**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TIKTOK INC.,
Petitioner,

v.

DISTEFANO WEBSITE INNOVATIONS, LLC,
Patent Owner.

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

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# EXPERT DECLARATION OF DR. ANDY COCKBURN

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

Dated: 1st July 2025



Dr. Andy Cockburn

# TABLE OF CONTENTS

**EXHIBITS CONSIDERED** ..... **v**

**LISTING OF CHALLENGED CLAIMS** ..... **ix**

**I. INTRODUCTION** ..... **1**

A. Background and Qualifications ..... 2

B. Materials Considered ..... 8

C. Summary of Opinions ..... 9

**II. LEGAL STANDARDS** ..... **10**

A. Claim Construction ..... 10

B. Person of Ordinary Skill in the Art ..... 12

C. Anticipation ..... 13

D. Obviousness ..... 13

E. *Markush* Groups ..... 15

**III. THE '971 PATENT** ..... **16**

A. Overview ..... 16

B. Prosecution History ..... 17

1. The Patent Family ..... 17

2. File History of the '259 Patent ..... 20

3. File History of the '971 Patent ..... 26

C. LinkedIn Case ..... 40

D. LinkedIn IPR ..... 41

E. The Challenged Claims ..... 45

**IV. THE STATE OF THE ART** ..... **49**

A. WYSIWYG ..... 51

B. Reciprocal Links ..... 55

C. Internet Marketing ..... 59

D. Social Networking ..... 60

E. URLs Associated With Pictures/Graphics .....62

**V. THE LEVEL OF ORDINARY SKILL IN THE ART (SKILLED ARTISAN) .....65**

**VI. CLAIM CONSTRUCTION .....66**

A. "*reciprocal site*" .....66

**VII. DETAILED EXPLANATION OF GROUNDS FOR INVALIDITY .....70**

A. Ground 1: Block Renders Claims 1-29 Obvious .....70

1. Overview of Block .....70
2. Claim 4 And Its Dependent Claims 24-25 .....90
3. Claim 5 And Its Dependents Claims 6, 26-27 .....118
4. Claim 7 And Its Dependents Claim 28-29 .....123
5. Claim 8 And Its Dependent Claims 9-13, 20-21 .....128
6. Claim 14 And Its Dependent Claims 15-19, 22-23 .....156
7. Claim 1 And Its Dependent Claim 2 .....161
8. Claim 3 .....198

B. Ground 2: Arnold Renders Claims 1-10, 12-16, 18-29 Obvious .....202

1. Overview of Arnold .....202
2. Claim 4 And Its Dependent Claims 24-25 .....212
3. Claim 5 And Its Dependents Claims 6, 26-27 .....250
4. Claim 7 And Its Dependents Claim 28-29 .....258
5. Claim 8 And Its Dependent Claims 9-10, 12-13, 20-21 .....263
6. Claim 14 And Its Dependent Claims 15-16, 18-19, 22-23 .....277
7. Claim 1 And Its Dependent Claim 2 .....283
8. Claim 3 .....329

C. Ground 3: Arnold with Arora Renders Claims 11 and 17 Obvious .....333

1. Overview of Arora .....333
2. The Combination of Arnold and Arora .....338
3. Motivation to Combine .....341

4. 11: The method of claim 9, wherein the web asset is a functional application.....346

5. 17: The system of claim 15, wherein the web asset is a functional application.....347

**VIII. SECONDARY CONSIDERATIONS .....347**

**IX. CONCLUSION .....348**

## EXHIBITS CONSIDERED

| No. | Short Name | Reference |
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| **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** | Block Provisional | Provisional U.S. Patent Application 60/172,983 |
| **1007** | Block | U.S. Patent Application 2003/0050976A1 |
| **1008** | Arnold | U.S. Patent 6,016,504 |
| **1009** | Arora | U.S. Patent 5,845,299 |
| **1010** | LinkedIn IPR POPR | IPR2019-00419, Paper No. 6 (Patent Owner's Preliminary Response) |
| **1011** | WDTX Complaint | *DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.*, Case no. 1:24-cv-00763, Complaint (W.D. Tex. Jul. 8, 2024) |
| **1012** | EDTX Complaint | *DiStefano Website Innovations, LLC v. Bytedance Ltd. et al.*, Case no. 2:24-cv-00874-RWS-RSP, Complaint (E.D. Tex. Oct. 29, 2024) |
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| **1027** | Arora 145 | U.S. Patent 5,911,145 |
| **1028** | RAE | RAE Technology, WIKIPEDIA, https://en.wikipedia.org/wiki/Rae_Technology |
| **1029** | Forbes | Macromedia Hums the E-Business Tune, FORBES (OCT. 7, 1999), https://www.forbes.com/1999/10/07/mu3.html |
| **1030** | Macromedia Complaint | *Macromedia, Inc. v. Adobe Sys. Inc.*, Case No. 01-03940 SI, Complaint (N.D. Cal. Oct. 19, 2001), http://www.techlawjournal.com/courts2001/macromedia_adobe/20011019com.asp |
| **1031** | Macromedia Wikipedia | Macromedia, WIKIPEDIA, https://en.wikipedia.org/wiki/ Macromedia |
| **1032** | *LinkedIn* 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, *Which way now? Analysing and easing inadequacies in WWW* |

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| **1037** | 760 Patent | U.S. Patent 8,768,760 |
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| **1056** | DW 1.2 | Rick Darnell, Using Macromedia Dreamweaver 1.2 (1998). |
| **1057** | Shumway | Russell M. Shumway, *Common-Sense An Alternative Approach to Web Security*. In Proceedings of the 21st National information Systems Security Conference (NISSC), held October 5-8, 1998, in Arlington, Virginia. |

## 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; *and* |
| **1[g]** | *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 2** | |

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| **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; |

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|---|---|
| **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** | |

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|---|---|
| **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 |

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|---|---|
| **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** | |

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|---|---|
| **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 |

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|---|---|
| | 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. |

## I. INTRODUCTION

1. I, Andy Cockburn, have been retained by TikTok Inc. (Petitioner) as an independent, technical expert consultant in this proceeding before the United States Patent and Trademark Office (USPTO).

2. This Declaration is in support of the Petition for *inter partes* review involving U.S. Reissued Patent 45,971 (the "'971 Patent" or "the Patent") (EX1001), entitled "Developing Electronic Documents Providing E-Commerce Tools" and listing Thomas L. DiStefano, III as the sole inventor. I have been informed that Distefano Website Innovations, LLC ("DWI") is the Patent Owner.

3. This declaration is based on information currently available to me, including the prior art discussed herein. I may also supplement my opinions in response to any additional information that becomes available from Patent Owner and/or any opinions provided by Patent Owner or its expert(s).

4. I previously submitted a declaration in IPR2025-01061. I incorporate the analysis in that declaration herein, where relevant.

5. I am being compensated at my rate of $600 per hour for my services. No part of my compensation is dependent on my opinions or on the outcome of this proceeding. I have no financial interest in any of the parties to this proceeding.

### A. Background and Qualifications

6. My education and experience are described more fully in my *Curriculum Vitae*, a copy of which can be found in Exhibit 1004. In June 2025, after 32 years of service to the University of Canterbury, New Zealand, I retired from my position as Professor in the Department of Computer Science and Software Engineering. I currently hold the position of Emeritus Professor at the University of Canterbury.

7. In 1988, I was awarded a Bachelor of Science with Honors in Computer Science from the University of York, England.

8. In 1993, I was awarded a Ph.D. from the University of Stirling, Scotland. My thesis was on "Computer Supported Cooperative Work" which relates to forms of group interaction supported on computers.

9. In 1993, I joined the University of Canterbury as a Lecturer in the Department of Computer Science (now the Department of Computer Science and Software Engineering). I was subsequently promoted to a Senior Lecturer, and then an Associate Professor, before my appointment as a Professor in 2010. I currently hold the title of Emeritus Professor.

10. I have over 30 years of experience in the area of HCI. The field of HCI is generally concerned with ways of understanding and improving the interaction between humans and computers, with a view to understanding, evaluating,

designing, and building new styles of interactions that improve on one or more of the end goals of making computers faster to learn, more intuitive, more efficient to use, and more subjectively satisfying.

11. Throughout my career, I have published the results of many research projects that have involved building new user interfaces or reviewing existing user interfaces for performing a particular task, and evaluating their effectiveness. This includes publications relating to:

(a) investigating user experiences with web navigation interfaces, for example when using the "back" button on web browsers;

(b) reviewing and improving various interface schemes for traversing through documents and lists in desktop and mobile computer applications, including zooming, scrolling, and other techniques;

(c) analyzing new interfaces for text entry on mobile and touch-sensitive devices;

(d) addressing the problems arising from the small form factor of mobile devices with touch-sensitive displays, including wearable technologies;

(e) examining the influence of haptic feedback on user performance with mouse and touchscreen input devices;

(f) evaluating the importance of spatially stable displays in user interfaces; and

(g) designing, analyzing and evaluating gesture-based input techniques for various user activities, including music data entry, web navigation, text entry, and scrolling.

12. I also have extensive experience in designing and building new user interfaces and reviewing existing user interfaces. This includes a number of projects regarding the design, development, and evaluation of user interfaces that I have undertaken with companies in the computing and HCI industry, such as:

(a) working with Microsoft Research in 1999 on the development, evaluation, and improvement of user interfaces for web browsing, in particular the mechanisms for revisiting pages (such as through the "back" button or bookmarks);

(b) working with Digit Wireless in 2002 on the evaluation of user performance for user interfaces for digital text entry on mobile devices;

(c) working with IBM Almaden Research in 2006 on the design, development, and evaluation of user interfaces for gesture-based text entry on mobile devices;

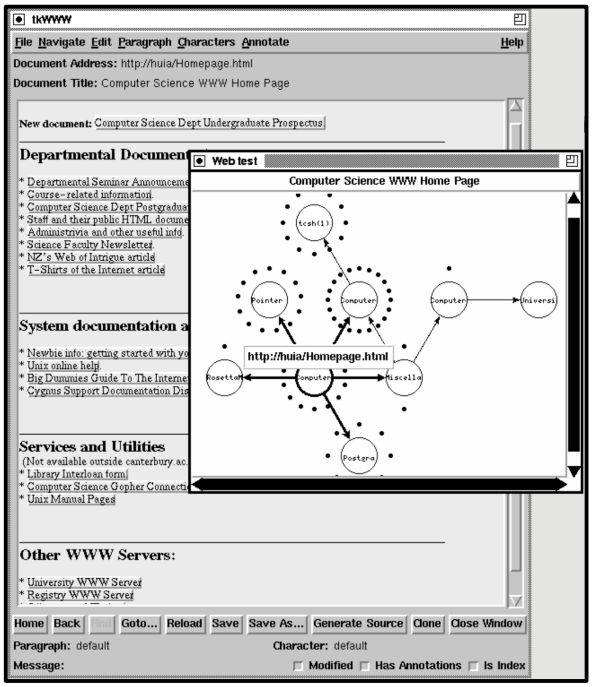
(d) working with Logitech on a number of projects from 2006-2010 regarding the design, development, evaluation, and improvement of user interfaces for next generation mice, including in relation to scrolling and window management tasks;

(e) working with Hewlett-Packard Research Labs from 2010-2012 on the design and evaluation of gesture-based pointing techniques for remote displays, such as interactive TVs; and

(f) working with Airbus SAS in 2016 on methods to assist pilots' gesture-based interaction with touchscreens in turbulent environments;

13. In 1996 I published a research paper that analyzed the problems that users have in understanding the navigation behavior of web browsers, particularly when returning to previously visited web pages[1]. The paper also described a user interface system that I designed and built, called WebNet, that extended web browser functionality to help users overcome these problems. A figure from that paper is shown below.

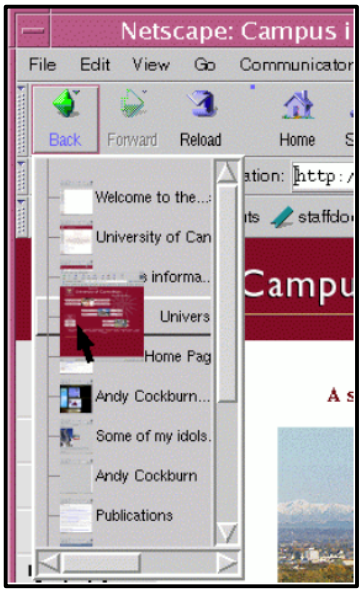
[1] Andy Cockburn & Steve Jones, *Which way now? Analysing and easing inadequacies in WWW navigation*, 45 INT'L J. OF HUMAN-COMPUTER STUD. 105, 129 (1996) https://doi.org/10.1006/ijhc.1996.0044 (EX1035).




EX1035, Fig. 4.

14. I continued to conduct research on user interfaces for web navigation for a decade. This included the design and implementation of web browser extensions that modified the behavior of the back button, such that it showed a menu of zoomable webpage thumbnails, as shown in the image below[2].

[2] Andy Cockburn, Bruce McKenzie &Michael Jason Smith, *Pushing Back: Evaluating a New Behaviour for the Back and Forward Buttons in Web Browsers*,57 INT'L J. OF HUMAN-COMPUTER STUD. 397, 414 (2002) (EX1036).




EX1036, Fig. 5.

15. Until my retirement this year, I taught a course on HCI for final year undergraduate students and a course on research methods in HCI for postgraduate students at the University of Canterbury.

16. In the past, I have also taught introductory computer programming courses for first year students across disciplines, which included the implementation of graphical user interfaces.

17. Prior to retirement, I managed an active research lab with a number of Ph.D. students, and I continue to supervise Ph.D. students in my position as Emeritus Professor. I have previously supervised fourteen students to successful completion of their Ph.D.s in the field of HCI.

18. The Association for Computing Machinery (ACM) is the world's largest scientific and educational computing society. In 2015, I was elected to the

ACM Special Interest Group on Computer-Human Interaction (CHI) Academy, which honors the principal leaders of the field of HCI.

19. I also annually attend conferences relating to the field of HCI and regularly read journals that cover research in the field of HCI.

20. To keep abreast with industry trends, I regularly read broader journals, magazines, and websites related to computer science and technology, including Communications of the ACM, ACM TechNews, BBC Technology, and New York Times Technology.

21. A detailed list of my other professional activities, memberships, and speaking engagements is included in my CV.

**B. Materials Considered**

22. In preparing this Declaration, I have reviewed the ’971 Patent (EX1001), its original prosecution history (EX1005), and its reissue prosecution history (EX1002), as well as the patents and documents cited herein, and I have considered these documents in light of the general knowledge in the art at the relevant time.

23. The ’971 Patent is generally directed to:

> creating and posting web pages to the internet, and more specifically, to a method for more easily developing web pages through the use of a graphical user interface.

EX1001, 1:21-24.

24. I am familiar with the technology described in the ’971 Patent as of the earliest possible effective filing date of June 7, 2000. For the purposes of this *inter partes* review, as I discuss later, I have been instructed to assume that the effective filing date of the Claims of the ’971 Patent is June 7, 2000, the filing date of U.S. Patent Application No. 09/589,551 (“’551 Application”) (EX1005).

25. In formulating my opinions, I have relied upon my experience in the relevant art. I have also considered the viewpoint of a person of ordinary skill in the art (“Skilled Artisan”) in the relevant field, as of June 7, 2000, who I describe below. For convenience, the materials I considered in arriving at my opinions are listed the Materials Considered table above.

26. The opinions and comments formulated during this assessment are based on observations and information available at the time of the investigation. The findings presented herein are made to a reasonable degree of scientific certainty. My opinions reflect how one of ordinary skill in the art would have understood the ’971 patent, the prior art, and the state of the art at the time of the earliest possible effective filing date.

### C. Summary of Opinions

27. For the reasons I discuss below, it is my opinion that claims 1-29 of the ’971 Patent are unpatentable for the following reasons:

- **Ground 1**: Claims 1-29 are unpatentable as obvious in view of U.S. Published Patent Application No. 2003/0050976A1 ("Block").
- **Ground 2**: Claims 1-10, 12-16, 18-29 are unpatentable as obvious in view of U.S. Patent No. 6,016,504 ("Arnold")
- **Ground 3**: Claims 11, 17 are unpatentable as obvious in view of U.S. Patent No. 6,016,504 ("Arnold") in combination with U.S. Patent No. 5,845,299 ("Arora").

## II. LEGAL STANDARDS

28. I am not an attorney and offer no legal opinions, but in the course of my work, I have had experience studying and analyzing patents and patent claims from the perspective of a Skilled Artisan. I have been informed by counsel of certain legal standards and have applied those standards, described below, in formulating my opinions.

### A. Claim Construction

29. I understand that the claims of a patent define the limits of the patentee's exclusive rights. I understand that to determine the scope of the claimed invention, courts typically construe claim terms, the meaning of which the parties may dispute. I understand that claim terms should generally be given their ordinary and customary meaning as understood by a Skilled Artisan at the time of filing of the patent application, after reading the patent and its prosecution history. I also

understand that a basic tenet of claim construction presumes that different words in a claim have different meanings, unless there is evidence to the contrary. A claim term, for instance, will not receive its ordinary meaning if the patentee acted as his or her own lexicographer and clearly set forth a definition of the claim term in the specification. In that case, the claim term will receive the definition set forth in the patent.

30. I understand that claims must be construed in light of and consistent with the intrinsic evidence. In this context, I understand that intrinsic evidence includes the claims themselves, the written disclosure in the specification, and the patent's prosecution history, including prior art that was considered by the United States Patent and Trademark Office. I understand the specification is highly relevant to the claim construction analysis and often is the single best guide to the meaning of a disputed term. I understand that extrinsic evidence may also be considered when construing claims and may include, for example, technical dictionaries, technical publications, and books, treatises, and expert testimony, though the intrinsic record will be more persuasive as to the meaning of a particular term.

31. I understand a preamble will be considered limiting if it recites essential structure or steps or is necessary to give life, meaning, and vitality to the claim. I understand a preamble is not limiting where the body of a claim defines a structurally complete invention and the preamble only states an invention's intended use.

**B. Person of Ordinary Skill in the Art**

32. I understand that certain issues relating to validity must be judged from the perspective of a person of ordinary skill in the art—i.e., a Skilled Artisan —with respect to the claimed subject matter of the ’971 Patent. I have been informed and understand that claims are generally given their ordinary and customary meaning as understood by a Skilled Artisan at the time of the alleged invention, in light of the patent specification and prosecution history. Such an individual is presumed to be aware of all pertinent prior art, thinks along conventional wisdom in the art, and is a person of ordinary creativity. I have been informed and understand that in considering what the claims of a patent require, what was known prior to that patent, what a prior art reference discloses, and whether an invention is obvious or not, one must use the perspective of a Skilled Artisan.

33. I understand that, when there is a reason to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. I further understand that, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense, which bears on whether the claim would have been obvious.

34. I further understand that the factors that may be considered in determining the level of skill of a Skilled Artisan include, but are not limited to, (1)

the type of problems encountered in the art; (2) prior art solutions to those problems; (3) rapidity with which innovations are made; (4) sophistication of the technology; and (5) the educational level of active workers in the field.

**C. Anticipation**

35. I have been informed and understand that a patent claim is anticipated under 35 U.S.C. §102, and therefore unpatentable, if every element of the claimed subject matter is described by a single, prior art publication.

**D. Obviousness**

36. I understand that a prior art reference can render a patent claim obvious to one of ordinary skill in the art if the differences between the subject matter set forth in the patent claim and the prior art are such that the subject matter of the claim would have been obvious at the time the claimed invention was made. For example, a combination of familiar elements according to known methods is likely to be obvious if the combination does no more than produce predictable results.

37. In analyzing obviousness, I understand that it is important to consider the scope of the claims, the level of skill in the relevant art, the scope, and content of the prior art, the differences between the prior art and the claims, and any secondary considerations. I further understand that the Skilled Artisan is not an automaton but one having common sense and ordinary creativity. I also understand

that a claim is not obvious simply because a combination of prior art references discloses each claim element collectively.

38. I understand that a Skilled Artisan is assumed to have knowledge of all prior art references. I also understand that when considering the obviousness of a patent claim, one should consider whether a teaching, suggestion, or motivation to combine the references exists so as to avoid impermissibly applying hindsight when considering the prior art. I understand this test should not be rigidly applied, but that the test can be important to avoiding such hindsight.

39. I understand that the claimed subject matter is obvious when an ordinary artisan would have been motivated to combine pre-existing elements and that combination yields no more than would have been expected. I also understand that in assessing whether a claim is obvious, one must consider whether the claimed improvement is more than the predictable use of prior art elements according to their established functions. I understand that a motivation to combine the references may be implicit in the prior art, and there is no requirement that there be an actual or explicit teaching to combine two references. Thus, one may take into account the inferences and creative steps that a Skilled Artisan would employ to combine the known elements in the prior art in the manner claimed by the patent-at-issue. I understand that one should avoid "hindsight bias" and ex post reasoning in performing an obviousness analysis. I understand that in an obviousness analysis,

neither the motivation nor the avowed purpose of the inventors controls the inquiry. Any need or problem known in the field at the time of the invention and addressed by the invention can provide a reason for combining elements.

40. I further understand that obviousness is a legal conclusion based on the underlying factual issues of the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the art, and any objective indicia of non-obviousness. For that reason, I am not rendering a legal opinion on the ultimate legal question of obviousness. Rather, my testimony addresses the underlying facts and factual analysis that would support a legal conclusion of obviousness, and when I use the term obvious, I am referring to the perspective of a Skilled Artisan at the time of invention.

### E. *Markush* Groups

41. I have been informed that a "*Markush*" group includes a disjunctive list of alternatives from which a selection is to be made. I have further been informed and understand that a *Markush* claim uses the signal "group of" and lists alternatives that fulfill the claim limitation. I have further been informed and understand that the Federal Circuit has held that "the entire element [of a *Markush* claim] is disclosed by the prior art if one alternative in the *Markush* group is in the prior art." I have been informed and understand that based on patent law, disclosure in the prior art of one member of the group is sufficient to render the claim invalid as anticipated.

## III. THE ’971 PATENT

### A. Overview

42. The ’971 Patent, entitled “Developing Electronic Documents Providing E-Commerce Tools” relates to “creating and posting web pages to the internet, and more specifically, to a method for more easily developing web pages through the use of a graphical user interface” related to “creating and posting web pages to the internet.” EX1001, Title, 1:26-29. In particular, the ’971 Patent claims to be a “method for more easily developing web pages through the use of a graphical user interface.” *Id*.

43. The ’971 Patent explains that often websites will “not display banner ads and links for a particular website without contractual arrangements.” *Id.*, 2:54-56. The ’971 Patent attempts to address this issue by creating a “streamlined . . . method of facilitating the development of e-commerce websites having key marketing and sales transaction features.” *Id*., 3:9-12. In particular, according to the ’971 Patent, a “reciprocal arrangement is established between the first web page and the second web page.” *Id.*, Abstract. The “reciprocal arrangement” includes elements, like “advertising messages (“banner ads”),” which when placed on a second website include a “link to the first website.” *Id*., 2:44-58, 3:30-32. Therefore, at its core, the ’971 Patent relates to a method of inserting hyperlinks into web pages—for example, a link to a second web page into a first web page, and

another link to the first page into the second page—to establish a reciprocal arrangement between the first web page and the second web page. *Id.*, Abstract , 3:9-14, 3:21-25.

44. The ’971 Patent states that “during design of the first website” the system can “receiv[e] 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.” *Id.*, 3:21-25. For example, “a user interface displayed at one of [a plurality of] registered user computers” can provide “information indicating a type of 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.” *Id.*, 4:33-38.

**B. Prosecution History**

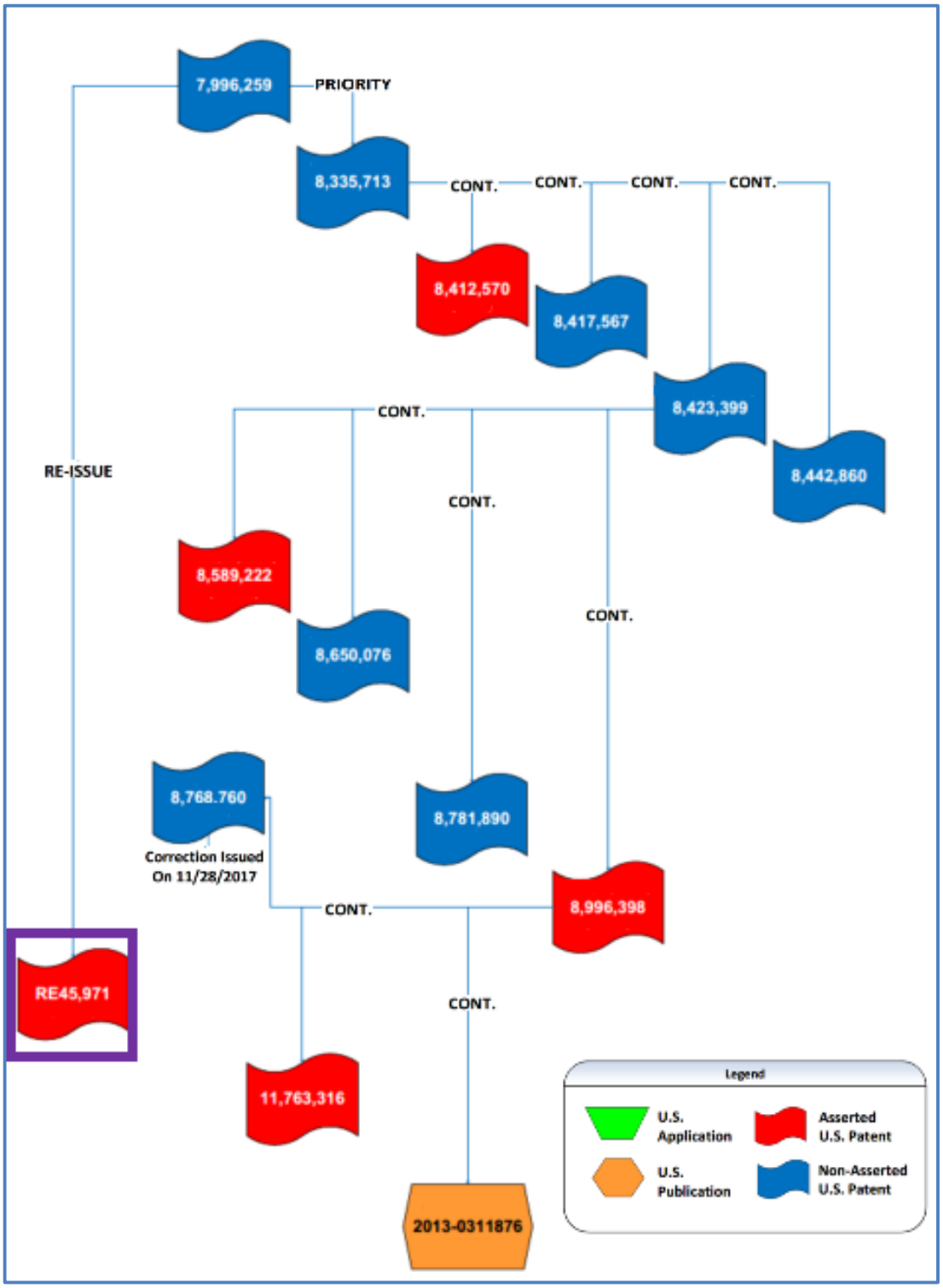
1. The Patent Family

45. The ’971 Patent is part of a patent family that includes thirteen patents, one of which is a reissued patent, and claims priority through a chain of continuation applications. Specifically, the ’971 Patent is a reissue of U.S. Patent No. 7,996,259 (“’259 Patent”) (EX1034), filed on June 7, 2000 as U.S. Patent Application No. 09/589,551. The references relied on in this Petition qualify as of the earliest alleged priority date. The ’259 Patent was filed on June 7, 2000 and issued on August 9, 2011. On August 9, 2013, the Patent Owner filed a Reissue Patent Application

seeking to "broaden[] the claims of the '259 Patent by adding claims that do not recite certain of the limitations found within claims 1-7 of the '259 Patent." EX1002, 58.

46. The other patents in the patent family include U.S. Patent Nos. 8,417,567, 8,442,860, and 8,442,860, all filed on November 5, 2012, U.S. Patent Nos. 8,781,890, 8,650,076, and 8,589,222, all filed on February 8, 2013, U.S. Patent No. 11,763,316, filed on July 19, 2013, and U.S. Patent No. 8,768,760, filed on February 27, 2014.

47. The '971 Patent is outlined in **purple** in the '971 Patent family tree depicted below.




48. The following petitions for Inter Partes Review concern patents from the same family as the ’971 Patent:

- *LinkedIn Corp. v. DiStefano Patent Trust III, LLC*, IPR2019-00419
- *TikTok Inc. v. DiStefano Website Innovations, LLC*, IPR2025-01061

2. File History of the ’259 Patent

a. ***First Prosecution from June 7, 2000 to Jan. 16, 2007***

49. The ’551 Application, which matured into the ’259 Patent, was filed on June 7, 2000. EX1005, 1. The initial application was rejected three times for being unpatentable over Wexler, Underwood, Hess, and Moore. *See* 2003-11-28 Non-Final Office Action (**First OA**), EX1005, 226-41 (rejecting the claims under §102 over Wexler (U.S. 5,960,409) (EX1044) and Hess (U.S. 6,058,417) (EX1045), and under 103 over Underwood (U.S. 6,601,057) (EX1046)); 2004-11-08 Non-Final Office Action (**Second OA**), EX1005, 271-85 (rejecting the claims under §112 for insufficient antecedent basis for “the smart agent option,” under §102 over Moore (US 6,330,575) (EX1047) and under §103 over Wexler, Hess and Moore); 2005-06-06 Final Office Action (**Third OA**), EX1005, 287-303 (rejecting the claims under §103 over Moore, Wexler and Hess). During this series of rejections, the only amendment that Applicant made to the claims was in response to a §112 rejection for insufficient antecedent basis by amending “the smart agent option” to read “a smart agent option” in claim 12. 2005-02-08 Applicant Response (Response to Second OA), *Id.*, 106, 111.

