Block describes a page for editing the website. EX1007, [0169], Fig. 29; EX1003, ¶¶152-54. Individuals “with Administrator access” receive an “‘edit’ link

... that goes to an editable version of the detail information page for that item.”
EX1007, [0095].

2. Claims 4/5/7/8/14

Independent claims 4, 5, 7, 8, and 14 overlap significantly. EX1003, ¶¶92-96, 99-100. Claims 4/5/7 are directed to a “*method*” or “*system*” for creating reciprocal links in “website(s),” while Claims 8/14 create reciprocal links in “webpage(s).” EX1003, ¶¶92-96; EX1002, 612. Where claims overlap, they are addressed together.

(i) **4[pre]/5[pre]/7[pre]/8[pre]/14[pre]**

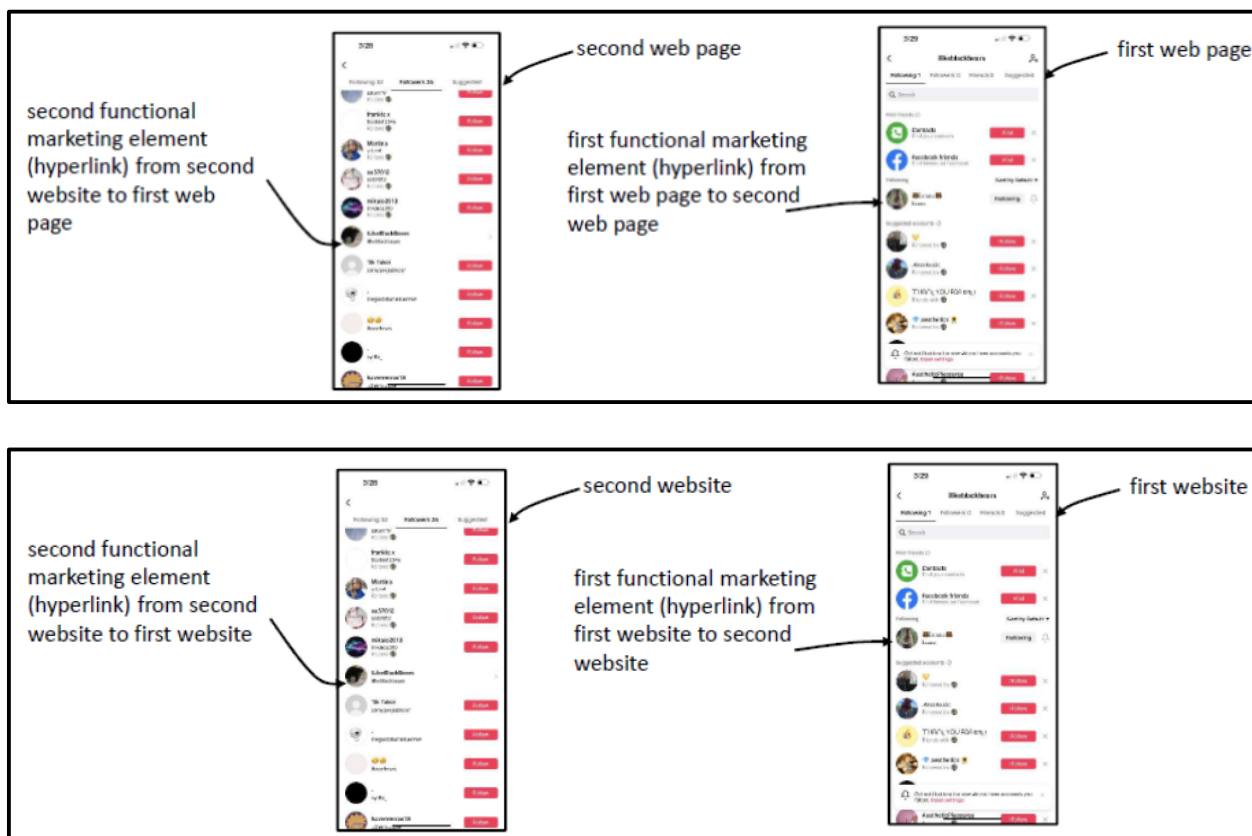
Block discloses “[a] computer hardware web[site/page] implementation system.” EX1003, ¶¶155-56, 213-14, 238-39, 259-60, 321-22. Block describes how websites and webpages “can be hosted on computers and servers” which provide “access to **post/retrieve** information.” EX1007, [0207]-[0209], [0011], [0089], [0091], [0101], [0122]. Block also facilitates editing and personalizing webpages. EX1007, [0095] (editing), [0121] (personalization). Since Block’s computer system is used to host, post, and retrieve websites/pages and facilitates development of the website/pages, Block discloses “[a] computer hardware web[site/page] implementation system” and “*method*” performed therein. EX1003, ¶¶155-67, 259-60.

Block also describes “a computer-readable medium that have computer code thereon for performing various computer-implemented operations.” EX1007,

[0211]. Accordingly, Block teaches a “*computer program product including a computer-readable storage medium having stored therein computer usable program code.*” EX1003, ¶¶238-40. Block’s “computer code” executes on the “*computer hardware*” of Block, discussed above. EX1007, [0209], [0211].

Block discloses “*establish[ing] a reciprocal arrangement between a first web[site/page] “[associated with a first user]” “and a [preexisting] second web[site/page].”* EX1003, ¶¶157-67. Block explains that a “Member” who joins myteam.com gets “their own **My-Home mini-site 112.**” EX1007, [0094], [0098]. Therefore, existing users are “*associated with*” a “*preexisting*” website—i.e., a My-Home mini-site. EX1003, ¶157.

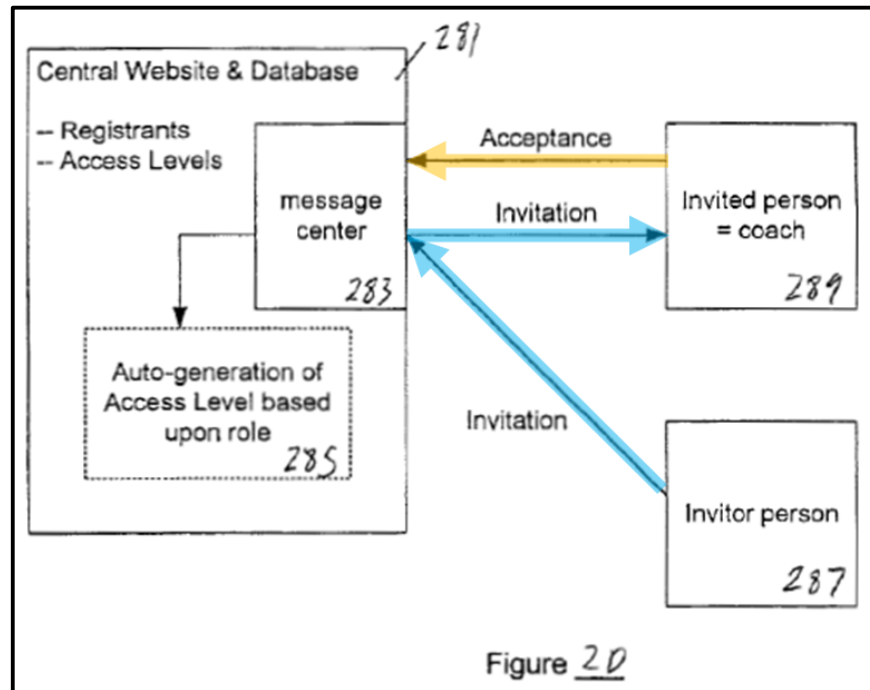
In the EDTX/WDTX Actions, DiStefano argues that a “*first web[site/page]*” and a “*[preexisting] second web[site/page]*” are user profiles associated with a first/second TikTok user, respectively. EX1003, ¶¶158, 262; EX1012, 58-60, 65-70, 73-75. The “mini-site” of Block operates in the same manner as the accused first/second websites/webpages on TikTok. *TVIIM, LLC v. McAfee, Inc.*, 851 F.3d 1356, 1362 (Fed. Cir. 2017); EX1003, ¶¶159, 263.



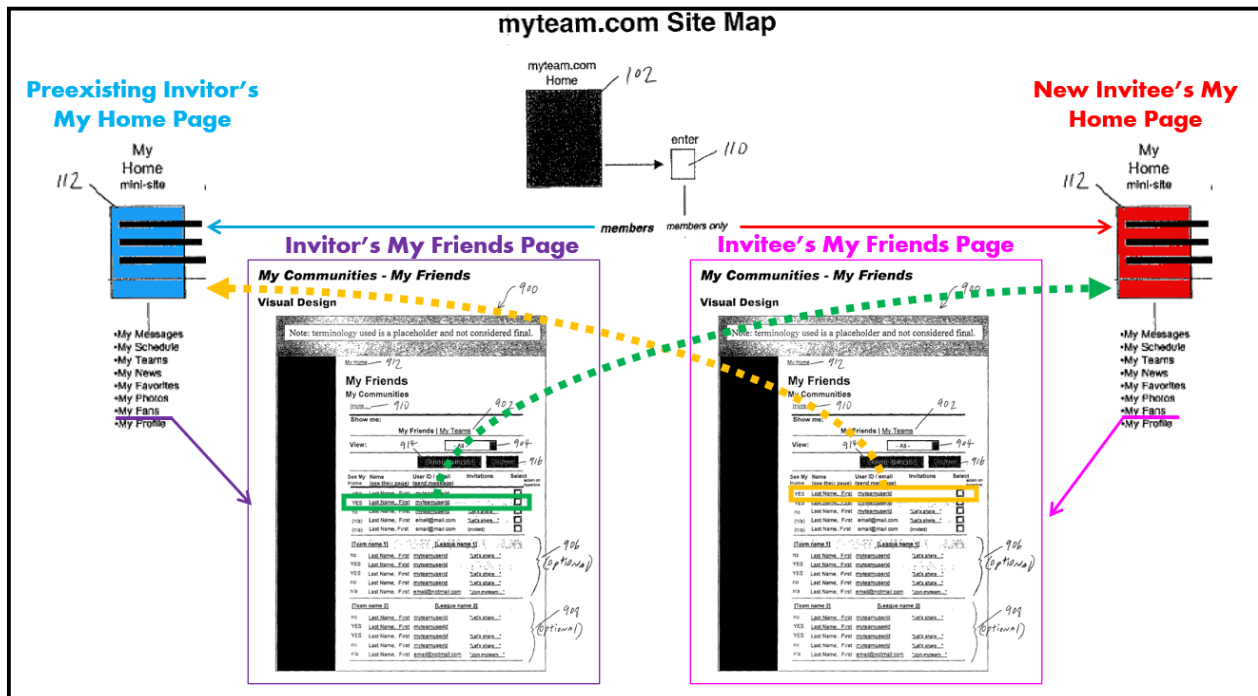
EX1012, 73 (top), 65 (bottom).

Each “My-Home mini-site” is a “*website*,” and includes sub-“*pages*.” EX1007, [0094], [0098], [0015]. Thus “My-Home mini-site” of a “*preexisting*” Member includes a “*second web page*.” EX1003, ¶¶261-62.

A “preexisting” member (invitor) can send an Invitation (**blue**) to an invitee (“*first user*”), who is “*associated with*” their own My-Home mini-site upon acceptance (**orange**). EX1007, [0029], [0091], [0094], [0098], Fig. 2D; EX1003, ¶¶160-61. The invitee’s “My-Home mini-site” is a “*first website*” and includes a “*first web page*.” EX1007, [0128], [0132]; EX1003, ¶¶261-63.



EX1007, Fig. 2D (annotated).

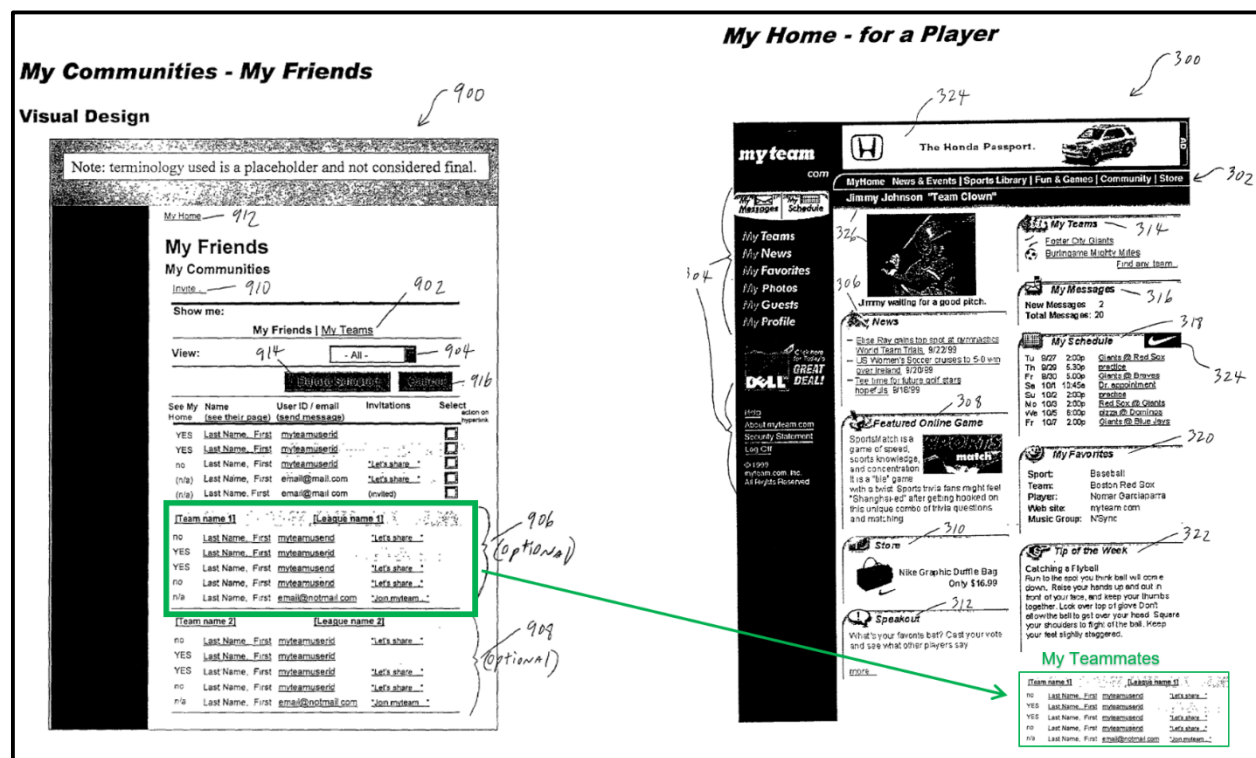


EX1007, Figs. 1, 9 (combined/annotated).

Each “My-Home mini-site” has a “My-Friends”-page that includes a “list of people with whom the user has a relationship”—i.e., “people that the user has invited to be myteam.com Members.” EX1007, [0128], [0132]; EX1003,¶163. Block explains that names (**green/orange**) on the “My-Friends-list” are click-through links that lead to another user’s My-Home page. EX1007, [0133]-[0134], Fig. 8; EX1003,¶163. “When an individual accepts an Invitation to a My-Home page, the link to the invitor’s My-Home page is [added to] their My-Fans page,” i.e., the invitee’s My-Fans/Friends-list (**pink**). EX1007, [0094], [0128], [0132], [0119]; EX1003,¶164. The invitee’s name with a link (**green**) to the “*first web[site/page]*” is on the My-Friends-list of the invitor’s “*preexisting second web[site/page]*” (**purple + blue**) and the invitor’s name with a link (**orange**) to the “*preexisting second web[site/page]*” is added to the My-Friends-page (**pink + red**) of the “*first web[site/page]*.” EX1003,¶165. Thus, when the invitee accepts the invitation and the “relationship is **reciprocal**,” Block’s system “*establish[es] a reciprocal arrangement between*” the first and second websites/pages. EX1003,¶165. If Distefano argues forming a “*reciprocal arrangement*” requires opting into the relationship, as discussed below (§VI.A.10), Block discloses it.

If Distefano argues that Block’s “My-Friends”-page links to a user’s My-Home and that the reciprocal relationship is not between two “My-Friends” pages, that argument should be rejected because Distefano accuses the same configuration

of infringement. EX1003, ¶¶262-66; EX1012, 58-60, 65-70, 73-75; *TVIIM*, 851 F.3d at 1362. It also would have been obvious to establish the “reciprocal arrangement” between two users’ My-Home page. EX1003, ¶265. Each My-Home page already includes capsules that include team information such as schedule, team listings, etc. §VI.A.4. The My-Friends Page already includes a listing of teammates (Fig. 9). EX1007, [0134]; EX1003, ¶165. It would have been obvious to include the listing of teammates on each user’s My-Home page as an additional capsule:



EX1007, Figs. 3, 9 (combined/annotated)

A POSA would have been motivated to include teammate information on the My-Home-page because it would be a simple matter of reusing existing components in Block. EX1003, ¶266. Since Block is built using “computer code” that is “well

known and available to those having skill in the computer software arts” it would have been well within the skill of a POSA to modify the My-Home of Block. EX1007, [0211]; EX1003, ¶266. Finally, since the purpose of Block is to build “website communities,” including a teammates capsule on My-Home would increase the likelihood that individuals will see and send friend requests to other members—i.e., they will no longer be required to go to a separate webpage to see connections. EX1007, [0033]; EX1003, ¶266.

(ii) **5[a]/14[a]**

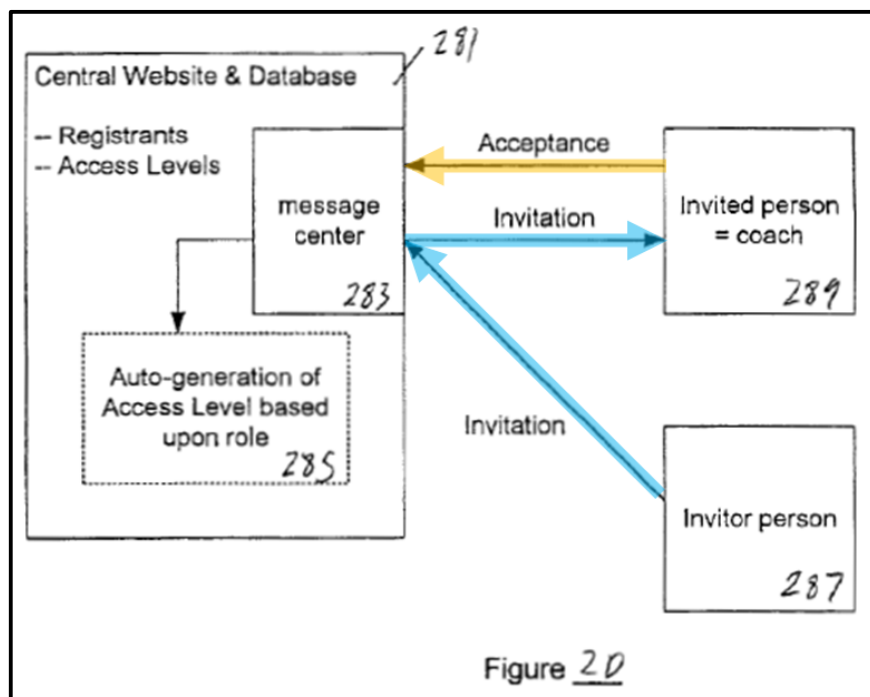
Block describes computer system 4600 which includes “*at least one processor*”—“[p]rocessor(s) 4622 (... central processing units, or CPUs)” which perform the steps described herein. EX1007, [0209], [0207]; Fig. 46B; EX1003, ¶¶215, 323-24; §VI.A.2(iv) (disclosing receiving a request to implement the first web page).

(iii) **4[a]/5[b]/7[a]**

Block discloses that “Members” who have registered with the myteam.com website have access to their own My-Home mini-site. EX1007, [0029], [0091], [0098]. Block discloses “*registering the second website...*” §VI.A.2(i); EX1003, ¶¶168-171, 217-18, 241-42.

(iv) 4[b]/5[c]/7[b]/14[b]

Block explains that when an invitee (“*first user*”) accepts (**orange**) an invitation (**blue**), they register with myteam.com and get their own My-Home mini-site (“*first website*”). §VI.A.2(i); EX1007, [0024], [0094]; EX1003, ¶¶172-74. The acceptance (**orange**) is a “*request by a first user to implement the first web[site/page].*” The acceptance is also “*received*” by the “central website & database” (“*website implementation system*”). EX1003, ¶¶175-76, 219-20, 243-44, 325-26.

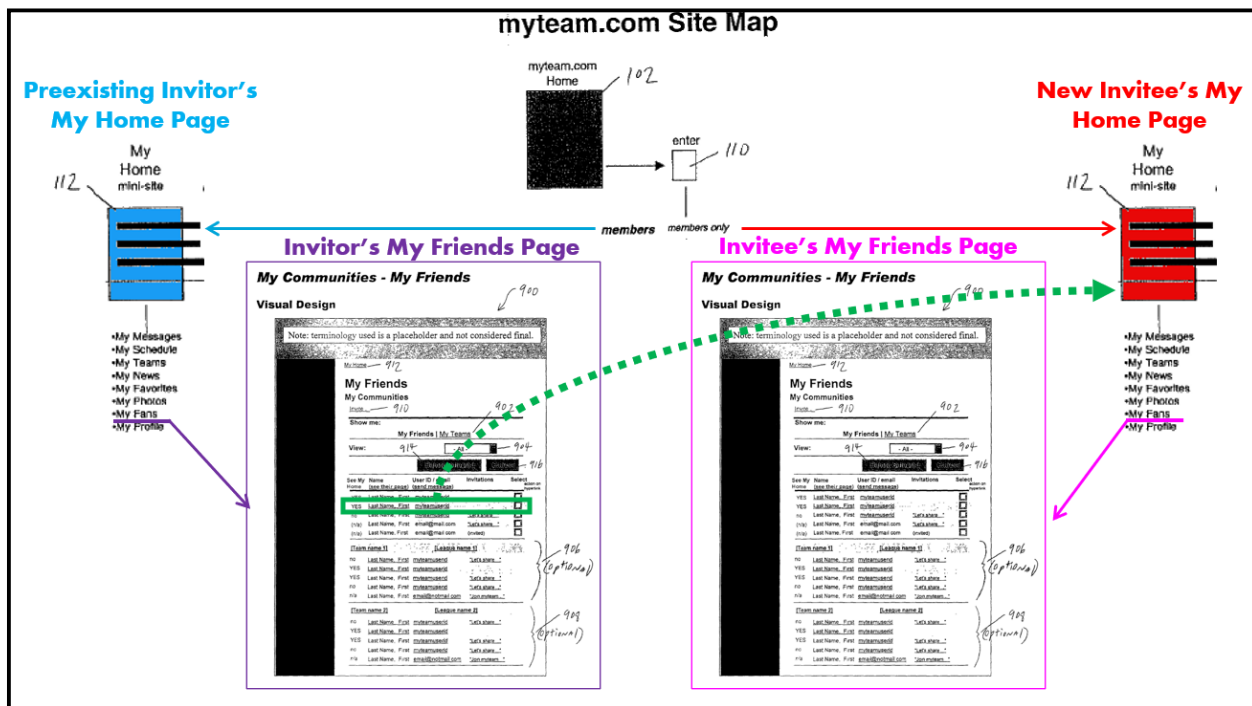


EX1007, Fig. 2D (annotated).