50. In response to the rejections, Applicant, among other arguments, repeatedly emphasized that the references identified by the Examiner fail to teach the step of displaying the element for marketing at the second website when the first website is activated with respect to the internet. 2004-03-01 Applicant Response (Response to First OA), *Id.*, 262-63; 2005-02-08 Applicant Response (Response to Second OA), *Id.*, 113; 2007-01-16 Supplemental Appeal Brief (Response to Third OA), *Id.*, 390.

b. ***Filing the First Appeal Brief on Jan. 17, 2006***

51. On January 17, 2006, Applicant appealed the Examiner's **Third OA**, rejecting every claim under §103 as obvious over Moore, Wexler, and Hess. However, the Appeal Brief was found defective twice—*first* on May 19, 2006 for failing to comply with 37 C.F.R. §41.37(c), *Id.*, 345-47, and *second* on November 16, 2006 for failing to contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. *Id.*, 380-81. Applicant did not refile a compliant Appeal Brief until January 16, 2007. *Id.*, 383.

c. ***Second Prosecution from June 18, 2007 to June 15, 2009 Decision on Appeal***

52. On June 18, 2007, "[i]n response to [the] [Supplemental] Appeal Brief filed [on] 01/16/2007, Prosecution [was] . . . reopened." *Id.*, 414. The application was rejected again for being unpatentable under §103. *See* 2007-06-18 Non-Final

Office Action (**Reopening OA**), *Id.*, 414-27 (rejecting the claims under §103 over Mason (U.S. 6,401,075) (EX1048), Moore, Wexler, and Hess).

53. Applicant renewed their Appeal on September 18, 2007, by filing a Second Appeal Brief. *Id.*, 432. Applicant did not make any further amendments to the claims until the Board reviewed the application on the Decision on Appeal on Jun. 15, 2009. In its appeal briefing, Applicant continued emphasizing that the references identified by the Examiner including Mason (introduced in the Reopening OA) fail to teach the step of displaying the element for marketing at the second website when the first website is activated with respect to the internet. 2007-11-19 Supplemental Appeal Brief (in Response to Reopening OA), *Id.*, 446-47. The Examiner sustained the §103 rejections over Mason, Moore, Wexler, and Hess. 2008-02-04 Examiner's Answer to Appeal Brief, *Id.*, 473-87. In the Reply Brief filed on April 4, 2008 in response to the 2008-02-04 Examiner's Answer, Applicant reiterated its arguments set forth in the 2007-11-19 Appeal Brief and solicited the Board to reverse the Examiner's §103 rejections. *Id.*, 499-510. In response, on May 16, 2008, the PTO forwarded the application to the Board of Appeals and Interferences for decision on the appeal and the Appeal was docketed at the board on Sept. 22, 2008. *Id.*, 514, 517.

54. The Decision on Appeal dated June 15, 2009 affirmed the Examiner's §103 rejections of all claims besides claims 4-6. Decision on Appeal, *Id.*, 519-36.

55. Regarding claims 1-3, 7, and 11-21, the Board agreed with the Examiner's position that Mason's disclosure of "uploading ads into a server which checks the configuration of the ad, and compares that configuration to specifications of online newspaper website URLs where the derivative advertisement links are going to be placed" describes limitation [1] "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." *Id.*, 531. Regarding limitation [4], "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," the Board found that the claim itself does require "some coincidence of timing between the display and website activation," and "that the display occur when someone or something activates the web site." *Id.*, 532. While agreeing with the Appellant that "activating is not equivalent to posting in general," the Board found that "in the limited context of Internet systems, posting is synonymous with activation." *Id.* The Board then agreed with the Examiner's finding that Mason's description made it predictable to cause the display of the marketing element at the second website when the first website is activated with respect to the internet. The Board found, "[c]ommon sense . . . informs one that with

[an arrangement of advertising billed based on click-throughs], the mechanism that incurs those costs should not be deployed until the advertisement would be effective, *viz*. at activation of the ad target." *Id.*, 533.

56. Regarding claims 4-6, the Board agreed with the Applicant that the Examiner failed to show reciprocity in the site described in the references. *Id.*, 534. The Board found that the Examiner erroneously construed the term "reciprocal" to mean simply a third party. *Id*. Regarding claims 8-10, the Board agreed with the Examiner that the price URLs are equivalent to banner ads because a banner ad is simply a link in an HTML document. *Id.*

d. ***Third Prosecution from Sept. 14, 2009 Request for Continued Examination (RCE) until Issuance on Aug. 9, 2011***

57. Shortly after the Decision on Appeal on August 17, 2009, Applicant submitted a Request for Rehearing, but the Board denied that request. *Id.*, 537-59. On September 14, 2009, one day after the Board's denial of Request for Rehearing, Applicant filed a Request for Continued Examination (RCE) with substantial claim amendments for the first time since the filing of the initial application 9 years ago. *Id.*, 560-64. Applicant rewrote claim 4 in independent form by merging claim 1 and claim 4. EX1005, 560-64. Applicant canceled all other claims besides rewritten claim 4 and original claims 5-6. *Id.* However, the claims submitted on RCE were not issued right away. The amended claims were rejected for being unpatentable

under §103 and §112. *See* 2009-12-15 Non-Final Office Action (**Fourth OA**), *Id.*, 572-76 (rejecting the claims under §112 for failing to particularly point out and distinctly claim the subject matter because it is unclear "if the marketing element of the third party website is displayed in the first website or in the reciprocal site," and under §103 over Mason, Moore, and Alberts (U.S. 5,937,392) (EX1049)).

58. In the March 15, 2010 Amendment in response to the Decision on Request for Rehearing and the **Fourth OA**, the Applicant, after 9 years of prosecution, added new claims 22-31 in addition to the rewritten claim 4 and original claims 5-6. EX1005, 582-93. Newly added independent claims 22, 25, and 29 recited the concept of reciprocity by including claim limitations "upon the first website being activated with respect to the internet . . . implementing the reciprocal arrangement." *Id.*, 592. The new claims were rejected for being unpatentable under §103 and §112. *See* 2010-06-10 Non-Final Office Action (**Fifth OA**), *Id.*, 598-606 (rejecting new claims under §112 for failing to comply with the written description requirement, and all claims under §103 over Mason, Moore, Ross (U.S. 6,629,135) (EX1019), and Dan (U.S. 6,560,639) (EX1050)). In response, on Dec. 13, 2010, Applicant submitted another Appeal Brief including an amendment to cancel 6 claims that were rejected under §112 in the **Fifth OA**. EX1005, 617-50. Applicant also distinguished newly cited Ross from the claimed invention on "reciprocity," arguing that the placement of the reciprocal link into a website in Ross occurs after,

but not while the website has already been designed, and that Ross fails to teach creating a specific reciprocal site for the display of marketing elements of third party websites. *Id.*, 629-30. Moreover, Applicant argued that "Ross teaches that the concept of 'reciprocal links' were undesired," and the Examiner failed to consider how Ross discourages the use of a reciprocal site. *Id.*, 632-33.

59. In response to the December 13, 2010 Appeal Brief, the Examiner issued a Notice of Allowability on March 16, 2011 because the Examiner found that Mason, Moore, and Ross "do not teach 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 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." Notice of Allowance, *Id.*, 688. The '259 Patent was issued after 11 years of prosecution.

3. File History of the '971 Patent

60. As explained above on August 9, 2013, the Patent Owner filed a Reissue Patent Application seeking to "broaden[] the claims of the '259 Patent." EX1002, 58. In particular, Patent Owner certified that the '259 Patent was "wholly or partly inoperative or invalid" (as shown below).

I believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☑ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

EX1002, 63.

61. Patent Owner never explained how "broadening" the claims would resuscitate an invalid claim.

62. In an office action dated January 30, 2014, the Examiner rejected claims 1-7 based on statutory double patenting and all the pending claims on the ground of nonstatutory double patenting "as claiming the same invention . . . as U.S. Patent No. 7,996,259." *Id.*, 204. In response, on June 30, 2014, the Applicant argued that "since the present application is a reissue application, there cannot be double patenting based upon the '259 Patent." *Id.*, 567.

63. Subsequently, in an office action dated September 23, 2014, the Examiner rejected all the pending claims under 35 U.S.C. §101. *Id.*, 576. In particular, the Examiner explained that the claims merely claimed the abstract idea of a method of organizing human activities. *Id.* The Examiner explained that the claims were "mere instructions to implement the idea on the computer," and contained no more than "generic computer structure that serves to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the pertinent industry." *Id.*

64. In response to this office action, on January 23, 2015, Applicant argued that the claims were not invalid under §101 because, according to Applicant, the claims were directed not to an abstract idea but rather to a "process, machine, manufacture or composition of matter." *Id.*, 588. In particular, Applicant summarily stated that "Claims 1-4, 8-13, 20-21, 24-25 are directed to a method" and "Claims 5-6, 14-19, 22-23, and 26-27 are directed to a computer hardware system." *Id.*, 588-89. Applicant also argued that "the claims are not directed to organizing a human activity," but rather "involve the creation of a web page and/or website, which is necessarily performed with a computer." *Id.*, 590.

65. The Examiner again rejected all the pending claims under 35 U.S.C. §101 in an office action dated February 24, 2015. *Id.*, 601. In particular, the Examiner explained that the claims merely claimed the abstract ideas of:

- determining whether a reciprocal site for the display of a least one marketing element of a third party website exists in the first website being designed; and
- 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.

*Id.*

66. The Examiner explained that the "claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the determining do not add a meaningful limitation to the

method as they would be routinely used by those of ordinary skill in the art in order to apply the determining." *Id*.

67. In an office action dated March 19, 2015, a new Examiner withdrew the previous office action and rejected all the pending claims under 35 U.S.C. §§251, 112, 103, and 102. *Id*., 610. The Examiner explained that Patent Owner failed to identify in its reissue declaration an error in the claims necessitating a reissue application. *Id*. The Examiner also rejected "[c]laims 8-29 . . . under 35 U.S.C. §251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based." *Id*. For example, the Examiner explained Applicant broadened the claims by "changing 'website' to 'web page'" which would allow the patent owner to "sue a new party for infringement who previously could not have been sued for infringement (i.e., previously two websites were required by the claim language, now only two web pages are required, where the web pages may exist within the same website, thereby only requiring a single website.)." *Id.*, 612. The Examiner identified additional instances where the claims improperly sought to recapture previously surrendered material:

- changing "preexisting second website" to "second web page;"
- deleting "receiving, by the website implementation system, a request by a first user to implement the first website;"
- deleting "upon the first website being activated with respect to the internet;" and
- changing "selection by the first user as to a second functional marketing element" to "a second marketing element, associated with the first user" (This change is considered broadening since previously a selection by a first user of a second functional marketing element was required, whereas now, applying the broadest reasonable interpretation in light of the specification of '259, which does not provide a special definition of "associated," all that is required is for the first user to be somehow connected with the second functional marketing element.).

EX1002, 612-13.

68. The Examiner also explained that subject matter was "previously surrendered during the prosecution of the original application by reliance on an argument/statement made by applicant that . . . the 'reciprocity' limitations were meant to occur during the creation of the first website (i.e., before the first website is implemented)." *Id.*, 614.

69. The Examiner also explained claims 4-19 were indefinite because it "is not clear what is meant by 'functional marketing element,'" and "functional

application." *Id.*, 615-16. Likewise, the Examiner explained that "[t]here is insufficient antecedent basis" for "functional identification element" in Claim 19. *Id.*, 617. The Examiner also explained that the claims were rendered obvious or anticipated by U.S. Patent 5,995,099 to Horstmann ("Horstmann") (EX1015).

70. The Examiner withdrew the §101 rejection. *Id.*, 627. Claim 1 recited "**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" and "**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." *Id.*[3] The Examiner found that "the claims of '259 solve an Internet-centric problem of enabling users, with little or no programming knowledge, to interact with a GUI to create a website that displays banner ads that link to other websites over the internet." *Id.*, 629. The Examiner found that the Broadest Reasonable Interpretation ("BRI") of the "causing" and "determining" limitations necessarily include "special 'behind the scenes' programming of the system" that "creates the website with banner ads that link to other websites over the internet"

[3] Emphasis added unless otherwise noted.

and "to make the determination if a website has a banner ad site on it." *Id*., 629-30. The Examiner concluded that "claim 1 requires a particular machine since the system and GUI that cause the creation of websites with banner ads and links that link to other websites over the Internet are specially programmed to do so," and as such, "as a whole amounts to significantly more than the exception since it applies the judicial exception with the use of a particular machine." *Id*., 630. The Examiner stated that this analysis also applies to other independent claims 4, 5, 7, 8, and 14. *Id*., 631.

71. On April 15, 2015, in an Applicant-Initiated Interview (telephonic), Applicant explained the meaning of phrases "functional marketing element," "functional application," and "functional identification element." *Id.*, 654. Examiner "cautioned that since each of the aforementioned phrases were not in the specification of US Pat No 7,996,259," and Applicant "would need to show support (i.e., in the '259 Patent, ordinary meaning, knowledge of one of ordinary skill in the art, etc.) for his definitions/meanings of the terms" and stated that she will reconsider §112, 2nd paragraph rejections upon reviewing the Applicant's response. *Id*.

72. On May 20, 2015, in an Applicant-Initiated Interview (personal), Applicant "explained the differences between the claimed invention and the invention of Hortsmann." *Id.*, 658. Applicant and Examiner also "discussed the recapture and defective declaration issues raised by the 35 USC 251 rejection." *Id*.

No agreements were reached on the §112, 2nd paragraph rejection as Applicant "argued that the terms rejected under 112, 2nd were terms well understood by one of ordinary skill in the art," but Examiner "requested evidence (either from the disclosure of '259, or from other sources)" to support Applicant's assertions. *Id*.

73. In response to this office action, on June 19, 2015, Applicant amended the claims, as follows:

> 8. (Twice Amended) 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:
>
> 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;
>
> establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and
>
> 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
>
> the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and
>
> the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.

EX1002, 669.

74. Applicant argued that "independent claims 8 and 14 have been amended to include limitations comparable" to the previously presented claims upon which the reissue is based. *Id.*, 676. Applicant also argued that claims 4-19 were

not indefinite under §112 because, according to Applicant, "there is no requirement that the words in the claim must match those used in the specification disclosure." *Id.*, 678. Applicant then added that "[t]his lack of a requirement notwithstanding," adequate descriptive support for the phrases "'at least one marketing element' and 'element for marketing' are found within the originally-filed specification of parent ['551 Application]." *Id*. Applicant added that "originally-filed claims 4 and 5 within the '551 Application provide illustrative examples of an element for marketing by respectively disclosing 'the element for marketing the first website is a banner ad concerning the first website' and 'the element for marketing the first website is a link to the first website.'" *Id*.

75. Applicant also explained the meanings of other terms. *Id*., 679. Applicant explained that (1) the term "web assets" refers "to an entire class of assets/components/elements that are used as constituent parts of a web page"; (2) the term "element" "means a constituent part of a web page (e.g., a particular type of web asset); and (3) the term "marketing" "clarifies the 'type' of web asset being claimed." *Id*. Applicant stated that the term "functional marketing element" is not indefinite because "marketing element" is not indefinite to those skilled in the art and "[t]he term 'functional' is an adjective within the phrase 'functional marketing element'" used "to clarify that the marketing element was 'functional' as opposed to being 'nonfunctional' (e.g., merely descriptive)." *Id*., 679-81. Similarly, Applicant

stated that the term "functional application" is not indefinite because the term "application" is extremely well-known to those skilled in the art, and "the term 'functional' is used to reinforce that the noun being modified (e.g., 'application') is not nonfunctional (i.e., merely descriptive)." *Id*., 681-83. Applicant also stated that "the term 'application' finds adequate descriptive support within the specification" pointing to the description of "web assets" in the specification. *Id*., 682.

76. Regarding the Examiner's rejection of the claims based on Horstmann, Applicant argued that the software in Horstmann "does not create the reciprocal site," and "[a]t best, the software *issues a reminder* to the . . . separate entity[] to create a link." *Id.*, 685 (emphasis in original).

77. In response to the Examiner's ultimate withdrawal of the §101 rejection, Applicant disagreed that the claims are directed to an abstract idea, making clear that "[c]ontrary to the Examiner's characterization, no 'contractual' relationship is created as a result of the claimed invention." *Id*., 687. Applicant stated that "linking one website to another is neither a concept of 'ancient lineage' nor 'a fundamental economic practice long prevalent in our system of commerce.'" *Id*.

78. On August 26, 2015, Applicant submitted a "Reissue Application Declaration" seeking "broadening of claim 4 of the patent via addition of independent claims 8 and 14." *Id*., 702. Applicant stated that "[n]ewly added

independent claims 8 and 14 have been broadened by not including these limitations" of "registering the second website within the website implementation system" within claim 4. *Id*.

79. On an Office Action dated October 20, 2015, the Examiner withdrew the §112 rejection finding Applicant's arguments persuasive. *Id*., 710. The Examiner rejected claim 1 under 35 U.S.C. §§102 and 103. The Examiner explained that the claim was obvious in view of Horstmann. *Id.*, 712. Specifically, the Examiner explained that "all that claim 1 requires is for the reciprocal site to be created; nothing in the claim positively recites what/who creates the reciprocal site," and "Horstmann discloses . . . in its teachings that the reciprocal link is verified (i.e., was created)." *Id.*, 711. The Examiner also explained that "it would have been obvious to a person of ordinary skill in the art to modify Horstmann to include deciding marketing elements to be displayed at a second website *during design of the first website* as doing so helps to ensure that the website will be visited and accessed as soon as it is live on the internet, which helps to ensure a successful internet presence." *Id.*, 716 (emphasis in original).

80. In response to this office action, on October 23, 2015, Applicant amended claim 1, as follows:

1. (Amended) 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:

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;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated;

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;

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]]

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

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.

EX1002, 722.

81. In addition, Applicant nearly rewrote previously amended claims 8 and 14, as follows:

8. (Previously amended) 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:

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;

establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and

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

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.

EX1002, 727.

14. (Previously amended) 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:

at least one processor, wherein the at least one processor is configured to perform:

receiving a request by the first user to implement the first web page;

generating a second functional marketing element, associated with the first user, to be activated on the second web page;

establishing a reciprocal site in the first web page for a first functional marketing element; and

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

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.

EX1002, 728-29.

82. Applicant argued that while they "respectfully disagree with the Examiner's rejection of claim 1 under 35 U.S.C. §103 for Obviousness Based upon Horstmann . . . Applicant notes that claim 1 has been amended to include the limitations of allowable claim 2," and "[t]hus, the Examiner's rejection of claim 1 is moot." *Id.*, 732.

83. The Examiner then issued a Notice of Allowance on November 24, 2015. *Id.*, 737. The Examiner included the following statements of reasons for allowance:

> As per claim 1, none of the prior art of record teach, *inter alia*, *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.*
>
> As per claim 3, none of the prior art of record teach, *inter alia*, *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.*
>
> As per claims 4-29, none of the prior art of record teach, *inter alia*, *all of the limitations of independent claims 4, 5, 7, 8 and 14 being performed by a single entity, a website/web page implementation system.*

EX1002, 742-43.

**C. LinkedIn Case**

84. 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. EX1039. In 2018, the District Court held 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).

85. DiStefano appealed, alleging that the Delaware court erred in finding that claim 1 is directed to an abstract idea when "the claims are limited to a specific, improved process, performed by a computer, for creating reciprocal links between a pair of webpages." EX1038, 2. The Federal Circuit affirmed the Delaware Court's decision. *DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.*, 784 F. App'x 785 (Fed. Cir. 2019) (EX1040).

**D. LinkedIn IPR**

86. On December 14, 2018, LinkedIn Corp. filed a petition for *Inter Partes* Review of U.S. Patent No. 8,768,760 ("'760 Patent"), IPR2019-00419, Paper 2 ("*LinkedIn* IPR") (EX1032), in response to a litigation filed by Patent Owner on December 14, 2017 in the United States District Court for the District of Delaware ("Delaware Court"), asserting infringement of the '760 Patent. *DiStefano Pat. Tr. III, LLC v. LinkedIn Corp.*, Civil Action No. 1:17-cv-01798 (D. Del. Dec. 14, 2017). The '760 Patent is in the same patent family as the '971 Patent and shares the same specification. *Supra* §III.B.1.

87. In its Preliminary Response filed on March 14, 2019 in the *LinkedIn* IPR, Patent Owner acknowledged that the limitations of the '760 Patent were "comparable" and the "same or similar" to the limitations of the '971 Patent. *See*

EX1010, 2 ("Examiners have also had the opportunity to review either the ***same or similar limitations.***"); *id.*,15-16 ("The original Examiner and five other Examiners were involved in the prosecution of applications in the '259 Family . . . ***all of the Examiners examined claim limitations comparable to those limitations in the '760 Patent.***"). Patent Owner also acknowledged that "[t]he written descriptions of the parent '259 Patent and the downstream '760 Patent are substantively identical." *Id.*, 5. The written descriptions of the parent '259 Patent, the '760 Patent, and the '971 Patent are substantively identical.

88. As acknowledged by the Patent Owner in the chart of the '259 Patent family below, the '971 Patent included similar limitations to the '760 Patent claim limitations that were at issue in the *LinkedIn* IPR. *Id.*, 16.

| Patent/ Application | reciprocal links | user opts into reciprocal arrangement | storing information involving reciprocal arrangement in database |
|---|---|---|---|
| 7,996,259 | claims 4, 5, 7 | N/A | 1 |
| RE45971[10] | claims 4, 5, 7, 8, 14 | claims 21, 23, 25, 27, 29 | 1, 3 |
| 8,335,713 | claims 1, 8 | N/A | N/A |
| 8,412,570 | claims 1, 11, 19 | N/A | N/A |
| 8,417,567 | claims 1, 7, 14 | N/A | N/A |
| 8,423,399 | claims 1, 10, 17 | N/A | N/A |
| 8,442,860 | claims 1, 9, 15 | N/A | N/A |
| 8,589,222 | claims 1, 7, 13 | N/A | N/A |
| 8,650,076 | claims 1, 9, 15 | N/A | N/A |
| 8,768,760 | claims 1, 11 | claims 1, 11 | claims 1, 11 |
| 8,781,890 | claims 1, 7, 13 | N/A | N/A |
| 8,966,398 | claims 1, 9, 17 | claims 7, 15, 22 | N/A |
| 13/946,461[11] | claims 22, 32 | claims 22, 32 | N/A |
| 13/946,489[12] | claims 22, 29, 35 | claims 22, 29, 35 | N/A |

EX1010, 16 (annotated).

89. Patent Owner described claim limitations including the term "reciprocal," such as "reciprocal linking arrangement," "reciprocal links," and "reciprocal site." Patent Owner stated that "[t]he term 'reciprocal' itself indicates a need for a link back" as evidenced by the dictionary definitions. *Id.*, 28. With respect to the claim limitations "receiving, from a first computer associated with the first user, a first indication to opt into a reciprocal linking arrangement" and "receiving, from a second computer associated with the second user, a second indication to opt into the reciprocal linking arrangement," of the '760 Patent, Patent owner stated that "[t]he limitations at issue are **mirror image operations** that describe how first and second users, via first and second computers, both opt into a reciprocal linking arrangement." *Id.*, 8-9. "[A] registered user identifies websites from other websites created by other registered users of the system, and the other registered users can also identify websites to which these other registered users would like to be linked." *Id.*, 10. "The identification of a particular website, by a registered user, is an example of an indication to opt into a reciprocal linking arrangement." *Id.* "The reciprocal linking arrangement indicates that **reciprocal links** are to be created such that the website of user A links to the website of user B and the website of user B links to the website of user A." *Id.*, 11. "As used herein

by Patent Owner, the concept of two web pages, each linking to the other, can be described as 'reciprocal links.'" *Id*., 14.

90. With respect to the claim limitation "reciprocal site," which is also recited in the '971 Patent, Patent Owner confirmed that the limitation "reciprocal link site" is equivalent to "reciprocal site" in original claim 4 of the patent application for the '259 Patent. EX1010, 27. Patent Owner explained that the term "site" "means a location." *Id.* ("[T]he language of 'reciprocal site' in original claim 4 supplies its own written description, and this written description reflects a proper claim construction of the term 'reciprocal site' as construed consistently with the specification, which also discloses a 'reciprocal link site.'"). Patent Owner 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." *Id.*, 14, 27. Patent Owner explained that "the specification of the '760 and '259 patents disclose **a link, at a reciprocal link site**, to another web page, and creating a link back, to the registered user's website, at this other web page." *Id.*, 14, 30 ("[T]he term 'reciprocal site' requires 'reciprocity.'").

91. Lastly, Patent Owner described the claim limitation "database." With respect to the claim limitation "establishing, within a **database** associated with the computer hardware system, the reciprocal linking arrangement based upon both the first and second users opting to participate in the reciprocal linking arrangement," of

the ’760 Patent, the Patent owner stated, “the claim language does not require a specific type of database. Rather, the claim language requires a database that is configured to having stored therein information that establishes the reciprocal linking arrangement.” *Id.*, 11-12. Patent Owner stated that “the claims do not necessarily require that the ‘reciprocal linking arrangement’ itself be stored,” but rather only require “that information (i.e., in the form of a data structure) that establishes the reciprocal linking arrangement be stored within the database.” *Id*., 12. Patent Owner stated that the storage of “the website selection information” which “is an indication that a user has opted into a reciprocal linking arrangement,” “is an example of establishing the reciprocal linking arrangement within a database.” *Id*.

**E. The Challenged Claims**

92. The ’971 Patent includes 29 total claims, 7 of which (claims 1, 3, 4, 5, 7, 8, and 14) are independent claims. Independent claims 4, 5, 7, 8, and 14 overlap significantly.

93. The only substantive difference between claims 4 and 5 is that claim 4 is a method claim and claim 5 is a system claim.

| Claim 4 | Claim 5 |
|---|---|
| 4. 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 method, within a5. A computer hardware website implementation system, of for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising: |
| registering the second website with the website implementation system; | at least one processor, the at least one processor configured for<br>registering the second website with the website implementation system; |
| receiving, by the website implementation system, a request by a first user to implement the first website; | receiving, by the website implementation system, a request by a first user to implement the first website; |
| 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; | 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; |
| establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and | establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and |
| upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing | implementing, 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 | (i) the first website to implement the first functional marketing element, and |
| (ii) the second website to implement the second functional marketing element, wherein | (ii) the second website to implement the second functional marketing element, wherein |
| the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and | the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and |
| the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website. | the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website. |

94. The only substantive difference between claims 4 and 7 is that claim 4 is a method claim and claim 7 is a computer-readable medium claim:

| Claim 4 | Claim 7 |
|---|---|
| 4. A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising: | 47. A method, within a computer hardware website implementation system, ofcomputer 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, comprisingthe computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform: |
| registering the second website with the website implementation system; | registering the second website with the website implementation system; |
| receiving, by the website implementation system, a request by a first user to implement the first website; | receiving, by the website implementation system, a request by a first user to implement the first website; |
| 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; | 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; |
| establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and | establishing, by the website implementation system, a reciprocal site in the first website for athe first functional marketing element; and |
| upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing | 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 | (i) the first website to implement thea first functional marketing element, and |
| (ii) the second website to implement the second functional marketing element, wherein | (ii) the second website to implement the second functional marketing element, wherein |
| the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and | the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and |
| the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website. | the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website. |

95. Claims 4 and 8 also significantly overlap with each other with respect to many limitations as shown below:

| Claim 4 | Claim 8 |
|---|---|
| 4. A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising: | 48. A method, within a computer hardware ~~website~~web page implementation system, of establishing a reciprocal arrangement between a first ~~website~~web page, associated with a first user, and a ~~preexisting~~ second ~~website~~web page, comprising: |
| registering the second website with the website implementation system; | ~~registering the second website with the website~~generating, by the web page implementation system~~:~~ |
| receiving, by the website implementation system, a request by a first user to implement the first website; | ~~receiving, by the website implementation system, a request by a first user to implement the first website;~~ |
| 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; | ~~receiving, by the website implementation system, a selection by the first user as to~~, a second functional marketing element, associated with the first user, to be activated on the second ~~website~~web page; |
| establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and | establishing, by the ~~website~~web page implementation system, a reciprocal site in the first ~~website~~web page for a first functional marketing element; and |
| upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing | implementing, by the web page implementation system and upon the first ~~website~~web page 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 | (i) the first ~~website~~web page to implement the first functional marketing element, and |
| (ii) the second website to implement the second functional marketing element, wherein | (ii) the second ~~website~~web page to implement the second functional marketing element, wherein |
| the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and | the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second ~~website~~web page, and |
| the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website. | the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first ~~website~~web page. |

96. Lastly, only substantive difference between claims 8 and 14 is that claim 8 is a method claim and claim 14 is a system claim:

| Claim 8 | Claim 14 |
|---|---|
| 8. 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 method, within a~~14. A computer hardware web page implementation system~~, of establishing~~ configured to establish a reciprocal arrangement between a first web page, associated with a first user, and a second web page, comprising: |
| 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; | ~~generating,~~at least one processor, wherein the at least one processor is configured to perform: |
| establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and | receiving a request by the first user to implement the first web page ~~implementation system,~~; |
| 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 | generating a second functional marketing element, associated with the first user, to be activated on the second web page; |
| (i) the first web page to implement the first functional marketing element, and | establishing~~, by the web page implementation system,~~ a reciprocal site in the first web page for a first functional marketing element; and |
| (ii) the second web page to implement the second functional marketing element, wherein | implementing~~, by~~ the ~~web page implementation system and~~reciprocal arrangement upon the first web page being activated with respect to the internet~~, the reciprocal arrangement~~ by causing |
| the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and | (i) the first web page to implement the first functional marketing element, and |
| the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page. | (ii) the second web page to implement the second functional marketing element, wherein |
| | the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page, and |
| | the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page. |

97. Claim 1 and claim 3 overlap significantly, except for differences in their final claim limitation:

| Claim 1 | Claim 3 |
|---|---|
| 1. 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.~~3. 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: |
| 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; | 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; |
| saving the information at a first database that is coupled to the user interface; | saving the information at a first database that is coupled to the user interface; |
| obtaining the element for marketing of the type indicated; | obtaining the element for marketing of the type indicated; |
| 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; | 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; |
| 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 | 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~~ |
| 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 | 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 |
| 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. | when the element for marketing the first website is a ~~banner ad concerning~~link to the first website, causing the ~~sequential~~ display at the reciprocal site of the first website of a plurality ~~banner ads respectively concerning a~~of links to the plurality of third party websites, when the first website is activated with respect to the internet. |

98. Further, dependent claim 2 appears to have been disclaimed from the ’971 Patent as part of the reissue process.

99. The dependent claims for each independent claim do not directly follow their respective independent claims. The table below associates each dependent claim with its respective independent claim.

| Independent Claims | Respective Dependent Claims |
|---|---|
| Claim 1 | Claims 2 |
| Claim 3 | None |
| Claim 4 | Claims 24-25 |
| Claim 5 | Claims 6, 26-27 |
| Claim 7 | Claims 28-29 |
| Claim 8 | Claims 9-13, 20-21 |
| Claim 14 | Claims 15-19, 22-23 |

100. For ease of analysis and reading, I have grouped each dependent claim with its respective independent claim below, rather than in order.

## IV. THE STATE OF THE ART

101. By the early 1990s, the rapid growth of the World Wide Web led to significant developments in website creation and editing technologies. Users sought more intuitive ways to design and manage web pages, leading to the emergence of WYSIWYG (What You See Is What You Get) editors, live website editing, and dynamically created websites. These tools allowed users to create web pages visually, without needing extensive knowledge of HTML. For instance, the

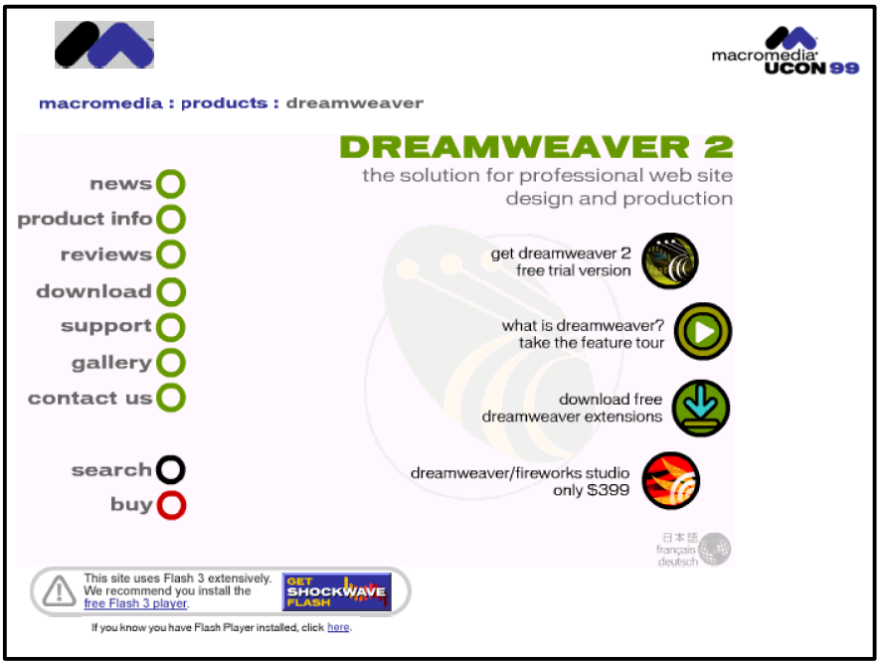
WorldWideWeb browser, developed by Tim Berners-Lee enabled both viewing and editing of web pages through a graphical user interface. Such innovations laid the groundwork for more advanced web development tools and methodologies that followed.

102. During the same period, the concept of reciprocal links and internet marketing evolved, addressing the needs of webmasters to interconnect web pages and promote content effectively. As the web developed, links between pages allowed web users to navigate more seamlessly. Often, websites would include hyperlinks to other websites with overlapping audiences. However, this interconnectivity posed a challenge for many websites, as there was no guarantee that a user who navigated away would return. To address, this issue, reciprocal links (or link backs) became common place. Many websites started including forms where webmasters could request reciprocal links. *See, e.g.*, EX1015 (Horstmann), 3:27-30 ("After a period of time (typically a few days), verification software, typically on the links server, verifies (step 5) that the bike-shop owner reciprocated by providing a links back 5 to page C as requested on form 4."). This practice facilitated mutual traffic generation by ensuring that linked websites would, in turn, link back to the original site. Indeed, reciprocal links became so ubiquitous that some working groups suggested making the standard hyperlink bi-directional.

103. Additionally, the advent of social networking sites in the late 1990s introduced new paradigms for user interaction and content sharing. Platforms like sixdegrees.com pioneered the interlinking of user profiles, setting the stage for the sophisticated social media networks that followed. EX1020.

### A. WYSIWYG

104. As the web became more popular, more and more people wanted to create websites who did not have a technical understanding of HTML. To address this need, various tools, and applications were developed to simplify the web design process. One of the most significant advancements in this area was the introduction of WYSIWYG editors. Among these tools, Dreamweaver, released by Macromedia in 1997, quickly became the industry standard due to its robust feature set and ease of use. Nearly 66% of professional website developers used Dreamweaver, underscoring its dominance and influence in the market. EX1029, 2; EX1056.




EX1026 (Macromedia).

Patents such as Arora (EX1009) and the related U.S Patent No. 5,911,145 played a crucial role in the functionality embodied by Dreamweaver. Arora and other patents discussed above disclosed methods for generating web pages on a WYSIWYG basis, allowing users to design web pages visually without needing to write HTML code manually.

105. The first client application for accessing the web, called WorldWideWeb and developed by Berners-Lee, provided facilities for both viewing and editing web pages. EX1024, 16-17; EX1025, 1-2. This browser provided a graphical user interface that allowed users to create webpages through a WYSIWYG metaphor, similar to that supported by popular word processors, but with the addition

of functions that allowed users to create links by selecting items and using a "Link" menu.

106. As the world wide web rapidly grew during the early 1990s, the concept of WYSIWYG website editors became well established within the field of web development. These editors allowed users to design web pages visually, without needing to write HTML code manually. For example, Arora disclosed a method and apparatus for easily generating web pages on a WYSIWYG basis. Arora described a "draw-based editor" where "the user moves display elements to define the appearance of a web page" and, upon selecting a "publish" button, "HTML code is automatically generated." EX1009, 2:22-25. Users could "rearrange display elements by dragging and dropping them to a new location, placing the display elements exactly where they will eventually appear with pixel level accuracy." *Id.*, 5:60-63.

107. A related application, now U.S. Patent No. 5,911,145 (Arora 145) (EX1027) titled "Hierarchical structure editor for web sites," introduced additional features for managing the hierarchical relationships between web pages. Emphasizing a "top-down" approach to designing websites, "the user can use a 'drag and drop' interface to move icons representing Web pages into a desired hierarchy of pages for the site." EX1027, 2:17-20. The system would then "automatically add, remove, and delete the appropriate links between pages of the site." *Id.*, 2:30-

33. Additionally, the editor "automatically generates a layout for each page," including "a banner across the top of each page," using an HTML table that "reflects the number and placement of display elements on a corresponding page, yielding a true WYSIWYG page for the site." *Id.*, 2:26-44. Display elements include "text, image, button, etc." *Id.*, 11:39-40.

108. The development of WYSIWYG systems and the concepts of reciprocal linking were significantly influenced by innovations from well-known companies. One such influential company was RAE Technologies, a spin-off of Apple Inc. EX1028, 1-2. RAE Technologies' headquarters were located on the Apple campus, and its board of directors consisted of high-ranking Apple executives. *Id.* RAE Technologies was the original assignee of Arora and Arora 145, which later played a crucial role in the functionality of Dreamweaver.

109. Another key player in the field was Macromedia, a company renowned for its development of Flash and Dreamweaver. Macromedia acquired Arora and Arora 145 from RAE Technologies, integrating these innovations into Dreamweaver. Released by Macromedia in 1997, Dreamweaver quickly became the industry standard for web development due to its robust feature set and ease of use. According to industry reports, nearly 66% of professional website developers used Dreamweaver. EX1029, 2.

110. Notably, Arora and Arora 145 were central to a litigation between Adobe Systems, Inc. and Macromedia, Inc. In a complaint filed by Macromedia against Adobe on October 19, 2001, Macromedia alleged that Adobe's web creation and editing products infringed on the patents developed by Arora and colleagues, emphasizing that the patents were integral to the functionality of Dreamweaver. EX1030, 1-3. Adobe later acquired Macromedia, bringing the technologies and patents under one umbrella. EX1031, 4.

111. Similarly, Xia, originally assigned to PeopleSoft, Inc. and later acquired by Oracle Corp., disclosed WYSIWYG capabilities to enable non-technical personnel to dynamically update web pages. The system described that web pages could be designed with "marketing object containers," allowing marketing teams to populate these containers with content without altering the underlying HTML code. EX1016, 8:5-19. The system allows personnel to manage a "management console" that enables users to select and update marketing objects within predefined containers. *Id.*

**B. Reciprocal Links**

112. As the internet evolved, creating interconnections between web pages through hyperlinks became a fundamental aspect of web navigation and marketing. These interconnections allowed users to easily navigate between websites with related or complementary content, enhancing the user experience and increasing web

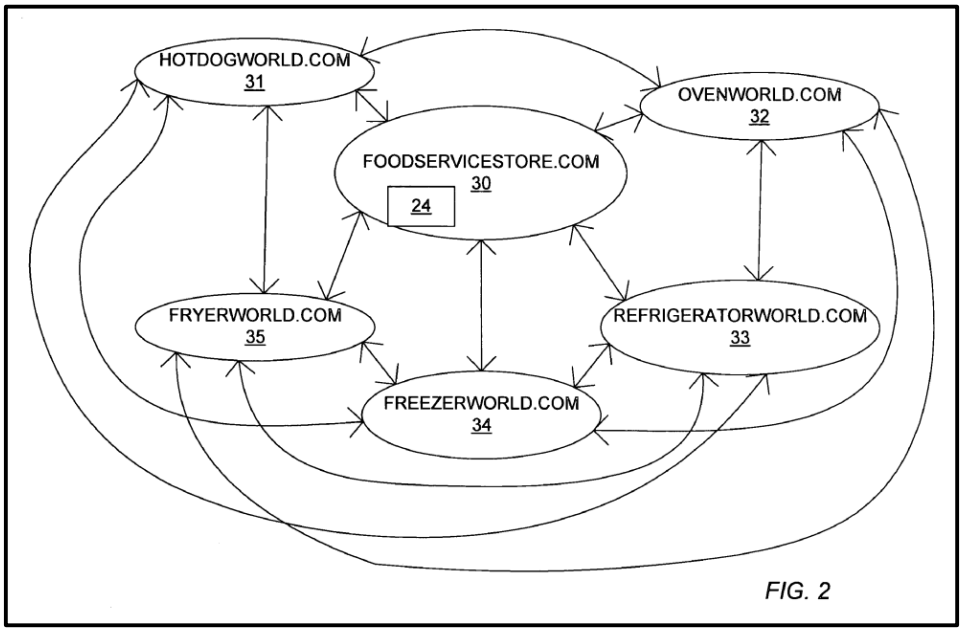
traffic. However, this practice also posed a significant challenge for website owners: once a user navigated away from their site, the user may find it difficult to return. To address this issue, the concept of reciprocal links emerged as a solution. Reciprocal links, or link backs, involved a mutual agreement between websites to link to each other, thereby encouraging users to visit both sites. This practice not only facilitated mutual traffic generation but also helped maintain user engagement by ensuring that users would have a simple method to return to the original site.

113. In the 1990s, hyperlinks were commonly used to create interconnections between web pages. For example, Hoyt described a method for extending the visual presence of a website on subsequent visited sites through the use of dynamic links. The system created a "return link" that allowed a "user at a first web site" to "click on a link to a second web site which has allocated space for advertising by the first web site and links back to the first website." EX1017, [0009]. The user at the second web site would "continue to see indicia such as the logo, advertisement, additional message line(s), and/or links back to the first web site; thus, effectively extending the session presence of the first web site." *Id.*

114. Similarly, Horstman disclosed "reciprocal page links between pages on the Internet." EX1015, 1:60-61. The method described how web sites could include "dedicated links pages that contain lists of links, primarily to other sites. The links page associated with a given site (the first site) includes an 'add link' button that,

when selected, allows an owner of a second site to add a link to the links page of the first site." *Id.*, 1:62-66. To ensure reciprocity, "the method also includes prompting the owner of the second site for a link back to a page of the first site." *Id.*, 2:1-3.

115. As another example, Pierce described a method for marketing products and services by creating "a plurality of interrelated and interconnected sites." EX1018, 2:41-42. Generally, the method involves "selecting an arbitrary word and appending the arbitrary word to a first and a second product- or service-related word to create a first and a second site name." *Id.*, 1:61-63. "Next a linkage is created between the respective site names and the electronic sites." *Id.*, 2:3-4. As shown in Fig. 2, "a central site, 'FoodServiceStore.com' 30 comprises the central processing host utilities and also hot links to the other product-specific sites." *Id.*, 2:54-56. Since all of the sites are "'hot linked' together, it is [] a simple matter to navigate between them." *Id.*, 3:47-48.




EX1018, Fig. 2.

116. Various other methods of reciprocally linking websites were well established. In 1995, Web Rings provided an alternative to search engines which, at the time, "contain[ed] so much information (often indexed so poorly) that users still [could] not find your site." EX1021, 43. In a Web Ring, "sites with a similar theme or content link together in virtual communities," providing "a way for users to quickly browse sites that fall within their interest area." *Id.*, 43-44. Typically, "sites about a particular subject are linked together by a graphic. Clicking on that graphic launches you on a linear tour of all the websites in that ring." *Id.*, 44. As another example, websites like Turbo Promote and Puzzle Depot offered reciprocal link exchanges where the sites agreed to promote a user website at no cost as long as the user website agreed to link back to the exchange site. EX1022, 1-2; EX1023, 1-2.

### C. Internet Marketing

117. Reciprocal linking was extremely important in the context of e-commerce. By the late 1990s, it was well-known for e-commerce websites to support affiliate marketing, with host web sites establishing bi-directional relations (and links) with merchants. These reciprocal links helped drive traffic between sites and supported mutual growth in online presence and sales.

118. For example, "website programmers increased visitor traffic by placing 'links' within their websites to other websites, usually related in content or function, in exchange for a reciprocal link." EX1019, 1:29-33. But by linking to a merchant, there was a low likelihood that a user would return to the host's website: "Once a visitor clicks on an affiliate ad and enters an online store, the visitor has left the affiliate's site and is gone. At best, affiliates are able to use 'frames' to keep a shell of their own website around the vendor's site" and "vendors have begun placing 'return to referring website' links on their order confirmation screens." *Id.*, 2:28-38.

119. To address these limitations in affiliate marketing, Ross describes a system that allows hosts to register with the web system, to use a graphical user interface to create a website storefront for customers, and to browse a merchant's web catalog and select products for inclusion on their website. *Id.*, 23:39-24:27. The system also allows merchants to register with the system and maintain a catalog of products available to hosts. *Id.*, 6:8-28, 21:50-22:9. Finally, Ross's system supports

the dynamic generation of web pages and links, including the ability for the merchant to view their catalog of products as it appears when presented through the look and feel of the host's website. *Id.*, 9:4-27.

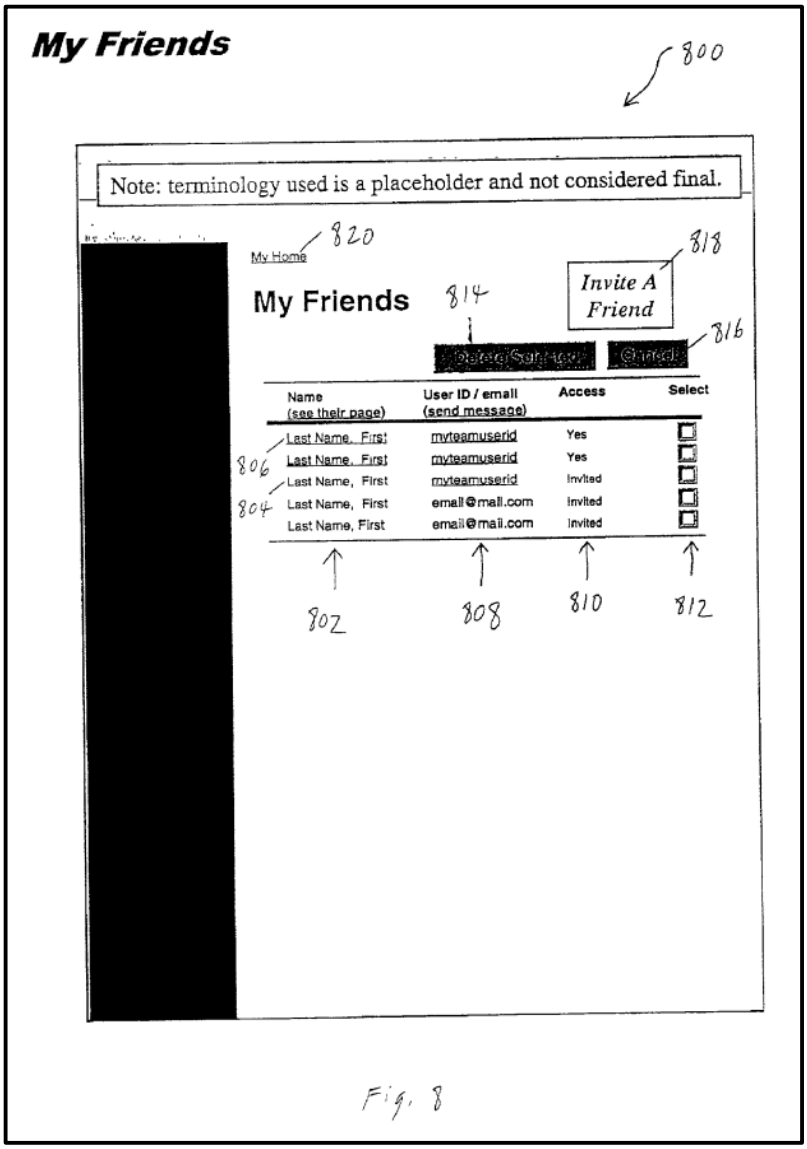
120. These features provide "Hosts with the added value and incremental revenues of traditional affiliate programs, but the company also enables Hosts to control the customer experience before, during, and after the purchase transaction. At the same time, Merchants receive the same benefits as with older affiliate programs, i.e., increased marketing potential, incremental sales, and new customer relationships, but without the restrictive limitations of affiliate programs—the loss of hard-won visitor traffic." *Id.*, 2:55-63.

**D. Social Networking**

121. By 1998, early social networking sites, such as sixdegrees.com, pioneered the interlinking of member profiles. With sixdegrees.com, the term "degrees" referred to a user's proximity to someone else. EX1020, 5, 13. For example, someone in your first degree is someone that you know directly, such as your mother, husband, employer, or business contact. These are contacts that you list or that list you. *Id.*, 13. The website included features such as "Contact Manager" where users could "add new contacts and take care of any changes regarding the relationships you already have. You can also view profile information like address and phone number for those contacts that have chosen to share it,"

allowing users to navigate between profiles based on their relationships. *Id.*, 7. Sixdegrees.com also provided a summary of contacts that would "keep track of and display the number of your confirmed relationships, relationships pending your confirmation, relationships pending the confirmation of someone you listed and relationship types that are pending confirmation." *Id.*, 1.

122. Similarly, Block described a website structure to facilitate the sharing of information between member profile pages within various community areas. A community is created "through members of the site selectively adding individuals to the community and sending out invitations for them to join the website and the specific community." EX1007, [0012]. Each individual who joins the website "gets a personal homepage" that "provides links to the different communities that the individual is part of, including teams, leagues, and the home pages of other individuals who have been granted trusted access to this individual's home page." *Id.*, [0024]. Specifically, each personal homepage contains a "My Friends list" that "provides a form of 'bookmarking' between a user's site and a Friend's site and indicates whether the relationship is reciprocal." *Id.*, [0128]. "If a Friend is listed in My Friends and the name is a link, then permission to view the other sites has already been granted." *Id.*



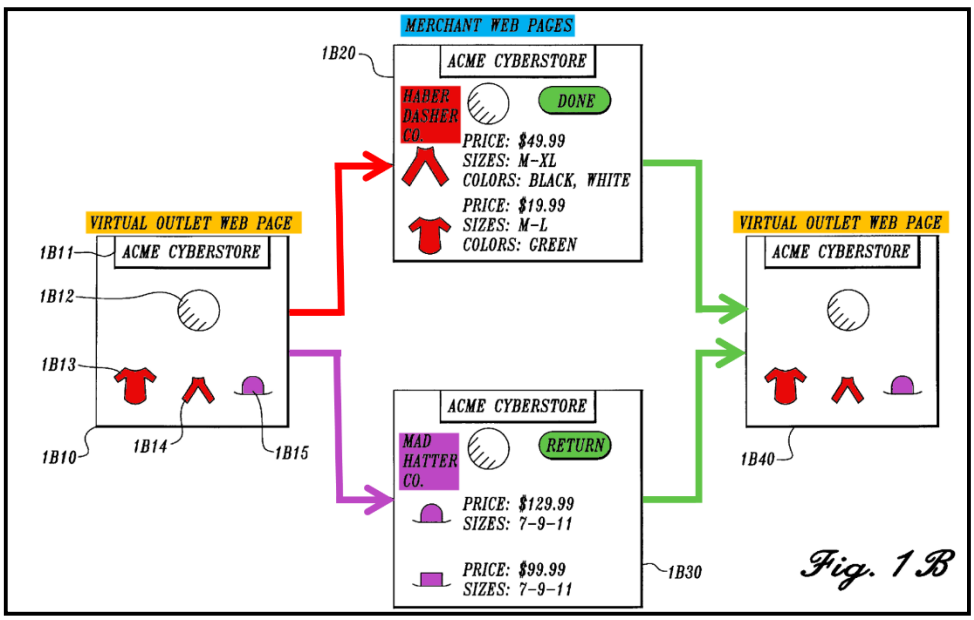

EX1007, Fig. 8.

### E. URLs Associated With Pictures/Graphics

123. Within the context of social media and online marketing, it was also well known to associate a link with a profile picture or another representative graphic. For example, Brendel explains that "hyper-links often appear in the browser as a graphical icon or as colored, underlined text." EX1053, 1:26-35.

LeMole also claims a "hyperlink associated with at least one of advertising image on the composite page is to a URL address of a site on the Internet of a product or service provider associated with the at least one advertising image." EX1054, c.14.

124. In Arnold, a "virtual outlet web page" (**orange**) offers products such as shirt 1B13, pants 1B14, and hat 1B15 for sale to customers. EX1008, 7:39-41, Fig. 1B. Each of these products are "supplied by a merchant" and each shirt 1B13, pants 1B14, and hat 1B15 include a link to a product page. *Id.*, 4:3-5. When the customer selects the product to purchase from the displayed "virtual outlet web page" the customer computer "sends to the merchant computer a request for the merchant Web page identified by the link associated with the product." *Id.*, 4:14-20. Therefore, Arnold also discloses associating a graphic with a URL.




EX1008, Fig. 1B (annotated).

125. Ludwig also describes a collaborative multimedia workstation (CMW) system for teleconferencing which includes a user interface component called the Collaboration Initiator. EX1033, 18:55-19:5, 3:16-35. Ludwig's "Collaboration Initiator presents a user interface that allows the user to initiate collaborative sessions." *Id.*, 18:66-67. Ludwig explains that "session participants can be selected from a graphical rolodex 163 that contains a scrollable list of user names or from a list of quick-dial buttons 162," in which "Quick-dial buttons show the face icons for the users they represent." *Id.*, 19:1-5. The "face icons" are each associated with a WAN address for each person.

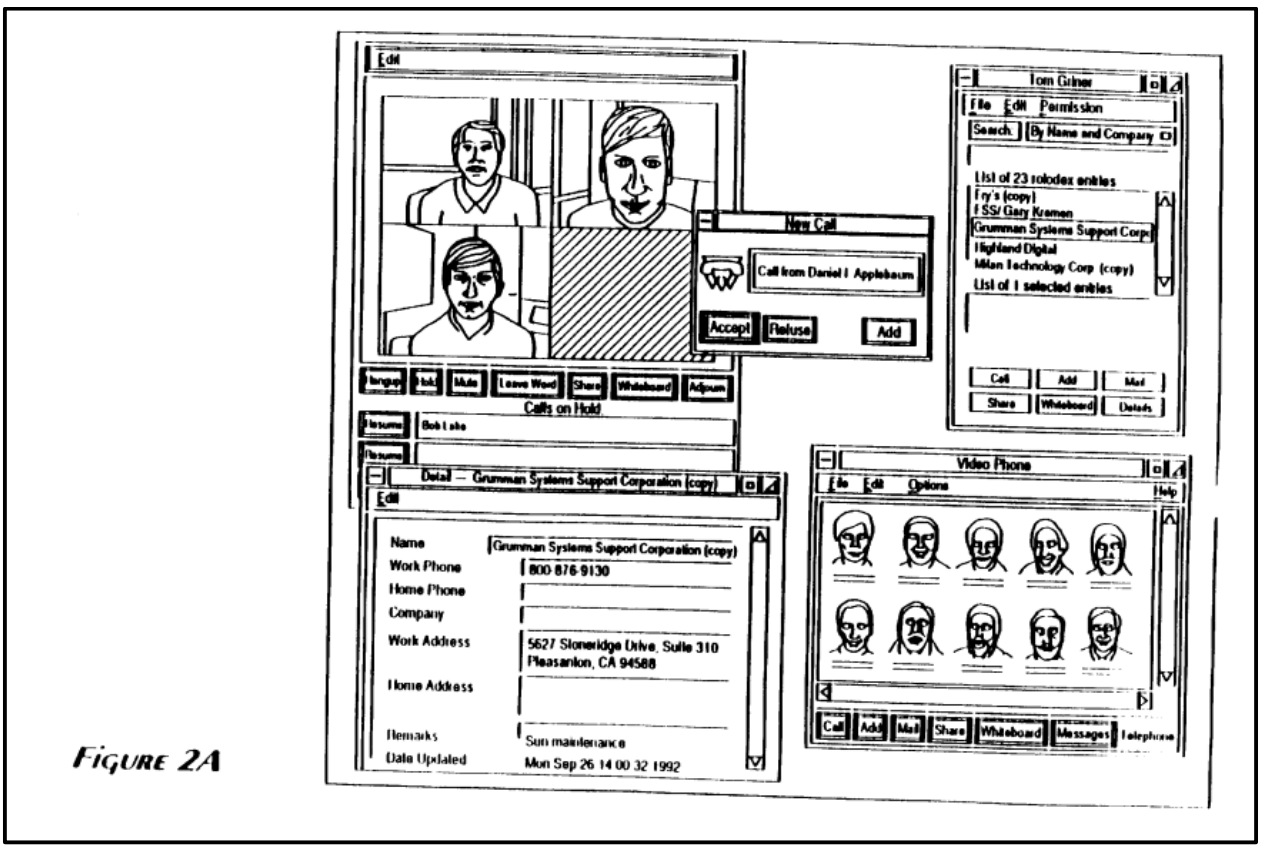



FIGURE 2A

EX1033, Fig. 2A.

## V. THE LEVEL OF ORDINARY SKILL IN THE ART (SKILLED ARTISAN)

126. I understand that patents are interpreted from the perspective of a hypothetical Skilled Artisan at the time of the alleged invention. The earliest possible priority date of the ’971 Patent is June 7, 2000.

127. I also understand that various factors are considered in determining the level of ordinary skill in the art. I understand that the factors include types of problems encountered in the art, prior solutions to those problems, rapidity with which innovations are made, sophistication of technology at the time of the invention, and educational levels and experience of persons working in the field and capable of understanding the applicable scientific and engineering principles. I understand that in determining the level of ordinary skill in the art, not all factors may be present, or one or more factors may predominate.

128. In my opinion a Skilled Artisan 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. I have applied this level of skill herein.

129. At least as of June 7, 2000, I satisfied and exceeded all of the above requirements for a Skilled Artisan.

## VI. CLAIM CONSTRUCTION

130. I understand that claim terms should carry their "ordinary and customary meaning," which is "the meaning that the term would have to a person of ordinary skill in the art in question" at the time of the invention. For the terms below I provide constructions explaining how a Skilled Artisan would have interpreted the claims.

### A. "*reciprocal site*"

131. A "*reciprocal site*" in the context of the intrinsic evidence is a space within a web page (within a website) for displaying reciprocal links to other websites. This definition is supported by the intrinsic record, and Patent Owner's statements made in connection to the other patents in the '971 Patent family.