(v) 4[c]/5[d]/7[c]/8[a]/14[c]

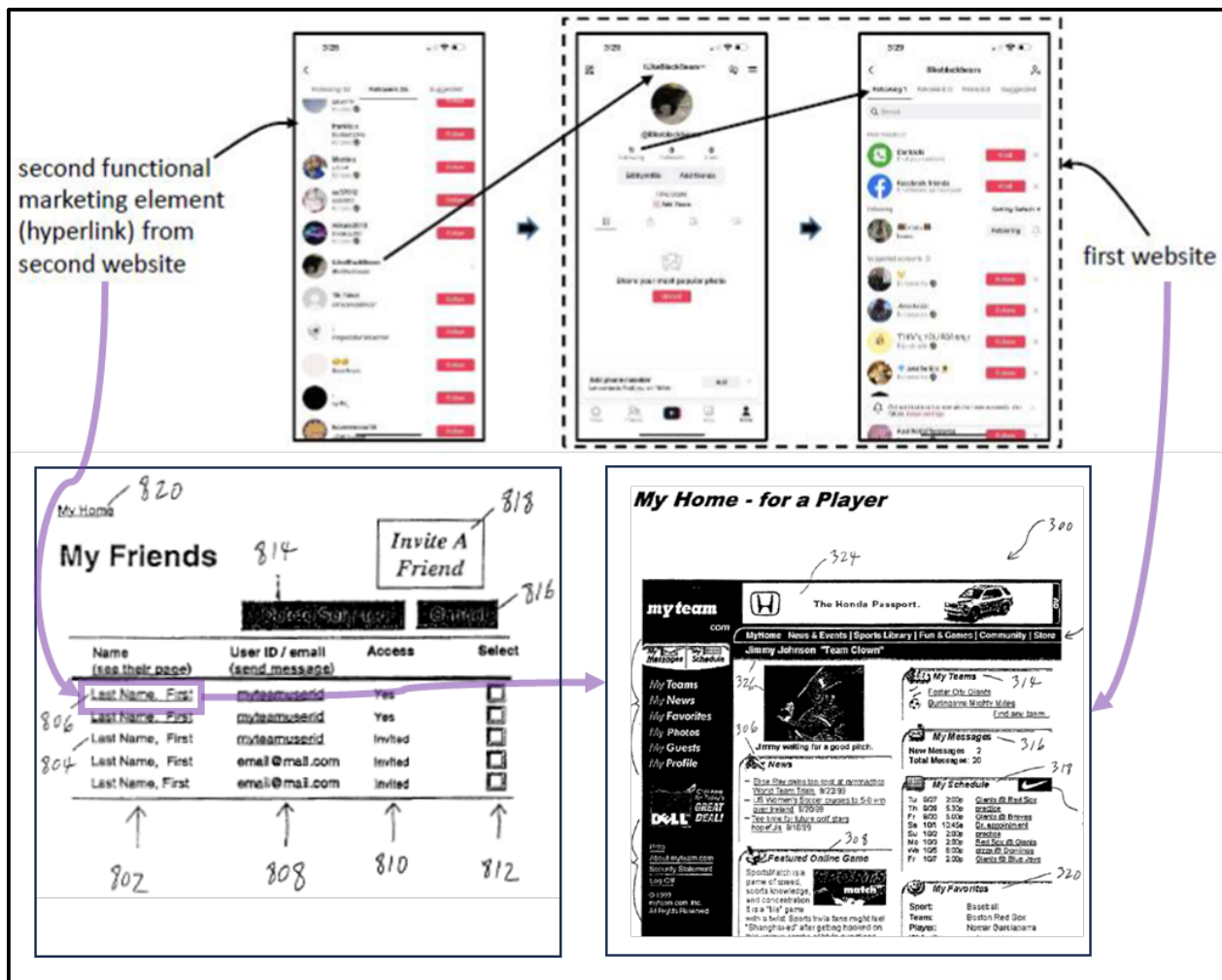
The “My-Home mini-site” has a “My-Friends”-page that includes a “list of people with whom the user has a relationship.” §VI.A.2(i). The names on the My-

Friends-list include click-through links that lead to other user's My-Home pages. EX1007, [0128], [0132]-[0134], Figs. 8-9; EX1003, ¶¶177-79. The invitor's My-Friends-page ("second web[site/page]") include the invitee's **name** with a link to the invitee's My-Home ("first web[site/page]") (**green arrow**) because the invitee is a person "the user has invited to be [a] myteam.com Member[]." EX1007, [0132]-[0133]; EX1003, ¶179; §VI.A.2(i). The invitee's ("first user") **name** is associated with a click-through link that is "generat[ed]" and "market[ed]" / "activated" on the "second web[site/page]" (**blue+purple**), and therefore is "a second functional marketing element[, associated with the first user,] to be activated on the second web[site/page]." EX1003, ¶¶179, 268-71, 327-28.



EX1007, Figs. 1, 9 (combined/annotated).

In the EDTX/WDTX Actions, DiStefano argues that: “substantial overlap exists in the meanings of... the claimed ‘functional marketing element’ of the ’971, ’222, and ’570 Patents and the known terms of hyperlink, link, and URL.” EX1012, 10, n.14; EX1011, 9, n.12; EX1003, ¶180. DiStefano also argues that a “*second functional marketing element*” is the username of a first TikTok user with a hyperlink to the first TikTok user’s profile page (“*first website*”). EX1003, ¶180. The links between users of myteam.com via the My-Friends-list in Block operates in the same manner as the links between users in DiStefano’s allegations. EX1003, ¶181.

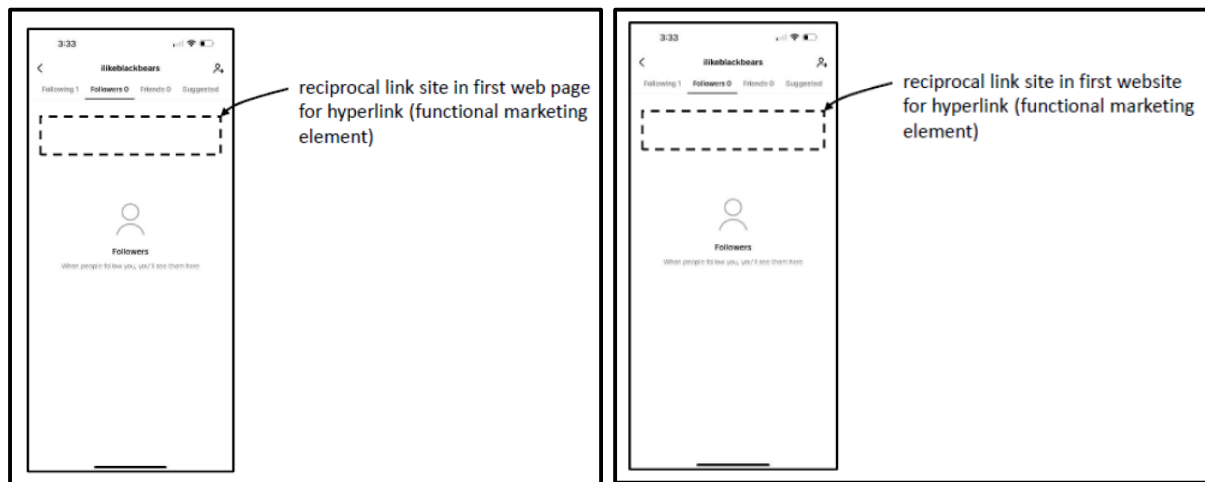


EX1012, 59 (top); EX1007, Figs. 8, 3 (combined/annotated).

The invitee (“*first user*”) completes a “registration form” with “primary information” about the invitee such as “email address, phone number, etc” when joining myteam.com. EX1007, [0093]. The “registration form,” therefore, receives the invitee’s name which is “*select[ed] by*” the invitee and displayed as part of the “*second functional marketing element.*” EX1003, ¶¶182-83; §VI.A.2(iv). The “*first user*” also “*selects*” to accept the invitation which adds the “*second functional marketing element*” to the “*second web[site/page].*” EX1007, [0132]-[0133]; §VI.A.2(iv); EX1003, ¶¶183, 221-22, 245-46.

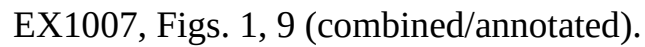
(vi) **4[d]/5[e]/7[d]/8[b]/14[d]**

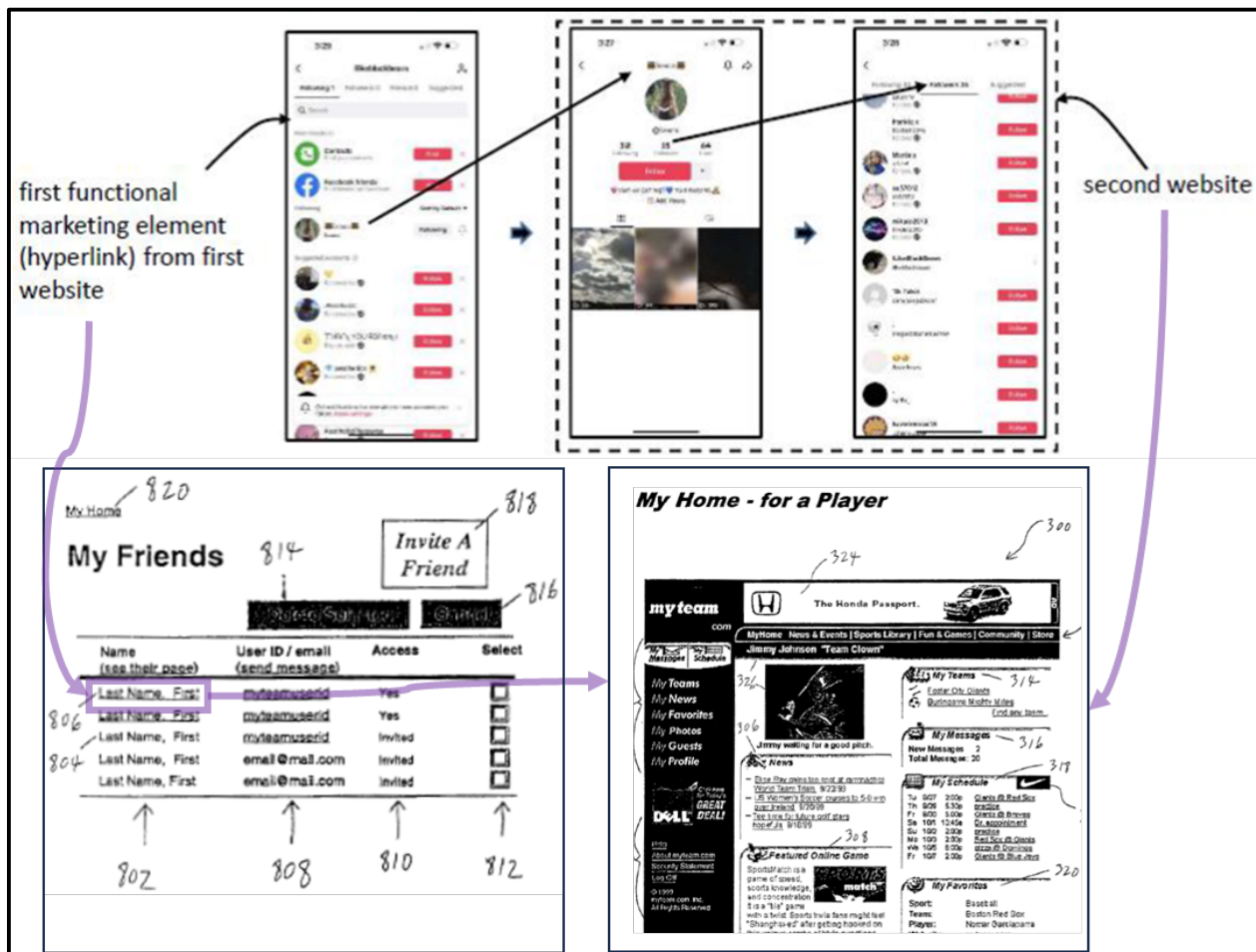
A “*reciprocal site*” is a space within a webpage (within a website) for displaying reciprocal links to other websites. §V.A. In the EDTX/WDTX actions, DiStefano argues that a “*reciprocal site in the first web[site/page]*” is the followers-list in the user profile associated with a first TikTok user. EX1003, ¶¶188-90, 274. Block’s “My-Friends page” operates in the same manner as the accused followers-list in DiStefano’s allegations; the invitee’s My-Friends-page is, thus, the “*reciprocal site in the first web[site/page].*” EX1003, ¶¶184-92, 275.



EX1012, 72 (left), 64 (right).

Just like with the “*second functional marketing element*” (§VI.A.2(v)), the invitor’s name (**orange**) with a link (**orange arrow**) to the invitor’s My-Home (“*second web[site/page]*”) on the invitee’s My-Friends page (**pink**) is “*a first functional marketing element,*” consistent with DiStefano’s allegations. EX1007, [0132], [0133]; EX1012, 10, n.14, 59, 62. Therefore, the invitee’s My-Friends page includes a “*reciprocal site in the first web[site/page] for a first functional marketing element.*” EX1003, ¶¶191-92, 223-24, 247-48, 272-76, 329-30; §VI.A.2(i).

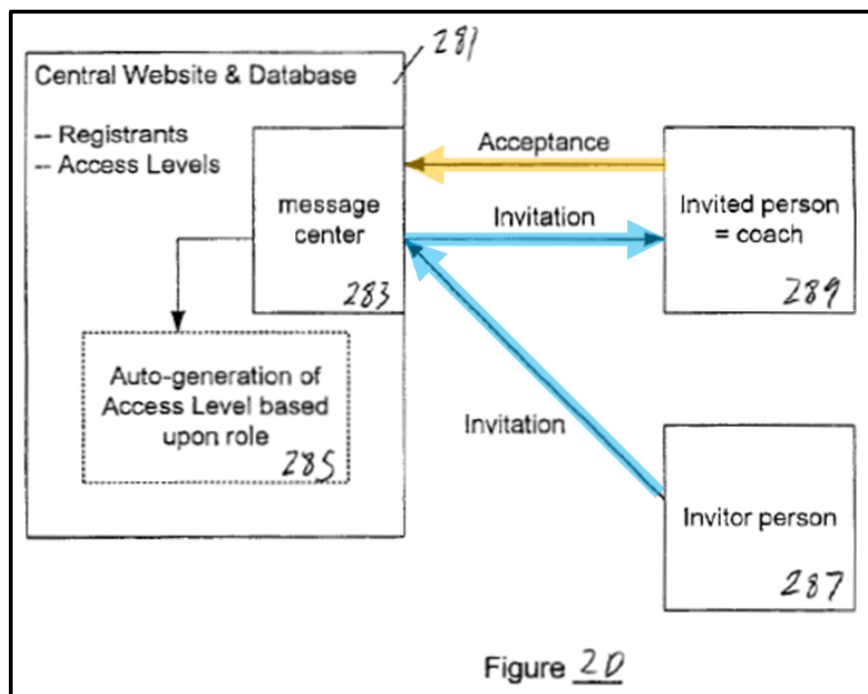




EX1012, 59 (top); EX1007, Figs. 8, 3 (combined/annotated).

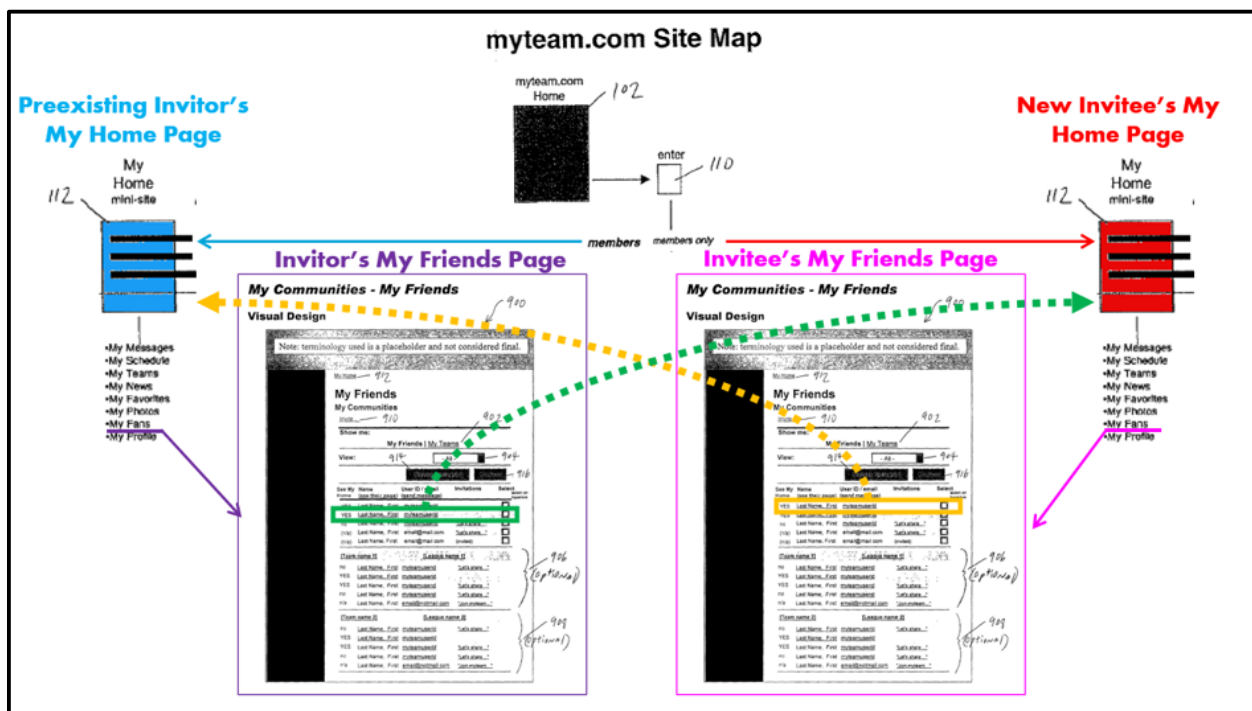
(vii) 4[e]/5[f]/7[e]/8[c]/14[e]

Block's system implements the "reciprocal arrangement" when the invitee accepts (orange) the invitation (blue). §VI.A.2(i). At that point, the invitee gets its own My-Home mini-site with a My-Friends-page which is "activated with respect to the internet." EX1007, [0091]-[0094], [0098], Fig. 2D; EX1003, ¶¶193-97.



EX1007, Fig. 2D (annotated).

Block describes implementing the invitee's name ("second functional marketing element") with a click-through link to the invitee's My-Home page ("first web[site/page]") on the invitor's My-Friends page ("second web[site/page]"). §VI.A.2(v). And, the invitor's name ("first functional marketing element") with a click-through link to the invitor's My-Home page ("second web[site/page]") is implemented on the invitee's My-Friends page ("first web[site/page]"), §VI.A.2(vi), upon the invitee's acceptance and "upon the first web[site/page] being activated...." EX1003, ¶198. Once the Invitee's mini-site is created, the "first functional marketing element" (green) and "second functional marketing element" (orange) will be active, forming a "reciprocal arrangement." EX1003, ¶¶198-200, 225-26, 249-50, 277-78, 331-32.



EX1007, Figs. 1, 9 (combined/annotated).

(viii) 4[f]/5[g]/7[f]/8[d]/14[f]

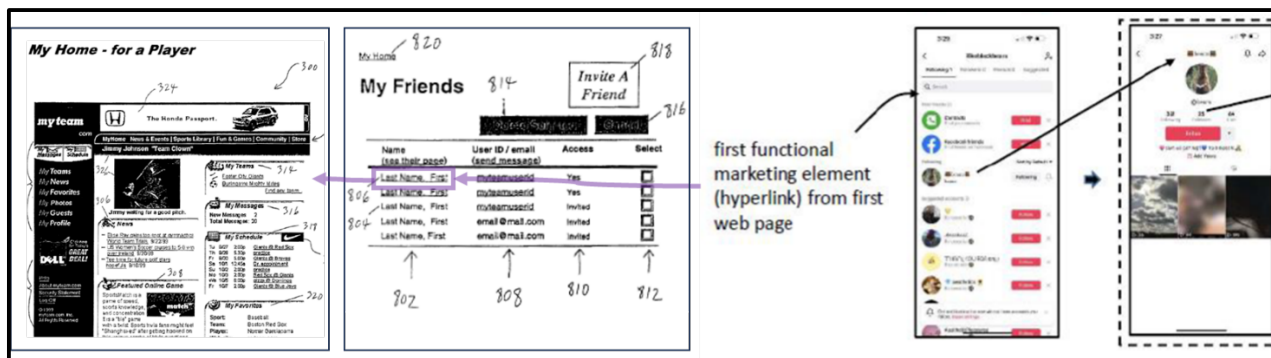
Block explains that “an Invited Guest (or Fan/Friend)” and “a Participant who is a verified family member, such as a parent or guardian” have access to a member’s My-Home. EX1007, [0020], [0091], [0107]-[0108], [0118], Fig. 2. This access would include access to the My-Friends-page. EX1003, ¶¶201-03. Thus, a user other than the owner (“second user”) of “the first web[site/page]” can access the My-Friends page (“first web[site/page]”).

Access Level Chart				
X = access	Non-Members	Members		
	Anonymous Visitor	Invited Guest (Fan/Friend)	Participant	Administrator
My Home	no access 202	X 204	(NO -- unless verified family member such as Parent or Guardian) 206	X (That individual that owns it) 208
Team Home	X (limited) 210	X (can see more) 212	X (Still more)* 214	X (See and edit all) 216
League Home	X (limited) 218	X (can see more) 220	X (still more) 222	X (See and edit all) 224

* Can be expanded to include Fan Lists, and so forth

EX1007, Fig. 2 (annotated).

If the “second user” access the “first web[site/page]” (invitee’s My-Home/My-Friends) and clicks on the “first functional marketing element,” the click-through link will direct them “via the internet” to invitor’s My-Home (“second web[site/page]”). EX1007, [0033] (“[A]n Internet website structure is provided.”), [0128], [0133]; §VI.A.2(vi); EX1003, ¶¶204, 227-28, 251-52, 281-83, 333-34.



EX1007, Figs. 3, 8 (left); EX1012, 59 (right) (combined and annotated).

(ix) **4[g]/5[h]/7[g]/8[e]/14[g]**

Just like the “*second user*,” (§VI.A.2(viii)), a “*third user*” who has access to the “*second web[site/page]*” and the “*first web[site/page]*” is directed to the invitee’s My-Home (“*first web[site/page]*”) “*via the internet*” upon clicking the invitee’s name associated with a link (“*second functional marketing element*”) to the “*first web[site/page]*.” EX1007, [0107]-[0108], [0020], [0033] [0128], [0133], Fig. 2; §§VI.A.2(vii), VI.A.2(viii); EX1003,¶¶205-08, 229-30, 253-54, 284-86, 335-36.

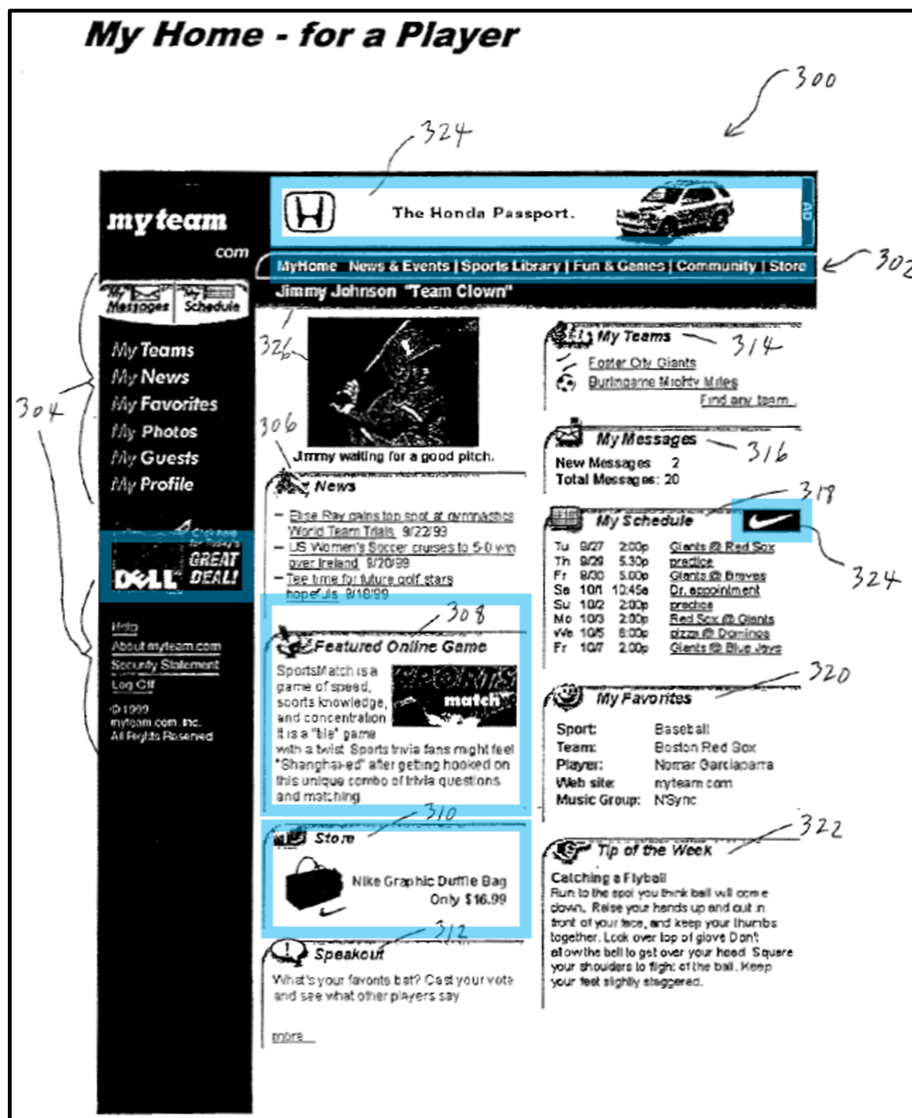
3. Claim 6

Block describes “[t]he central website and database 281” which stores “information such as the registrants and their access levels,”—i.e., “*a database of registered websites.*” EX1007, Abstract, [0119]; EX1003,¶¶231-33.

4. Claims 9/15

Examples of “*web asset[s]*” include graphic image, text and, related color, sound, and animation features, JAVA applets and scripts, message boards, web objects, and templates which can be displayed on a website. EX1001, 7:20-29; EX1003,¶¶287-90. Block’s capsule (e.g., store 310, online games 308, advertisements 324) and the information therein (**blue**) includes at least “graphic image, text and related color, sound and animation features” and therefore are a “*web asset*” “*included within the first web page.*” EX1007, [0095]-[0096], [0121]; EX1003,¶¶291-94. Block further describes a “Community” tab which includes “ask

the pro” information and a “Store” tab which includes “‘ecommerce’ (i.e. electronic commerce) items” (blue). EX1007, [0096]; EX1003, ¶292. The information in Block’s capsule (“web asset”) such as “Nike Graphic Duffle Bag” 310 or “Honda Passport” 324 are provided by a non-member of myteam.com (seller/advertiser)—i.e., Nike—(“provided by a third-party separate from the computer hardware system.”). EX1003, ¶¶293-95, 337-38; EX1007, Figs. 28-32, 34-36, 38-45.