132. First, the claims of the '971 Patent support this definition. For example, Claim 4 recites:

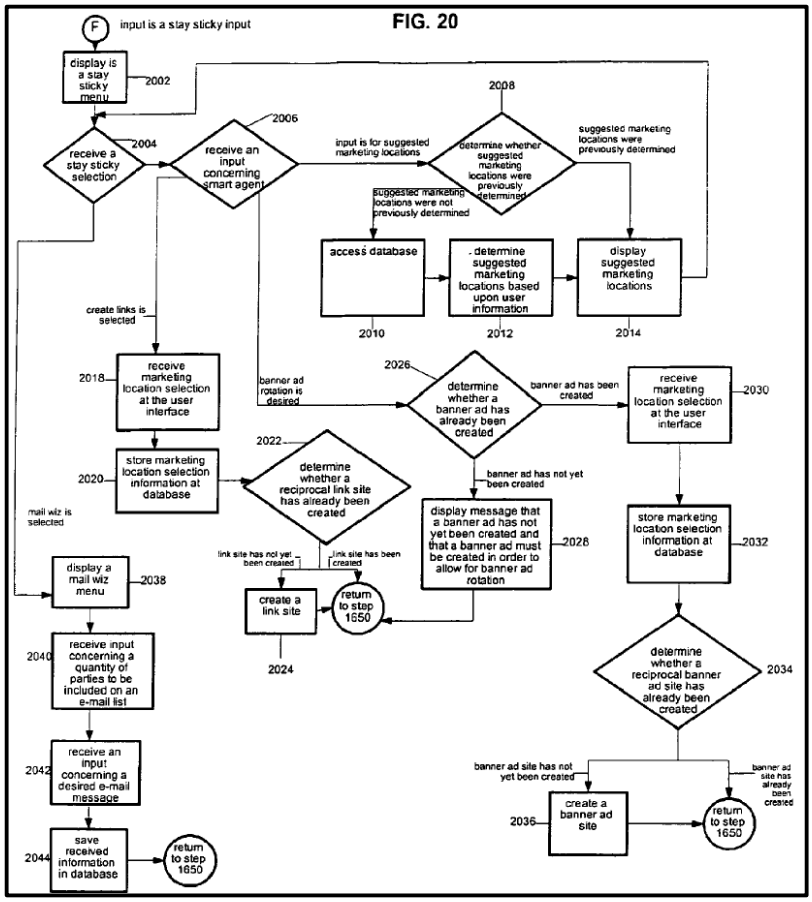
> establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and
> upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing
> (i) the first website to implement the first functional marketing element, and
> (ii) the second website to implement the second functional marketing element, wherein
> the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

> the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

EX1001, Claim 4.

133. Therefore, a Skilled Artisan 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, "*establishing*" a "*reciprocal site in the first website*" "*for a first functional marketing element*" which "*directs, via the internet, a second user . . . to the second website*" is the process of creating a space within a web page (within a website) where the reciprocal link to another web page will appear.

134. Second, the '971 Patent's specification also supports this reading. Fig. 20A (shown below) illustrates a flowchart of the STAY STICKY™ options. "The STAY STICKY™ features provide the registered user with special information concerning, and marketing opportunities with respect to, other registered users who have designed their websites using the system 100. That is, the STAY STICKY™ features provide special marketing benefits to registered users of the system 100 vis-a-vis one another." EX1001, 14:39-45.




EX1001, Fig. 20.

135. Referring to Fig. 20, the ’971 Patent states that “[t]his stored information is later used to generate links at the selected marketing locations (i.e., websites) when the registered user's website is activated. The system 100 then proceeds to step 2022, at which the system determines whether a reciprocal link site has already been created in the registered user’s website, **for displaying links to other websites**. If a link site has not yet been created, the system creates a link site on the registered user’s website, at step 2024 before returning to step 1650.” *Id.*, 24:42-51.

136. A Skilled Artisan would have understood, based on the description that a "reciprocal link site" is created "for displaying links to other websites," that "*reciprocal site*" refers to a space within a web page (within a website) for displaying reciprocal links to other websites.

137. Third, the file history also supports Petitioner's construction. During prosecution of the parent application of the '971 Patent (App. No. 09/589,551, issued as U.S. 7,996,259) 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. In response, the Patent Owner only challenged that "the Examiner's claim construction completely ignores the term 'reciprocal.' The term 'reciprocal site' does not simply mean a place in a website such that third parties can place their ads, as asserted by the Examiner. A reciprocal site refers to reciprocity." *Id.*, 507. Thus, a Skilled Artisan would have understood that "reciprocal site" means a space in a web page for displaying reciprocal links.

138. Finally, in a Patent Owner's Preliminary Response in response to IPR2019-00419 challenging U.S. Patent No. 8,768,760 (the '760 Patent is in the same patent family as the '971 Patent and shares the same specification), the Patent Owner 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."). *See also* EX1041

(dictionary definition of "site" is "[a] place of position; a location"). The Patent Owner explained that "the specification of the '760 and '259 Patents disclose **a link, at a reciprocal link site**, to another web page, and creating a link back, to the registered user's website, at this other web page." EX1010, 14.

139. Thus, in the context of the '971 Patent a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

## VII. DETAILED EXPLANATION OF GROUNDS FOR INVALIDITY

140. The sections below demonstrate in detail how claims 1-29 of the '971 Patent are unpatentable over prior art.

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

#### 1. Overview of Block[4]

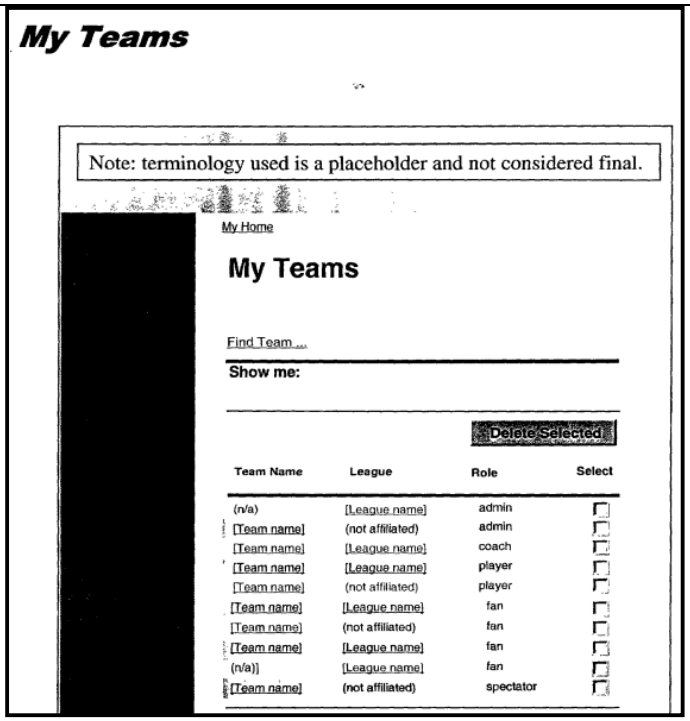
141. Block (EX1007) was filed on September 20, 2002, claiming the benefit of a previously filed U.S. Provisional Application No. 60/172,983 ("Block-Provisional") that was filed on December 10, 1999. EX1006. Block was published on March 13, 2003. Block identifies David Block, Daniel Ahlberg, John Feldmeier, and Elliot Katzman as its inventors.

[4] General descriptions provided for this and other references and combinations thereof are incorporated into each subsection and mapping of the claims that includes citations to these references.

a. ***Block is Prior Art under at least §102(e)***

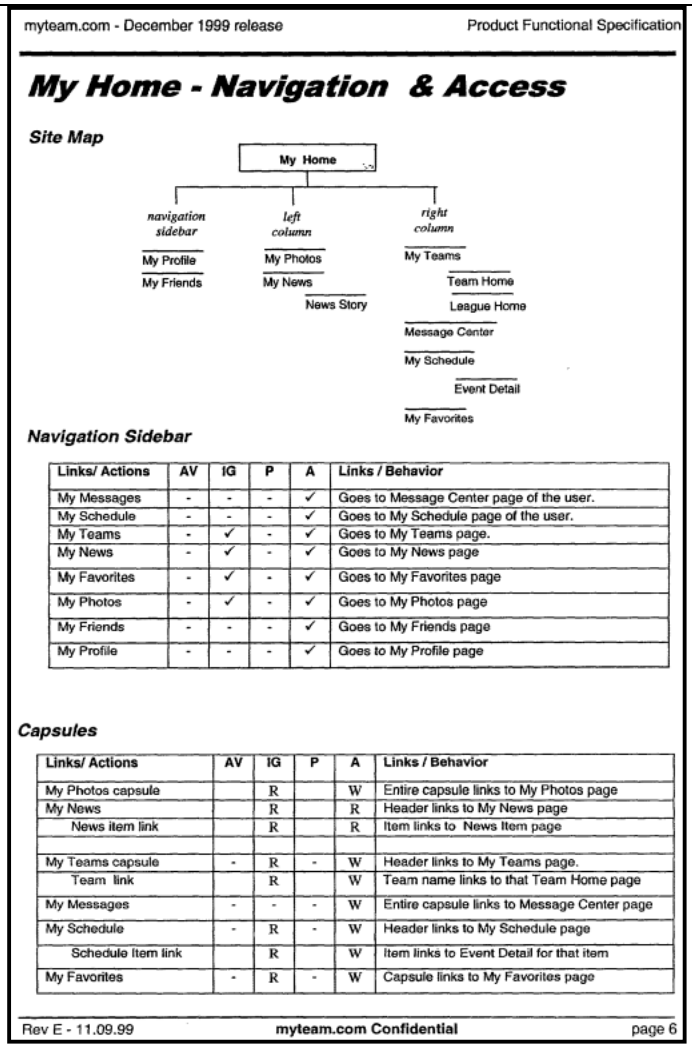
142. I understand that Block is entitled to the priority date of its provisional application (December 10, 1999) if the application provides written description support for at least one of Block's claims and the teachings of Block relied upon herein were disclosed in the Block-Provisional. As shown in the chart below, each element of Block claim 1 has written description support in the Block-Provisional:

| **Block, Claim 1** | **Block-Provisional (EX1006)** |
|---|---|
| 1. A web site structure for organizing and providing information related to at least one first team registered with the web site, at least one member of said at least one first team registered with said web site, and at least one second team registered with said website, the web site structure comprising: | EX1006, 2 ("[T]he present invention provides a website structure and method of populating the site through membership invitations to non-members, and access-level change requests for members, with administrators overseeing the member lists."). <br><br> EX1006, 6 ("[A] certain web structures and methods are provided which will allow for more secure development of a website structure, and for more secure methods of populating the website with registered users."). <br><br> EX1006, 14 ("A 'Member' is an individual who has registered with the myteam.com website, and has been assigned a user identification number (or symbol) and password.") <br><br> EX1006, 16 ("Upon entering the system, Members are provided access to three types of mini-site areas, namely My Home, Team Home, and League Home. Each member can have access to multiple instances of each type of mini-site, as they may have relationships with more than one team and leagues.") |

| | |
|---|---|
| |  <br>EX1006, 57. |
| (a) a personalized home page created for said at least one registered team user and operative to impart schedules and information pertaining to said at least one first team and at least one second team registered with said web site; | EX1006, 16 ("The Member will be placed (by default) in their own My Home mini-site 112 . . . . Linked pages associated with the My Home mini-site include, for example: My Message, My Schedule, My Teams, My New, My Favorites, My Fans, and My Profile.") |


myteam.com - December 1999 release
Product Functional Specification
My Home - for a Player
myteam.com
The Honda Passport.
MyHome | News & Events | Sports Library | Fun & Games | Community | Store
My Messages
My Schedule
Jimmy Johnson "Team Clown"
My Teams
My News
My Favorites
My Photos
My Guests
My Profile
Jimmy waiting for a good pitch.
My Teams
Foster City Giants
Burlingame Mighty Mites
My Messages
New Messages 2
Total Messages 20
News
Elise Ray gains top spot at gymnastics World Team Trials 9/22/99
US Women's Soccer cruises to 5-0 win over Ireland 9/20/99
Tee time for future golf stars hopefuls 9/18/99
My Schedule
Tu 9/27 2:00p Giants @ Red Sox practice
Th 9/29 5:30p practice
Fr 9/30 5:00p Giants @ Braves
Sa 10/1 10:45a Dr. appointment
Su 10/2 2:00p practice
Mo 10/3 2:00p Red Sox @ Giants
We 10/5 6:00p pizza @ Dominos
Fr 10/7 2:00p Giants @ Blue Jays
Featured Online Game
SportsMatch is a game of speed, sports knowledge, and concentration. It is a "tile" game with a twist. Sports trivia fans might feel "Shanghai-ed" after getting hooked on this unique combo of trivia questions and matching
match
My Favorites
Sport: Baseball
Team: Boston Red Sox
Player: Nomar Garciaparra
Web site: myteam.com
Music Group: NSync
Store
Nike Graphic Duffle Bag
Only $16.99
Tip of the Week
Catching a Flyball
Run to the spot you think ball will come down. Raise your hands up and out in front of your face, and keep your thumbs together. Look over top of glove Don't allow the ball to get over your head. Square your shoulders to flight of the ball. Keep your feet slightly staggered.
Speakout
What's your favorite bat? Cast your vote and see what other players say
more...
Help
About myteam.com
Security Statement
Log Off
©1999 myteam.com, Inc. All Rights Reserved
Rev L - 11.09.99
myteam.com Confidential
page 4

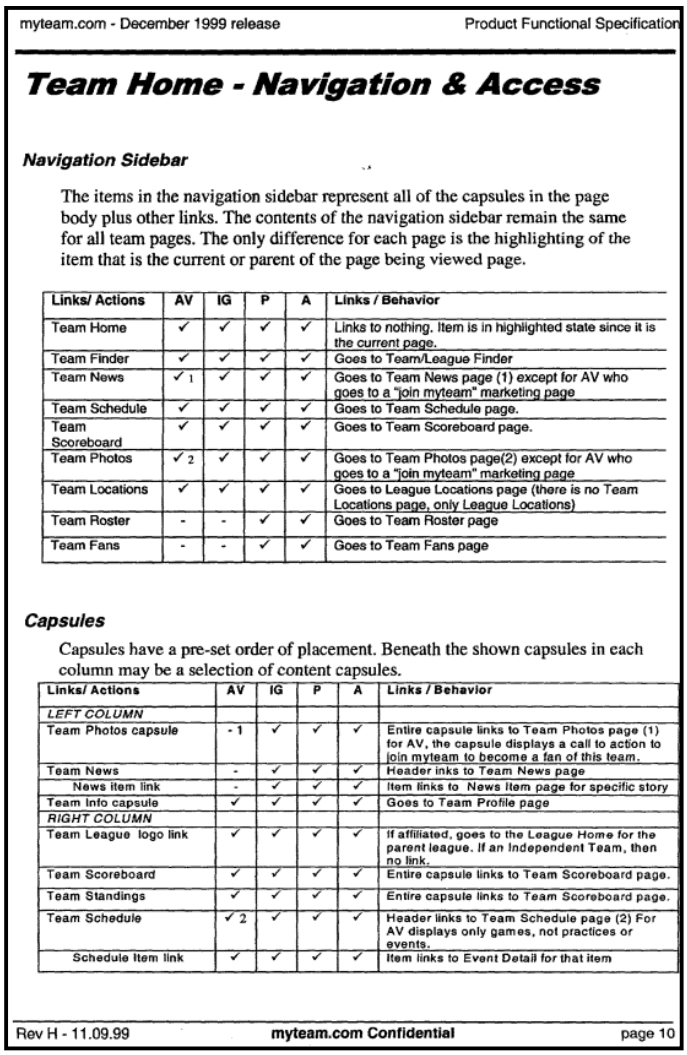
EX1006, 165.

<table>
<tr>
<td></td>
<td>


EX1006, 167.

*See also* EX1006, 209, 230, 233, 241.</td>
</tr>
<tr>
<td>(b) a personalized home page that is created for said at least one first team and operative to impart information and schedules regarding said at least one first team;</td>
<td>EX1006, 16 (“Any team that a Member belongs to, will have a Team Home page and associated linked pages therefrom. Such link pages might include: Team Finder, Team News, Team Schedule, Team Scoreboard, Team Photos, Team Locations, Team Roster, and Team Fans. Each of these links pulls up pages relating to the listed topics, and which are particularized with information pertaining to that Team.”)<br><br>EX1006, 22 (“Referring now to Figure 4, a representative webpage 400 is shown of the Team Home page for a particular team. The shown view is</td>
</tr>
</table>

from the access vantage level of a Team Administrator. As before, the general information tabs 402 are available on the upper border, along with a caption 403 identifying the Team (Foster City Giants). Click-through links 404 are shown for access in the navigation bar area. The various capsules on the page include Team Photos 406, Team news 408, store information 410, polls 412, Scoreboard information 414, Standing information 416, and Schedule information 418. Again, advertisements 422 can be included in available spots on the page.").



myteam.com - December 1999 release Product Functional Specification

**Team Home - Navigation & Access**

***Navigation Sidebar***

The items in the navigation sidebar represent all of the capsules in the page body plus other links. The contents of the navigation sidebar remain the same for all team pages. The only difference for each page is the highlighting of the item that is the current or parent of the page being viewed page.

| Links/ Actions | AV | IG | P | A | Links / Behavior |
|---|---|---|---|---|---|
| Team Home | ✓ | ✓ | ✓ | ✓ | Links to nothing. Item is in highlighted state since it is the current page. |
| Team Finder | ✓ | ✓ | ✓ | ✓ | Goes to Team/League Finder |
| Team News | ✓ 1 | ✓ | ✓ | ✓ | Goes to Team News page (1) except for AV who goes to a "join myteam" marketing page |
| Team Schedule | ✓ | ✓ | ✓ | ✓ | Goes to Team Schedule page. |
| Team Scoreboard | ✓ | ✓ | ✓ | ✓ | Goes to Team Scoreboard page. |
| Team Photos | ✓ 2 | ✓ | ✓ | ✓ | Goes to Team Photos page(2) except for AV who goes to a "join myteam" marketing page |
| Team Locations | ✓ | ✓ | ✓ | ✓ | Goes to League Locations page (there is no Team Locations page, only League Locations) |
| Team Roster | - | - | ✓ | ✓ | Goes to Team Roster page |
| Team Fans | - | - | ✓ | ✓ | Goes to Team Fans page |

***Capsules***

Capsules have a pre-set order of placement. Beneath the shown capsules in each column may be a selection of content capsules.

| Links/ Actions | AV | IG | P | A | Links / Behavior |
|---|---|---|---|---|---|
| *LEFT COLUMN* | | | | | |
| Team Photos capsule | - 1 | ✓ | ✓ | ✓ | Entire capsule links to Team Photos page (1) for AV, the capsule displays a call to action to join myteam to become a fan of this team. |
| Team News | - | ✓ | ✓ | ✓ | Header inks to Team News page |
| News item link | - | ✓ | ✓ | ✓ | Item links to News Item page for specific story |
| Team Info capsule | ✓ | ✓ | ✓ | ✓ | Goes to Team Profile page |
| *RIGHT COLUMN* | | | | | |
| Team League logo link | ✓ | ✓ | ✓ | ✓ | If affiliated, goes to the League Home for the parent league. If an Independent Team, then no link. |
| Team Scoreboard | ✓ | ✓ | ✓ | ✓ | Entire capsule links to Team Scoreboard page. |
| Team Standings | ✓ | ✓ | ✓ | ✓ | Entire capsule links to Team Scoreboard page. |
| Team Schedule | ✓ 2 | ✓ | ✓ | ✓ | Header links to Team Schedule page (2) For AV displays only games, not practices or events. |
| Schedule Item link | ✓ | ✓ | ✓ | ✓ | Item links to Event Detail for that item |

Rev H - 11.09.99 **myteam.com Confidential** page 10

EX1006, 171.

*See also* EX1006, 210, 230, 234.

| | |
|---|---|
| (c) a personalized home page dedicated to said at least one second team and operative to provide scheduling information related to said at least one second team; and | *See* claim 1(b), above. |
| (d) wherein said at least one registered team member is provided access to said home pages of said first and second teams and selectively controllable access to said home page of said member. | EX1006, 5 ("A structured level of access to various community information should be provided, wherein certain users will have more access than others to a user's personal or community information. The community members themselves might be used to propagate the growth of the community through invitations to others so that they might have access to certain levels of information. Administrator(s) at different levels, might be used to ultimately decide the access levels for any given Community user.").<br><br>EX1006, 6 ("Each member of the Community will have a different access level based upon their role or status in the website structure.").<br><br>EX1006, 6 ("The present invention is described in terms of a sports-oriented website, namely myteam.com. This site includes a multitude of web pages, some of which are restricted to viewing only by Members and their selected invitees. A given page may be viewable in two or more versions, with elements on the page appearing or being hidden from view depending on the access level that the individual has in relation to the page. Many of the elements on the page are contained within capsules that show a summary of the information that is displayed on the page that is linked to the capsule.")<br><br>EX1006, 7 ("The spirit and scope of the present invention includes, among other things, the inter-related nature of the communities, along with selectable access |

| | |
|---|---|
| | being provided based upon the status of any particular user of the website.").<br><br>EX1006, 8 ("Within the interacting (and overlying) structures of the various Communities -- i.e. League/ Team/ Personal (or My) Community structure -- persons can have access to different information based upon the particular access level assigned to that person. The person can request a change of access from the administrator in order to be allowed to see more information on the various sites. If deemed appropriate, the administrator will then invoke that particular change of status in the myteam.com system").<br><br>*See also* EX1006, 14, 18, 19, 27, 55, 70. |

143. Moreover, the teachings of Block relied upon herein were carried forward from Block-Provisional to Block:

| **Citation to Block (EX1007)** | **Corresponding Block-Provisional Citation (EX1006)** |
|---|---|
| Abstract | 2, 6 |
| [0011] | 6, 14 |
| [0012] | 6 |
| [0015] | 6 |
| [0016] | 6-7 |
| [0017] | 7-8 |
| [0020] | 14, 18-19, 54 |
| [0024] | 6-7, 14-15 |
| [0029] | 6-8 |
| [0033] | 2, 6 |
| [0089] | 14 |
| [0090] | 14 |
| [0091] | 14, 15, 19, 164 |
| [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 |
| [0104] | 17-18 |
| [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 |
| [0129] | 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 |
| [0204] | 47 |
| [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. 5 | 172-173 |
| 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 |

144. I, therefore, understand that Block is entitled to its earliest effective filing date of December 10, 1999 and is prior art to the ’971 Patent pursuant to 35 U.S.C. §102(e).

b. ***Overview of Block***

145. Block discloses a social media website structure with “a plurality of community areas.” EX1007, Abstract. In particular, when each user registers with the system of Block they receive a “home page with personal information.” *Id*. The user can then join, or be invited to, “community areas” based on their interests. *Id*. For example, Block explains that “invitations” can be “sent to known and trusted individuals who are either not yet members of the website or who are members of the website but not yet a part of the specific community.” *Id.*, [0012]. “An individual’s access to a community is enabled once they have accepted the invitation.” *Id.*, [0020].

146. In this manner, “[a] community of inter-related users is created through the website structure, with the community growing through members of the site selectively adding individuals to the community and sending out invitations for them to join the website and the specific community.” *Id.*, [0012]. Block describes three types of communities:

1) Member’s own “Home page,” which “contains personalized material pertaining to that Member and summary information

from the community websites in which the Member is an invited participant";

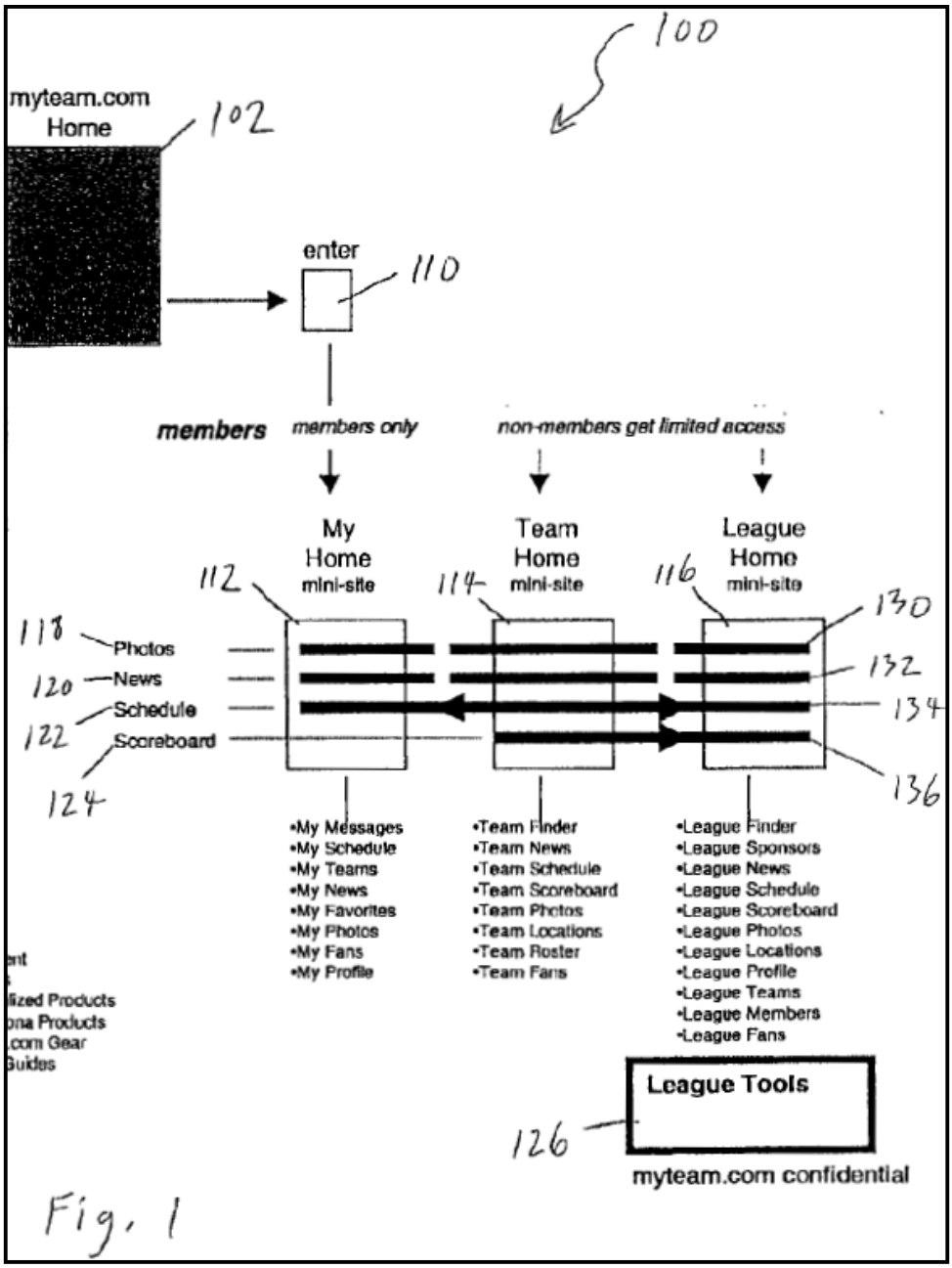
2) "Team Home page," which "contains Team information";

3) "League Home page," which "contains League information."

*Id.*, [0016].

147. In Figure 1, Block describes a block diagram 100 which shows "certain representative elements comprising a site map for the myteam.com website." *Id.*, [0090]. Block describes the My Home mini-site 112, the "Team Home mini-site 114, and the League Home mini-site 116." *Id.*, [0098]. Block explains that the "information displayed on the My Home mini-site pages will include information that was originally posted on a Team Home mini-site or League Home mini-site when that information is relevant to and otherwise accessible by the individual when they are on the respective Team Home or League Home mini-site." *Id*. Block describes the "continuous line 134, with bi-directional arrows between the mini-sites Team Home and League Home" which "indicates that Schedule information will be shared between the mini-sites." *Id.*, [0103]. "The continuous line 136 spanning the Team Home and League Home mini-sites indicates that Scoreboard information will be shared between the Team Home mini-site and the League Home mini-site." *Id.* Note that although Block's Figure 1 shows a "discontinuous line 130 associated with

Photos information 118," Block also states that "[v]arying levels of photo crossover are intended to be included within the scope of the present invention." *Id.*, [0103].




EX1007, Fig. 1.

148. Block describes that once an individual joins myteam.com and becomes a "Member," the "Member will be placed (by default) in their own My Home mini-

site 112." *Id.*, [0098]. In Fig. 3, Block illustrates a representative webpage 300 of the My Home page. *Id.*, [0121]. Block describes that "[i]nformation displayed on Home pages is organized into 3 distinct views—a "Capsule", a page and a detail page for a specific item of information." *Id.*, [0095]. Block describes that a "Capsule is shown on a Home page and lists a summary of the most relevant content that is displayed on the page and to which the Capsule itself links." *Id.*, [0095]. For example, in Figure 3, Block describes various capsules "shown on the page, including news 306, online games 308, store 310, polls 312, My Teams 314, My Messages 316, My Schedule 318, My Favorites 320, and instructional information 322." *Id.*, [0121].

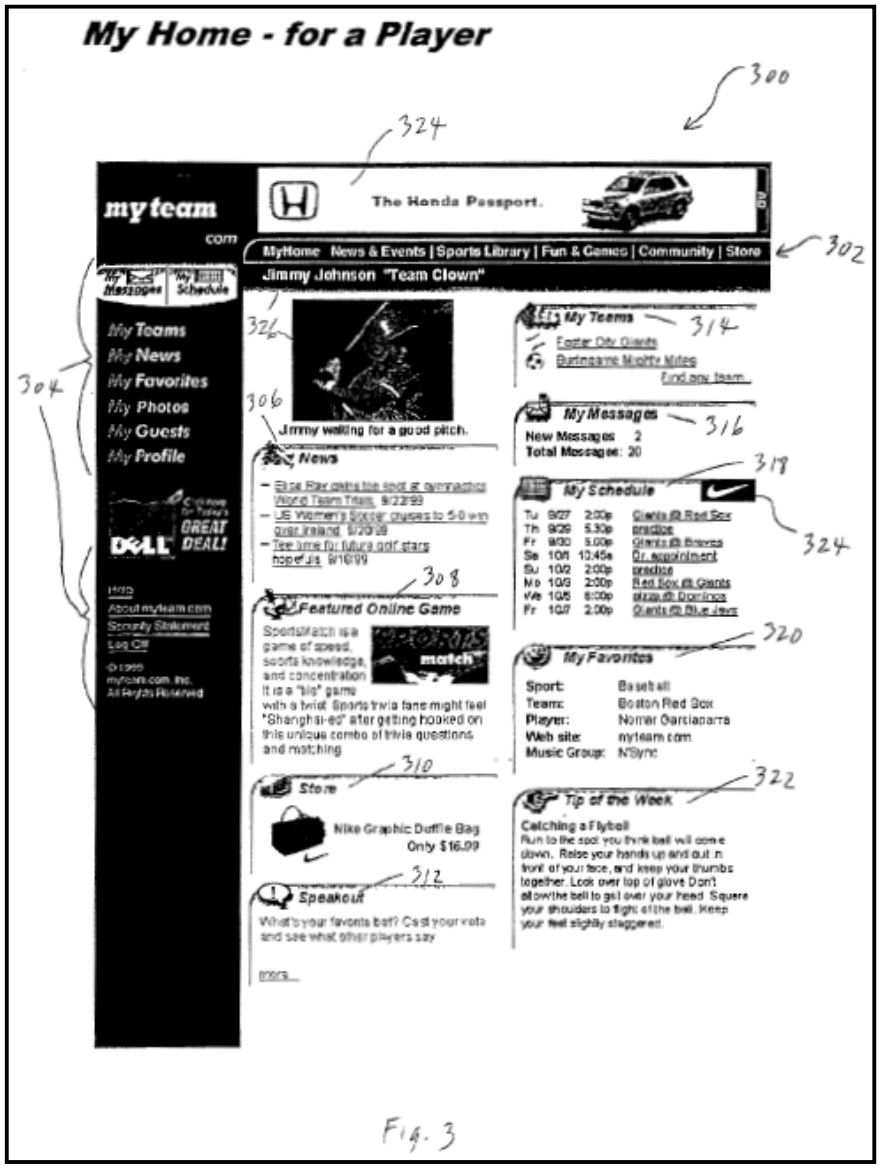


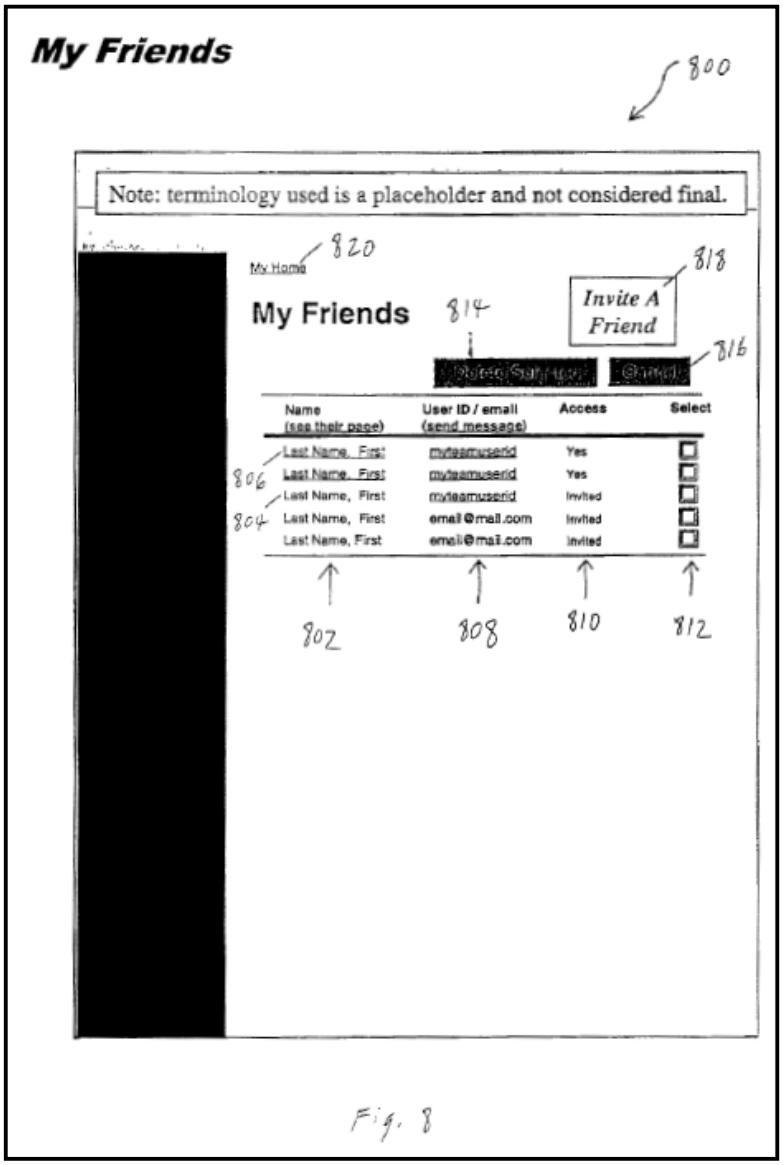

Fig. 3

EX1007, Fig. 3.

149. Block explains that a myteam.com Member can send out invitations to other individuals to join the website and the specific community. *Id.*, [0012]. "These invitations are sent to known and trusted individuals who are either not yet members of the website or who are members of the website but not yet a part of the specific community." *Id.*, [0012]. "By expanding the registration base of the website, and/or

access to personal information through invitations to trusted persons, a website can be expanded in a relatively secure manner." *Id.*, [0017].

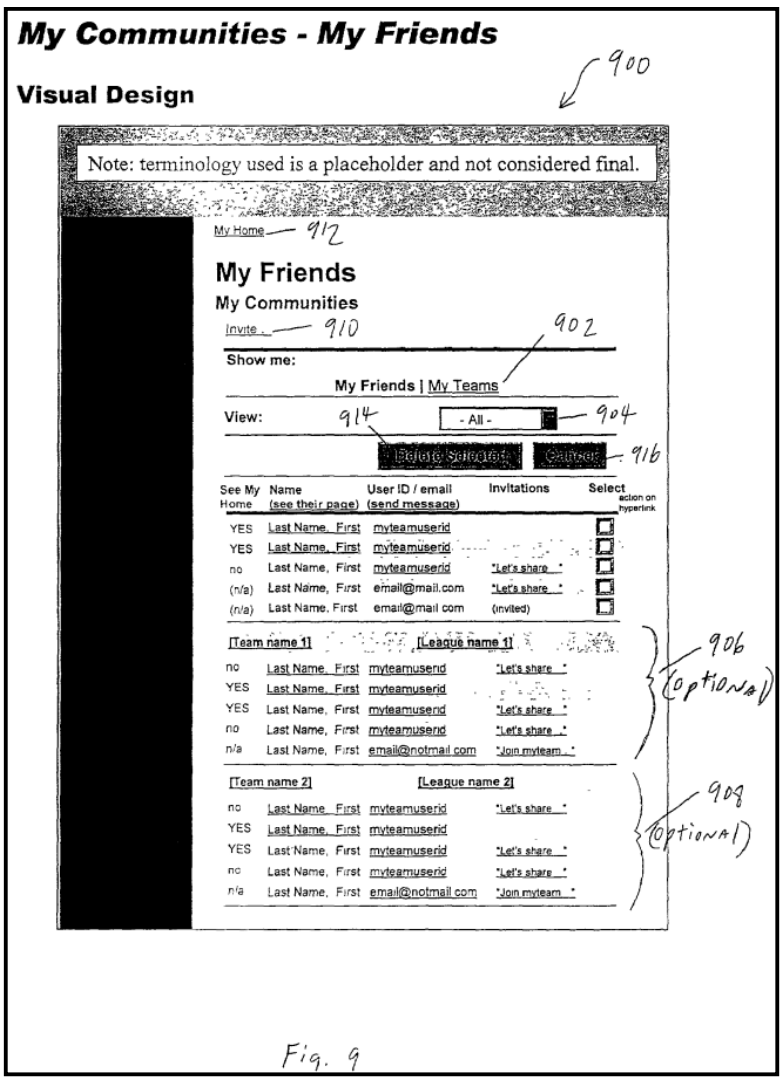
150. In Figure 8, Block explains that each mini-site includes "a My Friends web page listing 800." *Id.*, [0132]. This My Friends page "shows a first table which displays 'friends' who are people that the user has invited to be myteam.com Members, or other myteam.com Members with which the user has a relationship." *Id.* "These 'friends' are people that can see the user's My Home page, and vice versa." *Id.* "This My Friends list provides a form of 'bookmarking' between a user's site and a Friend's site, and indicates whether the relationship is **reciprocal**, a Friend only sharing with user, or the user only sharing with Friend." *Id.* [0128]. "When an individual accepts an Invitation to a My Home page, the link to the invitor's My Home page is on their My Fans page." *Id.* [0094]. In Figure 8 below, Block describes column 802 with a listing of the names of the persons on the My Friends list. *Id.*, [0133]. For example, "[i]f a name is not underlined or highlighted, i.e. name 804, then a click-through cannot be performed." *Id.* "If the name is underlined or highlighted, i.e. name 806, then permission has been granted by that person to see their My Home page." *Id.*




EX1007, Fig. 8.

151. In Figure 9, Block describes "an alternative My Friends web page listing 900," where "the user is given the option to select between a showing of My Friends or the listing of Teams the user is involved with via the click-through selector 902." *Id.*, [0134]. "A drop-down menu 904 is also shown for selecting which grouping to view. The drop-down values might include: All, Friends, Team1,

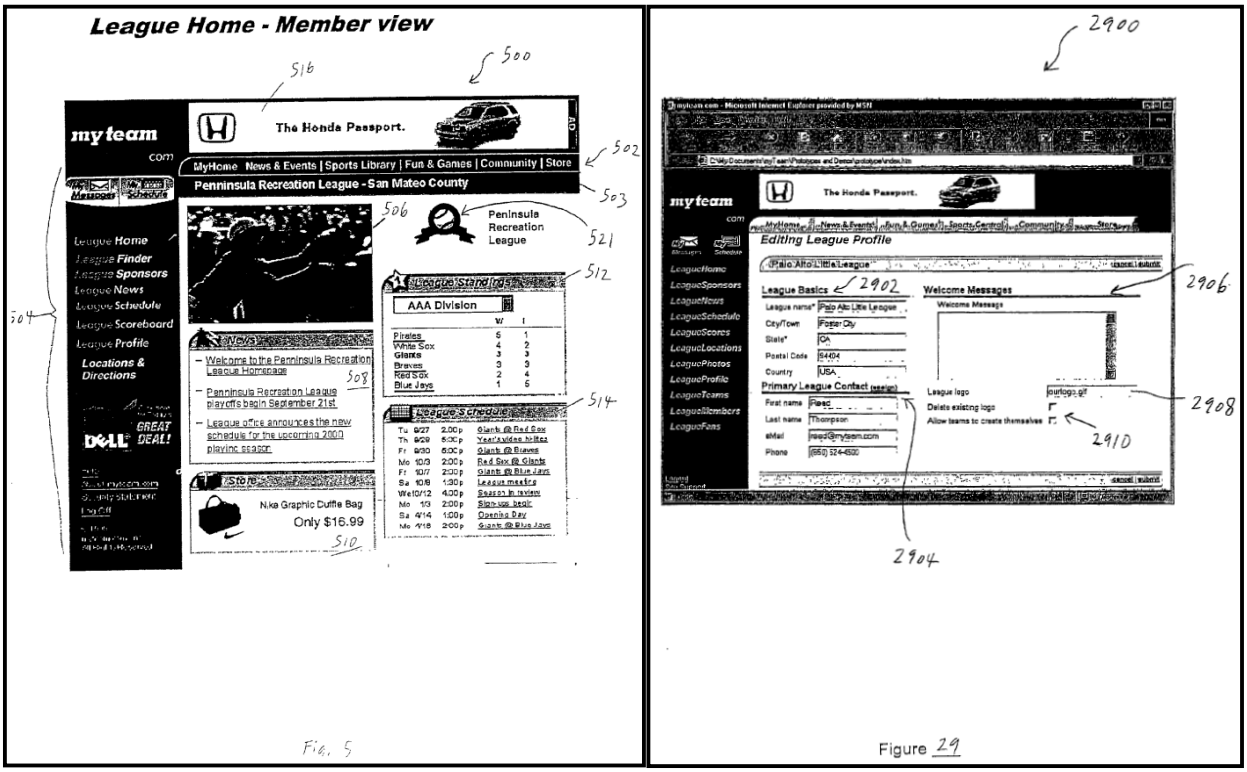
Team2, and so forth." *Id*. The Invitation column of Fig. 9 describes rows with entries "Let's share" next to current member's names. *See* EX1007, Fig. 9. Block explains that the "My Friends list can also be used . . . to send out a new Invitation 712 to persons on the list. The Invitation might be in the form of: 'see my page,' or '**let's share pages**,' or 'join myteam.com.'" *Id*., [0129].




EX1007, Fig. 9.

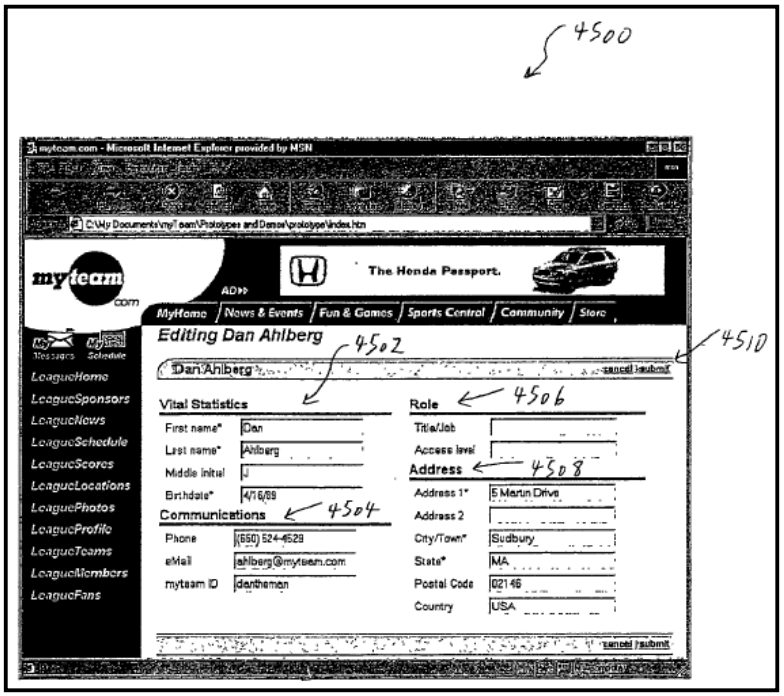
152. Block further describes editing web pages. Block explains that "[f]or those individuals with Administrator access to the specific information, a 'edit' link is displayed that goes to an editable version of the detail information page for that item." *Id.*, [0095]. "If the individual has edit access rights to the information being displayed, an 'edit' access link will be displayed that will lead to an editable version of the page." *Id.*, [0122].

153. In Fig. 29, Block illustrates an example "web page 2900 for editing the League Profile." *Id.*, [0169], [0170], Figs. 5, 29. "This page [2900] generally permits the user to edit the data associated with the league itself." *Id.*, [0169]. Block explains that "[w]elcome messages to the league can be entered via 2906," and a user can upload an image file of a league logo via box 2908. *Id.*, [0170]. "The message and logo allow the league to customize their home page with their league logo and a short message welcoming the people to the league site." *Id.* "This logo is displayed at the top of the League Profile page, in addition to being displayed on the league home page." *Id.*




EX1007, Figs. 5, 29.

154. In Fig. 45, Block illustrates a web page 4500 "which permits editing of an existing individual in the league and/or team." *Id.*, [0204]. Block further explains that a "similar page provides the means to add an individual to the league and/or team." *Id.*, [0204]. The editing layout allows a user with write access to the individual's record to provide user information such as name, birthdate, communications information 4504, which includes the person's phone number, email, myteam-id, role (including title/job, and access level) 4506, and the address 4508. *Id.*




EX1007, Fig. 45.

2. Claim 4 And Its Dependent Claims 24-25

a. ***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:***

155. In my opinion, Block discloses and renders obvious a "*method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website.*"

156. Block discloses a "*computer hardware website implementation system*." Block describes "a computer system," illustrated in Fig. 46B below, where "[a] website or webpage can be hosted on **computers and servers**." EX1007, [0207], [0209]; *see also id.*, [0208] ("Fig. 46A shows one possible physical form of

the computer system."). Block describes "providing access to **post/retrieve** information" in an information structure such as "**a website, as comprised of webpages**." *Id.*, [0011]. "[An] individual who has registered with the myteam.com website" (i.e., "members") "use similar computers to access such websites and webpages." *Id.*, [0207], [0091]. Block's system "relates to providing a website (and associated webpages) having a structure which facilitates the secure access, development, and population of the website, and its community features." *Id.*, [0089]. Block also facilitates editing and personalizing webpages. EX1007, [0095] (editing); [0121] (personalization). Block describes that an individual with "edit rights" has access to "an editable version" of the webpages. *Id.*, [0091], [0101], [0122]. Since Block's computer system is used to host, post, and retrieve websites and facilitate development and population of the website, a Skilled Artisan would have understood that Block discloses a "*computer hardware website implementation system*."

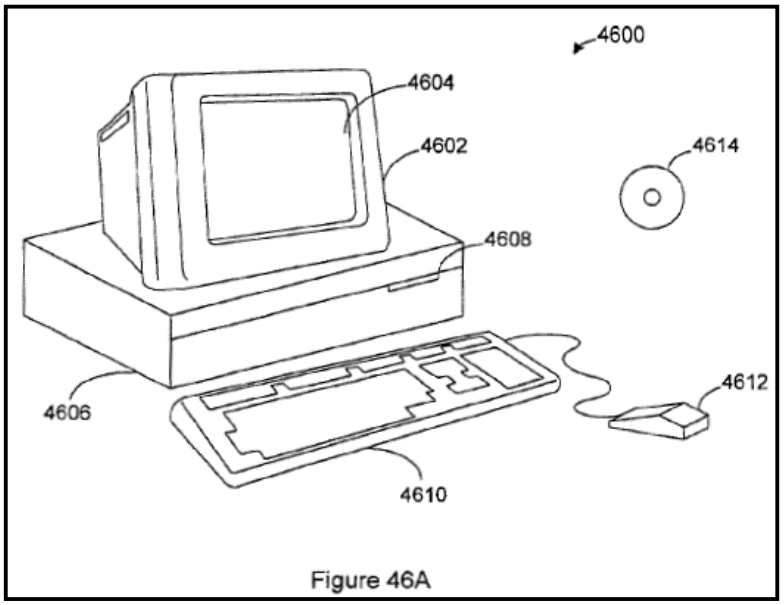



Figure 46A

EX1007, Fig. 46A.

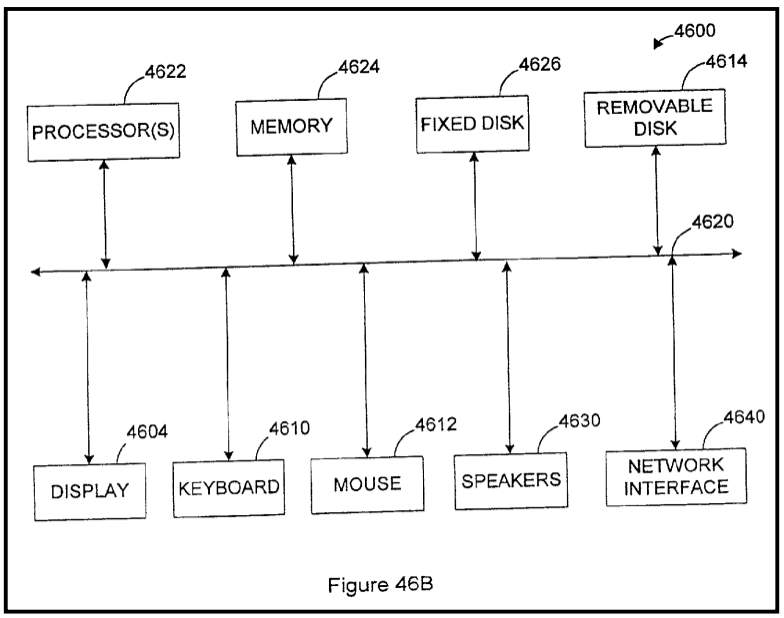


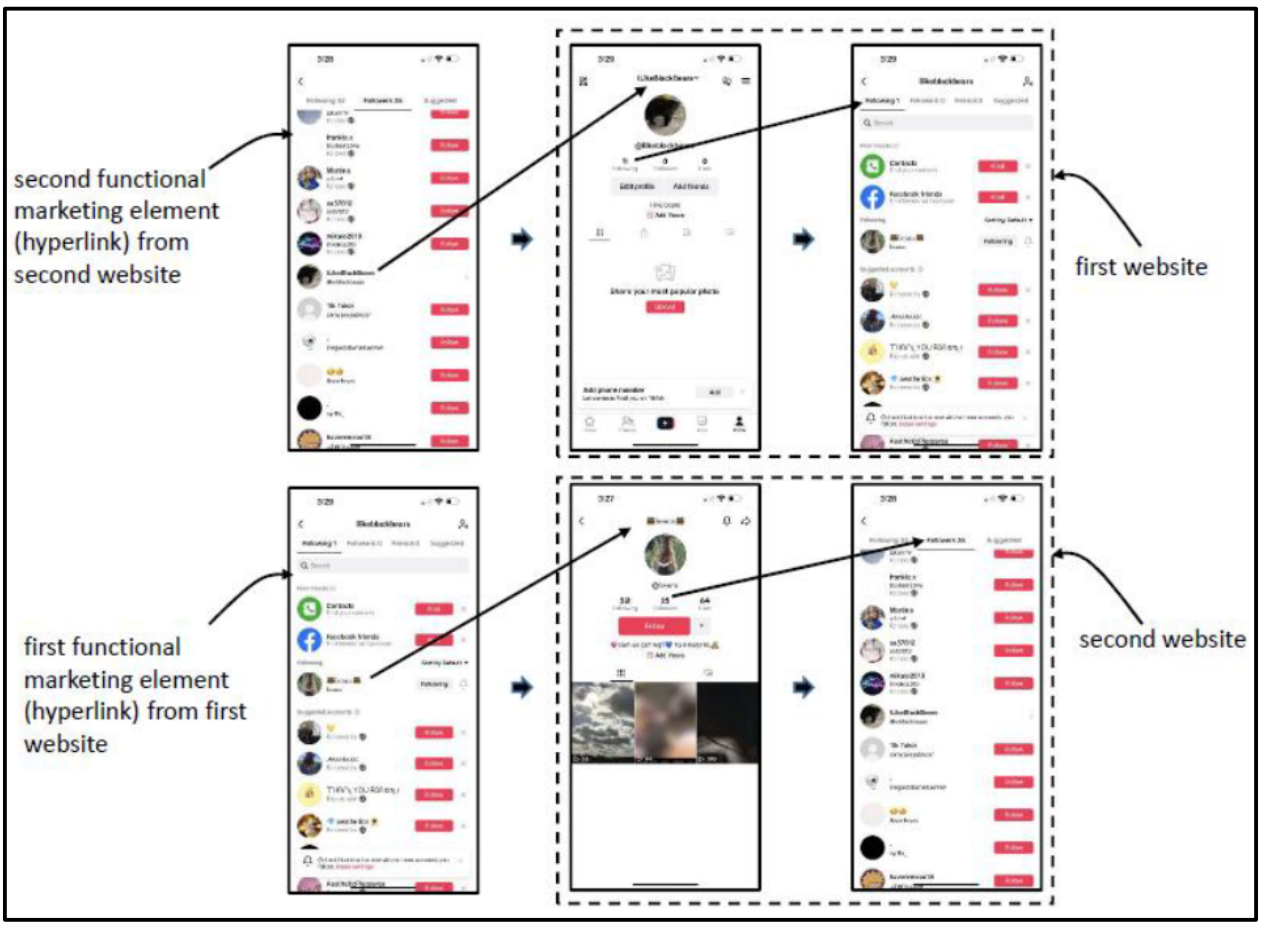

Figure 46B

EX1007, Fig. 46B.

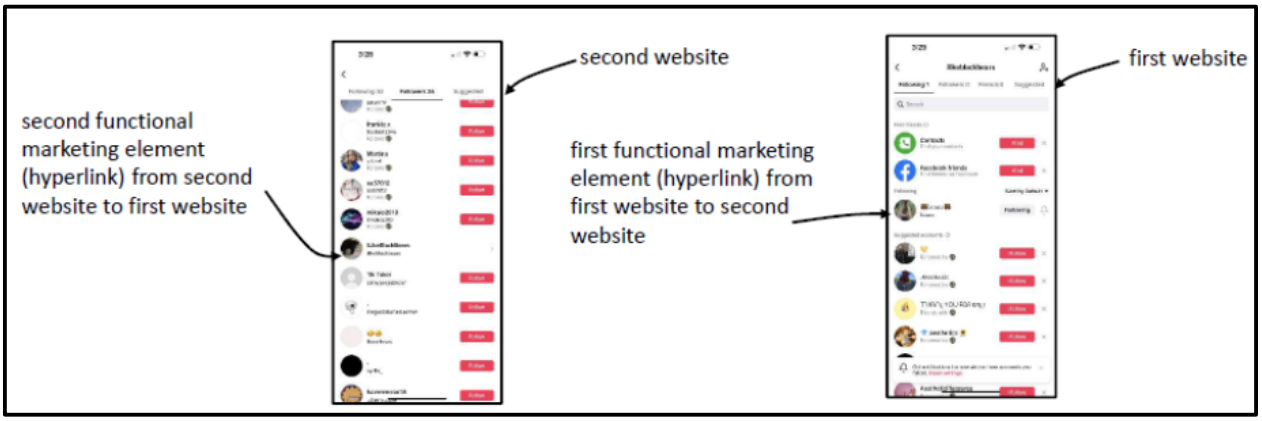
157. Block discloses a "*preexisting second website*." Block describes that a "Member" who has registered with the myteam.com website is "placed (by default) in their own **My Home mini-site 112**." *Id.*, [0098]. The mini-site includes multiple

sub-pages including a My Home page, My Fans page, and a My Teams page. *Id.*, [0094]. Therefore, all existing users have a "*preexisting*" website in the form of a My Home mini-site 112.

158. For the purposes of infringement, Patent Owner argues that a "*first website*" is the user profile associated with a first TikTok user and a "*second website*" is the user profile associated with a second TikTok user:




EX1012, 59, 66; *see also* EX1011, 59, 66.



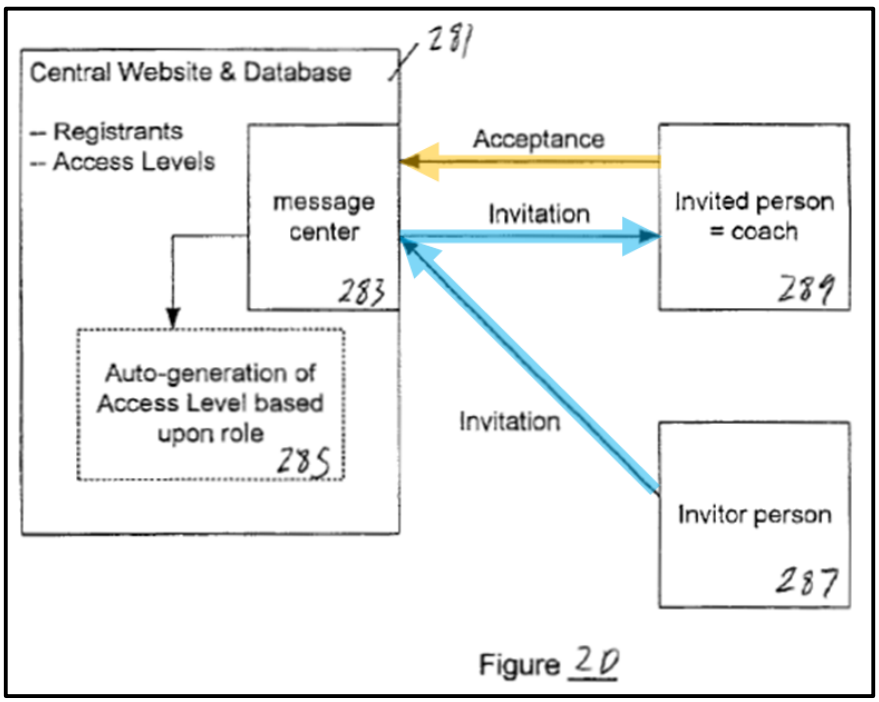

EX1012, 65; *see also* EX1011, 65.

159. A Skilled Artisan would appreciate that the "mini-site" of Block operates in essentially the same manner as the accused first and second websites of TikTok. A Skilled Artisan would have understood that each "My Home mini-site" is a "*website*." Therefore, the "My Home mini-site" of a "*preexisting*" Member is a "*preexisting second web site*."