EX1007, Fig. 3 (annotated).

5. Claims 10/16

Since myteam.com users can purchase “ecommerce” items placed in the “store” capsule—for example the Nike Graphic Duffle Bag—the “*third-party*” seller (Nike) would be “*compensated*” “*based upon the web asset being included within the first web page site.*” §VI.A.4; EX1007, [0096], Fig. 3; EX1003, ¶¶296-99, 339-40.

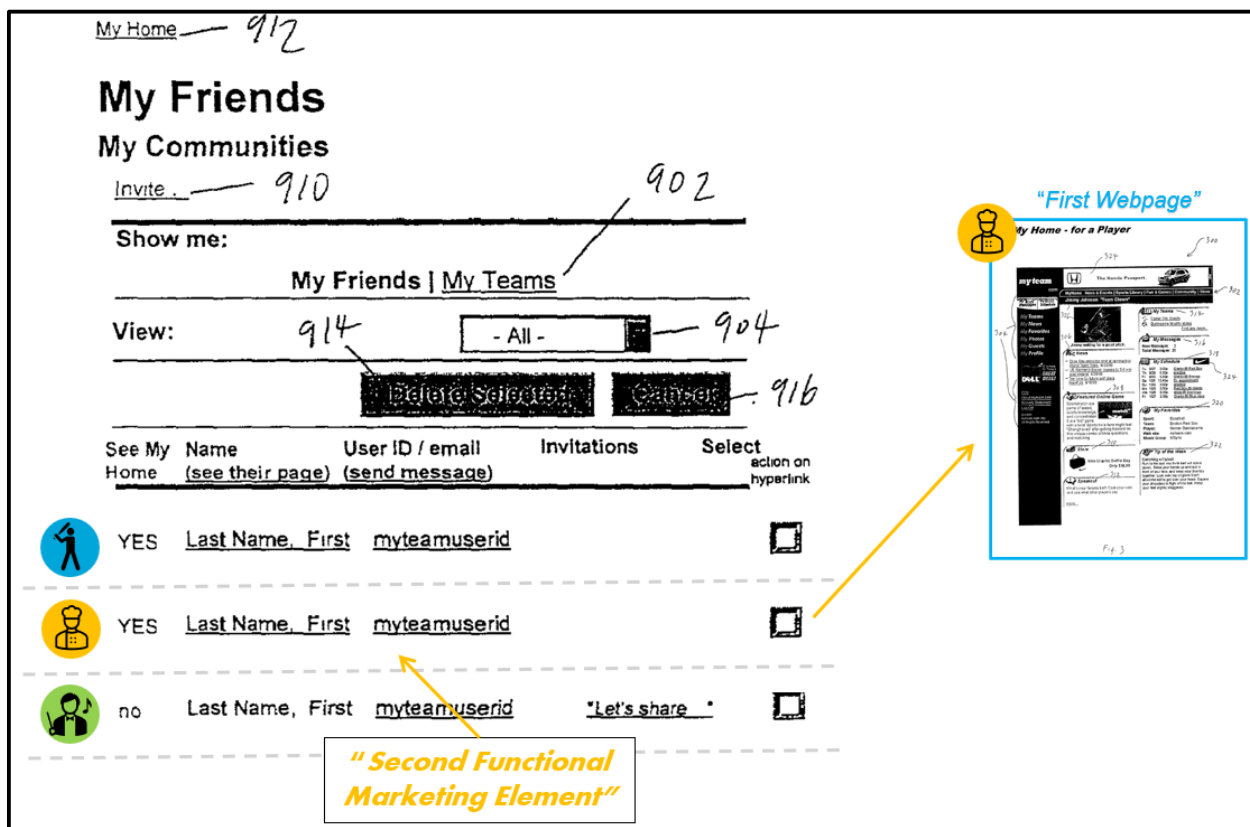
6. Claims 11/17

Block’s capsule such as store 310, online games 308, and advertisements 324 are “*functional application[s]*.” EX1003, ¶¶300-03, 341-42. The store capsule allows users to buy products from third parties. §VI.A.4. Likewise, online games 308 would be built using JAVA applets, scripts. EX1003, ¶302; EX1001, 7:20-29 (“**Web assets can include JAVA applets, scripts (including moving scripts and scripts...**”). A POSA would have also understood that Block’s “ask the pro” or “live chat” features is also a “*functional application.*” EX1003, ¶302.

7. Claims 12/18

Block renders obvious “*the second functional marketing element includes an image.*” As explained above (*supra* §VI.A.2(v)), Block describes “*a second functional marketing element,*” i.e., the invitee’s name associated with a click-through link to that invitee’s My Home. EX1007, Figs. 8-9, [0133]-[0134], [0123], [0125], [0127], Fig. 4-6. It would have been obvious to associate a profile picture

for each user with their respective entry in the “*second website*” My-Friends page. Using Profile Pictures and Face Icons was ubiquitous in social media. §III. A POSA would appreciate that profile pictures allow a user to more quickly identify the relevant table entry and distinguish between individuals with similar names. EX1003, ¶¶304-07, 343-44. Indeed, in Block a “*first user*” can already upload “Personalized information 326...regarding the owner of this page (Jimmy Johnson), including for instance pictures of the Player in action.” EX1007, [0121]; EX1003, ¶306. It would have been obvious to use the personalized “pictures of the Player” as a profile pictures associated with the “*second functional marketing element*,” at least because it would make it easier to identify users, as demonstrated below:



EX1007, Figs. 3, 9 (annotated).

8. Claims 13/19

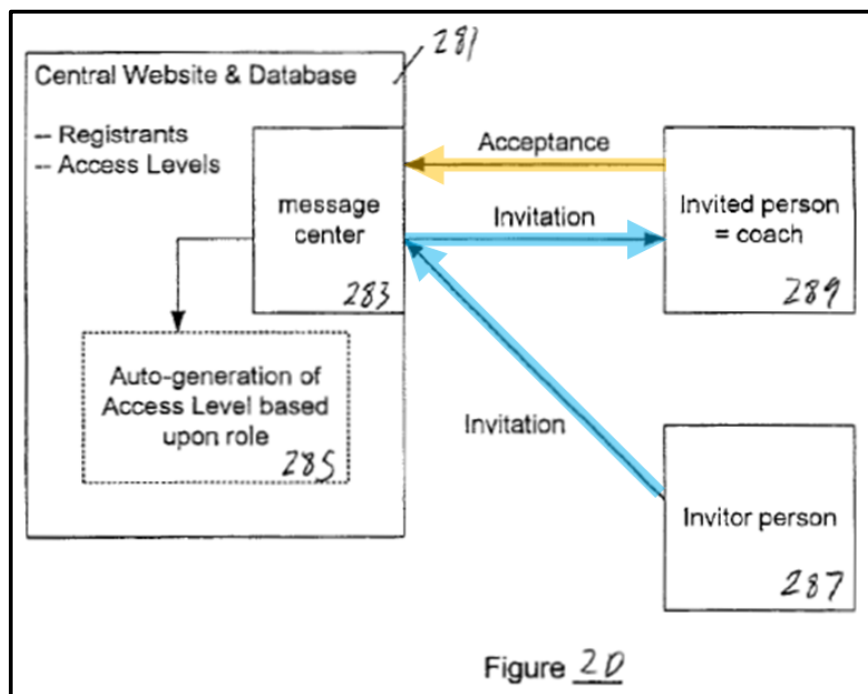
Block's My-Home-page displays "personalized" information like pictures on the owner's My-Home. EX1007, [0121], Fig. 3; EX1003, ¶311. Block also teaches an image upload feature. EX1007, [0170]; EX1003, ¶310. Since the image associated with "second functional marketing" would be a profile picture of the "first user," it would have been obvious that the "first user" would provide said "image." §VI.A.7; EX1003, ¶¶308-12, 345-46.

9. Claims 20/22/24/26/28

Block explains that upon the invitee's acceptance of the invitation, the invitee's name ("*second functional marketing element*") on the invitor's My-Friends page ("*second web[site/page].*") gets a hyperlink to the invitee's My-Home page ("*first website*"), and the invitee gets a My-Friends page ("*first web[site/page]*") including the invitor's name ("*first functional marketing element*") with a hyperlink to the invitor's My-Home/My-Friends page ("*second web[site/page]*"). §§VI.A.2(v)-VI.A.2(vi); EX1003, ¶¶209-10, 234-35, 255-56, 313-16, 347-48; §VI.A.2(i) (obvious to include teammate information on the My-Home-page).

10. Claims 21/23/25/27/29

Since the reciprocal arrangement is based upon both the invitor ("*a user associated with the [preexisting] second website*") sending an invitation and the invitee ("*first user*") accepting the invitation, "*the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement.*" EX1003, ¶¶211-12, 236-37, 257-58, 317-20, 349-50; EX1007, [0091], [0093]-[0094], [0098], Fig. 2D; §§VI.A.2(i), VI.A.2(vii).

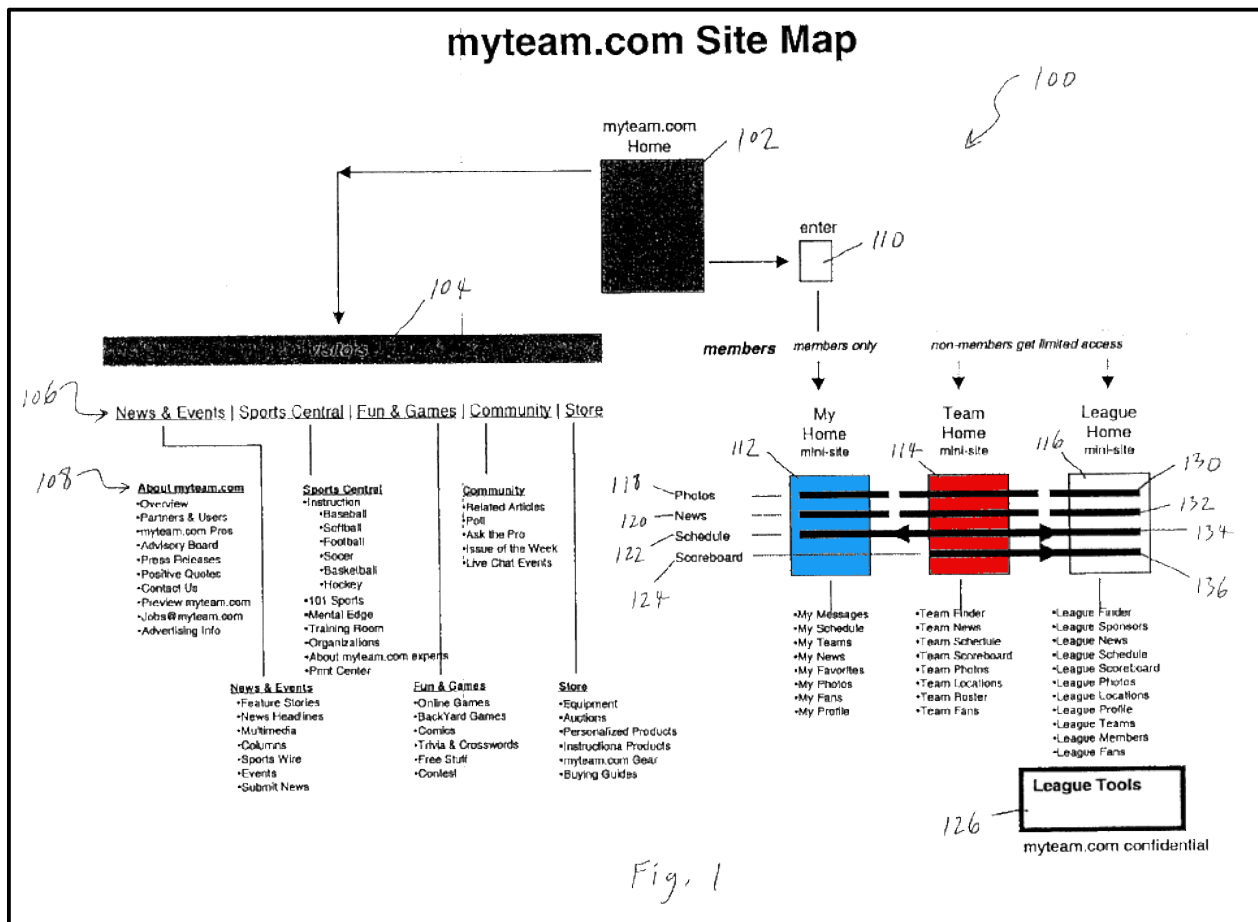


EX1007, Fig. 2D (annotated).

11. Claims 1/2/3(i) **1[pre]/3[pre]**

Block discloses a “*second website*” (**blue**), in the form a “My-Home mini-site” associated with a current myteam.com Member. EX1007, [0094], [0098]; §VI.A.2(i); EX1003, ¶¶351-52.

Block discloses a “*first website*.” Block teaches that there are “three types of mini-site areas, namely My-Home, Team-Home, and League-Home.” EX1007, [0097]. The Team-Home includes “associated linked pages,” such as “Team Roster, and Team-Fans,” and can also include My-Teams capsules such as “Team Photos 406, Team News 408,” etc. EX1007, [0099], [0123]. Therefore, the Team-Home is a “*first website*” (**red**). EX1003, ¶353.



EX1007, Fig. 1 (annotated).

The “*first website [is also] being designed by the website designer.*” Block explains that an “‘Administrator’ [is] an individual with ‘owner’ or ‘primary edit control’ over [a community’s] web pages.” EX1007, [0091]. An administrator can access an “‘edit’ link” which provides an “editable version of the detail information page” for those items. EX1007, [0095], [0101], [0122]. Figure 2 of Block shows that an “Administrator” can be assigned to a “Team-Home” and can “see and edit all.” EX1007, Fig. 2. Therefore, the “*first website*” is editable and “*being designed by the website designer.*” EX1003, ¶354.

Access Level Chart				
X = access	Non-Members	Members		
	Anonymous Visitor	Invited Guest (Fan/Friend)	Participant	Administrator
My Home	no access 202	X 204	(NO – unless verified family member such as Parent or Guardian) 206	X (That individual that owns it) 208
Team Home	X (limited) 210	X (can see more) 212	X (Still more)* 214	X (See and edit all) 216
League Home	X (limited) 218	X (can see more) 220	X (still more) 222	X (See and edit all) 224

* Can be expanded to include Fan Lists, and so forth

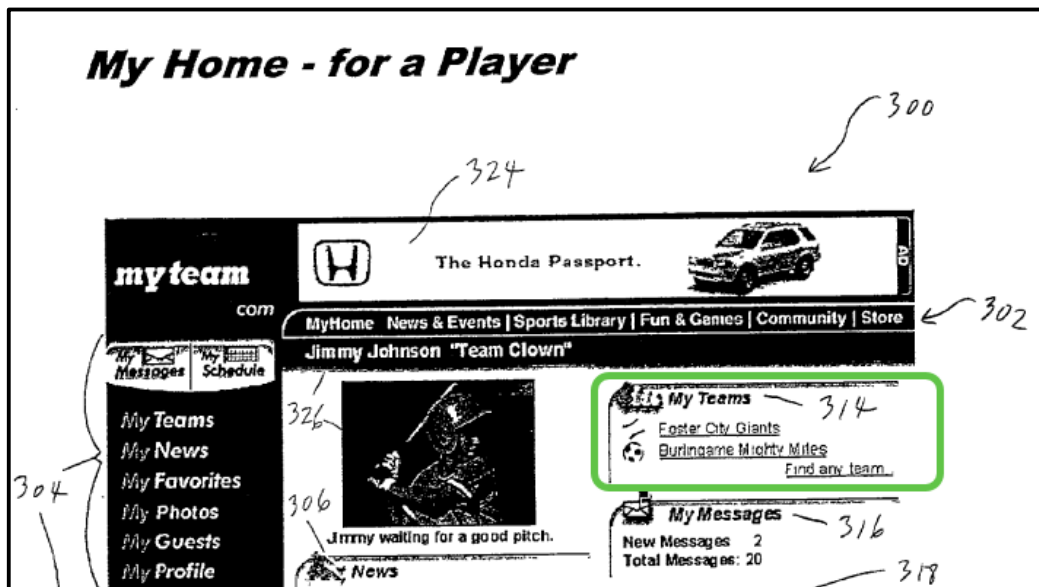
EX1007, Fig. 2 (annotated).

Block assists the “website designer in establishing an arrangement between” the “first” and “second website.” In Block, there is a sharing arrangement between the “first” and “second” websites. §VI.A.2(i); EX1003, ¶355. Block explains that “information displayed on the My-Home mini-site pages [(the “second website”)] will include information that was originally posted on a Team-Home mini-site [(the “first website”)]” and significant amounts of team information “crossover” between the pages. EX1007, [0098]; EX1003, ¶¶355-57. Specifically, Block provides that:

Each mini-site will present a variety of information, which generally includes Photos 118, News 120, Schedules 122, and Scoreboard 124 information... . Varying levels of photo crossover are intended... . Varying levels of news crossover are intended... . Scheduled games, practices and events entered on the League-Home and Team-Home will be accessible on the My-Home page of a Participant in the Team and League.

EX1007, [0103], Fig. 1.

Further, a link to the Team-Home and logo appears on each user's My-Home Page, as exemplified by Figure 3:

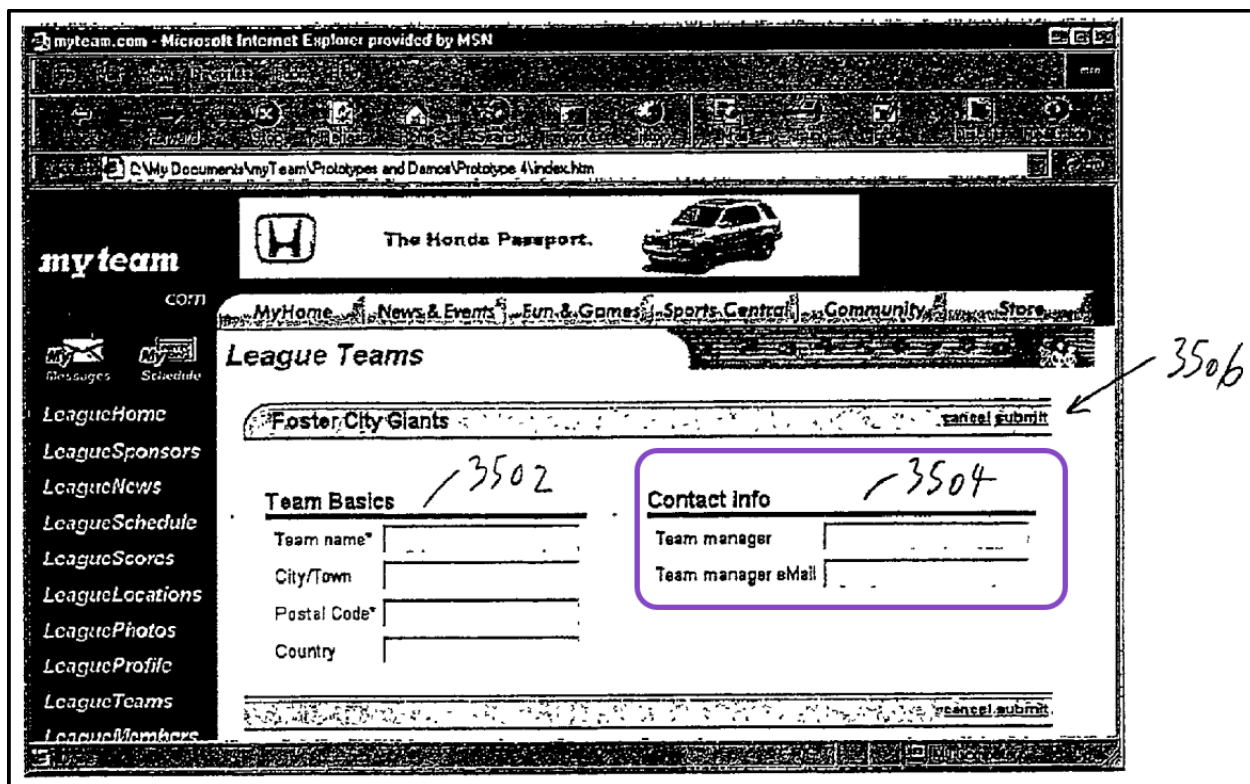


EX1007, Fig. 3 (annotated).

This arrangement is to “*market the first website at the second website.*” As shown above (Figure 3), each user's My-Home Page includes a My-Teams capsule that lists the teams the user is a part of and contains a “click-through” link to a “My-Teams Page,” providing “quick access to Team-Home and League-Home pages” for

the user's teams. EX1007, [0121]. Therefore, the “*first website*” (i.e., Team-Home Page) is marketed on the “*second website*” (i.e., My-Home Page). EX1003, ¶358.

The marketing relationship is formed “*upon the activation of the first website on the internet.*” EX1003, ¶¶359, 418-19. Figure 35 of Block depicts a webpage for creating a new team. A user provides “basic team information,” including the “Team Manager” and their associated email (**purple**). EX1007, [0184], [0164]. Block explains that “[a] ‘choose a contact’ link (not shown) can be provided to permit the user to select an existing league volunteer [] as the primary team contact” who, by default, has “**administrative access to the Team-Pages.**” EX1007, [0099], [0185].

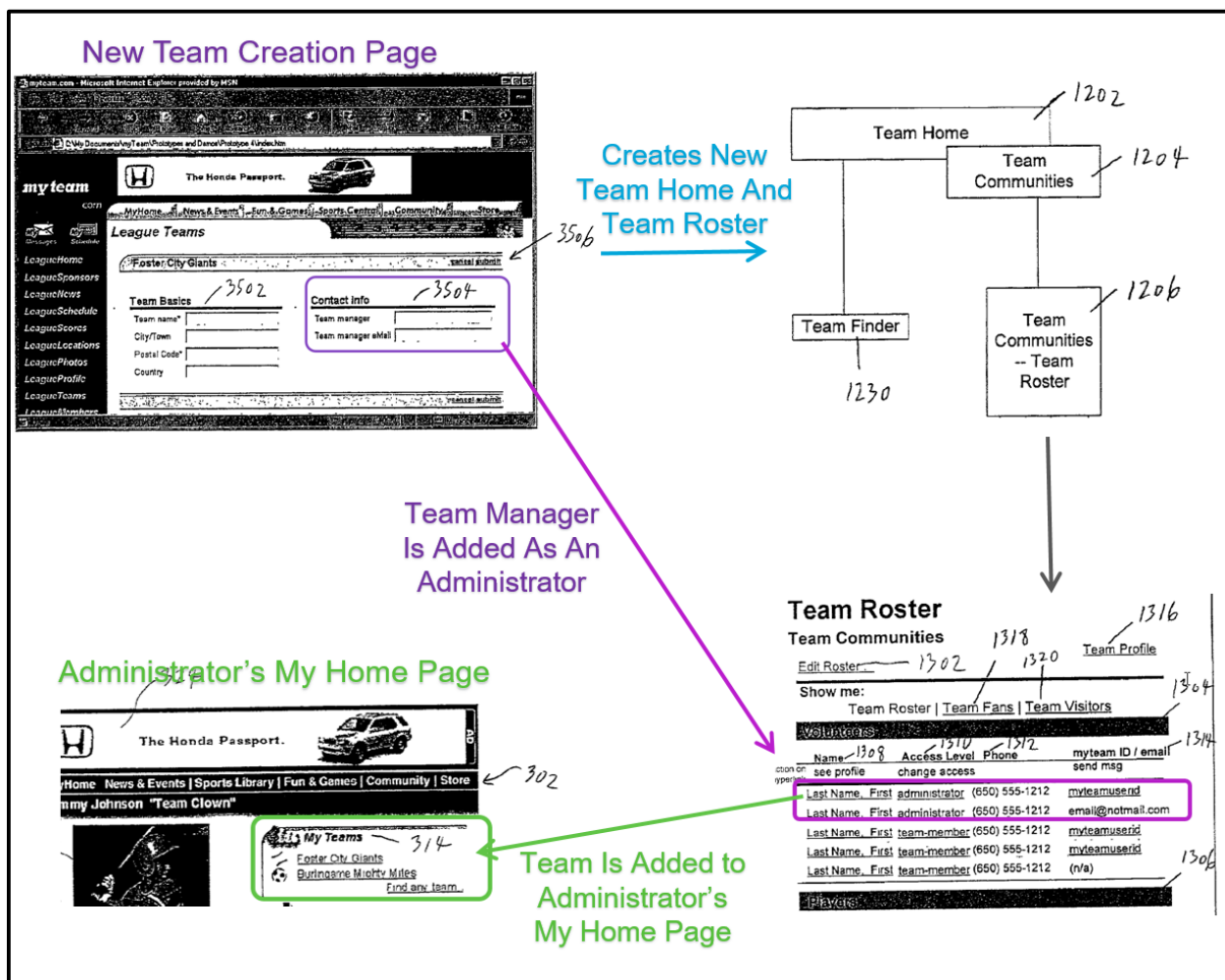


EX1007, Fig. 35 (annotated).