160. Block discloses a "*first website*." Block teaches that a "*preexisting*" member (invitor) who already "owns" a My Home mini-site can send an invitation to a new Member (invitee). EX1007, [0091]; *id.*, [0029] ("[R]egistered member usually sends out invitations based upon a trusted relationship they might have with another person."). Block teaches that the invitee can become a myteam.com Member by accepting an invitation from the invitor who already "owns" a My Home mini-site ("*preexisting second website*"). *Id.*, [0091]. When the invitee accepts the invitation, the invitee gets its own **My Home mini-site.** *Id.*, [0094], [0098]. A

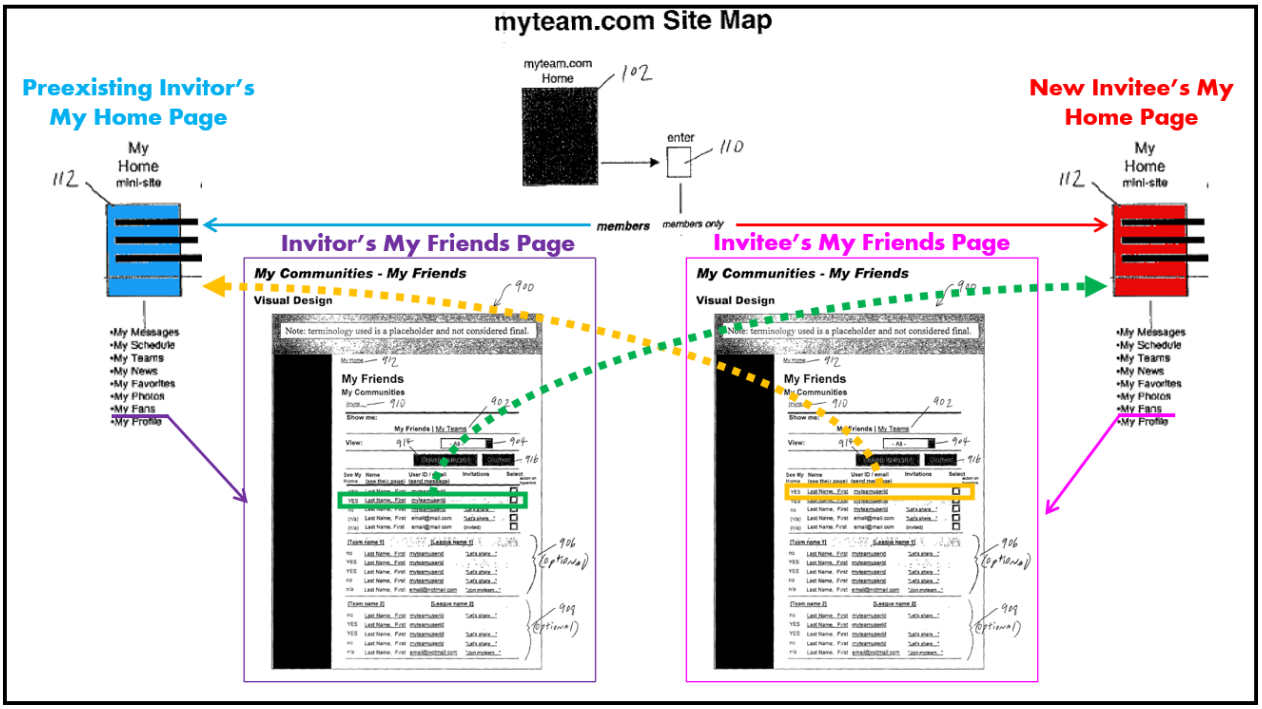
Skilled Artisan would have understood that the invitee's My Home mini-site is a "*first website*."

161. Fig. 2D of Block shows how a user can send an invitation (annotated below in Fig. 2D in **blue**) to an "invited person." *Id.*, Fig. 2D. Block explains that an invitor's invitation "passes through the website's message center 283 and is routed to the invited person 289." *Id.*, [0119].




EX1007, Fig. 2D (annotated).

162. Block discloses a "*method of establishing a reciprocal arrangement between a first website and a preexisting second website*." For example, as shown in the demonstrative below:




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

163. Block describes "a My Friends web page listing 800" (EX1007, [0132]) which includes a name 806 with a click-through link (e.g., "Last Name, First" (annotated in **green and orange**)) on the "My Friends list" of a Member's My Home mini-site. *Id.*, [0133]. Block explains that this My Friends page "displays 'friends' who are **people that the user has invited to be myteam.com Members**, or other myteam.com Members with which the user has a relationship." *Id.*, [0132]. "My Friends (Fans) is a list of people with whom the user has a relationship." *Id.*, [0128]. Block explains that "[t]he user can thereby click-through on the name" (e.g., name of invitee) to see that person's My Home page. *Id.*, [0133]. Since the invitor invites the invitee to become a myteam.com Member, a Skilled Artisan would have

understood that the "My Friends list" (**purple**) of the invitor's My Home mini-site (e.g., the "*preexisting second website*") would include the name of the invitee whom the invitor has invited, and the name is associated with a click-through link (**green**) leading to the invitee's My Home mini-site (**red**) ("*first website*").

164. Block further explains that "[w]hen an individual accepts an Invitation to a My Home page, the link to the invitor's My Home page is on their My Fans page," i.e., the invitee's My Fans/Friends list (**pink**). *Id.*, [0094]. "My Friends (Fans)" (**pink**) "provides a form of 'bookmarking' between a user's site and a Friend's site, and indicates whether the relationship is **reciprocal**, a Friend only sharing with user, or the user only sharing with Friend." *Id.*, [0128], [0132] ("These "friends" are people that can see the user's My Home page, and vice versa."). Fig. 2D of Block shows how a user can send back an acceptance (annotated above). *Id.*, Fig. 2D. Block explains "[w]hen person 289 accepts the invitation, the module 285 is invoked to generate the access level based upon this role." *Id.*, [0119]. Since the invitee accepts an invitation from the invitor, a Skilled Artisan would have understood that the My Friends page (**pink**) on the invitee's My Home mini-site ("*first website*") includes the name of the invitor and would be associated with a link (**orange**) to the invitor's My Home mini-site (**blue**) ("*second website*").

165. Since (i) the invitee's name with a link to the "*first website*" (**green**) is on the "*preexisting second website*" (**blue** + **purple**) and (ii) the invitor's name with

a link to the "*preexisting second website*" (**orange**) is on the "*first website*" (**red** + **pink**) when the invitee accepts the invitor's invitation and the "relationship is **reciprocal**," a Skilled Artisan would have understood that Block's "*computer hardware website implementation system*" is configured to perform the "*method of establishing a **reciprocal arrangement** between a first website and a preexisting second website*."

166. To the extent forming a "*reciprocal arrangement*" requires opting into the relationship, as discussed below (*infra* §VII.A.5.m), Block discloses it.

167. Accordingly, Block discloses a "*method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website.*"

b. ***4[a]: registering the second website with the website implementation system;***

168. In my opinion, Block discloses and renders obvious "*registering the second website with the website implementation system.*"

169. As explained above (*supra* §VII.A.2.a), Block discloses a "*second website*" which is the invitor's My Home mini-site. Block teaches that "[a] 'Member' is an individual who has **registered with the myteam.com website**." EX1007, [0091]. Block explains that once the individual joins myteam.com, "[t]he Member will be placed (by default) in their own My Home mini-site 112." *Id.*, [0098]. "Only Members may access a My Home mini-site." *Id.*, [0098].

170. Block further teaches that an existing user of the website implementation system can send an invitation to a new member to join the website implementation system. *Id.*, [0029] ("Whereas a registered member usually sends out invitations based upon a trusted relationship they might have with another person."). Since only preexisting users of Block's website implementation system can send an invitation to new members, a Skilled Artisan would have understood that the "*second website*" which is the invitor's My Home mini-site is registered with the website implementation system.

171. Accordingly, Block discloses "*registering the second website with the website implementation system*."

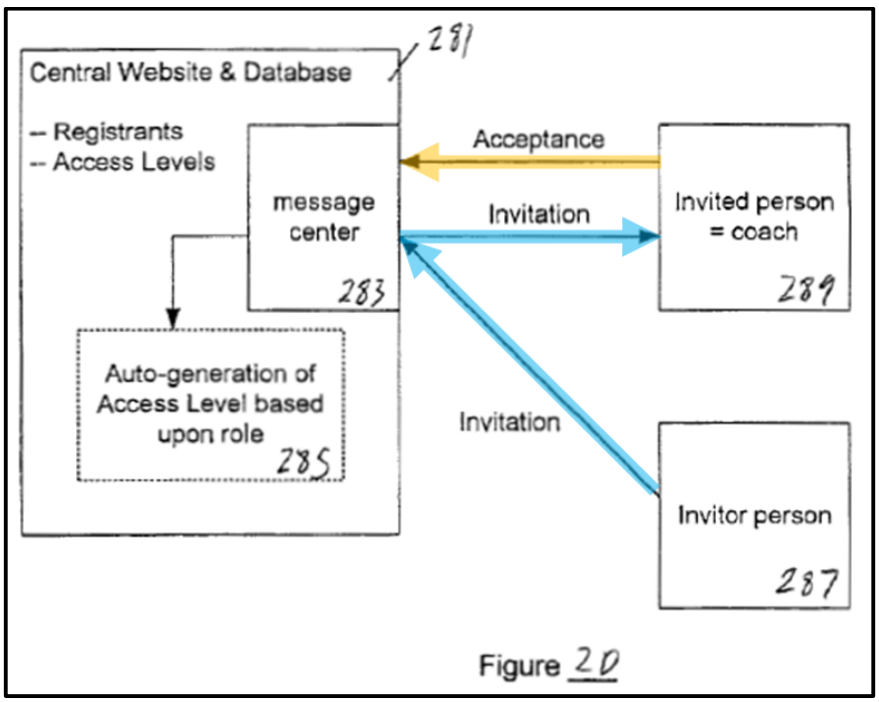
c. ***4[b]: receiving, by the website implementation system, a request by a first user to implement the first website;***

172. In my opinion, Block discloses and renders obvious "*receiving, by the website implementation system, a request by a first user to implement the first website.*"

173. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site.

174. Block teaches that the invitee's My Home mini-site is created (implemented) after the invitee registers with myteam.com. *See* EX1007, [0024] ("Each individual who registers with the website gets a personal home page."); *id*.,

[0094] ("The new Member gets their own My Home page, and links on their My Home mini-site pages to the My Home, Team Home and/or League Home pages to which they were invited."). Block explains that a recipient (invitee, a "*first user*") of an invitation to myteam.com can "go to the myteam.com registration page, which prompts for the Invitation-Number" of the invitation. *Id.*, [0094]. A Skilled Artisan would have understood that the invitee's acceptance and registration with myteam.com (**orange**, below) is "*a request by a first user*" to implement their My Home mini-site ("*first website*") because the purpose and result of registering is that the invitee gets a My Home mini-site.




EX1007, Fig. 2D (annotated).

175. Moreover, a Skilled Artisan would have understood that because the "acceptance" is received by the "central website & database" the "*request by a first*

*user to implement the first website*" is "*received*" by "*the website implementation system*."

176. Accordingly, Block discloses "*receiving, by the website implementation system, a request by a first user to implement the first website*."

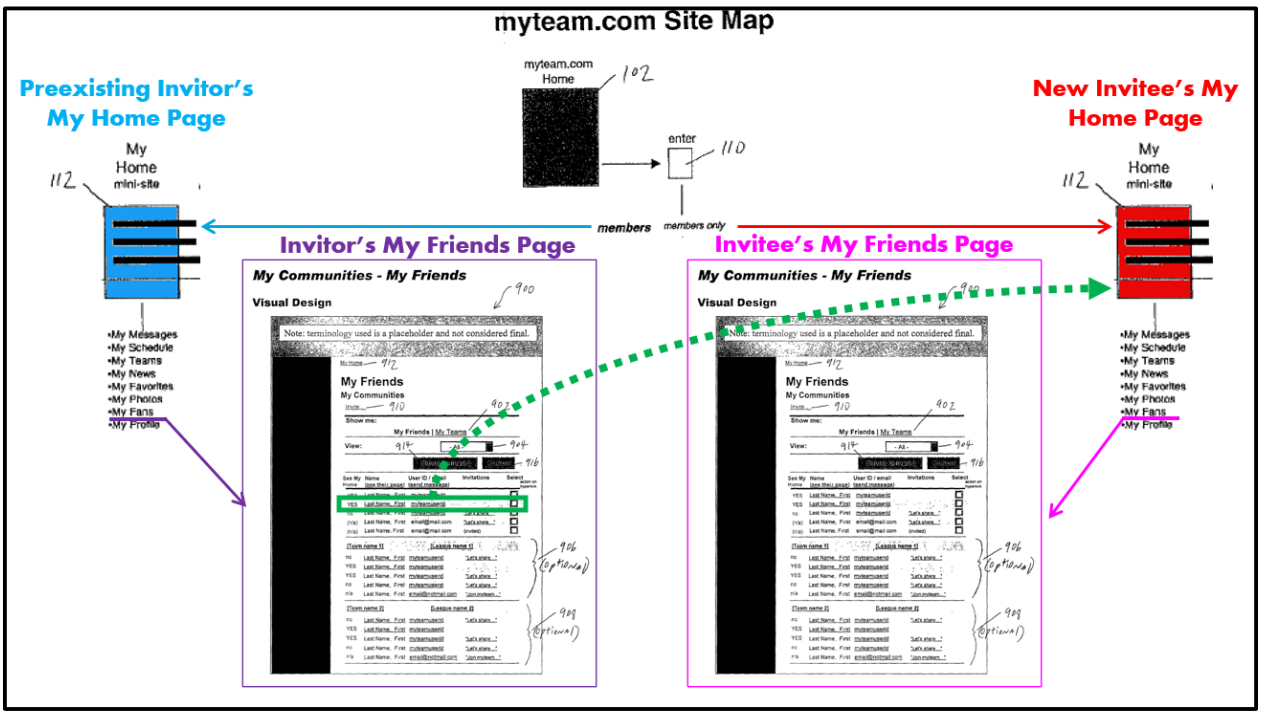
d. ***4[c]: receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website;***

177. In my opinion, Block discloses and renders obvious "*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*."

178. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site.

179. As explained above (*supra* §VII.A.2.a), in Figure 8, Block describes "a My Friends web page listing 800" which includes a name 806 with a click-through link (e.g., "Last Name, First"). EX1007, [0132], [0133], [0128]; *see also id*. [0134], Fig. 9. Block explains that this My Friends page "displays 'friends' who are **people that the user has invited to be myteam.com Members**, or other myteam.com Members with which the user has a relationship." *Id.*, [0132]. Thus, the "My Friends" list of the invitor's My Home mini-site ("*second website*") would include the name of the invitee whom the invitor has invited, which is associated with a

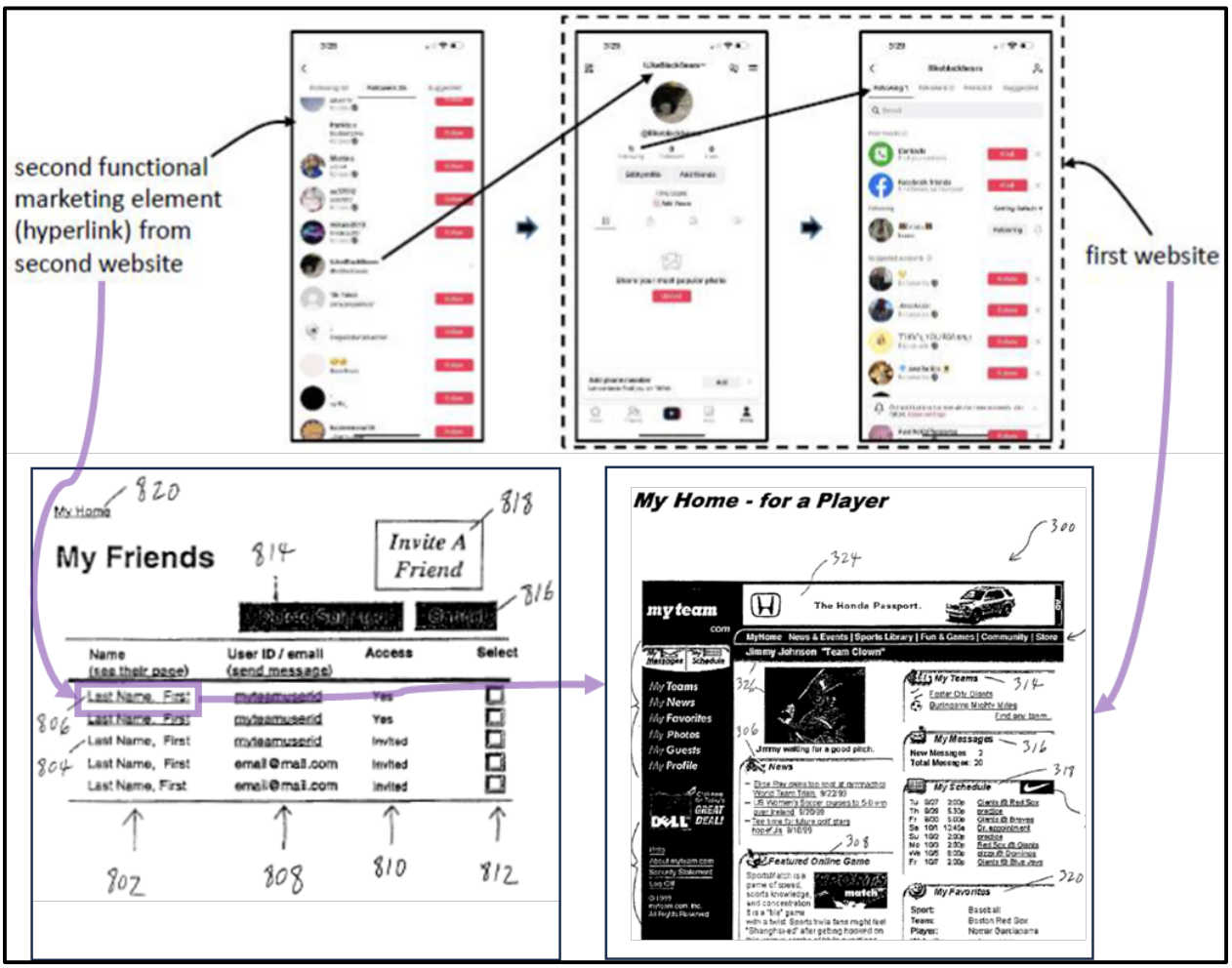
click-through link to that invitee's My Home page (indicated using a **green arrow** below). Since the name of the invitee is "*market[ed]*" (i.e., includes a URL or hyperlink) on the "*second website*" (**blue** + **purple**), a Skilled Artisan would have understood that the invitee's name with a click-through link to the invitee's My Home page displayed on the My Friends page of the invitor's My Home mini-site ("*second website*") is "*a second functional marketing element to be activated on the second website*."




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

180. Indeed, for the purposes of infringement, Patent Owner states that: "A substantial overlap exists in the meanings of the claimed 'functional identification element' of the '398 Patent and 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; *see also* EX1011, 9, n.12. Therefore, a "*functional marketing element*" overlaps significantly with a hyperlink, link, and URL. Patent Owner additionally argues that a "*second functional marketing element*" activated on the "*second website*" is the username of a first TikTok user with a hyperlink to the first TikTok user's profile page ("*first website*"). *Compare* EX1012, 59 (top), 62, *with* EX1007, Figs. 8, 3 (bottom); *see also* EX1011, 59.




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

181. A Skilled Artisan would appreciate that the links between users of myteam.com via the My-Friends list in Block operates in essentially the same manner as the links between users in TikTok via the following and followers' lists.

182. Block teaches that when the invitee ("*first user*") accepts the invitation to myteam.com, the invitee ("*first user*") must complete a "registration form" with "primary information" about the invitee such as "email address, phone number, etc." EX1007, [0093]. A Skilled Artisan would have understood that primary information about the invitee would also include the member's name because, for example, the My Friends list includes a name and an email address of a user. Since the name ("*second functional marketing element*") which is "*select[ed] by the first user*" during registration appears on the invitor's My Friends page of its My Home mini-site ("*second website*") as a link to the invitee's My Home page, a Skilled Artisan would have understood that Block discloses "*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.*" *Supra* §VII.A.2.c (describing how the "selection" would be received "*by the website implementation system*").

183. Accordingly, Block discloses "*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.*"

e. ***4[d]: establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and***

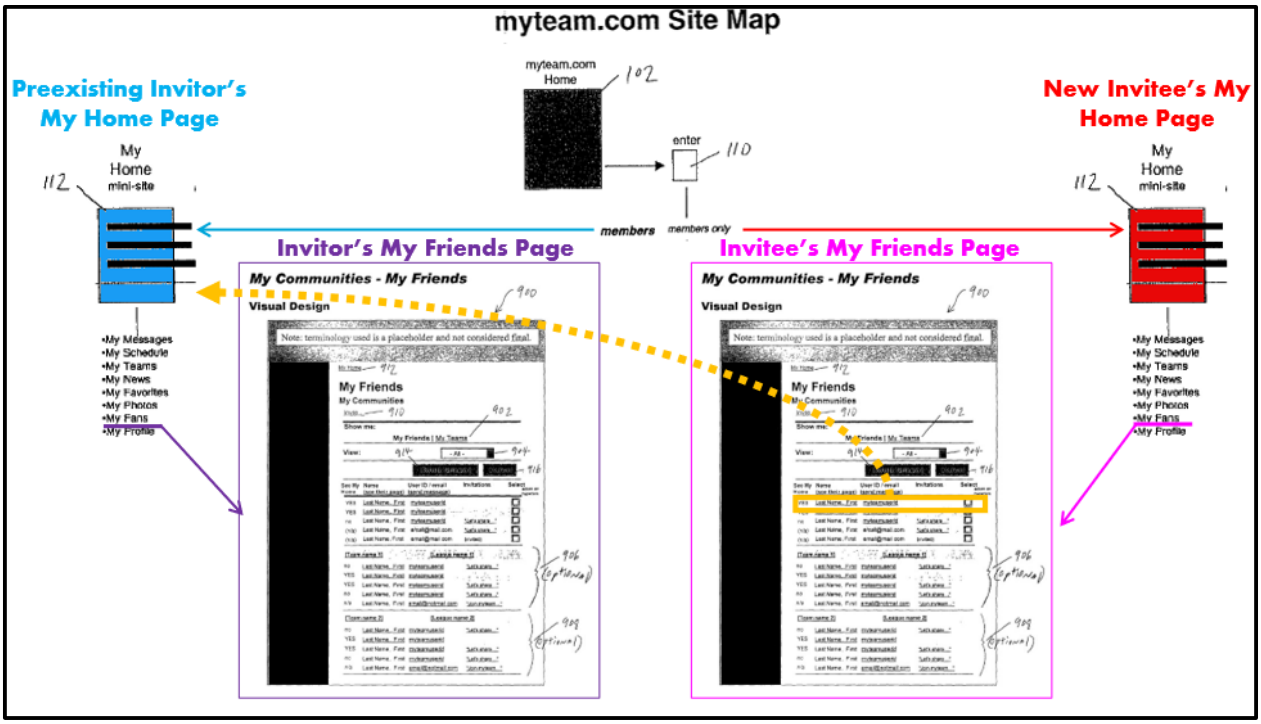
184. In my opinion, Block discloses and renders obvious "*establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element.*"

185. As explained above (*supra* §VI.A), a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

186. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site.

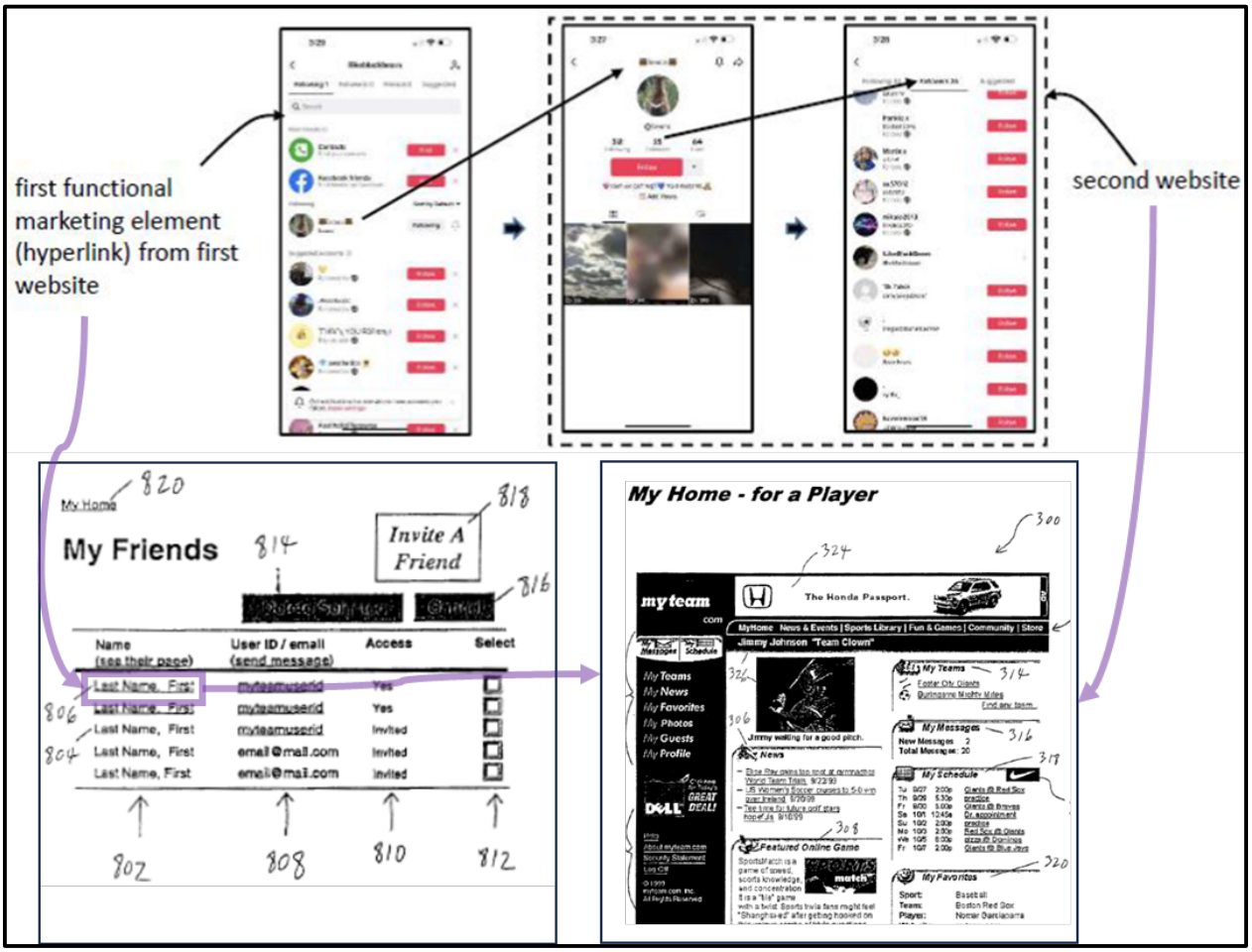
187. As explained above (*supra* §VII.A.2.a), in Figure 8, Block describes "a My Friends web page listing 800" which includes a name 806 with a click-through link (e.g., "Last Name, First"). EX1007, [0132], [0133]. Block explains that this My Friends page "displays 'friends' who are **people that the user has invited to be myteam.com Members**, or other myteam.com Members with which the user has a relationship." *Id.*, [0132]. Thus, the "My Friends" list of the invitee's My Home mini-site ("*first website*") (**pink**) includes the name of the invitor (**orange**) which is associated with the link (**orange arrow**) to the invitor's My Home page ("*second website*"). Since the name of the invitor is "*market[ed]*" on the "*first website*," a Skilled Artisan would have understood that the invitor's name with a click-through

link to the invitor's My Home page ("*second website*") displayed on the My Friends page of the "*first website*" is "*a first functional marketing element*."




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

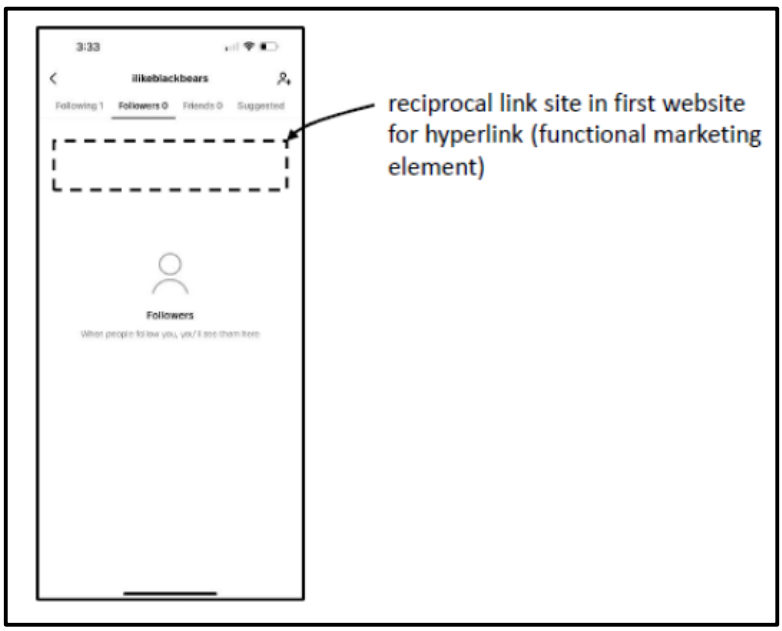
188. Indeed, for the purposes of infringement, Patent Owner argues that a "*first functional marketing element*" on the "*first website*" is the username of a second TikTok user with a hyperlink to the second TikTok user's profile page ("*second website*"). *Compare* EX1012 at 59 (top), 62, *with* EX1007, Figs. 8, 3 (bottom); *see also* EX1011, 59.




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

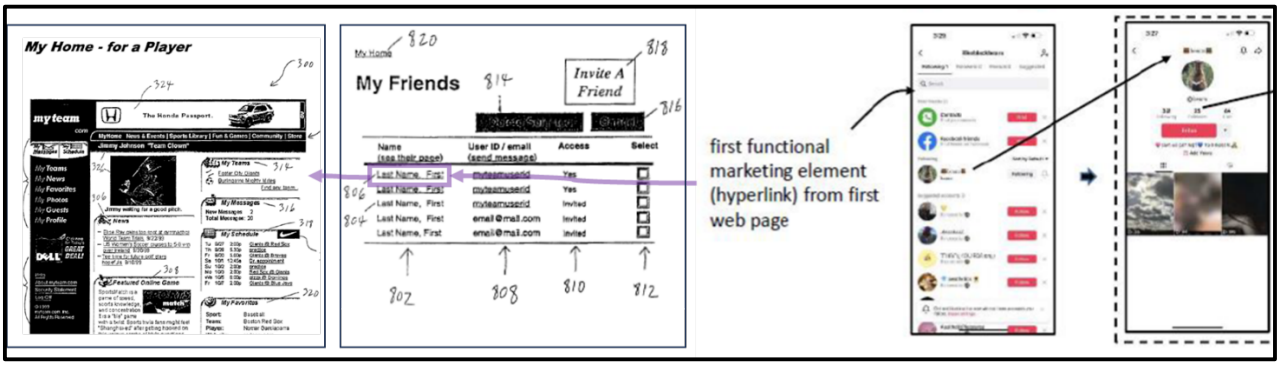
189. As explained above (*supra* §VI.A), a "*reciprocal site*" is a location within a website for displaying links to other websites. As explained above (*supra* §VII.A.2.a), since the invitee's name with a link to the "*first website*" is on the "*second website*" and the invitor's name with a link to the "*second website*" is on the "*first website*" when the invitee accepts an invitation from the invitor and hence the "relationship is **reciprocal**," a Skilled Artisan would have understood that the invitee's My Friends page is the "*reciprocal site in the first website*," "*establish[ed]*" when the invitee accepts an invitation from the invitor.

190. Indeed, for the purposes of infringement, Patent Owner argues that a "*reciprocal [] site in the first website*" is the followers list in the user profile associated with a first TikTok user:




EX1012, 64; *see also* EX1011, 64.

191. A Skilled Artisan would appreciate that the "My Friends page" of Block operates in essentially the same manner as the accused followers list on TikTok. Thus, a Skilled Artisan would have understood that the invitee's My Friends page is the "reciprocal site in the first website." *Compare* EX1007, Fig. 8 (left) *with* EX1012, 59 (right).




EX1007, Fig. 8 (left) and EX1012, 59 (right) (combined and annotated).

192. Accordingly, Block discloses "*establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element.*"

f. ***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***

193. In my opinion, Block discloses and renders obvious "*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.*"

194. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's My Home mini-site, and a "*second website*" which

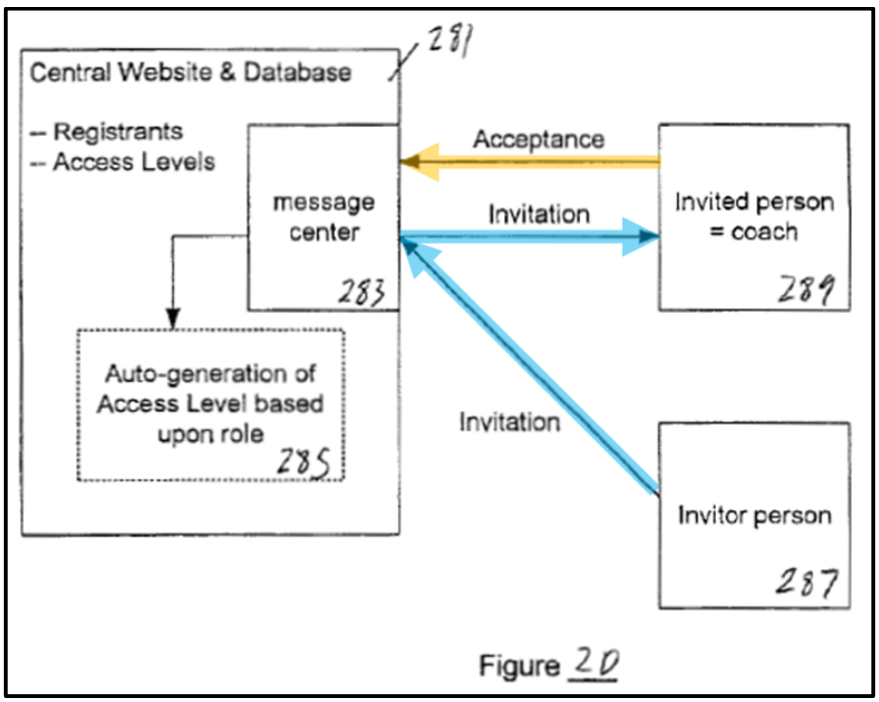
is the invitor's My Home mini-site, where both the "*first website*" and "*second website*" each include its own My Friends pages.

195. As explained above (*supra* §VII.A.2.e), Block discloses "*first functional marketing element*" which is the invitor's name with a click-through link to the invitor's My Home page ("*second website*") displayed on the My Friends page of the "*first website*." As explained above (*supra* §VII.A.2.d), Block discloses the "*second functional marketing element*" which is the invitee's name with a click-through link to the invitee's My Home page ("*first website*") displayed on the My Friends page of the invitor's My Home mini-site ("*second website*").

196. As explained above (*supra* §VII.A.2.a), Block discloses "*establishing a reciprocal arrangement between a first website and a preexisting second website*" by causing (i) the "*second website*" to include the invitee's name with a link to the "*first website*" ("*(i) the second website to implement the second functional marketing element*") and (ii) the "*first website*" to include the invitor's name with a link to the "*second website*" when the invitee accepts an invitation from the invitor ("*(ii) the first website to implement the first functional marketing element*"). Block teaches that when an invitee accepts (**orange**) an invitation (**blue**) from the invitor, the invitee gets its own My Home mini-site. EX1007, [0091], [0094], [0098].

197. Since the invitee gets its own My Home mini-site when it accepts the invite, the invitee's acceptance (**orange**) is "*a request by a first user to implement*

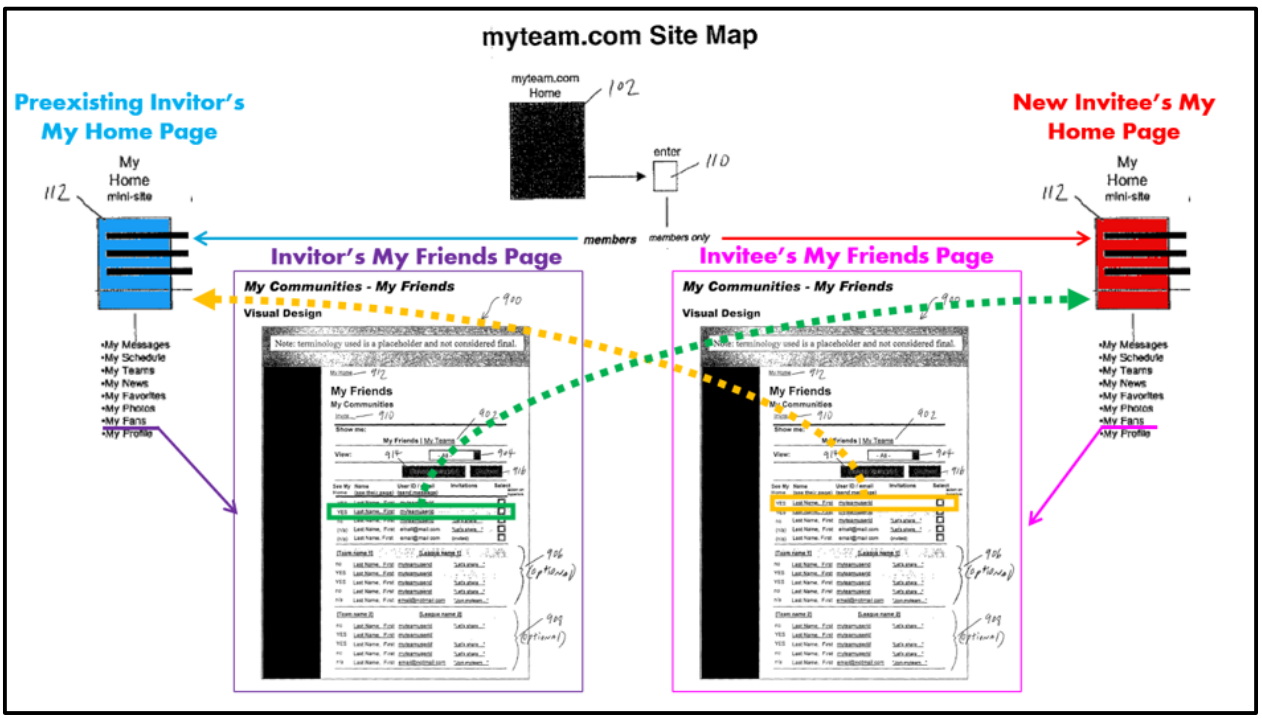
*the first website*." *See supra* §VII.A.2.c. Since the invitee's My-Home mini-site should be accessible by others after it is implemented and turned into a "Member Account," a Skilled Artisan would have understood that "*the first website* [*is*] *activated with respect to the internet*" after it is implemented. *See id.*, [0093] ("When the registration form is successfully completed and submitted, the Shell Account is replaced with a "Member Account" which references the Member-ID and which contains the primary information about this website Member and all security access relationships to all communities in which the Member is a Participant.").




EX1007, Fig. 2D (annotated).

198. The reciprocal arrangement is implemented upon the invitee's acceptance and creation of its My-Home mini-site, i.e., "*upon the first website being*

*activated with respect to the internet*." For example, as shown below, once the Invitee's mini-site is created the "*first functional marketing element*" (**orange**) and "*second functional marketing element*" (**green**) will be active.




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

199. To the extent forming a "*reciprocal arrangement*" requires opting into the relationship, as discussed below (*infra* §VII.A.5.m), Block discloses it.

200. Accordingly, a Skilled Artisan would have understood that Block discloses "*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.*"

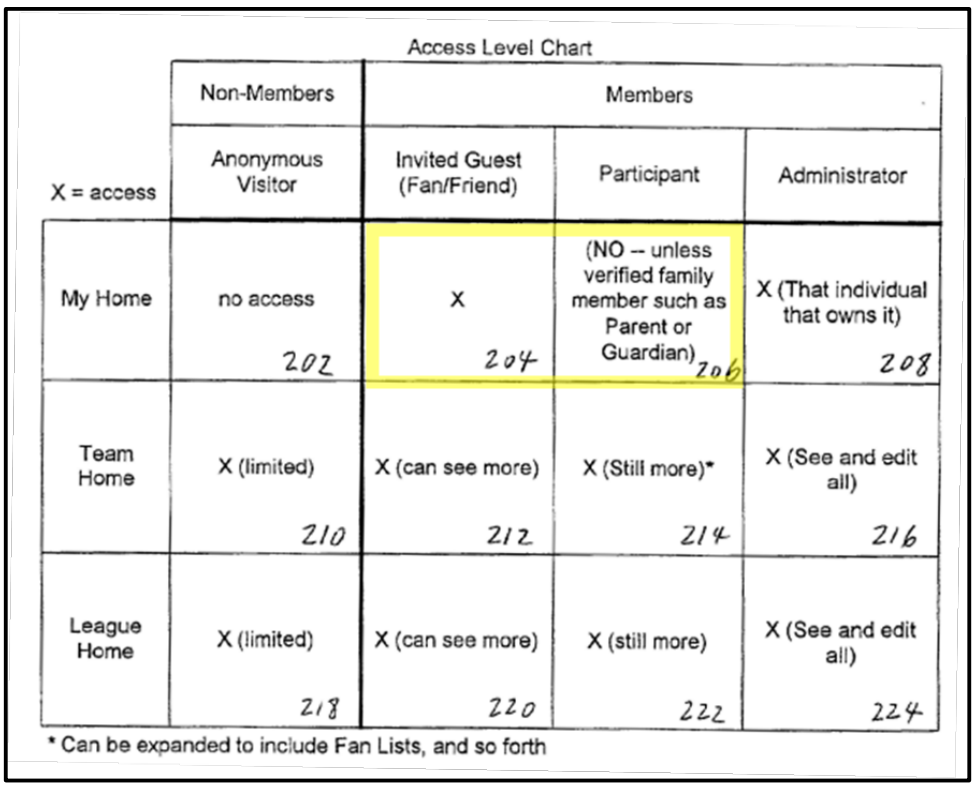
g. ***4[f]: the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and***

201. In my opinion, Block discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

202. As explained above (*supra* §VII.A.2.e), Block discloses the "*first functional marketing element*" which is the invitor's name associated with a click-through link to the invitor's My Home page ("*second website*") displayed on the My Friends page of the "*first website*." Block explains that myteam.com is "**an Internet** website structure." EX1007, [0033]; *id.*, [0133] ("If the name is underlined or highlighted, i.e. name 806, then permission has been granted by that person to see their My Home page. The user can thereby click-through on the name in order to see that person's My Home page."). Since myteam.com is "an Internet website structure," a Skilled Artisan would have understood that "*the first functional marketing element directs, **via the internet**,*" a user "*to the second website.*"

203. Block explains that a user other than the owner of "*the first website*" can access the My Friends page of a My-Home mini-site (e.g., invitee's "*first website*"). For example, as shown in Fig. 2, 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, [0107]-[0108], Fig. 2;

*id.*, [0020] ("[W]hen a parent is added to the information for a child, they are automatically granted access to the child's home page and to any team or league that the child is a participant in."); *id.*, [0091], [0118]. A Skilled Artisan would understand that this access would include access to the "My Friends" page of the My Home mini-site.



Access Level Chart

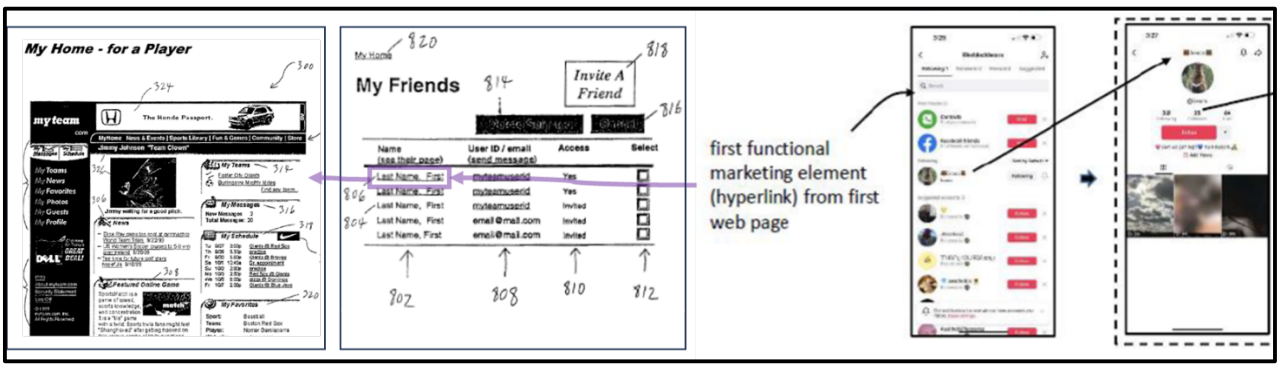
| X = access | Non-Members | Members | | |
|---|---|---|---|---|
| | Anonymous Visitor | Invited Guest (Fan/Friend) | Participant | Administrator |
| My Home | no access 202 | X 204 | (NO -- unless verified family member such as Parent or Guardian) 206 | X (That individual that owns it) 208 |
| Team 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).

204. For example, a "*second user*" with access to the invitee's My Home ("*first website*") has access to the My Friends page of the "*first website.*" If the "*second user*" is a user with permission to view the invitor's website, the invitor's name on the invitee's My-Friends page of the "*first website*" will be a link. *Id.*, [0128], [0133]. As shown below, since a "*second user*" visiting the My Friends page

of the "*first website*" can be directed to the invitor's My Home page ("*second website*") upon clicking the invitor's name associated with a hyperlink ("*first functional marketing element*") to the "*second website*," a Skilled Artisan would have understood "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website*." *Compare* EX1007, Fig. 8 *with* EX1012, 59; *see also* EX1011, 59.




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

h. ***4[g]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

205. In my opinion, Block discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

206. As explained above (*supra* §VII.A.2.d), Block discloses the "*second functional marketing element*" which is the invitee's name with a click-through link to the invitee's My Home page ("*first website*") displayed on the My Friends page of the "*second website*." Block explains that myteam.com is "**an Internet** website

structure." EX1007, [0033]; *id.*, [0133] ("If the name is underlined or highlighted, i.e. name 806, then permission has been granted by that person to see their My Home page. The user can thereby click-through on the name in order to see that person's My Home page."). Since myteam.com is "an Internet website structure," a Skilled Artisan would have understood that "*the second functional marketing element directs, **via the internet**,*" a user "*to the first website.*"

207. Just like the "*second user*" as explained above (*supra* §VII.A.2.g), for example, a "*third user*" can be a user with access to the invitor's My Home ("*second website*") such as "an Invited Guest (or Fan/Friend)" and "a Participant who is a verified family member, such as a parent or guardian." *Id.*, [0107]-[0108], [0020], Fig. 2. A "*third user*" with access to the invitor's My Home ("*second website*") has access to the My Friends page of the "*second website.*" If the "*third user*" is a user with permission to view the invitee's website, the invitee's name on the invitor's My-Friends page of the "*second website*" will be a link. *Id.*, [0128], [0133].

208. Since a "*third user*" visiting the My Friends page of the "*second website*" can be directed to the invitee's My Home page ("*first website*") upon clicking the invitee's name associated with a hyperlink ("*second functional marketing element*") to the "*first website*," a Skilled Artisan would have understood "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

i. ***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.***

209. In my opinion, Block discloses and renders obvious "*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*."

210. As explained above (*supra* §VII.A.2.e), Block discloses the "*first functional marketing element*" which is the invitor's name with a click-through link to the invitor's My Home page ("*second website*") displayed on the My Friends page of the "*first website*." As explained above (*supra* §VII.A.2.d), Block discloses the "*second functional marketing element*" which is the invitee's name with a click-through link to the invitee's My Home page ("*first website*") displayed on the My Friends page of the "*second website*." Since "*the first functional marketing element*" includes "*a hyperlink to the second website*," and "*the second functional marketing element*" includes "*a hyperlink to the first website*," Block discloses "*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*."

j. ***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.***

211. In my opinion, Block discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

212. As explained above (*supra* §VII.A.2.a), Block discloses "*establishing a reciprocal arrangement between a first website and a preexisting second website*." As explained above (*supra* §VII.A.2.f), Block teaches that such reciprocal arrangement is formed when an invitee accepts an invitation from the invitor. EX1007, [0091], [0093]-[0094], [0098], Fig. 2D. Since the reciprocal arrangement is based upon both the invitor sending an invitation to the invitee and the invitee accepting the invitation, a Skilled Artisan would have understood that Block discloses "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

3. Claim 5 And Its Dependents Claims 6, 26-27

a. ***5[pre]: A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:***

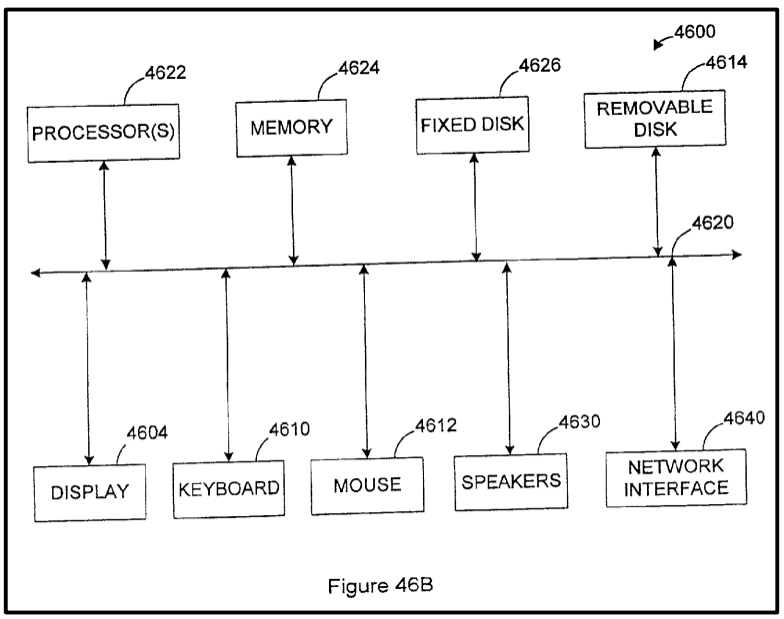
213. In my opinion, Block discloses and renders obvious a "*computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website.*"

214. As explained above (*supra* §VII.A.2.a), Block would meet this limitation.

b. ***5[a]: at least one processor, the at least one processor configured for***

215. In my opinion, Block discloses and renders obvious "*at least one processor*."

216. As explained above (*supra* §VII.A.2.a), Block describes "*computer hardware website implementation system*" where "[a] website or webpage can be hosted on computers and servers." EX1007, [0207]. Block describes an example of a block diagram for the computer system 4600 ("*computer hardware website implementation system*") which includes "[p]rocessor(s) 4622 (also referred to as central processing units, or CPUs)." EX1007, [0209]. Accordingly, Block discloses "*at least one processor*."




EX1007, Fig. 46B.

c. ***5[b]: registering the second website with the website implementation system;***

217. In my opinion, Block discloses and renders obvious "*registering the second website with the website implementation system.*"

218. As explained above (*supra* §VII.A.2.b), Block would meet this limitation.

d. ***5[c]: receiving a request by a first user to implement the first website;***

219. In my opinion, Block discloses and renders obvious "*receiving a request by a first user to implement the first website.*"

220. As explained above (*supra* §VII.A.2.c), Block would meet this limitation.

e. ***5[d]: receiving a selection by the first user as to a second functional marketing element to be activated on the second website;***

221. In my opinion, Block discloses and renders obvious "*receiving a selection by the first user as to a second functional marketing element to be activated on the second website.*"

222. As explained above (*supra* §§VII.A.2.d), Block would meet this limitation.

f. ***5[e]: establishing a reciprocal site in the first website for a first functional marketing element; and***

223. In my opinion, Block discloses and renders obvious "*establishing a reciprocal site in the first website for a first functional marketing element.*"

224. As explained above (*supra* §VII.A.2.e), Block would meet this limitation.

g. ***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***

225. In my opinion, Block discloses and renders obvious "*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*."

226. As explained above (*supra* §VII.A.2.f), Block would meet this limitation.

h. ***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***

227. In my opinion, Block discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

228. As explained above (*supra* §VII.A.2.g), Block would meet this limitation.

i. ***5[h]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

229. In my opinion, Block discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

230. As explained above (*supra* §VII.A.2.h), Block would meet this limitation.

j. ***6: The website implementation system of claim 5, further comprising a database of registered websites.***

231. In my opinion, Block discloses and renders obvious "*further comprising a database of registered websites.*"

232. Block describes "the concept of **the central website system and/or database** providing for (optional) auto-generation of an access level based upon the role of the person being invited to join the website." EX1007, [0119]. "**The central website and database 281** will store information such as the registrants and their access levels." *Id.*, [0119], Abstract ("The membership database for the website is built via invitations from member users to non-member users."). *See also infra* §VII.A.7.c.

233. Accordingly, Block discloses "*further comprising a database of registered websites.*"

k. ***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.***

234. In my opinion, Block discloses and renders obvious "*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*."

235. As explained above (*supra* §VII.A.2.i), Block would meet this limitation.

l. ***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.***

236. In my opinion, Block discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

237. As explained above (*supra* §VII.A.2.j), Block would meet this limitation.

4. Claim 7 And Its Dependents Claim 28-29

a. ***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:***

238. In my opinion, Block discloses and renders obvious 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.*"

239. Block discloses a "*computer program product including a computer-readable storage medium having stored therein computer usable program code*," where "*the computer usable program code*" is "*executed by a computer hardware implementation system*." Block teaches that "embodiments of the present invention further relate to computer storage products with **a computer readable medium that have computer code thereon for performing various computer-implemented operations**." EX1007, [0211]. "Examples of computer code include machine code, such as produced by a compiler, and files containing higher level code **that are executed by a computer** using an interpreter." *Id.* Block's "computer code" executes on the "*computer hardware*" of Block, discussed above. EX1007, [0209], [0211]. *Supra* §VII.A.2.a.

240. As explained above (*supra* §VII.A.2.a), Block discloses "*establishing a reciprocal arrangement between a first website and a preexisting second website*."

b. ***7[a]: registering the second website with the website implementation system;***

241. In my opinion, Block discloses and renders obvious "*registering the second website with the website implementation system.*"

242. As explained above (*supra* §VII.A.2.b), Block would meet this limitation.

c. ***7[b]: receiving a request by a first user to implement the first website;***

243. In my opinion, Block discloses and renders obvious "*receiving a request by a first user to implement the first website.*"

244. As explained above (*supra* §VII.A.2.c), Block would meet this limitation.

d. ***7[c]: receiving a selection by the first user as to a second functional marketing element to be activated on the second website;***

245. In my opinion, Block discloses and renders obvious "*receiving a selection by the first user as to a second functional marketing element to be activated on the second website.*"

246. As explained above (*supra* §VII.A.2.d), Block would meet this limitation.

e. ***7[d]: establishing a reciprocal site in the first website for a first functional marketing element; and***

247. In my opinion, Block discloses and renders obvious "*establishing a reciprocal site in the first website for a first functional marketing element.*"

248. As explained above (*supra* §VII.A.2.e), Block would meet this limitation.

f. ***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 the first functional marketing element, and (ii) the second website to implement the second functional marketing element, wherein***

249. In my opinion, Block discloses and renders obvious "*upon the first website being activated with respect to the internet, 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*."

250. As explained above (*supra* §VII.A.2.f), Block would meet this limitation.

g. ***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***

251. In my opinion, Block discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website*."

252. As explained above (*supra* §VII.A.2.g), Block would meet this limitation.

h. ***7[g]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

253. In my opinion, Block discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website*."

254. As explained above (*supra* §VII.A.2.h), Block would meet this limitation.

i. ***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.***

255. In my opinion, Block discloses and renders obvious "*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*."

256. As explained above (*supra* §VII.A.2.i), Block would meet this limitation.

j. ***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.***

257. In my opinion, Block discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

258. As explained above (*supra* §VII.A.2.j), Block would meet this limitation.

5. Claim 8 And Its Dependent Claims 9-13, 20-21

a. ***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:***

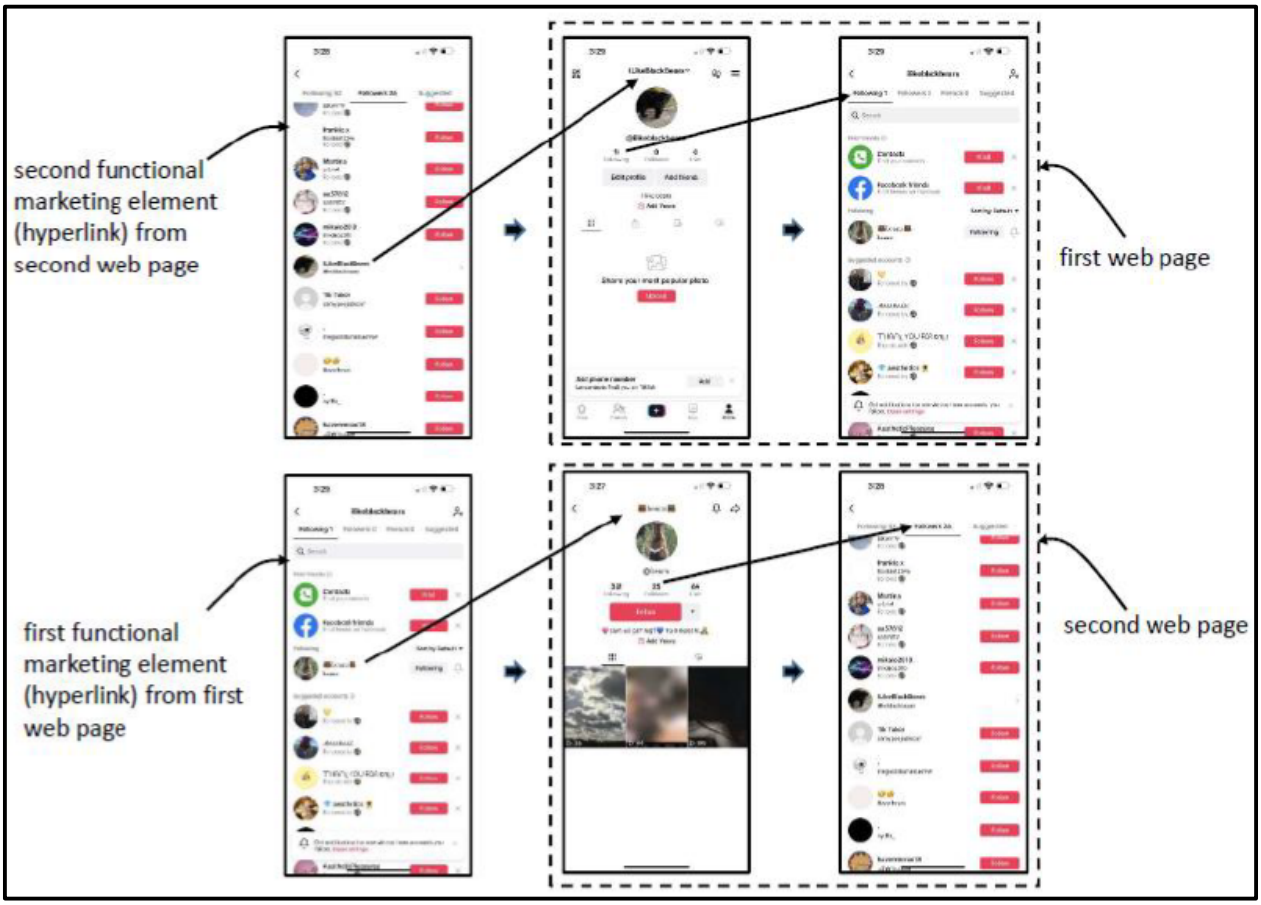
259. In my opinion, Block discloses and renders obvious a "*method, within a computer hardware web page implementation system, of establishing a reciprocal arrangement between a first web page, associated with a first user, and a second web page*."