Therefore, as demonstrated below:

- When creating a new team, a Member is assigned as a “primary team contact” and “Team Manager.” EX1007, [0184] (“[T]he contact information is entered in fields 3504”).
- Once the form is submitted, Block will create a new Team-Home.
- The “Team Manager” will be given “administrative access” to the new Team-Home.
- Each team includes a Roster page. EX1007, [0099] (explaining that “[a]ny team that a member belongs to, will have a Team-Home page and associated linked pages,” which “might include...Team Roster...”).
- The team roster page lists the Administrator. EX1007, Fig. 13 (below).
- The New Team will also be listed on the My-Team capsule for the Administrator. EX1007, [0094] (“When the individual accepts an Invitation to a Team-Home ... the link to the respective Home pages is in their My-Teams capsule and on the My-Teams page.”).

EX1003, ¶360.



EX1007, Figs 3, 12, 13, & 35 (combined/annotated).

Therefore, when a New Team-Home is created, a link to the Team-Home is added to the My-Teams capsule on the Administrator's My-Home Page. EX1003, ¶¶361-62.

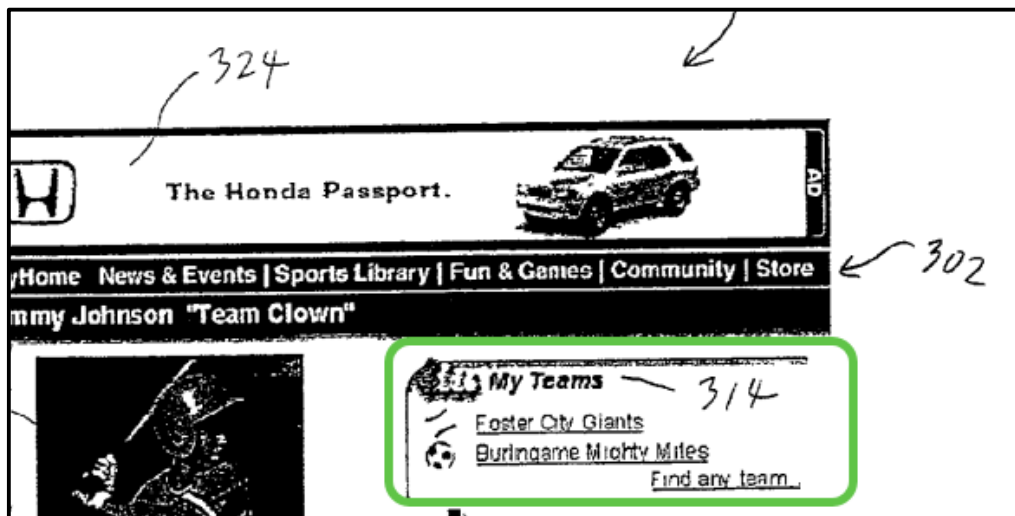
(ii) 1[a]/3[a]

Block discloses an “editable version” of pages—i.e., a “user interface.” EX1007, [0095], [0101]; §VI.A.11(i); EX1003, ¶¶363-65. The “editable version,” is a “version” of the page, and, accordingly, displays the page's content.

EX1003,¶365. Figure 35 shows a webpage that “can be accessed from the ... League-Teams page” and “allows a team to be edited,” and Figure 29 shows a webpage “for editing the League-Teams page.” EX1007, [0184], [0169]. Since both are used to edit team information from the League-Team, a similar page would be used to edit the Team-Home. EX1003,¶365. Alternatively, it would have been obvious to use a similar “*user interface*” to edit the Team-Pages. EX1003,¶365.

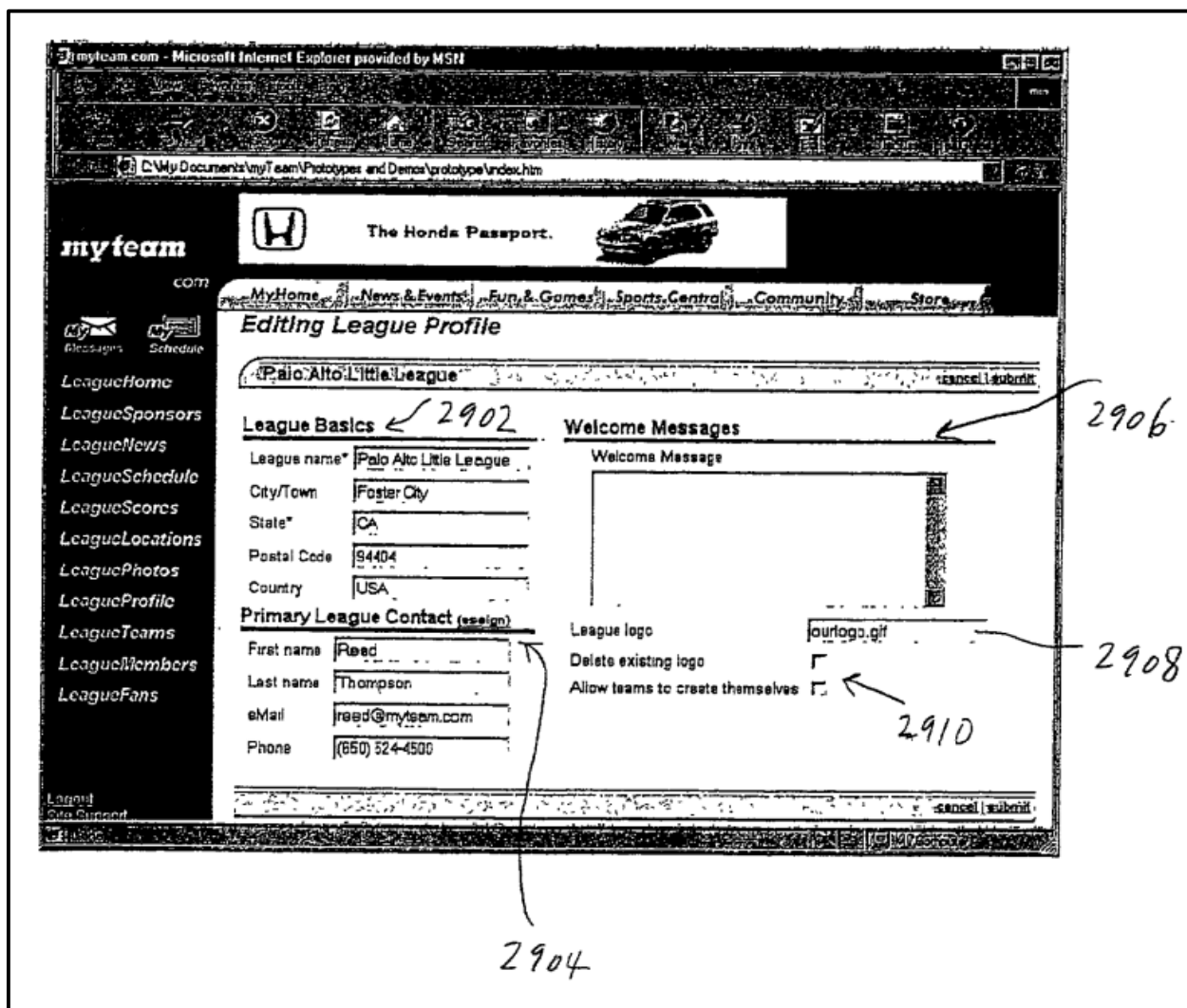
The “*user interface*” also “*receives*” “*information*” “*indicating a type of an element for marketing that is to be displayed at the second website.*” Distefano argues that: “substantial overlap exists in the meanings of ... the claimed ‘functional marketing element’ of the ’971, ’222, and ’570 Patents and the known terms of hyperlink, link, and URL.” EX1012, 10, n.14. One example of an “*element for marketing*” is a “hyperlink, link, and URL.” EX1003,¶366.

Block discloses an “*an element for marketing that is to be displayed at the second website.*” Block discloses that a user’s My-Home page provides a My-Teams capsule which contains both a “link associated with a Team name,” linking to that team’s Team-Page and, as shown in Figure 13, a logo associated with each team. EX1007, [0102], Fig. 13. Therefore, Block discloses “*an element for marketing*” (i.e., together, the link and logo) “*that is to be displayed at the second website*” (i.e., My-Home page). EX1003,¶¶367-68.



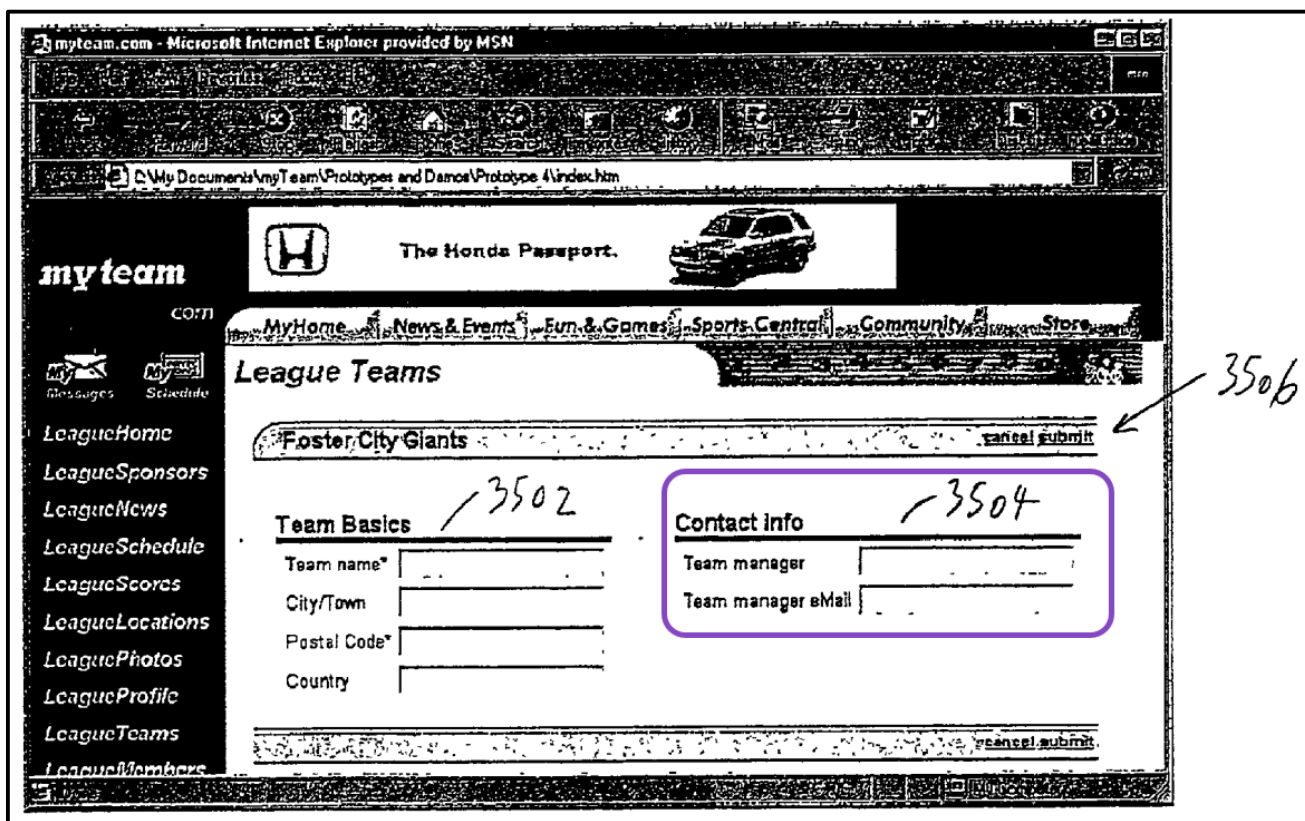
EX1007, Fig. 13 (annotated).

Block discloses that “information...indicating a type of an element for marketing” is received by the “user interface.” The Logo for the Team-Home would be updated in a manner similar to the Logo for a League Page, as disclosed in Figure 29 of Block. EX1007, [0170]; EX1003, ¶369. The image file and information about the logo depicted below is “information...indicating a type of an element for marketing.” EX1003, ¶370.



EX1007, Fig. 29.

Block discloses that when a new Team-Home is created, the link to the Team-Home is added to the My-Team capsule on the Administrator's My-Home Page. §VI.A.11(i). Therefore, information provided in box 3504, below, is used to add the Team-Home page to the "second website" and is therefore "information specifying the second website at which the element is to be displayed." EX1003, ¶¶371-72, 763-64.



EX1007, Fig. 35 (annotated).

(iii) 1[b]/3[b]

Block discloses “saving the information at a first database.” Fig. 2D of Block shows “the central website and database 281 [which] store[s] information such as the registrants and their access levels.” EX1007, [0119]. Block’s system accesses the central database to determine which information a user can see and control, including the ability to change the team logo. EX1007, [0168]. The database also stores “registration” information including connections between pages on My-Teams site. EX1007, [0190] (explaining that, for a “Submit action,” database entries are created by filling in “... role association of the individual to the league ... to the

team ... [and] to a player”). Thus “*information*” relating to “*an element for marketing*” is stored in the database so the system can determine which logo and link to add to a user’s mini-site. EX1003,¶¶373-75. It would have been obvious to use a website database to create and manage “registration” and “connections” between users. EX1003,¶375. The database stores “*information specifying the second website*” for the same reason. EX1003,¶375.

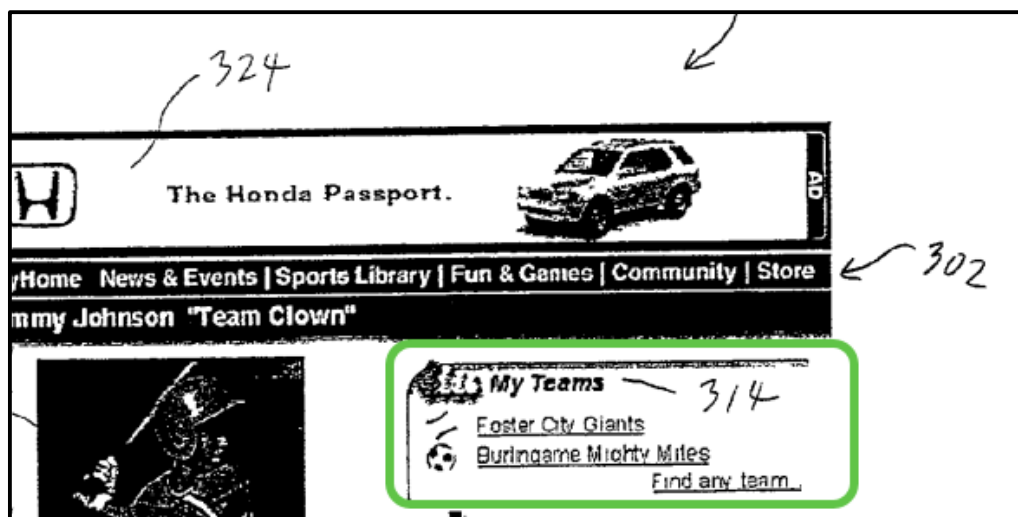
Database 281 is “*coupled to the user interface*” because it stores information from the “*user interface*.” §VI.A.11(ii); EX1003,¶¶376-77, 422-423. To determine a user’s edit rights, the system accesses the “access level” information “directly from a league’s record in the website’s league database.” EX1007, [0168].

(iv) **1[c]/3[c]**

Block discloses that an Administrator with edit access can edit a Team-Home. EX1007, [0095]. Block also discloses an example of updating the League Logo using the interface described in Figure 29. The Team logo would be “*obtain[ed]*” in the same manner as the League Logo—i.e., uploaded by an Administrator with edit access. EX1003,¶¶378-381; §§VI.A.11(i)-VI.A.11(ii). When the logo and link are combined, the system “*obtain[s]*” an “*element for marketing*” (i.e., the logo and link). EX1003,¶¶380, 424-25; §VI.A.11(v).

(v) **1[d]/3[d]**

Block discloses “causing the display of the element for marketing at the second website when the first website is activated with respect to the internet.” EX1003, ¶¶382-89, 426-27. Each user’s My-Home page contains a My-Teams Capsule that lists teams with an associated logo and click-through link to each team’s Team-Page. EX1007, [0102]; §VI.A.11(i). Team information is added to the My-Teams capsule when the Team-Home page is created. §VI.A.11(i). Therefore, Block discloses “causing the display of the element for marketing” (i.e., team logo + link) “at the second website” (i.e., My-Home page) “when the first website is activated with respect to the internet” (i.e., when the Team-Home page is created). EX1003, ¶¶383-85.



EX1007, Fig. 3 (annotated).

The “element for marketing [also] includes at least one of a banner ad concerning the first website and a link to the first website.” The claim limitation is

disjunctive and therefore requires the “*element for marketing*” include **either** a “*banner ad*” or “*link to the first website,*” as confirmed by claims 1[g] and 3[g]. EX1003,¶385.

In the *LinkedIn* IPR and Federal Circuit briefs, Distefano asserts that “a banner ad is a specialized form of a hyperlink that also includes a graphic.” EX1010, 15; EX1005, 674 (Board finding that “a banner ad is simply a link in an HTML document” and does not require any animation, interactivity, or user input); EX1010, 15; EX1003,¶386. Block’s My-Team capsule includes a hyperlink (i.e., click-through link) and a graphic (i.e., team logo). §VI.A.11(ii). Additionally, it was obvious to associate a graphic with a hyperlink. EX1003,¶387. Thus, the My-Teams capsule includes a “*banner ad*” and click-through “*link to the first website.*” EX1003,¶¶387-89.

(vi) **1[e]/3[e]**

“*Third-party website*” is not defined, but a POSA would have understood it to be any website that is not the “*first*” or “*second*” website. EX1003,¶392. A “third-party” can be registered within the system—*e.g.*, the ’971 Patent states that “third-party” authors and databases are part of the system. EX1001, Fig. 1, 6:6-35. It is not necessary for the “*third-party*” to be outside the “*computer hardware system.*” EX1003,¶¶390-92; EX1001, cl. 9 (claiming “*a third-party separate from the computer hardware system.*”))

The Team Roster includes a “*reciprocal site*,” as it includes a space within the “*first website*” (Team Mini-Site) for displaying reciprocal links to other websites. §V.A; EX1003, ¶393-94. Block explains that the Team Roster lists people associated with a team, and each name “[has] a hyperlink to that particular person’s information page.” EX1007, [0140], [0142]. Figure 13 discloses that a user can “action on hyperlink” to “see [the] profile” of team members, referring to the “My Profile” part of user’s My-Home Mini Site, as shown in Figure 1.

Team Roster

Team Communities

Edit Roster 1302 Team Profile 1316

Show me: 1318 1320

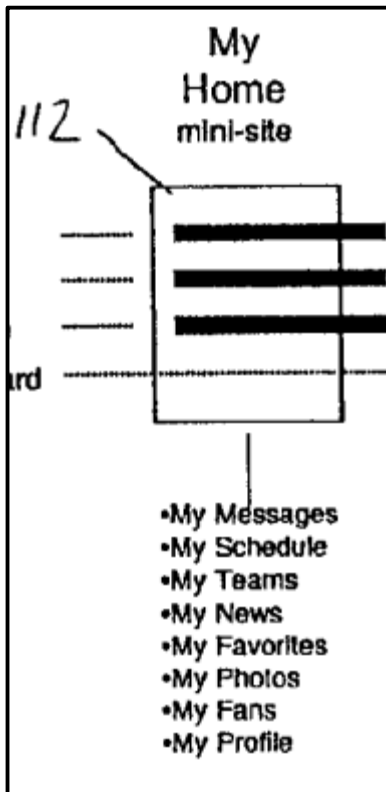
Team Roster | Team Fans | Team Visitors 1304

Volunteers

Name	Access Level	Phone	myteam ID / email
1308	1310	1312	1314
see profile	change access		send msg
Last Name, First	administrator	(650) 555-1212	myteamuserid
Last Name, First	administrator	(650) 555-1212	email@notmail.com
Last Name, First	team-member	(650) 555-1212	myteamuserid
Last Name, First	team-member	(650) 555-1212	myteamuserid
Last Name, First	team-member	(650) 555-1212	(n/a)

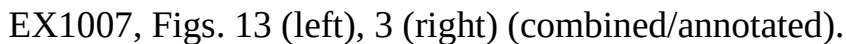
PLAYERS 1306

EX1007, Fig. 13.



EX1007, Fig. 1.

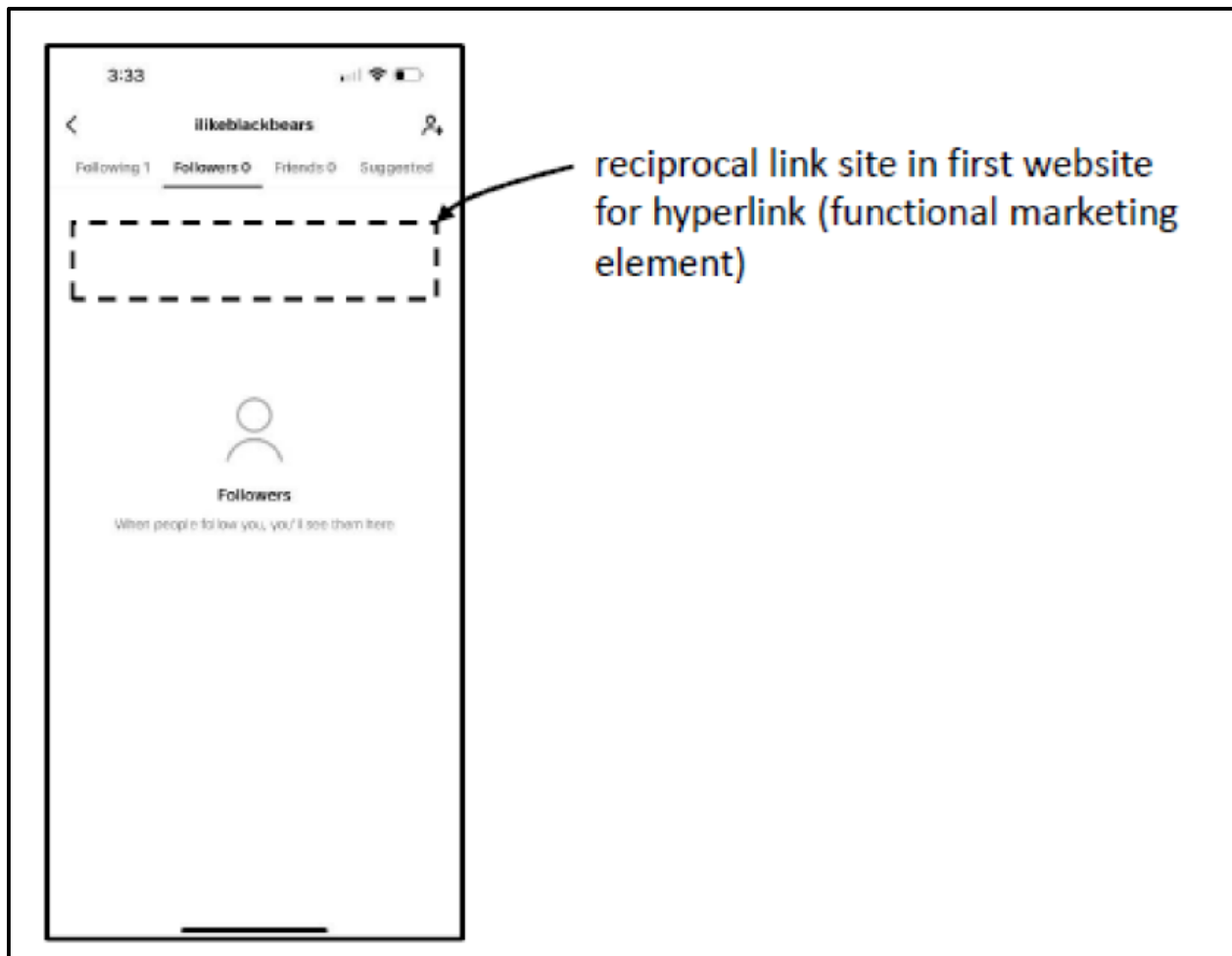
Therefore, the name column 1308 includes hyperlinks to both the “*second website*” and “*third-party websites*” belonging to other players:



The links are “*reciprocal*” because the My-Teams Capsule on the “*second website*” also includes a reciprocal link back to the Team-Home (“*first website*”).

EX1003, ¶¶397-400, 428-29. The same would be true of the “*third-party websites.*”

When a new team is created, a “Team Manager” is added to the Team Roster and so the system of Block must determine whether a Team Roster exists or whether it must create one that includes the “*reciprocal site*.” EX1003, ¶399. The Team Roster in Block appears to work in essentially the same manner as DiStefano argues the accused applications do:



EX1012, 64.

(vii) 1[f]/3[f]

When a new Team is created the “Team Manager” is added to the Team Roster. §VI.A.11(vi). Each Team has a Team Roster and, therefore, “*when the reciprocal site does not yet exist in the first website being designed*” (i.e., the team is new and does not have a Team Roster), the system will create the Team Roster page along with its “*reciprocal site.*” EX1003,¶¶401-03, 430-31.

(viii) 1[g]/[2]⁴

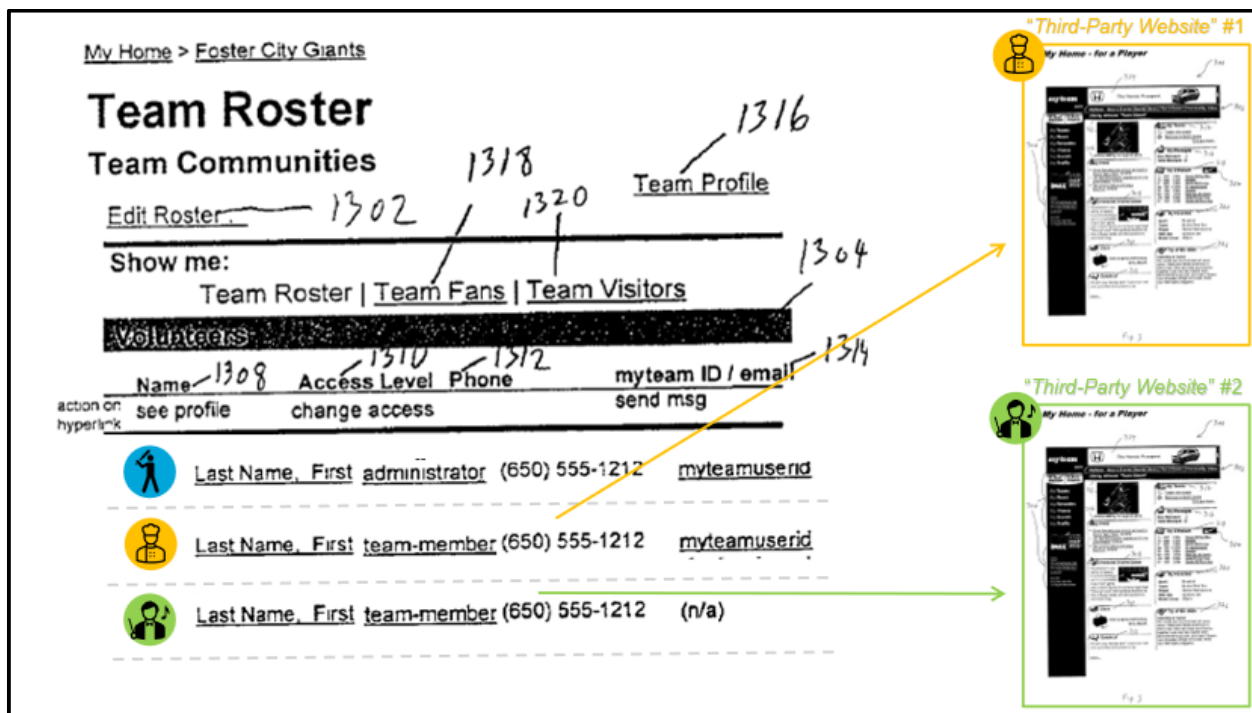
The “*element for marketing the first website*” is “*the element for marketing at the second website*” which includes a link to the “*first website*” as described in Claim Limitation 1[d]. EX1003,¶¶404-05.

The specification does not provide guidance on what “*sequential display*” means. EX1003,¶406. “[S]equential” generally means “following or coming after something else.” EX1051, 511; EX1003,¶406; EX1052, 731.

Block discloses that the “*element for marketing the first website*” is both a “*banner ad*” and “*a link to the first website.*” §VI.A.11(v); EX1003,¶407. Therefore, “*when the element for marketing the first website is a banner ad concerning the first website,*” Block discloses the claim. EX1003,¶408.

⁴ Claim 2 is in brackets and “forms no part of this reissue specification.” EX1001, 1:5-10. It is disclosed by claim element 1[g].

Block renders obvious “a plurality banner ads respectively concerning a plurality of third-party websites.” Each entry in the Team Roster is a “banner ad,” as each includes a link to each Team member’s My Profile Page and is an interactable object with more information about the “third-party websites” (i.e., Name, Access Level, etc.). EX1010, 15; EX1003, ¶409; §VI.A.11(vi). Together these “banner ads” are sequentially ordered within a table. EX1003, ¶409. Further, using Profile Pictures and Face Icons was ubiquitous in social media at this time. EX1003, ¶409. It would have been obvious to associate each user’s profile picture with their Team Roster, for example:

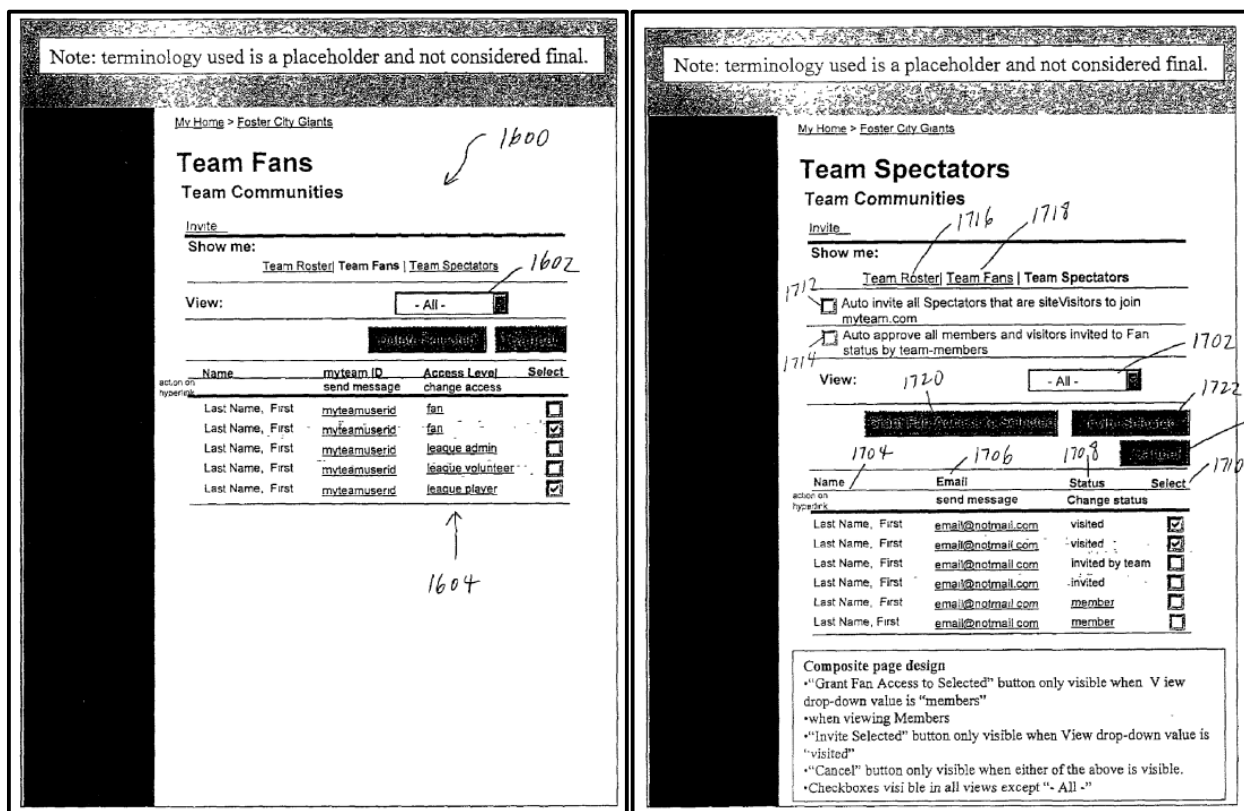


EX1007, Figs. 3, 13 (combined/annotated).

Therefore, it would have been obvious to include a “*banner ad*” for each of the “*plurality of third-party websites*” in the Team Roster, which also includes the “*reciprocal site of the first website*.” EX1003,¶410; §VI.A.11(vi).

Block discloses “*the sequential display at the reciprocal site of the first website*.” Team Roster entries are shown “following or coming after something else.” Block explains that “a field (not shown here) could be included which would indicate the role of the listed person. Hence all persons will be included in one long listing... [and] **the listings might be sorted according to such roles.**” EX1007, [0141]. Therefore, the Team Roster can be sorted to cause “*sequential display*” of each banner ad based on roles. EX1003,¶411.

Block “*sequential[ly] display[s]*” different “*banner ads*” by pressing the “Team-Fans” or “Team Visitors” links on the Team Roster. EX1007, [0142] (“A Team-Fans hyperlink **1318** provides a direct link to the Team-Fans page. A Team Visitors hyperlink **1320** provides a direct link to the Team Visitors page.”); EX1003,¶¶412-13. Like the Team Roster, the “Team-Fans” and “Team Visitors” pages list a “*plurality of third-party websites*” (Figures 15 and 17, below). *Id.* [0144], [0145], [0146]; EX1003,¶412. Therefore, all three pages include a “*reciprocal site*.” EX1003,¶414; §VI.A.11(vi).



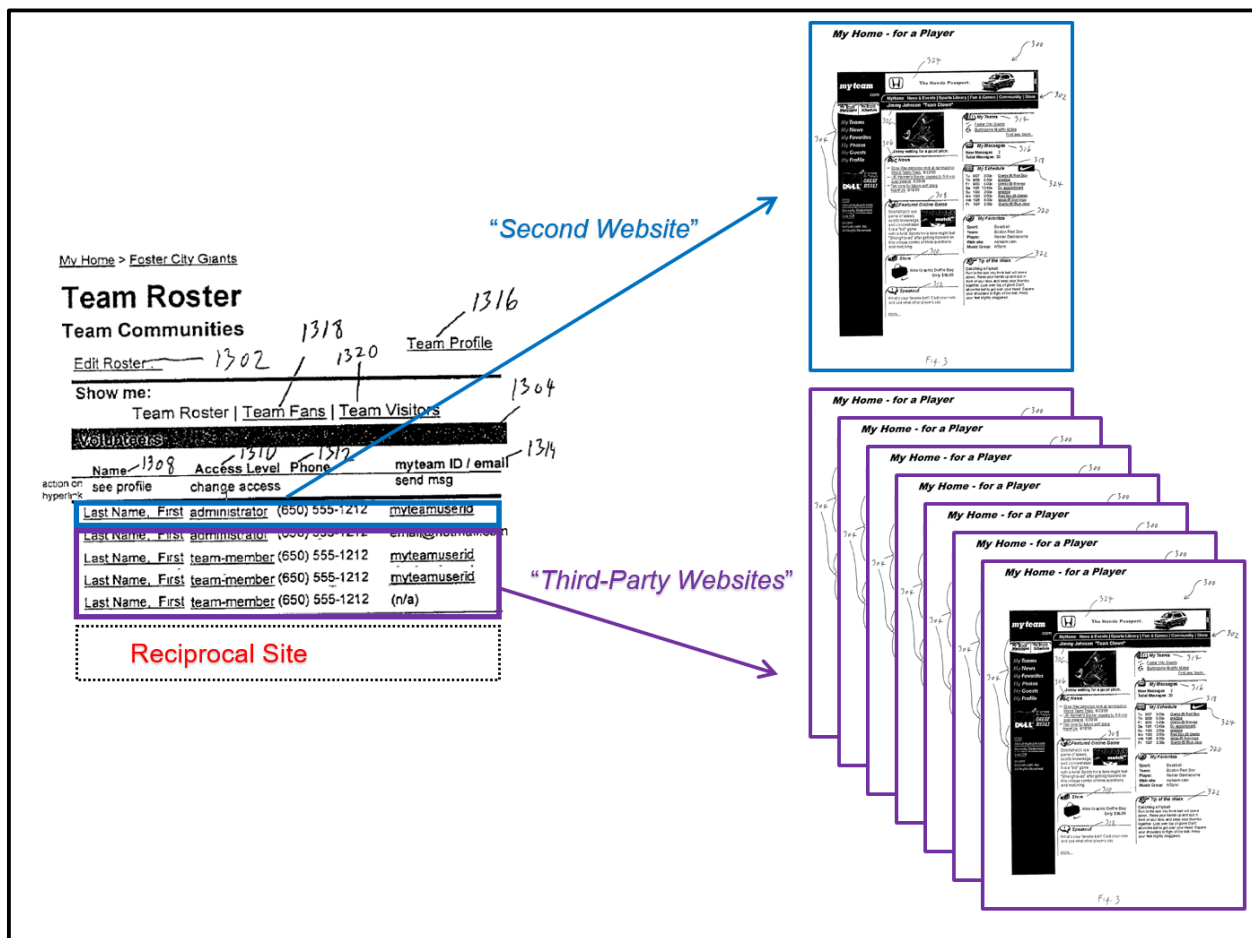
EX1007, Figs. 15 & 17.

When the "Team Roster," "Team-Fans," or "Team Visitors/Spectators" buttons are pressed, Block causes the "sequential display" of different "banner ads" on the "Team-Fans" or "Team Visitors." EX1003, ¶413. For example, first Block displays the Team Roster, second Block displays the Team-Fans, and finally Block displays the Team Visitors/Spectators.

Lastly, the Team-Home, Team Roster, Team-Fans, and Team Visitors/Spectators pages are created and implemented "when the first website is activated with respect to the internet." EX1003, ¶¶414-15.

(ix) 3[g]

The “*element for marketing the first website*” is always both a “*banner ad*” and “*a link to the first website*” in Block. §VI.A.11(viii). Further, Block discloses displaying “*at the reciprocal site of the first website of a plurality of links to the plurality of third-party websites,*” because the Team Roster includes multiple links to third-party websites. §VI.A.11(vi); EX1003,¶¶432-34. Block renders this claim obvious. EX1003,¶¶435-36; §VI.A.11(viii).



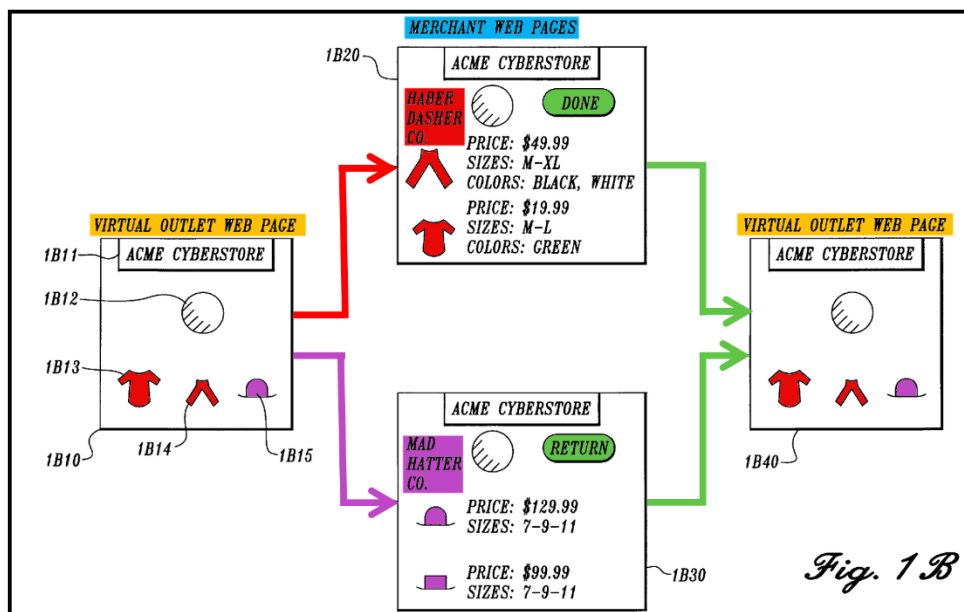
EX1007, Fig. 13 (left), Fig. 3 (right) (combined/annotated).

B. Ground 2: Arnold Renders Claims 1-10, 12-16, 18-29 Obvious**1. Arnold**

Arnold was filed on August 8, 1996, published on January 18, 2000 and is prior art under at least §102(b). EX1003, ¶¶437-42.

Arnold describes a system that “allows a virtual outlet (“VO”) owner” to “offer a merchant's products for sale,” and a purchase mechanism that “allows a customer to see what products are being offered for sale by the VO.” EX1008, 5:26-33; EX1003, ¶¶442-49.

FIG. 1B illustrates “the sequence of webpages as seen by a customer of a VO, **AcmeCyberstore**.” EX1008, 7:30-8:6; EX1003, ¶450. There are two merchants, **HaberDasher Company, which sells pants and shirts**, and **MadHatter Company, which sells hats**. *Id.* A customer starts at **AcmeCyberstore's** webpage which contains products that are offered for sale (**1B13, 1B14**, and **1B15**). When a product is selected, a hyperlink directs the customer to the merchant page (**HaberDasher/MadHatter**) that sells the product. *Id.* This page is identified by a URL (hotlink) associated with that product. *Id.* The customer can select the **return/done icon** to return to **AcmeCyberstore**. *Id.*



EX1008, Fig. 1B (annotated).

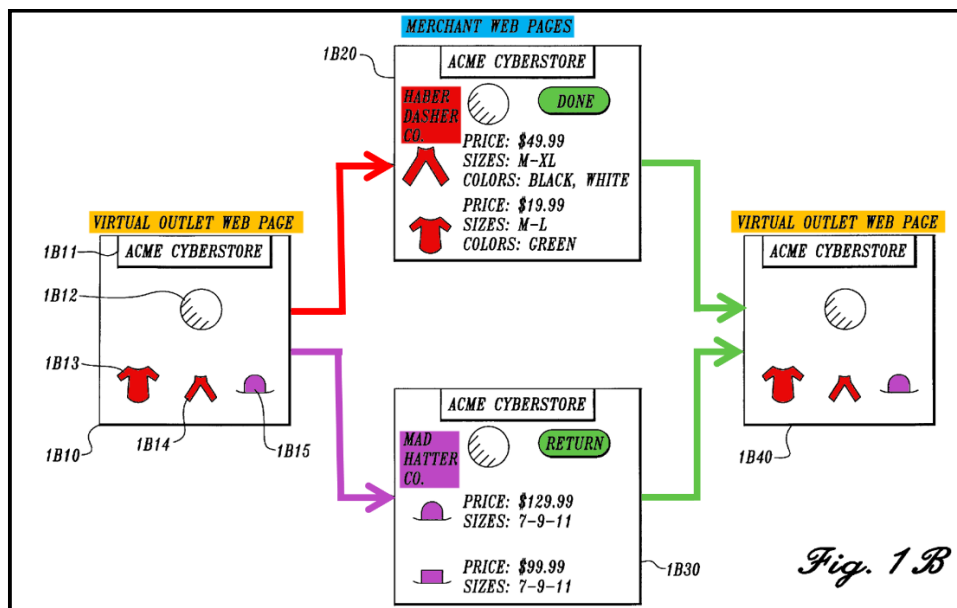
2. Claims 4/5/7/8/14

Independent claims 4, 5, 7, 8, and 14 overlap significantly and are addressed together. §VI.A.2.

(i) 4[pre]/5[pre]/7[pre]/8[pre]/14[pre]

Arnold discloses (Fig. 1A) a system “of networked computers” including “customer computers 1A01-1A04, a VO computer 1A10, and a merchant computer 1A11, which are interconnected on the WWW 109,” together these computers are “computer hardware” that form a “web[site/page] implementation system.” EX1008, 6:65-7:02, 7:24-27; EX1003, ¶¶451-53, 538-39, 591-92, 640-41. Arnold describes a “**computer-based method** and system” and, therefore, includes “a computer-readable storage medium having stored therein computer usable program code.” EX1003, ¶¶451-53, 458, 568-70; EX1008, 5:24-27, Fig. 1A.

In Arnold, the VO website “provides Web pages to customers that comprise a collection of text or images” of “products or services that the customer can purchase.” These text/images “are associated with” “hot links that allow a customer to directly access a merchant's order Web page.” EX1008, 8:9-16, 6:65-7:9, 4:5-12, 5:52-53; EX1003, ¶460. Arnold explains (Fig. 1B) that after clicking on a product to purchase (**red**) in the VO webpage/website (**orange**), “[t]he merchant computer [] dynamically creates a [merchant] Web page” (**blue**) and associates the return URL with an icon (**green**) which “the customer can select ... to return to” the VO website (**orange**). EX1008, 7:30-8:6, 6:51-55, 4:3-5, 4:18-32; EX1003, ¶457.



EX1008, Fig. 1B (annotated).

The merchant website/page is a “*first web[site/page]*” and the virtual outlet website/page is a “*second web[site/page]*.” EX1003, ¶¶452, 538-39, 568-71, 593, 640-41. Arnold includes a “layout” system that allows the VO representative to

“specif[y] a Web page layout.” EX1008, 7:58-65. When the merchant-computer receives the request for the webpage, the “merchant computer modifies the merchant Web page” (**blue**) in accordance with the “layout.” *Id.*, 4:20-21. For example, the page can be modified to include specialized logos, information, banners that are specified in the layout, and a “return link” (**green**). *Id.*, 4:20-21. The modified merchant webpage is displayed at the customer-computer to allow the customer to purchase the product from the merchant. *Id.*, 4:25-27. Because the system of Arnold is modifying and implementing webpages, it is a “web[site/page] implementation system.” The VO webpage is also a “preexisting” website because it exists prior to when the merchant site/page is dynamically created. EX1003, ¶¶454-56, 462, 538-39, 568-71.

Arnold describes a “VO representative” (“*first user*”) who is “associated with” the “*first web[site/page]*” (merchant webpage). While the VO representative represents the VO, they sell the merchant’s products and help design the “*first web[site/page]*.” §VI.B.10(i); EX1003, ¶594. 640-41.

The linking arrangement between the virtual outlet and the merchant is a “reciprocal arrangement.” The VO website/page includes “hot links that allow a customer to directly access a merchant's order webpage” (**red/purple**). EX1008, 8:9-16. Likewise, the merchant-computer provides the customer with a “reciprocal” return link to the VO webpage (**green**). *Id.*, 6:51-55, 8:21-23, 8:39-41, 7:54-65;

EX1003, ¶¶459-64, 538-39, 568-71, 595-98, 640-41; §VI.B.4 (describing how the VO relationship forms).

(ii) **5[a]/14[a]**

Arnold includes “customer computers 1A01-1A04, a VO computer 1A10, and a merchant-computer 1A11.” EX1008, 6:65-7:02, Fig. 1A; §VI.B.2(i). Each computer has “*at least one processor.*” EX1003, ¶¶540-42, 642-43; §VI.B.2(iv) (disclosing receiving a request to implement the first web page).

(iii) **4[a]/5[b]/7[a]**

Arnold explains that a “virtual outlet management component [VOMC] of the VO allows a VO to enter into a **VO relationship.**” EX1008, 8:39-41. The VOMC includes “a sign-up mechanism that allows a virtual outlet (‘VO’) owner to sign-up to offer a merchant’s products for sale through the VO.” EX1008, 5:27-30. Arnold also illustrates (Fig. 4) “a flow control diagram for the Sign-up routine” for the VO to register the VO website (i.e., the “*second web[site/page]*”) with the “*website implementation system.*” EX1008, 9:3-9, 7:54-60, 8:53-60, 11:41-43, 12:39-52, 13:1-10, Figs. 3, 15, 16; EX1003, ¶¶465-73, 543-44, 572-73; §VI.B.2(i).

(iv) **4[b]/5[c]/7[b]/14[b]**

Arnold explains that “a representative of the VO can login to the merchant computer's account management component,...[to] browse the merchant’s catalog to select items to sell.” EX1008, 6:27-34. When the “*first user*” selects an item to

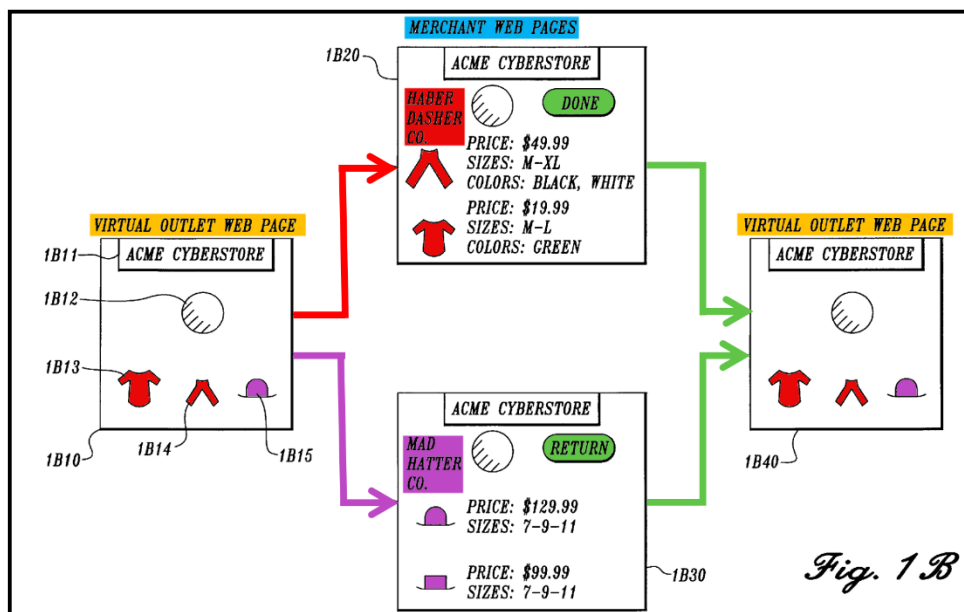
be included on the VO site/page a URL hotlink, they can include the item on the VO webpage and link it to the merchant site. EX1008, 6:55-60. Each time the hotlink is used, the “merchant computer...receives” a URL identifying the VO and the VO return link. EX1008, 7:45-66, 14:15-33, Fig. 1B. When this URL is received, the merchant-computer “accesses a database established when” the VO relationship formed. *Id.*, 7:55-58. “That database specifies a Web page layout,” which the merchant-computer uses to “dynamically create[] a Web page (e.g., an HTML file).” *Id.*, 7:58-65. Therefore, when the merchant-computer (part of the “*website implementation system*”) “*receives*” the URL request, it accesses the layout information in the relationship database (provided by the “*first user*”) and dynamically creates the “*first web[site/page]*.” §VI.B.2(i). Creating a layout for a given product page—by “select[ing] items to sell”—in the relationship database is “*a request by a first user to implement the first web[site/page]*.” EX1003, ¶¶474-79, 545-46, 574-75, 644-45.

As shown in Figure 7 of Arnold, during the VO sign-up process (§VI.A.2(iii)), the merchant-computer dynamically creates the “*first web[site/page]*” as part of generating an “example page.” The example page “repeats certain of the supplied sign-up information and displays the appearance **requested by the [VO] representative.**” EX1008, 9:45-56. Therefore, the “example page” is generated

based on “*a request by a first user to implement the first website[/page].*” EX1003, ¶¶480-82, 545-46, 574-75, 644-45.

(v) **4[c]/5[d]/7[c]/8[a]/14[c]**

Arnold illustrates (Fig. 10) “an example catalog Web page.” The “*first user*” can “login to the merchant computer's account management component,...[to] browse the merchant’s catalog to select items to sell.” EX1008, 6:27-34. “The VO may [then] 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.” EX1008, 10:42-50. For example, in Fig. 1B Arnold shows that the “*second web[site/page]*” (**orange**) “contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale.” EX1008, 7:39-41. The images of the products are each associated with a URL that links to the Merchant webpage 1B20, 1B30 (**blue**) that sells the product. EX1003, ¶491; EX1008, 7:45-54. Accordingly, a POSA would have understood that each item for sale (along with its corresponding image and URL) is a “*second functional marketing element.*” EX1003, ¶¶483-85, 489-90, 492, 547-48, 576-77, 600-02, 646-47; §VI.A.2(v).



EX1008, Fig. 1B (annotated).

Therefore, when the “*first user*” identifies and “select[s] items to sell” using the merchant catalog they are making “*a selection...as to a second functional marketing element.*” EX1008, 10:42-50, 6:26-39, 7:56-65; EX1003, ¶486-87, 547-48, 576-77, 600-02, 646-47. As shown in Fig. 1.B, the “VO may incorporate [the selected] items into the VO Web pages”—i.e., the “*second functional marketing element*” is “*activated on the second web[site/page].*” EX1003, ¶492, 547-48, 576-77, 600-02, 646-47.

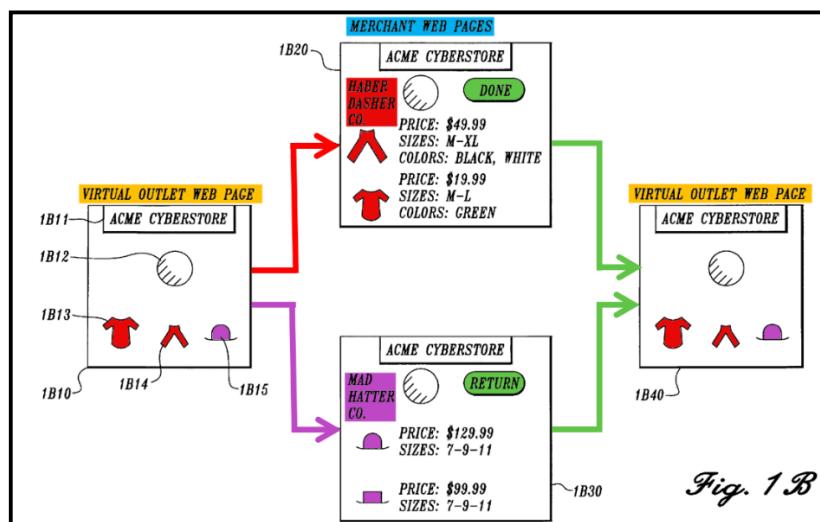
It would have been obvious to “incorporate items into the VO Web pages” using the same layout and website design tools described in Arnold for implementing the merchant site. EX1003, ¶488. Arnold teaches that “a database” is “established” when the “virtual outlet relationship” is created. EX1008, 7:55-58; §VI.B.2(iv). The “database specifies a Web page layout” including “the contents of the banner, logo,

and background color of the Web page.” EX1008, 7:55-58. Arnold then “dynamically creates a Web page ... in accordance with the layout and associates the return URL with an icon on the Web page.” *Id.* It would have been obvious to use the same database and layout design system to edit and create the “*second web[site/page]*.” It would have been a simple matter of using the layout system of Arnold in the exact same way it is used elsewhere and would have yielded a predictable result. Moreover, since the layout system of Arnold is managed by the MMC on the merchant-computer and “[t]he maintenance component of the merchant is the counterpart...it would have been simple and straightforward to implement the MMC functionalities in the VOMC. *Id.*, 11:50-52. Therefore, it would have been simple and straightforward to implement the MMC functionalities in the VOMC since they are already counterparts of the same system. A POSA would also have been motivated to use Arnold’s layout system to build the “*second web[site/page]*” at least because such systems were well-known (§III), the layout system would allow the VO to more easily design and develop the “*second web[site/page]*,” and would allow to VO to quickly and easily add new products to the “*second web[site/page]*.”

Since the “*first user’s*” selection occurs on the MMC (on the merchant-computer) and corresponds to an entry in the “virtual outlet relationship” database, a POSA would understand it is “*receiv[ed], by the website implementation system.*” EX1008, 7:56-65; §VI.B.2(iv); EX1003, ¶486, 547-48, 576-77, 600-02, 646-47.

(vi) 4[d]/5[e]/7[d]/8[b]/14[d]

Arnold explains that when the merchant webpage (“*first web[site/page]*”) is dynamically created, the merchant-computer “associates the return URL with an icon on the Web page.” EX1008, 7:62-65; EX1003, ¶¶498, 549-50, 578-79, 603-04, 648-49. In particular, the “**DONE**”/“**RETURN**” icons include a hyperlink and are functional buttons pressed by the user —i.e., “*first functional marketing element.*” §VI.A.2(v); EX1003, ¶498. Moreover, the “**DONE**”/“**RETURN**” icons are a “*reciprocal site in the first web[site/page]*” because: (1) (as shown in Fig. 1B) they are a space within a webpage (within a website) and (2) the merchant-computer inserts a “return URL” into each icon. EX1008, 7:66-8:6, 7:62-65. As such, each icon is a space within a webpage (within a website) for displaying reciprocal links to other websites. §VI.B.2(i); §V.A.; EX1003, ¶¶494-99, 549-50, 578-79, 603-04, 648-49.

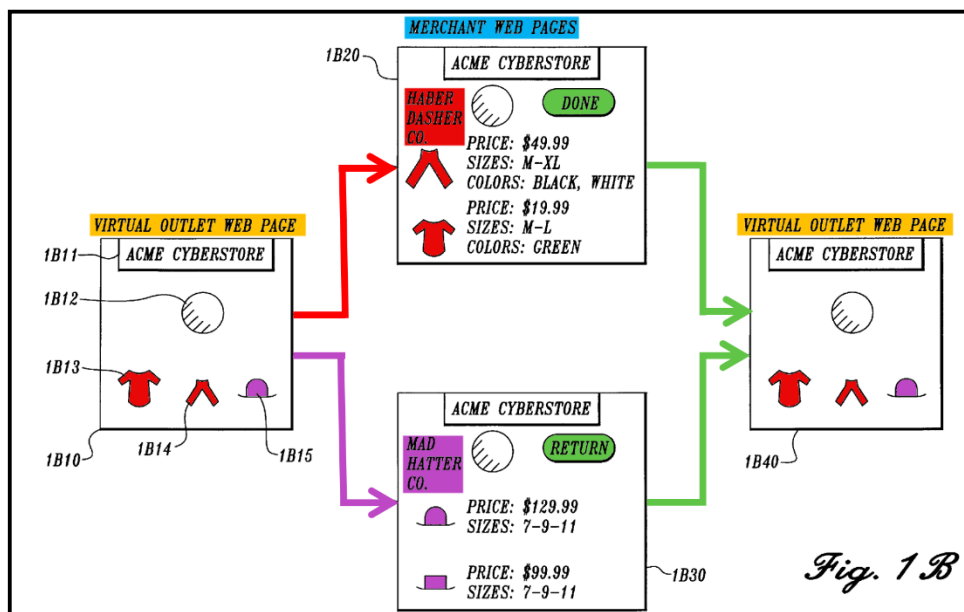


EX1008, Fig. 1B (annotated).

Because the merchant-computer “dynamically creates” the merchant webpage (“*first web[site/page]*”) “and associates the return URL with an icon on the Web page,” the “*website implementation system*” is “*establishing*” the “*reciprocal site in the first website for a first functional marketing element*.” EX1003, ¶¶500, 549-50, 578-79, 603-04, 648-49.

(vii) **4[e]/5[f]/7[e]/8[c]/14[e]**

Arnold illustrates (Fig. 1B), “the sequence of Web pages as seen by a customer of a VO.” EX1008, 7:30-31. Arnold explains that “[the VO] Web page contains the images **1B13**, **1B14**, and **1B15** of the products that are being offered for sale”—i.e., “*second functional marketing element*.” EX1008, 7:39-44. “When a customer selects a product to purchase...the browser accesses the Web page for the merchant that sells the product.” EX1008, 7:39-44. “The merchant computer then dynamically creates a Web page (e.g., an HTML file) in accordance with the layout and associates the return URL with an icon on the Web page...When the customer has completed the purchase, the customer can select the **return icon** to return to the [VO] Web page.” EX1008, 7:39-44, 7:62-8:64; EX1003, ¶¶502-05, 551-52, 580-81, 605-06, 650-51.



EX1008, Fig. 1B (annotated).

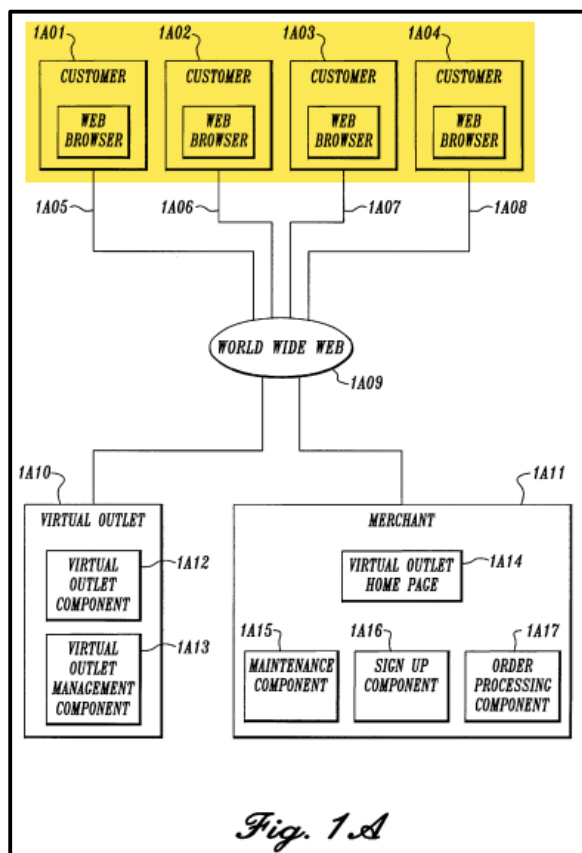
Since the VO website and merchant website/page necessarily link to each other through their respective “functional marketing element[s],” the “first functional marketing element” (**green**) and “second functional marketing element” (**red/purple**) are in a “reciprocal arrangement.” §§VI.B.2(v), VI.B.2(vi); EX1003, ¶506, 551-52, 580-81, 605-06, 650-51.

When a customer of the VO website uses the “second functional marketing element,” a URL request is sent to the merchant-computer. EX1008, 7:44-54. For example, “shirt image **1B13** may have the URL ‘http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/homepage&hat’ associated with it.” EX1008, 7:44-54. Arnold explains that: (1) “HaberDasher.com” identifies the merchant; (2) “AcmeCyberstore” identifies the VO; (3) “AcmeCyberstore.com/homepage” identifies the webpage to return to. *Id.*

Using this information and based on the relationship database (§VI.B.2(v)), the merchant-computer “dynamically creates a [merchant] Web page” and associates the “return URL with an icon.” EX1008, 7:55-58; EX1003, ¶¶507, 551-52, 580-81, 605-06, 650-51. A POSA would have understood that “*the first web[site/page]*” is “*activated with respect to the internet*” at the latest when the system “dynamically creates a [merchant] Web page having a “return URL with an icon.” *Id.*, 7:62-65. After “*the first web[site/page]*” is “dynamically created,” a customer can access the “*first web[site/page]*” over the internet using the “*functional marketing element[s]*.” At this point, the reciprocal arrangement is fully “implemented” (by “*the computer website implementation system*”) because the “*first web[site/page]*” will also include the reciprocal “**DONE**”/“**RETURN**” icon back to the “*second web[site/page]*.” EX1003, ¶¶507-12, 551-52, 580-81, 605-06, 650-51.

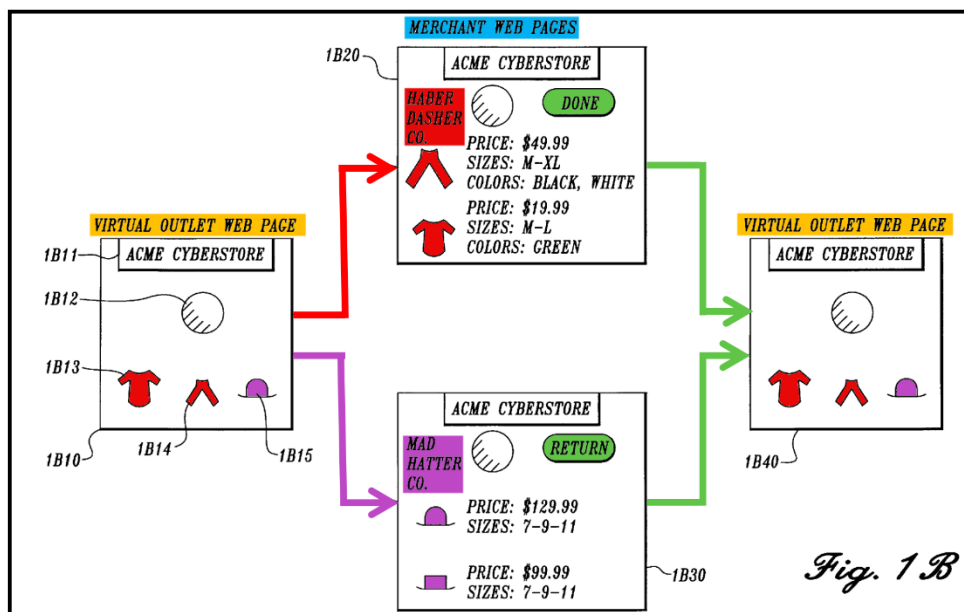
(viii) 4[f]/5[g]/7[f]/8[d]/14[f]

Arnold’s “system includes a number of customer computers 1A01-1A04A.” EX1008, 6:65-66; 7:17-19 (Arnold “provides order Web pages directly to customer computers via the network.”); EX1003, ¶¶515, 553-54, 582-83, 607-08, 652-53; §VI.B.2(i). The “*second user*” of “*the first functional marketing element*” is any one of customers 1A01, 1A02, 1A03, or 1A04. EX1003, ¶¶513-15, 553-54, 582-83, 607-08, 652-53.



EX1008, Fig. 1A (annotated).

Arnold explains that “[w]hen the customer has completed the purchase, the customer can select the **return** icon,” (i.e., the “*first functional marketing element*”) “to return to the Web page 1B40 for the AcmeCyberstore VO” (i.e., the “*second web[site/page]*”). EX1008, 8:4-6, 7:30-31; EX1003, ¶516. Thus, the **return** icon “*directs, via the internet a second user to the second web[site/page].*” EX1003, ¶¶517-18, 553-54, 582-83, 607-08, 652-53.



EX1008, Fig. 1B (annotated).

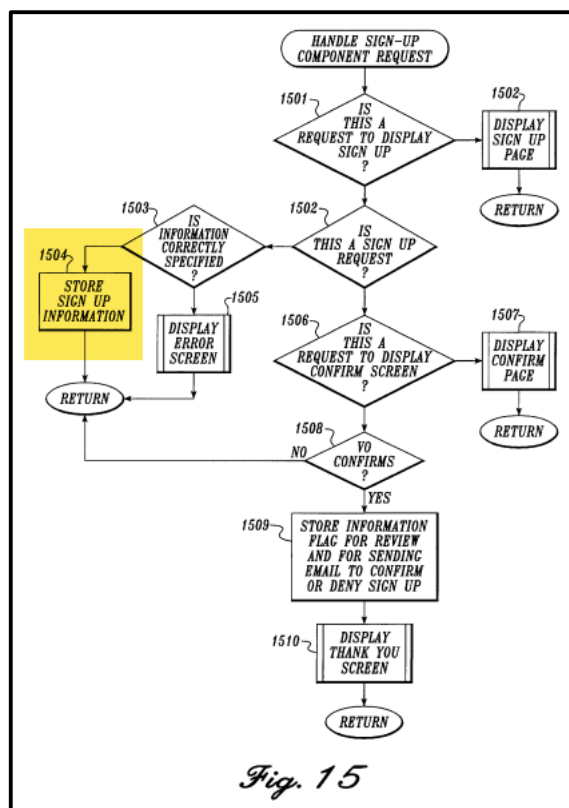
(ix) 4[g]/5[h]/7[g]/8[e]/14[g]

As with the “second user” (§VI.B.2(viii)), the “third user of the second functional marketing element” is any one of customers 1A01, 1A02, 1A03, or 1A04. EX1003, ¶¶519-21, 555-57, 584-86, 609-611, 654-56; EX1008, 6:65-66, 7:17-19.

Arnold explains that “[w]hen a customer selects a product to purchase,” i.e., the “second functional marketing element” (§VI.B.2(v)), “the browser accesses the Web page for the merchant,” i.e., the “first web[site/page].” §VI.B.2(i). EX1008, 7:30-31, 7:41-45. Thus, the product icons (**red/purple above**) “direct[], via the internet, a third user...to the first web[site/page].” EX1003, ¶¶522-24, 555-57, 584-86, 609-611, 654-56.

3. Claim 6

Arnold illustrates (Fig. 15) “a flow diagram for the Sign-up..Request routine.” Arnold explains that the system “temporarily stores the sign-up information in a file on the merchant computer in step 1504 and returns.” EX1008, 12:39-52. In Figure 16, Arnold shows a database entry as an example of the information stored at sign-up. EX1008, Fig. 16.



EX1008, Fig. 15 (annotated).

The “Store Sign-up Information” indicates that sign-up information would be stored in a computer database. EX1003, ¶¶558-63.

4. Claims 9/15

The '971 Patent explains “[w]eb assets can include JAVA applets, scripts...[etc.]” and “are graphic images, including text and related color, sound and animation features, which can be displayed on a website.” EX1001, 7:20-29. Thus, “*web asset*” can be a graphic image, text and related color, sound and animation features, JAVA applets, etc. which can be displayed on a website. EX1003, ¶¶615, 657-58.

Arnold describes the layout of the merchant webpage (“*first webpage*”) as containing a “banner, logo, and background color”—i.e., “*web asset*.” EX1008, 7:60-62. It would have been obvious for Arnold’s to be authored by “*a third-party separate from*” Arnold’s “*system*,” because the logo or banner ad were regularly sourced from, for example, an independent artist. EX1003, ¶¶612-19, 657-58; EX1001, 2:36-39.

5. Claims 10/16

Arnold explains that “[t]he establishing of a VO relationship solves problems of the existing compensation methods ... When a customer accesses that Web page using the URL received from the VO, the merchant can track that it was a referral through the VO. Thus, the VO can be credited whenever the customer uses that URL even when a delayed purchase is made.” EX1008, 6:50-64. The third-party would also be compensated based on the third-party’s relationship with the merchant.

EX1003,¶¶622-23. Where Arnold's web asset such as a logo is authored by a third-party, for example, an independent artist hired by a merchant, the independent artist would be compensated. EX1003,¶¶620-24; 659-60. A POSA would be able to easily create different compensation programs for users with no more than routine coding and optimization. *Id.*,¶¶620-24, 659-60.

6. Claims 12/18

As explained above (§VI.B.2(v)), “**images** 1B13, 1B14, and 1B15” (and their corresponding URLs) are the “*second functional marketing element[s]*.” EX1008, 7:30-41, 10:42-50, Fig. 10; EX1003,¶¶625-29, 661-62.

7. Claims 13/19

As explained above (§VI.B.2(iv)), when the “*first user*” selects an item to include on the VO website/page a URL hotlink (and associated image) are “include[d] in the VO Web page” connecting each item to the merchant site. EX1008, 6:55-60; 10:42-50, Fig. 10. In Fig. 1B, Arnold explains that the VO website includes “images 1B13, 1B14, and 1B15 of the products that are being offered for sale.” EX1008, 7:31-41, Fig. 1B. A POSA would have understood that when the VO representative selects a product from the catalog, the webpage implementation system “*receive[s] an image*.” It would have been obvious to allow the “*first user*” to supply the “*image*.” EX1003,¶¶630-35, 663-64.

8. Claims 20/22/24/26/28

As explained above (§VI.B.2(v)), “**images** 1B13, 1B14, and 1B15” (and their corresponding URLs) are the “*second functional marketing element[s]*.” EX1008, 7:30-41; EX1003, ¶¶491-92, . The “DONE”/“RETURN” icons are the “*first functional marketing element[s]*.” §VI.B.2(vi); EX1003, ¶498. “[I]mages 1B13, 1B14, and 1B15” and the “DONE”/“RETURN” icons are each “associated” with hyperlinks (hotlinks), as explained above. EX1008, 7:30-8:6; Fig. 1B; §§VI.B.2(viii)-VI.B.2(ix). EX1003, ¶¶526-32, 636-37, 665-66, 564-65, 587-88.

9. Claims 21/23/25/27/29

Arnold explains that “[a] virtual outlet relationship can be established and maintained with a merchant ... The VO provides the merchant with various information ... The merchant computer accepts the information, the merchant considers whether a VO relationship should be established, and, if the merchant decides to establish the relationship, the merchant computer sends a confirmation back to the prospective VO. Once the relationship has been established, a representative of the VO can ... perform other necessary tasks to maintain the retail relationship.” EX1008, 6:13-34. Thus, the arrangement between the VO and merchant is “*reciprocal*” because the VO and merchant agree (i.e., “*opt[] in*”) to a relationship where the VO inserts the merchant’s link in the VO website if the

merchant inserts a return link to the VO website in the merchant website. EX1003, ¶¶534-37, 638-39, 667-68, 566-67, 589-90.

10. Claims 1/2/3

(i) **1[pre]/3[pre]**

Arnold includes a “layout” system that allows the VO representative to “specif[y] a Web page layout” for the merchant website (“*first website*”). §VI.B.2(i); EX1008, 7:58-65, 6:26-34, 9:10-20, Fig. 6. Thus, the VO representative is a “*website designer*” because they are designing the look and feel of the merchant website (“*first website*”). EX1003, ¶¶669-675, 761-62.

Moreover, as explained above (§§VI.B.2(i), VI.B.2(iii), VI.B.2(iv)), Arnold assists the VO representative with “*establishing*” a marketing “*arrangement*” between the VO website (“*second website*”) and the merchant website (“*first website being designed*”). EX1008, 2:22-47, 5:24-27. In particular, the VO website shows products that are for sale on the merchant website. EX1008, 7:30-8:6, Fig. 1B. By clicking on one of the products, the customer is directed to the merchant site, where they can purchase that item. *Id.*; EX1003, ¶¶676-80, 761-62.

Arnold explains that “[w]hen a customer selects a product to purchase” in the VO website, “the browser accesses the Web page for the merchant that sells the product,” which “is identified by a URL (i.e., hotlink) associated with that product.” EX1008, 7:39-45, 4:3-5, 4:20-21. “The merchant computer then dynamically

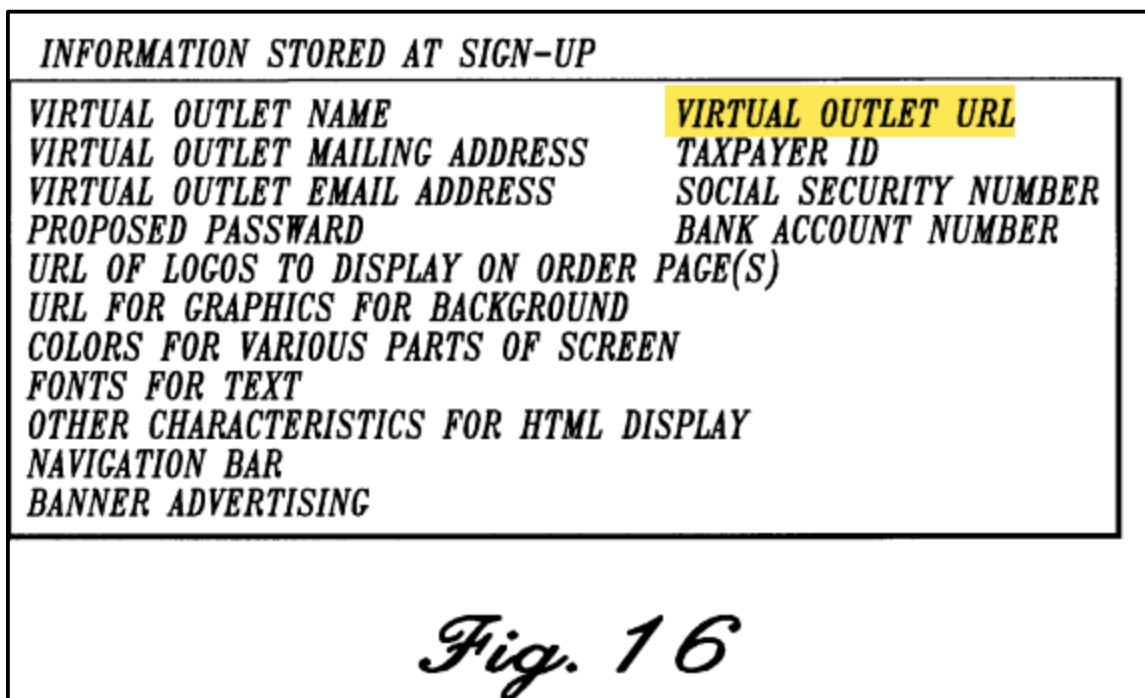
creates a Web page (e.g., an HTML file) in accordance with the layout and associates the return URL with an icon on the Web page.” EX1008, 7:54-65; §VI.B.2(iv). Because the merchant website (“*first website*”) is dynamically created when the URL is selected the merchant site is “*market[ed]*” at the VO website “*upon the activation of the*” merchant site “*on the internet.*” EX1003, ¶¶681-82, 761-62.

(ii) **1[a]/3[a]**

The VO representative can use the merchant catalog to identify and “select items to sell” on the VO website. §VI.B.2(v); EX1008, 10:43-50, 6:28-32, Fig. 10. Subsequently, the “VO may incorporate [the selected] items into the VO Web pages,” for example, “images 1B13, 1B14, and 1B15 of the products that are being offered for sale.” EX1008, 7:45-54; Fig. 1B. The merchant catalog is an example of a “*user interface*” that is utilized “*during design of the first website.*” EX1003, ¶686. The images of the products “*displayed at the second website,*” which have associated URLs that link to merchant sites, are “*type[s] of an element for marketing.*” EX1003, ¶¶683-685, 688-89, 763-64; EX1008, 5:46-49. Accordingly, the “*selection*” of items from the merchant catalog is “*indicating a type*” that is to be “*displayed at the second website.*” EX1008, 10:43-50 (“VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links.”).

The merchant catalog (“*user interface*”) is used to “identifying the items you wish to merchandise on your site.” EX1008, Fig. 10. Identifying items would result in saving the information in a database—i.e., the VO representative’s “selection” would be “*receiv[ed]...at a user interface*” and stored in the merchant-computer. EX1003,¶687. Arnold explains that “a database” is “established” when the “virtual outlet relationship” is created and is used to dynamically create the merchant website. *Id.*, 7:54-62; §VI.B.2(iv). Each product has a corresponding product page that corresponds to an entry in the “virtual outlet relationship” database. *Id.* Accordingly, the VO representative’s selection of products is “*information...indicating a type of an element for marketing that is to be displayed at the second website,*” because an entry associated with each product exists in the database, which is used to dynamically create product pages. EX1003,¶690, 763-64.

Accessing the merchant catalog requires a VO representative to have signed up with merchant (§VI.B.2(iii)) and to log in to the “merchant computer’s account management component.” EX1008, 6:26-32. Arnold illustrates (Fig. 16) “information stored at sign-up” includes the “virtual outlet URL.”



EX1008, Fig. 16 (annotated).

When the merchant-computer receives a request (§VI.B.2(vi)) it receives a URL that specifies the “the Web page to return to after the sale is complete.” EX1008, 7:51-62, 10:47-50. If no return webpage is provided in the URL “the merchant can use a default return Web page for that virtual outlet.” EX1008, 7:51-54. Thus, the merchant receives “*information specifying the second website at which the element is to be displayed.*” EX1003, ¶¶691-93, 763-64.

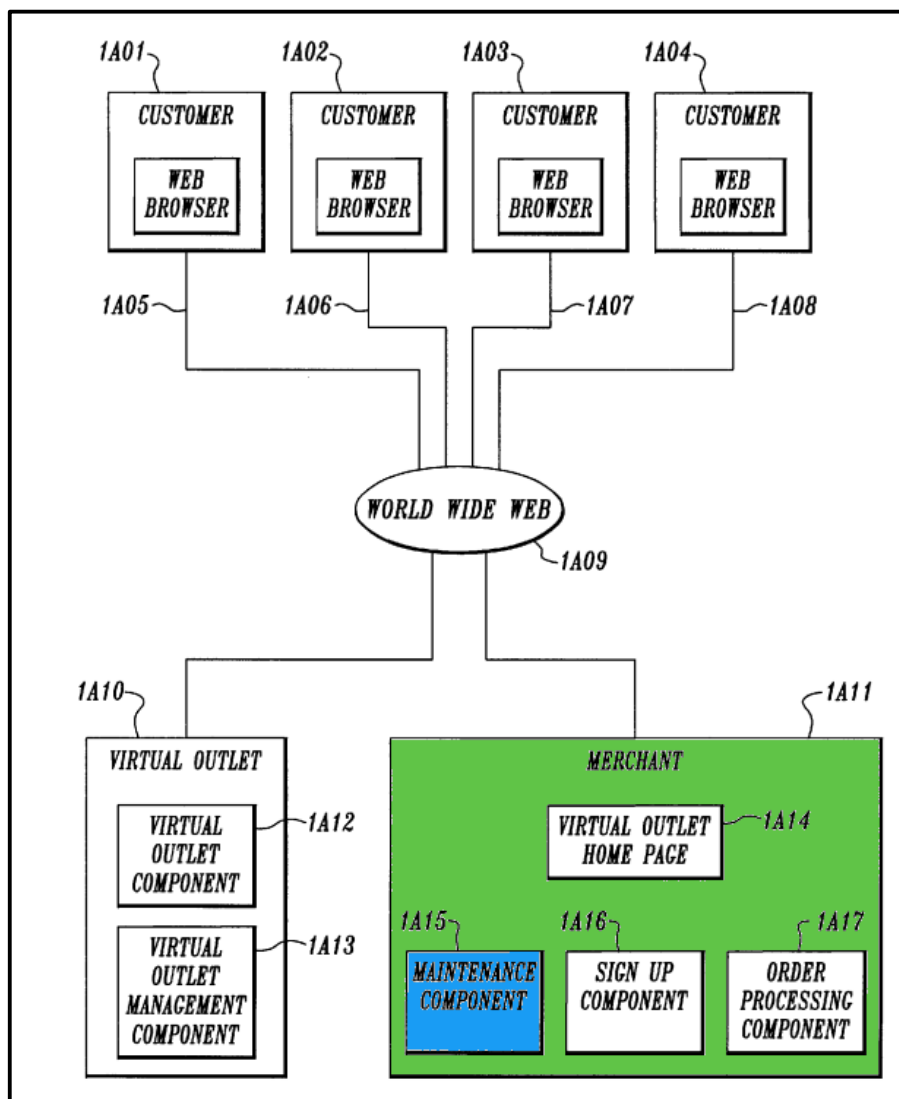
(iii) **1[b]/3[b]**

Arnold explains that “a database” is “established” when the “virtual outlet relationship” is created and is used to dynamically create the merchant website. *Id.*, 7:54-62; §VI.B.2(iv). Because this database is used to “dynamically create[] a Web page (e.g., an HTML file) in accordance with the layout” a POSA would have

understood that each product page corresponds to an entry in the “virtual outlet relationship” database. The VO representative’s selection of products is “saved” in the first database because an entry associated with each product exists in the database. Thus, Arnold discloses “*saving the information at a first database that is coupled to the user interface.*” EX1003, ¶¶694-96, 765-66.

Moreover, Arnold shows in Figure 15 a “flow diagram for the Sign-up_Request routine.” EX1008, 12:38-13:12, 12:24-27, 12:45-52, Fig. 15. In Fig 16 Arnold shows a database entry that includes the “information stored at sign-up” which includes the “virtual outlet URL.” §VI.B.2(iii). Thus, the “*first database*” also stores the “*information specifying the second website.*” EX1003, ¶¶697-702, 765-66.

The database is stored “in a file on the merchant-computer” (EX1008, 12:50-55) and is accessed by the merchant-computer to dynamically create the merchant website. EX1008, 7:54-58, 13:2-5. Because database saves information received from the merchant catalog (“*user interface*”) and sign_up routine (EX1008, 12:50-55) the “*first database*” must be “*coupled to the user interface.*” The merchant-computer’s “sign up component” and “maintenance component” are both included within the merchant-computer (shown below). EX1008, 7:9-19; EX1003, ¶¶703-06, 765-66.

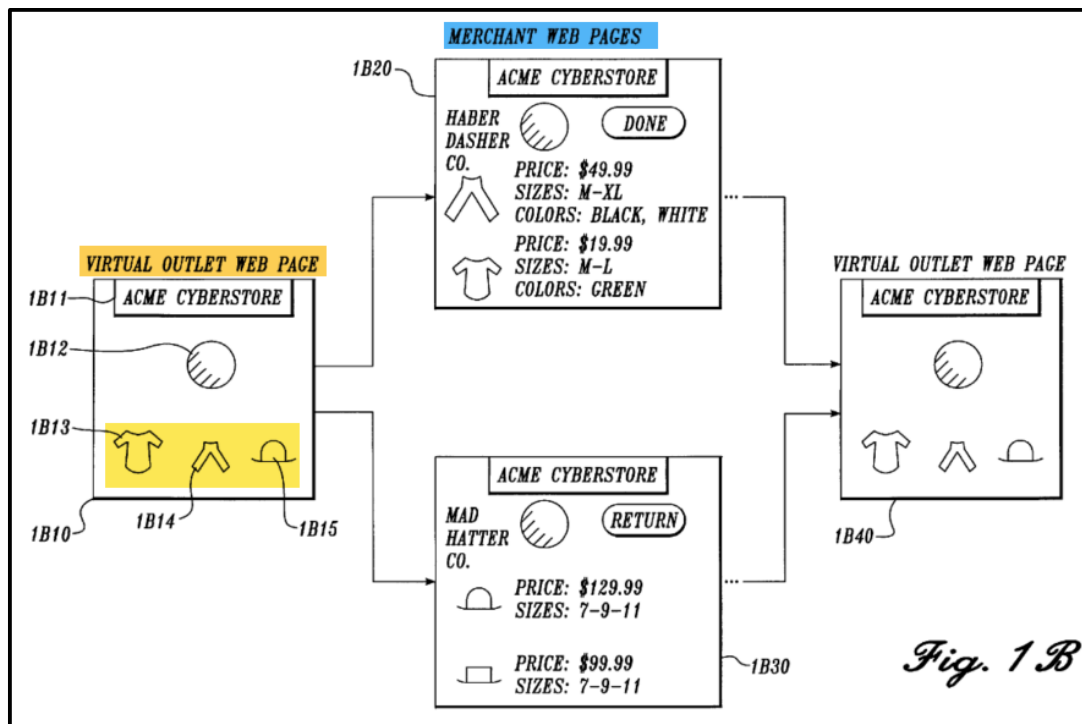


EX1008, Fig. 1A (annotated).

(iv) **1[c]/3[c]**

Figure 1B (shown below) shows webpage 1B10 (AcmeCyberstore) which “contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale”—i.e., “*the element for marketing.*” EX1008, 7:36-41, 7:45-60, 5:44-46; §VI.B.10(ii). A POSA would have understood that Arnold must “*obtain*” the images

of the products (“types of [] element[s] for marketing”) to display the images on the VO webpage. §VI.B.10(ii); EX1003,¶¶707-11, 767-68.

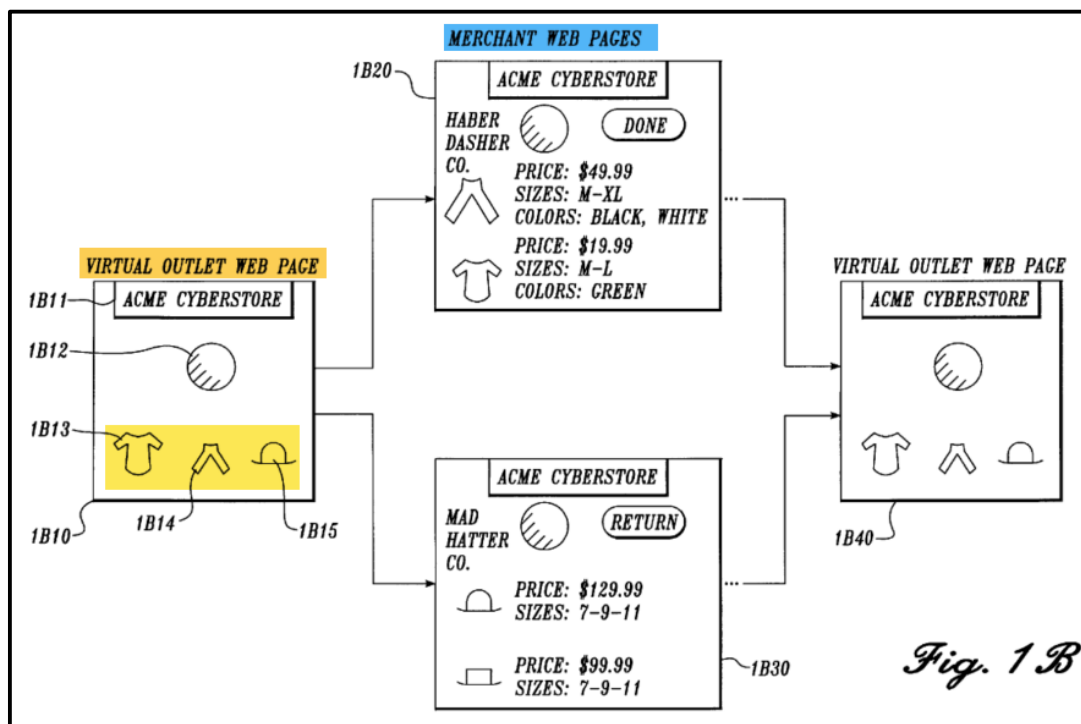


EX1008, Fig. 1B (annotated).

(v) 1[d]/3[d]

This claim limitation is written disjunctively (“at least one of”), thus it only requires that the “element for marketing” include **either** “a banner ad” or “a link to the first website.” §VI.A.11(v); EX1003,¶¶712-14, 769-70. Additionally, in the *LinkedIn* IPR, Distefano stated that “a banner ad is a specialized form of a hyperlink that also includes a graphic.” §VI.A.11(v); EX1010, 15; EX1003,¶714, 769-70.

As explained above (§VI.B.10(ii)), “images 1B13, 1B14, and 1B15” are the “*element for marketing*” and are displayed on the VO website (“*second website*”). EX1008, 8:9-16, 7:30-45.



EX1008, Fig. 1B (annotated).

Images 1B13, 1B14, and 1B15 include both: (1) an image and (2) a hotlink to the merchant site. EX1008, 7:45-54, 2:55-60, 3:61-64. Therefore, Images 1B13, 1B14, and 1B15 are a “*banner ad*”—i.e., “a specialized form of a hyperlink that also includes a graphic.” EX1010, 15 (*citing* EX1001, 6:67-7:16); EX1008, 2:55-60, 3:61-64; §VI.B.10(ii); EX1003, ¶¶715-17, 769-70. The images also include a hotlink to the merchant site, as explained above, and, therefore, are also “a link to the first website.”

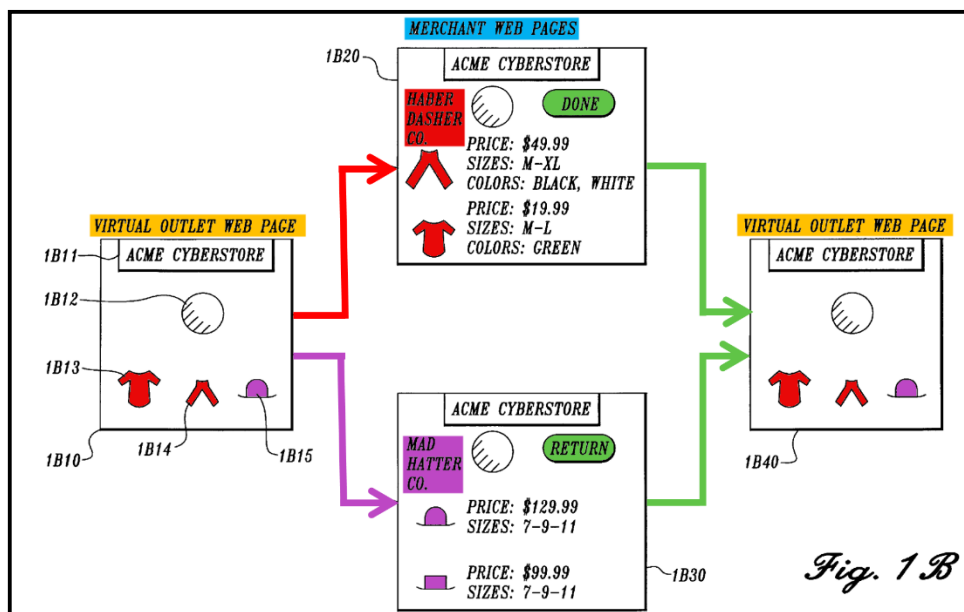
Arnold explains that “[o]nce the [VO] relationship has been established, a representative of the VO can login to the merchant-computer’s account management component” and “select items to sell.” EX1008, 6:26-34, 10:41-47. Each item has a corresponding product page that corresponds to an entry in the “virtual outlet relationship” database. §VI.B.2(iv). Arnold uses the “database” to dynamically create the merchant website “in accordance with the layout [specified in the relationship database] and associates the return URL with an icon on the Web page.” EX1008, 7:54-65; EX1003, ¶¶718-19, 769-70.

Thus, when the VO selects new merchant products to include in the VO website, the VO website (“*second website*”) is updated with an “*element for marketing*” related to the new merchant products, which would include URLs corresponding to the product webpage of the merchant. EX1003, ¶720. Later, the merchant-computer will dynamically create the product webpage, as explained above. EX1003, ¶719. Thus, “*when the first website is activated with respect to the internet,*” “*the element for marketing*” is displayed “*at the second website.*” Moreover, because a marketing arrangement must be established before the VO can sell merchant products, the “*elements for marketing*” are not available until the “*first website is activated with respect to the internet.*” EX1003, ¶¶720-21, 769-70.

(vi) 1[e]/3[e]

The term “*third-party website*” is not defined, and a POSA would have understood that a “*third-party*” could be part of the “*computer hardware system*” or outside of the “*computer hardware system*.” §VI.A.11(vi); EX1003,¶724

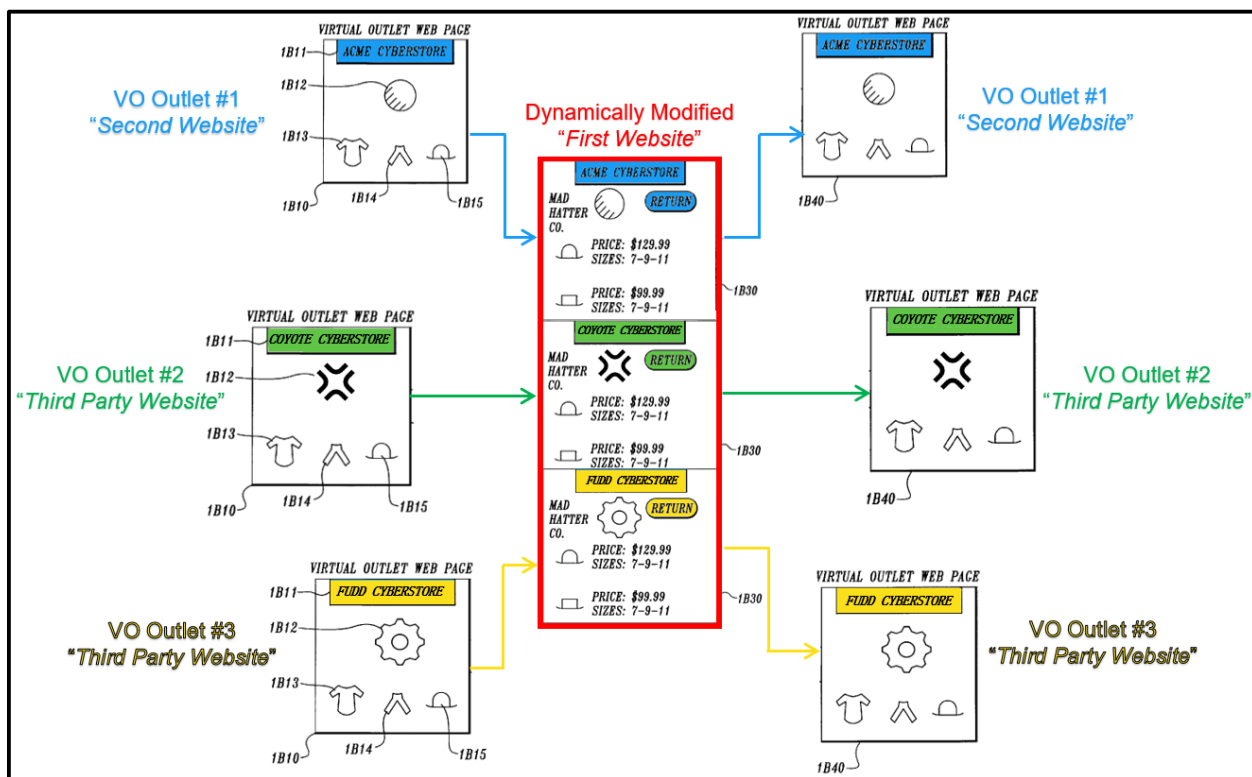
The merchant site (i.e., “*first website*”) in Figure 1B includes the logo for the VO and banner for the VO (i.e., “*marketing element*”). EX1008, 7:31-32, 7:38-39 (“[B]anner 1B11 and logo 1B12, [] identify the VO.”), 7:54-64; EX1003,¶¶722-28, 771-72.



EX1008, Fig. 1B (annotated).

Each merchant site can serve multiple VOs. EX1003,¶729, 771-72. Arnold explicitly discloses that the “VO system provides one or more Web pages to VOs” (plural) and that “the merchant computer can have one web page defined for **each VO.**” EX1008, 11:37, 6:55-60. Therefore, as shown below, different logos, colors,

and images will be used based on which VO is interacting with the merchant site. The “done” or “return” icons on the merchant site will also be updated to redirect the customer to the correct VO site.



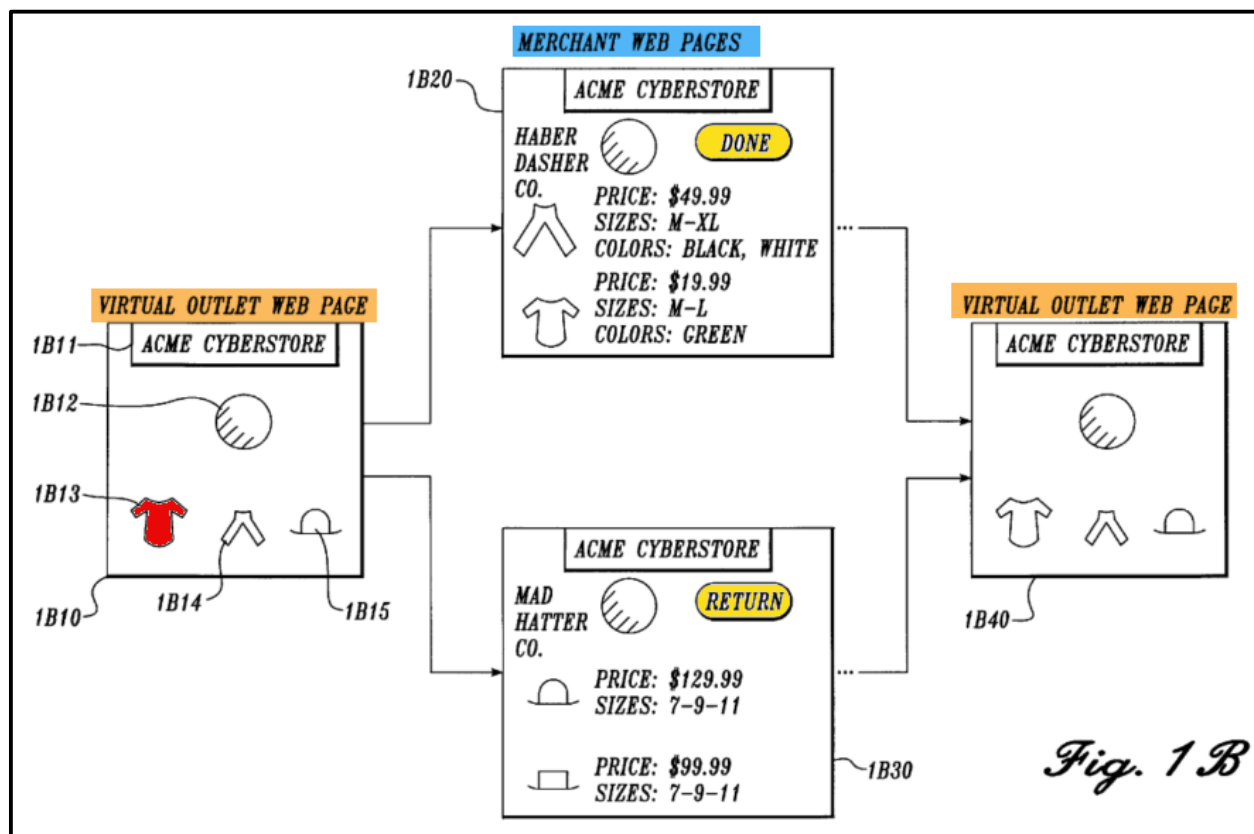
EX1008, Fig. 1B (modified).

For example, the “first website” (red outline) is dynamically modified to include the logo, banner, and return links for multiple VOs: “Acme Cyberstore” (blue); “Coyote Cyberstore” (green); and “Fudd Cyberstore” (yellow). First, when the “first website” receives a connection from the “second website” (i.e., VO Outlet #1), the logo, banner, and return link for “Acme Cyberstore” (blue) is used. Later, when the “first website” receives a connection from a “third-party website” (i.e., VO Outlet #2), it is modified to include the logo, banner, and return link for “Coyote

Cyberstore” (**green**). When another “*third-party website*” (i.e., VO Outlet #3) connects the “*first website*,” it is again modified to include the logo, banner, and return link for “Fudd Cyberstore” (**yellow**). “Coyote Cyberstore” (**green**) and “Fudd Cyberstore” (**yellow**) are “*third-party website[s]*” because they are different from the merchant website (**red**) and the “*second website*” (**blue**). EX1003,¶730, 771-72.

Because the “return icon” resides in a space within the merchant site, MadHatter, and returns a user to the virtual outlet, either “Acme Cyberstore” (**blue**), “Coyote Cyberstore” (**green**), or “Fudd Cyberstore” (**yellow**), it is a “*reciprocal site for the marketing element of a third-party website.*” EX1003,¶731. Moreover, the “return icon” is used as a space to provide a “*reciprocal*” link back to the originating VO. §VI.B.10(i). The “return icon,” banner, and other design elements that are dynamically modified on the “*first website*” are “*marketing element[s] of a third-party website.*”

Referring to the example in Fig. 1B, Arnold explains that the VO website contains a hot link to the merchant website. EX1008, 7:41-52; EX1003,¶732, 771-72.



EX1008, Fig. 1B (annotated).

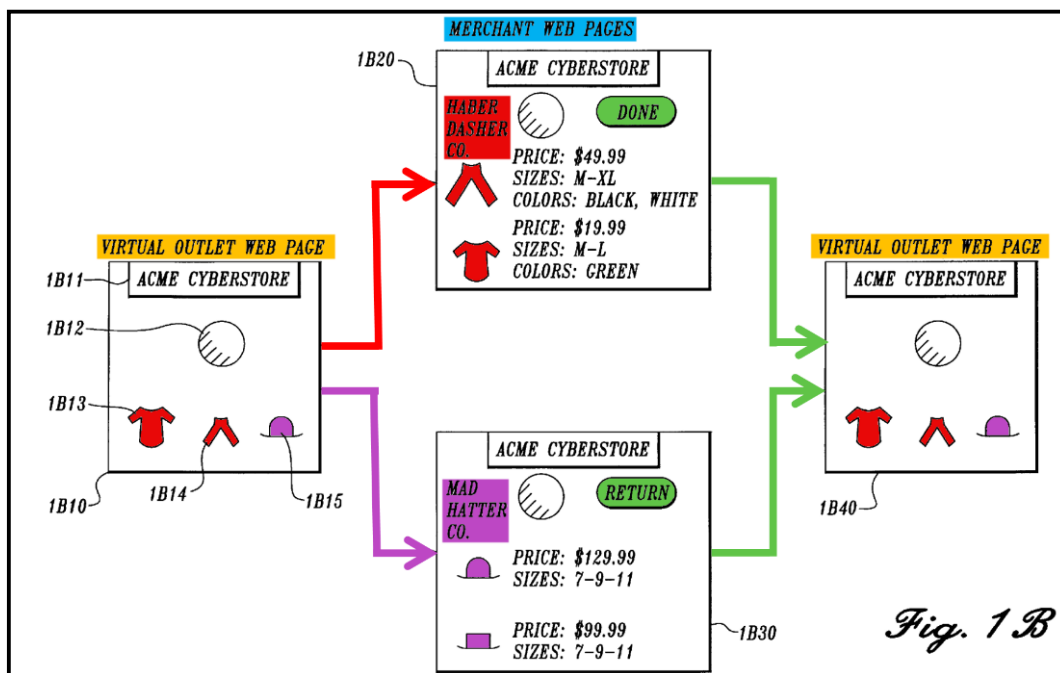
Arnold explains that “when the merchant computer...receives this [hotlink] URL,” “it accesses a database” that “specifies a Web page layout.” EX1008, 7:54-60. Using information from this database, “[t]he merchant computer then dynamically creates a Web page” and “associates the return URL with an icon on the Web page” and “sends that Web page to the customer computer.” EX1008, 7:62-66. Figure 1B illustrates two examples of dynamically created webpages: HaberDasher (1B20) and MadHatter (1B30). EX1003, ¶733, 771-72. As part of dynamically building the page, the merchant-computer must determine whether the layout includes a return icon. If the layout does not include a return icon, the

merchant-computer will not include a return icon in the “*first website*.” EX1003,¶734-35, 771-72.

(vii) **1[f]/3[f]**

Arnold explains that “a database” is “established” when the “virtual outlet relationship” is created and is used to dynamically create the merchant website. *Id.*, 5:41-55, 7:54-65; §VI.B.2(iv).

A POSA would have understood that the “*reciprocal site*” is created as part of dynamically creating the merchant website. EX1003,¶¶736-40, 773-74. Locations 1B20, 1B30 within the Merchant webpage, with a link (i.e., “*marketing element of the third-party website*”) to webpage 1B10, cannot “*exist in the first website*” before the “*first website*” is dynamically created. EX1003,¶739. Thus, when the merchant-computer dynamically creates the merchant web page “and associates the return URL with an icon on the Web page,” the merchant is “*creating*” a space (i.e., “*reciprocal site*”) within the Merchant webpage, where one does not yet exist, with a link to the AcmeCyberstore. EX1008, 7:62-64; §V.A; *id.*



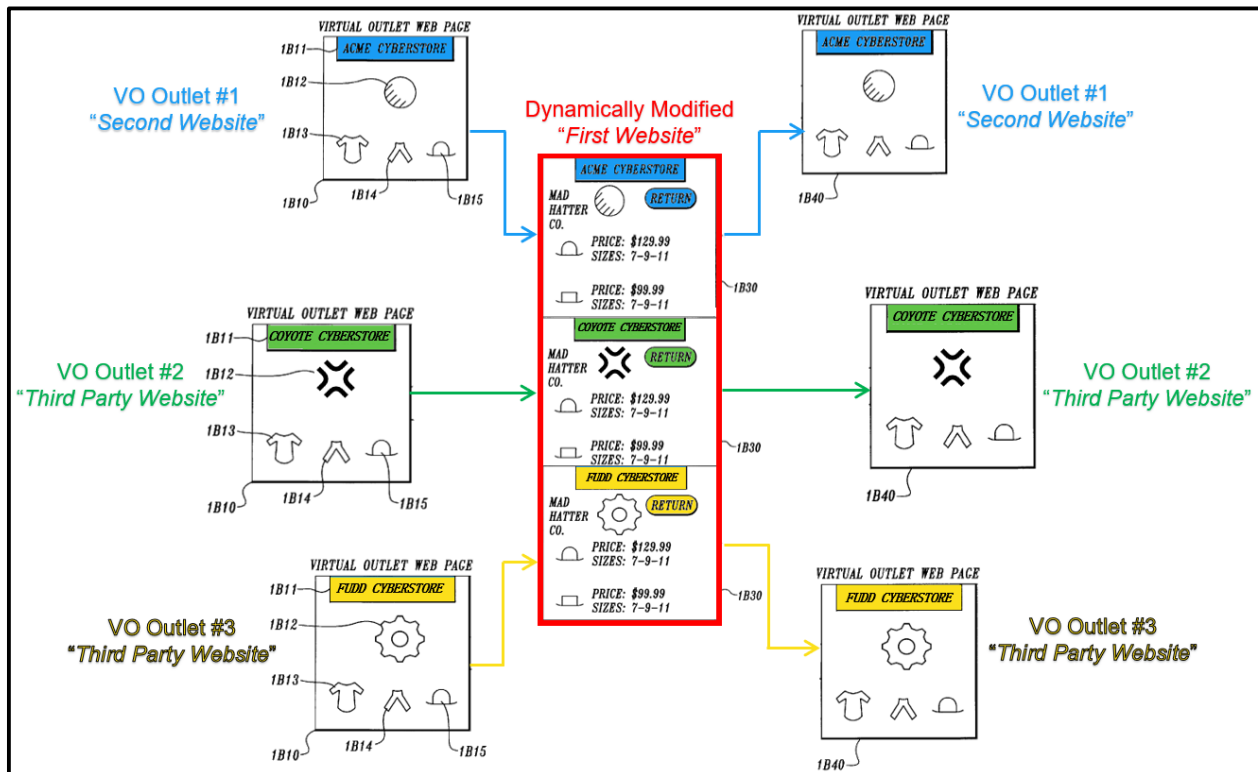
EX1008, Fig. 1B (annotated).

(viii) 1[g]/2

As explained above (§VI.B.10(v)), “images 1B13, 1B14, and 1B15” (“*element for marketing*”) are both a banner ad and include “*a link to the first website.*” EX1003, ¶¶741-45, 759-60.

The method described by Arnold allows multiple different virtual outlets to sell the same merchant’s products. §VI.B.10(vi); EX1003, ¶748; EX1008, 5:26-30, 7:55-58, 7:23-25, 11:35-38, 11:53. In the scenario below, three different virtual outlets, “Acme Cyberstore” (**blue**), “Coyote Cyberstore” (**green**), or “Fudd Cyberstore” (**yellow**) link to the “*first website*” (**red**). Depending on which hotlink is pressed, either the **Mad Hatter Co website** having a **return icon** (i.e., “*banner ad*”) to **Coyote CyberStore**, or the **Mad Hatter Co website** having a **return icon**

(i.e., “banner ad”) to **Fudd Cyberstore** is displayed. EX1008, 7:41-54. Accordingly, “the reciprocal site of the first website” displays “a plurality banner ads respectively concerning a plurality of third-party websites.” EX1003, ¶¶748-49, 759-60.



EX1008, Fig. 1B (modified).

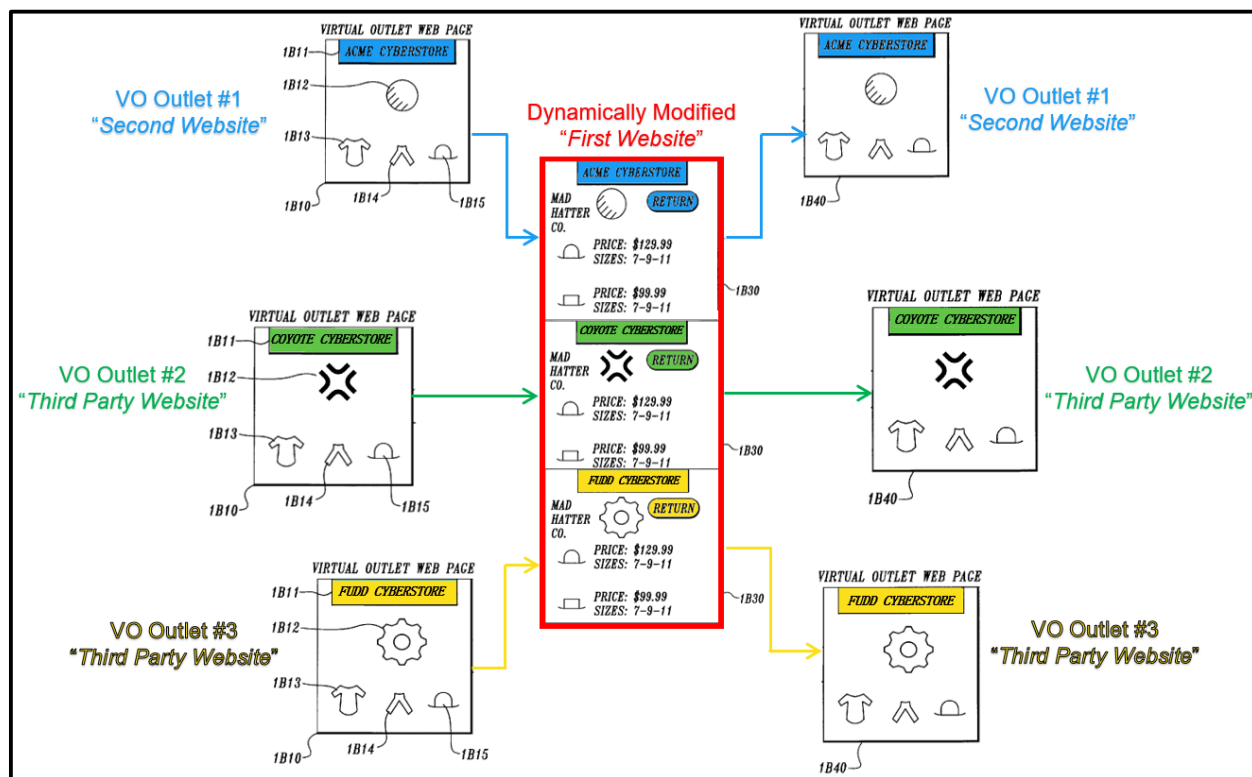
In each example above, the return icon displays different banner ads depending on which “third-party website” links to the “first website.” EX1003, ¶¶750-51; EX1008, 6:1-4. Thus, the merchant-computer causes the “sequential display” of the VOs because, as described above, a merchant page (“Acme Cyberstore” (blue), “Coyote Cyberstore” (green), or “Fudd Cyberstore”

(yellow)) is dynamically created “following or coming after” each other. EX1051, 511; EX1003, ¶¶746-47, 752-53, 759-60; §VI.A.11(viii).

When the VO selects new merchant products to include in the VO website, the VO website is updated with an “*element for marketing*” related to the new merchant products, which would include URLs corresponding to the order webpage of the merchant. EX1003, ¶756. The URLs are used to dynamically create the order webpage of the merchant in accordance with the specified layout of the merchant webpage. *Id.* Thus, “*the sequential display*” occurs “*when the first website is activated with respect to the internet*” because “*the first website is activated with respect to the internet*” when it is dynamically created. EX1003, ¶¶754-60.

(ix) **3[g]**

As explained above (§VI.B.10(v)), in Arnold the “*element for marketing the first website*” is both a “*banner ad*” and “*a link to the first website.*” As also explained above (§VI.B.10(viii)), Arnold discloses displaying “*at the reciprocal site of the first website of a plurality of links to the plurality of third-party websites,*” as shown below (EX1003, ¶¶775-78):

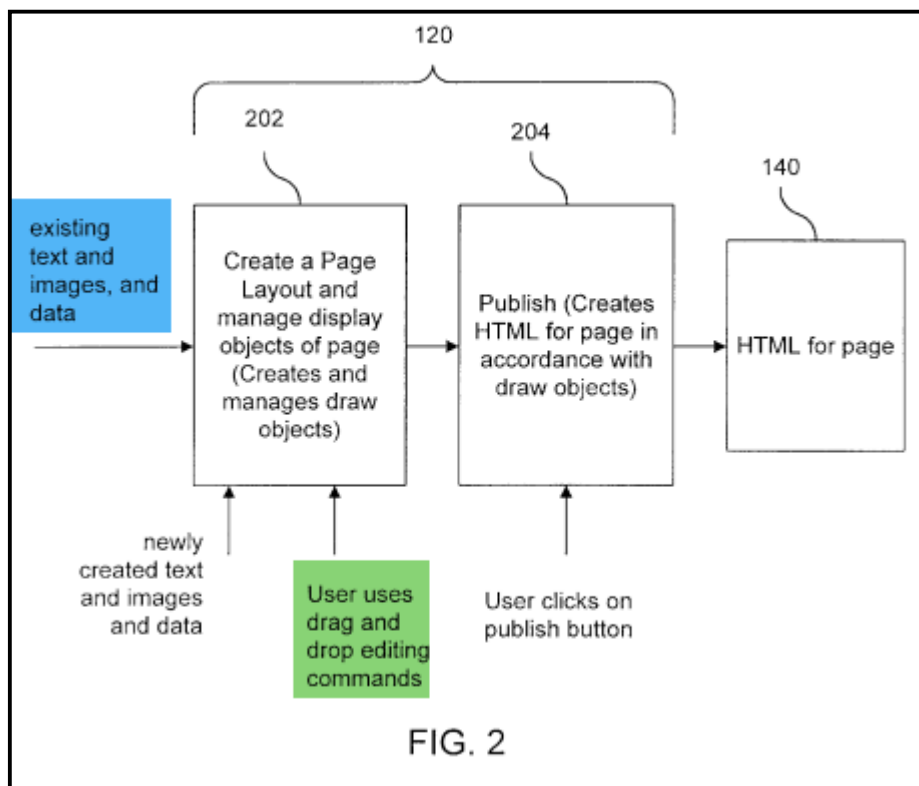


EX1008, Fig. 1B (modified).

C. Ground 3: Arnold/Arora Renders Claims 11 and 17 Obvious

As explained in **Ground 2**, Arnold renders obvious each limitation of Claims 1-10, 12-16, 18-29. A POSA would have integrated Arora's (EX1003, ¶¶779-80) WYSIWYG editor into the layout system of Arnold's VOMC and MMC. *Id.*, ¶791. A POSA would have been motivated to modify Arnold to incorporate Arora's WYSIWYG editor (including its "Java, ActiveX, [and] Shockwave" assets) at least because the WYSIWYG editor in Arora allows users to easily and quickly create new websites and integrate web and edit asset visually. EX1055; *Id.*, ¶¶781-82, 801-03.

In Arnold/Arora, the page layout design system of Arnold would be combined with Arora's WYSIYG interface. EX1003,¶789-95. The GUI described by Arora allows users to add assets into a webpage and edit them. *Id.*,¶¶783-88, 792.



EX1009, Fig. 2 (annotated).

Using Arora's WYSIWYG editor within Arnold's VOMC and MMC enables more extensive editing and design elements for the VO and Merchant webpages. EX1003,¶801. Arnold/Arora would have been a simple substitution. EX1003,¶¶796-97. Since Arnold's VOMC and MMC already includes web editing functionality, a POSA would have simply substituted Arora's WYSIWYG editor for

Arnold's VOMC and MMC web editing features. Where both systems disclose analogous functionalities, a POSA would have combined them. EX1003, ¶799.

Arnold and Arora are analogous art to the '971 Patent. EX1003, ¶798. Arnold, Arora, and the '971 Patent are all in the same field of endeavor and also relate to similar problems. EX1009, 1:18-21; EX1008, 3:1-4; EX1001, 3:16-25; *id.*

Arnold/Arora is also a combination of old elements. Website design using GUIs, including WYSIWYG, and reciprocal linking were not new in 2000. §III; EX1038, 5-6; EX1003, ¶799.

A POSA would also have been motivated to combine Arnold/Arora to take advantage of the WYSIWYG editor of Arora. EX1003, ¶¶796-803. Arora describes the benefits of its “drag and drop interface” including that it: (1) the placement of objects in the editor reflects the page layout displayed in the browser, (2) it is easier for the designer to use a consistent format across webpages, (3) automatically updating various pages within the website, and (4) ease of designing graphical webpages. EX1009, 2:20-61; EX1003, ¶¶782-83, 789. Therefore, a POSA would have been motivated to use WYSIWYG editor of Arora to build and design the sites in Arnold.

Since Arnold's system is “quite flexible, and **can accommodate a large number of different approaches to webpage design,**” a POSA would have been encouraged to integrate systems such as Arora. EX1008, 14:52-55; EX1003, ¶795.

A POSA would have been specifically motivated to integrate Arora's "Java, ActiveX, [and] Shockwave" assets into the layout system of Arnold. In particular, the "Java, ActiveX, [and] Shockwave" assets were standard and commonplace assets that were used widely on the web. Because of their standardization a POSA could ensure these assets were compatible with a large number of potential computer and browsers. EX1057, 2-7; EX1003, ¶¶793-94, 802.

1. Claims 11/17

The '971 Patent does not define what "*a functional application*" is. EX1003, ¶805. Arnold/Arora discloses "*a functional application.*" Arora describes that button, image, or icon (such as the product icons) can be a Java applet or other plug-in. EX1009, 13:15-17. Arora describes a "Java tool 389" which "allows the user to specify a Java applet and an address for the applet" to draw a "Java draw object." EX1009, 11:35-58, 11:40-48; EX1001, 7:20-29; EX1003, ¶¶804-09

VII. SECONDARY CONSIDERATIONS

Petitioner is unaware of any secondary considerations evidence bearing any nexus to the claims. If DiStefano introduces alleged evidence of secondary considerations, "weak secondary considerations generally do not overcome a strong prima facie case of obviousness" such as the one presented here. *Genentech, Inc. v. Sandoz Inc.*, 55 F.4th 1368, 1378 (Fed. Cir. 2022). EX1003, ¶¶810-12.

VIII. DISCRETIONARY DENIAL IS NOT WARRANTED

Director Stewart’s March 2025 memorandum, sets out a separate “bifurcated” briefing process for discretionary denial issues. Petitioner is not required to “pre-but” discretionary denial issues in the Petition. See April 17, 2025, USPTO Boardside Chat.

IX. MANDATORY NOTICES**A. Grounds for Standing (37 C.F.R. §42.104(a))**

Petitioner certifies it is not barred or estopped from requesting *inter partes* review of the ’971 Patent. Neither Petitioner, nor any privy, has filed a civil action challenging the validity of the ’971 Patent. 35 U.S.C. §315(a). Petitioner therefore certifies this patent is available for *inter partes* review.

B. Real Parties-in-Interest (§42.8(b)(1)):

Petitioner TikTok Inc. and Bytedance Ltd., Bytedance Pte. Ltd., Bytedance Inc., TikTok Ltd., and Heliophilia Pte. Ltd. are the real party-in-interest.

C. Related Matters (§42.8(b)(2)):

Petitioner identifies the following related matters:

- *TikTok Inc., v. DiStefano Website Innovations, LLC*, IPR2025-01061 (PTAB May 30, 2025)
- *DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.*, Case no. 2:24-cv-00874-RWS-RSP (E.D. Tex. Oct. 29, 2024)

- *DiStefano Website Innovations, LLC v. ByteDance Ltd. et al.*, Case no. 1:24-cv-00763-RP (W.D. Tex. Jul 08, 2024)
- *LinkedIn Corporation v. DiStefano Patent Trust III, LLC*, IPR2019-00419 (PTAB Dec. 14, 2018)
- *DiStefano Patent Trust III v. LinkedIn Corporation*, Case no. 19-1210 (CAFC Nov. 16, 2018).
- *DiStefano Patent Trust III, LLC v. LinkedIn Corporation*, Case no. 1-17-cv-01798 (DDE Dec. 14, 2017).
- *DiStefano Patent Trust III, LLC v. Foursquare Labs, Inc.* Case no. 1-17-cv-00255 (DDE Mar. 10, 2017).
- *DiStefano Patent Trust III, LLC v. Trip Advisor, Inc.* Case no. 1-17-cv-00256 (DDE Mar. 10, 2017).
- *DiStefano Patent Trust III, LLC v. Yelp! Inc.* Case no. 1-17-cv-00257 (DDE Mar. 10, 2017)

D. Counsel, Service, and Fee Information (§42.8(b)(3)):

Pursuant to 37 C.F.R. §42.8(b)(3) and 37 C.F.R. §42.10(a), Petitioner appoints:

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Pursuant to 37 C.F.R. §42.10(b), a power of attorney is being filed with this designation of counsel.

E. Fee for *Inter Partes* Review (§42.15(a))

The U.S. Patent & Trademark Office is authorized to charge the fee specific by 37 C.F.R. §42.15(a), and any other required fees, to Deposit Account No. 50-3672.

X. CONCLUSION

Claims 1-29 of the '971 Patent should be held unpatentable.

Dated: July 8, 2025

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitations of 37 C.F.R. §42.24, because it contains 13,865 words as calculated by Microsoft Word's word-count feature. This total excludes the cover page, signature block, and the parts of the Petition exempted by 37 C.F.R. §42.24(a)(1).

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), I hereby certify that on this 8th day of July, 2025, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by Express Mail on the following counsel:

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