260. As explained above (*supra* §VII.A.2.a), Block discloses a "*method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first* ***website*** *and a preexisting second* ***website***," where a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site. Because Block is used to implement websites that include "*web pages*," it also discloses a "*web page implementation system*." *Supra* §VII.A.2.a.

261. Block discloses that both the "*first website*" and "*second website*" each includes multiple web **pages**. Block explains that a member "gets their own My Home page, and links on their My Home mini-site **pages** to the My Home, Team

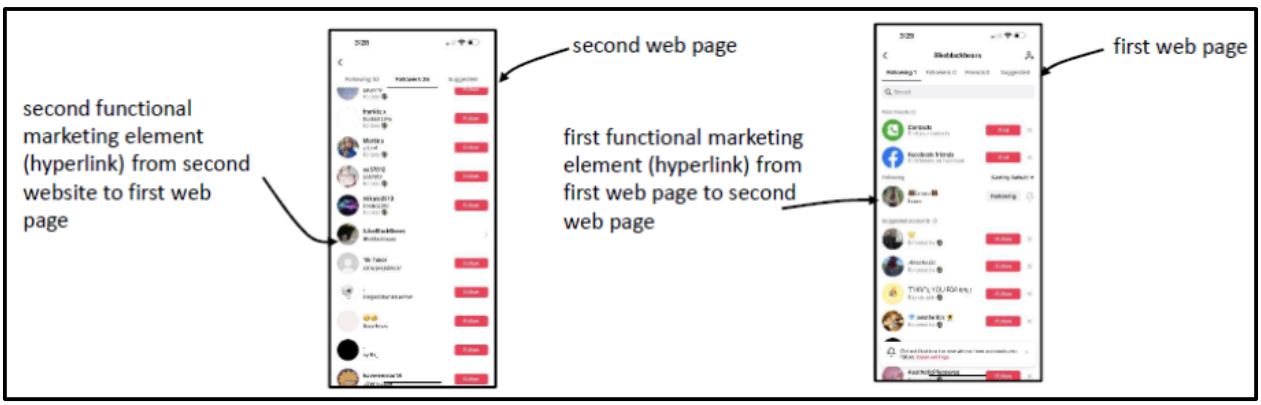
Home and/or League Home pages to which they were invited." EX1007, [0094]. "Linked **pages** associated with the My Home mini-site include, for example: My Messages, My Schedule, My Teams, My New, My Favorites, My Fans, and My Profile." *Id.*, [0098]; *id.*, [0011] ("a website, as comprised of webpages"); *id.*, [0015] ("myteam.com . . . includes a multitude of web pages."). Since the "*first website*" is the *first user*'s My Home mini-site, a Skilled Artisan would have understood that "*first website*" includes a "*first web page, associated with a first user*." A Skilled Artisan would have also understood that a "*second website*" includes a "*second web page*" associated with another user other than the "*first user*."

262. Indeed, for the purposes of infringement, Patent Owner argues that a "*first web page*" is the user profile associated with a first TikTok user and a "*second web page*" is the user profile associated with a second TikTok user. *Compare* EX1012, 69 *with* EX1012, 59, 66 (mapping the [first/second] user profile associated with [first/second] TikTok user to both "[first/second] website" and "[first/second] web page"); *see also* EX1011, 69.

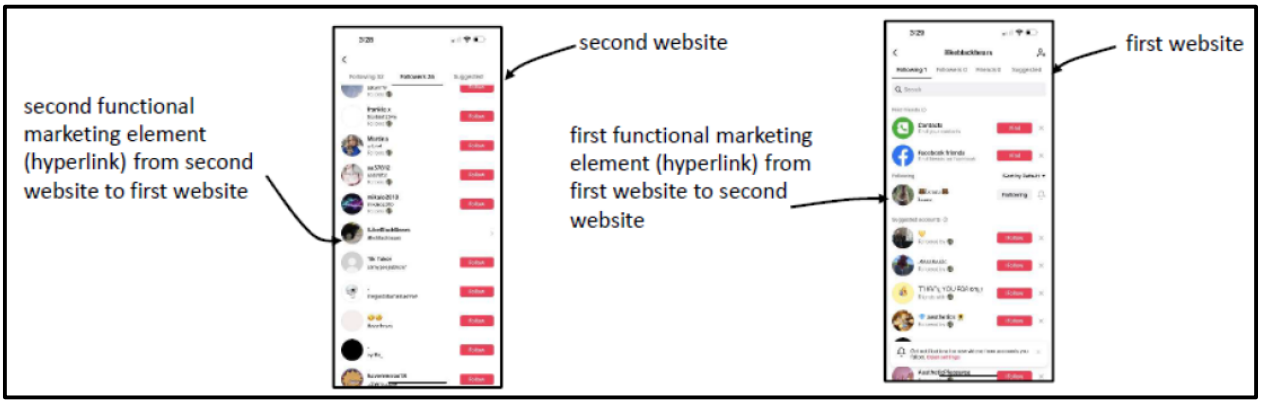



EX1012, 69; *see also* EX1011, 69.

*Compare* EX1012, 73 *with* EX1012, 65.




EX1012, 73.

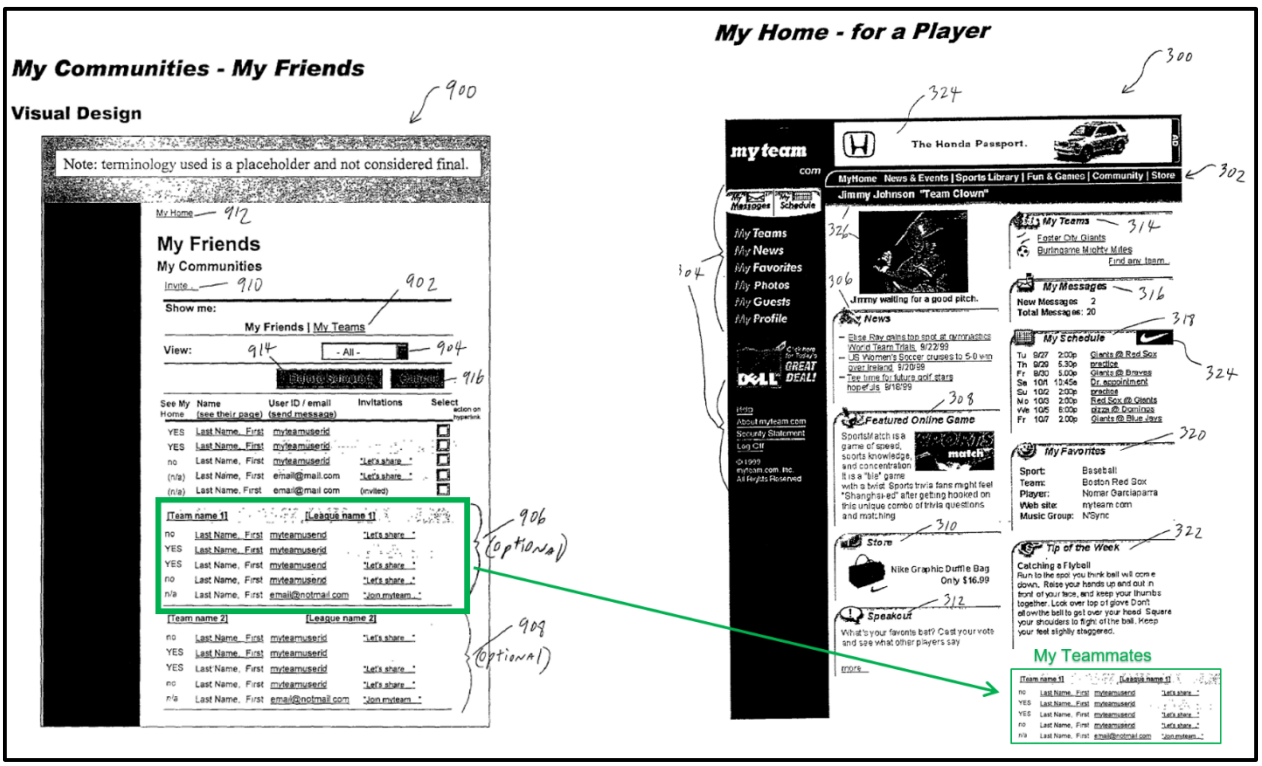



EX1012, 65.

263. A Skilled Artisan would appreciate that the "mini-site" of Block operates in essentially the same manner as the accused first and second websites on TikTok. As explained above (*supra* §VII.A.2.a) and in view of Patent Owner's infringement contentions, a Skilled Artisan would have understood that for example, a "*first web page*" is a My Friends page on invitee's My Home mini-site ("*first website*") and a "*second web page*" is a My Friends page on invitor's My Home mini-site ("*second website*").

264. For the purposes of infringement, Patent Owner argues that a reciprocal arrangement is established between a "*first web page*" and a "*second web page*," just like the reciprocal arrangement established between a "*first website*" and a "*second website*." *Compare* EX1012, 68-69, *with id.*, 58-60. In view of Patent Owner's infringement contentions, a "*first web page*" and a "*second web page*" can have a "*reciprocal arrangement*," just like the "*reciprocal arrangement between a first website and a preexisting second website*" explained above (*supra* §VII.A.2.a).

265. To the extent 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, it would have been obvious to establish the "*reciprocal arrangement*" between two users' My-Home page. Each My-Home page already includes capsules that include team information such as schedule, team listings, etc. *Infra* §VII.A.5.g. Moreover, the My-Friends Page already includes a listing of teammates (Fig. 9). EX1007, [0134]. It would have been obvious to include this listing on each user's My-Home page as an additional capsule (as shown below).




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

266. A Skilled Artisan would have been motivated to include teammate information on the My-Home page at least because it would be a simple matter of

reusing an existing component in the Block system. Moreover, 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 Skilled Artisan to modify the My-Home of Block. EX1007, [0211]. Finally, a Skilled Artisan would have appreciated that since the purpose of Block is to build "website communities" including a teammates capsule would increase the likelihood that individuals will see and send friend requests to other members because they will no longer be required to go to a separate webpage to see connections. EX1007, [0033].

267. Accordingly, Block discloses 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*."

b. ***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;***

268. In my opinion, Block discloses and renders obvious "*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.*"

269. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site. As explained above (*supra*

§VII.A.5.a), "*first website*" includes a "*first web page*" and a "*second website*" includes a "*second web page*."

270. As explained above (*supra* §VII.A.2.d), Block discloses "*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*," where the "*second functional marketing element to be activated on the second website*" is the name of the invitee ("*first user*") with a click-through link to the invitee's My Home page displayed on the invitor's My Friends Page ("*second web page*"). Since the "*second functional marketing element*" is the name of the invitee ("*first user*") with a click-through link to the invitee's My Home page, a Skilled Artisan would have understood that Block discloses "*a second functional marketing element, associated with the first user*."

271. As explained above (*supra* § VII.A.2.a), in Figure 8, Block describes a My Friends page ("*second web page*") on the invitor's My Home mini-site ("*second website*") that includes the name of the invitee associated with a click-through link to that invitee's My Home page ("*a second functional marketing element, associated with the first user*," annotated in **purple**). Since "*a second functional marketing element, associated with the first user*" is placed on the "*second web page*" (a web page within the "*second website*"), and as explained above (*supra* §VII.A.2.d), Block discloses "*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.*"

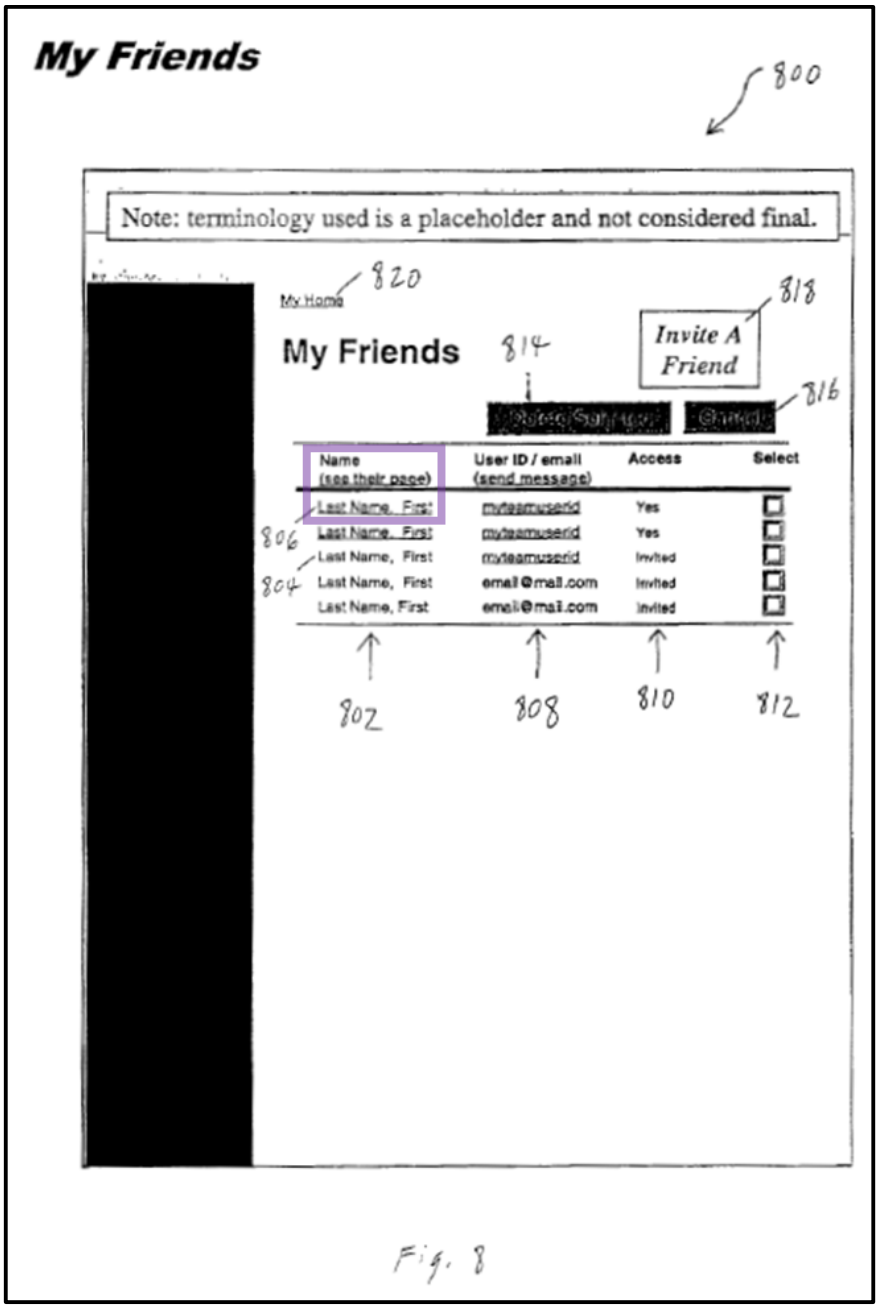



Fig. 8

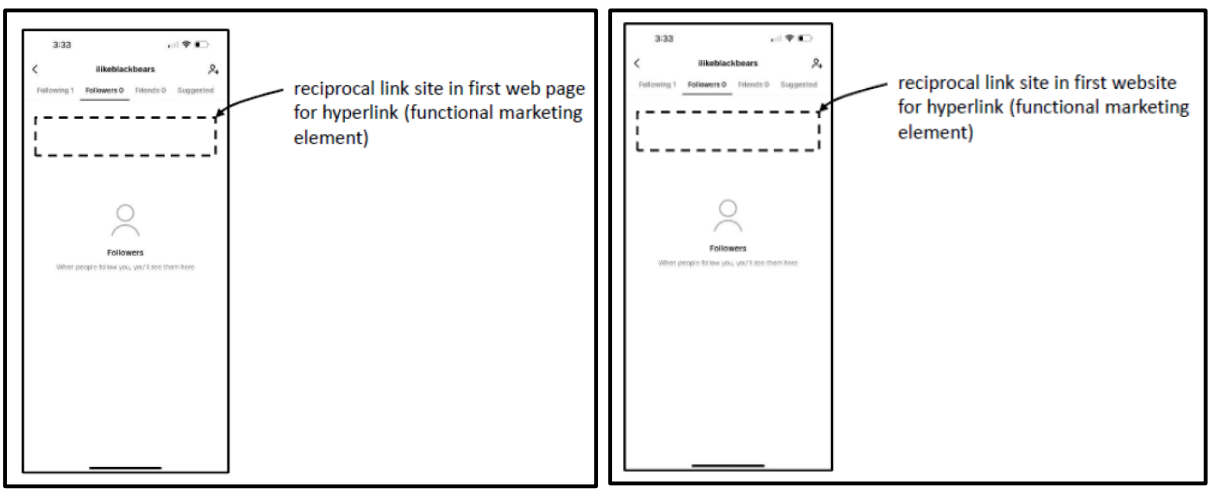
EX1007, Fig. 8 (annotated).

c. ***8[b]: establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and***

272. In my opinion, Block discloses and renders obvious "*establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element.*"

273. As explained above (*supra* §VII.A.2.e), Block discloses "*establishing, by the website implementation system, a reciprocal site in the first* ***website*** *for a first functional marketing element*," where the invitee's ("*first user's*") My Friends page is the "*reciprocal site in the first website*." As explained above (*supra* §VII.A.5.a), "*first website*" includes a "*first web page*."

274. For the purposes of infringement, Patent Owner argues that a "*reciprocal [] site in the first web page*" is the followers list in the user profile associated with a first TikTok user, just like the "*reciprocal [] site in the first website.*" *Compare* EX1012, 72, *with* EX1012, 64.



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

275. A Skilled Artisan would appreciate that "My Friends page" of Block operates in essentially the same manner as the accused followers list on TikTok. Thus, a Skilled Artisan would have understood that the invitee's ("first user's") My Friends page is the "*reciprocal site in the first web page*."

276. As explained above (*supra* §VII.A.2.e), Block would meet this limitation.

d. ***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***

277. In my opinion, Block discloses and renders obvious "*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*."

278. As explained above (*supra* §VII.A.2.a), Block discloses a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site. As explained above (*supra*

§VII.A.5.a), "*first website*" includes a "*first web page*" and a "*second website*" includes a "*second web page*."

279. As explained above (*supra* §VII.A.2.f), Block discloses "*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*." As explained above (*supra* §VII.A.5.a), in view of Patent Owner's infringement contentions, a Skilled Artisan would have understood that a "*first web page*" of the "*first website*" and a "*second web page*" of the "*second website*" can have a "*reciprocal arrangement*." A Skilled Artisan would have understood that such "*reciprocal arrangement*" is implemented "*upon the first web page being activated with respect to the internet*," as explained above (*supra* § VII.A.2.f).

280. As explained above (*supra* §VII.A.2.f), Block would meet this limitation.

e. ***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***

281. In my opinion, Block discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page*."

282. As explained above (*supra* §VII.A.5.a), in view of Patent Owner's infringement contentions, a Skilled Artisan would have understood that a "*first web page*" of the "*first website*" and a "*second web page*" of the "*second website*" can have a "*reciprocal arrangement.*"

283. As explained above (*supra* §VII.A.2.g), Block would meet this limitation.

f. ***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.***

284. In my opinion, Block discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.*"

285. As explained above (*supra* §VII.A.5.a), in view of Patent Owner's infringement contentions, a Skilled Artisan would have understood that a "*first web page*" of the "*first website*" and a "*second web page*" of the "*second website*" can have a "*reciprocal arrangement.*"

286. As explained above (*supra* §VII.A.2.h), Block would meet this limitation.

g. ***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.***

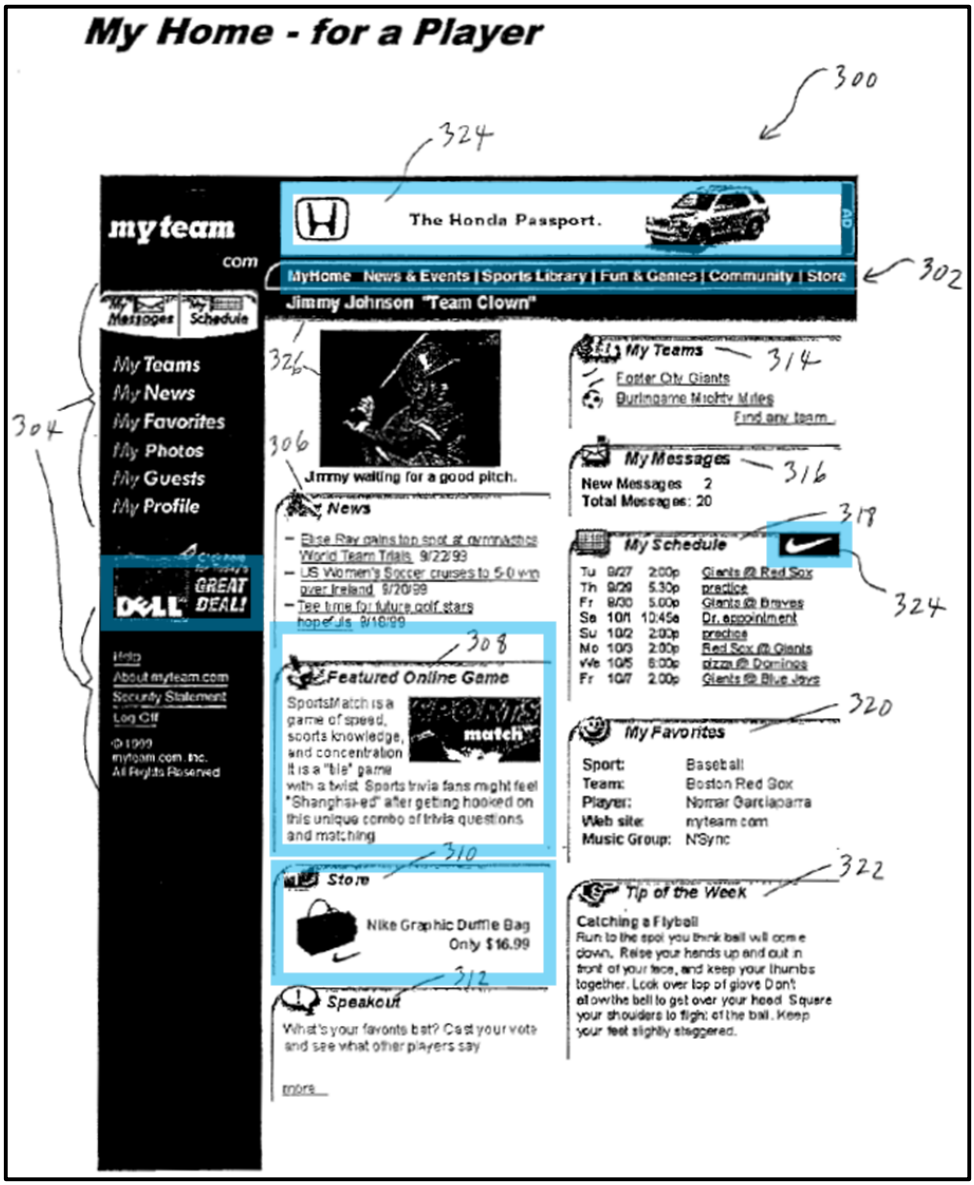
287. In my opinion, Block discloses and renders obvious "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

288. As explained above (*supra* § VII.A.2.a), Block discloses a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second website*" which is the invitor's My Home mini-site. As explained above (*supra* §VII.A.5.a), "*first website*" includes a "*first web page*" and a "*second website*" includes a "*second web page*." For example, the "*first web page*" is a My Friends page on invitee's My Home mini-site ("*first website*").

289. Block discloses "*a web asset*." Block describes that "**[i]nformation** displayed on Home pages is organized into 3 distinct views—a 'Capsule', a page and a detail page for a specific item of information." EX1007, [0095]. Block describes that a "Capsule is shown on a Home page and lists a summary of the most relevant content that is displayed on the page and to which the Capsule itself links." *Id.* "Clicking on a specific item of information in the Capsule will go directly to its respective detail information page." *Id.* For example, in Figure 3, Block describes various capsules "shown on the page, including news 306, online games 308, store 310, polls 312, My Teams 314, My Messages 316, My Schedule 318, My Favorites 320, and instructional information 322." *Id.*, [0121].

290. The ’971 Patent explains “[w]eb assets can include JAVA applets, scripts (including moving scripts and scripts written in a variety of internet languages such as PERL, CGI, SQL, JAVA, XML and HTML), stock art, clip art, digital art, background images, textures, GIF, JPEG, TIF, BMP, chat rooms, message boards, web objects, buttons, templates, themes, fading color, mouse over effects, borders, buttons, shadows, icons, internet designs, sounds, music, etc.” EX1001, 7:20-27. “In general, web assets are graphic images, including text and related color, sound and animation features, which can be displayed on a website.” *Id.*, 7:27-29.

291. Thus, “*web asset*” is in general, but not limited to, graphic image, including text and related color, sound and animation features, JAVA applets, and scripts which can be displayed on a website. A Skilled Artisan would have understood that Block’s capsule such as store 310, online games 308, and advertisements 324 and the information therein (annotated in **blue**) includes at least “graphic image, including text and related color, sound and animation features” and, therefore, is a “*web asset*.” For example, Block describes in Fig. 3 where store 310 capsule shows a “Nike Graphic Duffle Bag” (annotated in **blue**) and the advertisement 324 capsules each show a banner advertising the Honda Passport (top, annotated in **blue**), a Nike logo (right, annotated in **blue**), and a banner for Dell (left, annotated in **blue**). *See also* EX1007, [0096] (The store tab includes items “which can be acquired as ‘ecommerce’ (i.e. electronic commerce) items.”).




EX1007, Fig. 3 (annotated).

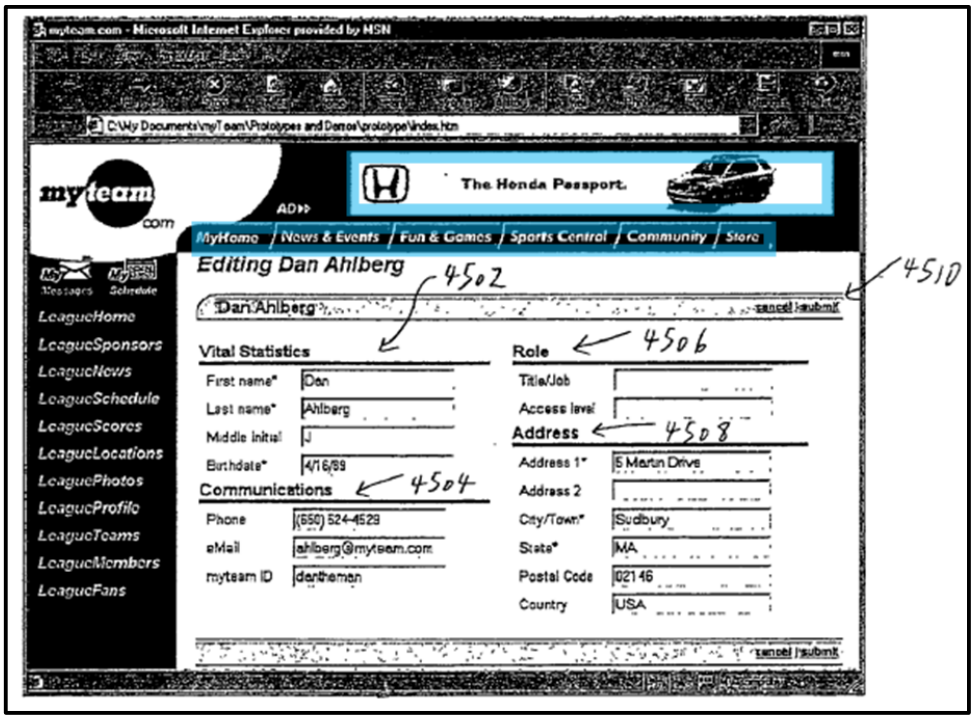
292. Block further describes "a variety of general tabbed information" which includes "'News & Events,' 'Sports Central,' 'Fun & Games,' 'Community,' and 'Store.'" (annotated in **blue** above). *Id.*, [0096]. "The 'Fun & Games' tab includes: online games, backyard games, comics, trivia & crosswords, free stuff, and contest information. The 'Community' tab includes: related articles, polls (i.e. favorite

equipment, etc.), 'ask the pro' information, issue of the week, and live chat events. The 'Store' tab is shown to include: equipment, auctions, personalized products, instructional products, myteam.com gear, and buying guides, all of which can be acquired as 'ecommerce' (i.e. electronic commerce) items." *Id.*, [0096]. A Skilled Artisan would have understood that the general tabbed information such as online games, ask the pro, live chat, or store, includes graphic images, JAVA applets, scripts, chat rooms, message boards, or web objects, and therefore is a "*web asset*."

293. Block discloses "*a web asset provided by a third party separate from the computer hardware system*." A Skilled Artisan would have understood that information in the capsules such as images of "Nike Graphic Duffle Bag" and "Honda Passport" are authored by a non-member of myteam.com, the respective advertisers like Nike or Honda. Thus, it would have been obvious to a Skilled Artisan that "*a web asset*" inserted into a web page is "*provided by a third party separate from the computer hardware system*."

294. Block discloses that the "*first web page*" (e.g., a My Friends page on invitee's My Home mini-site ("*first website*")) includes the "*web asset*." Block describes different pages within a My Home mini-site showing at least a banner advertising the Honda Passport on the top (e.g., annotated in **blue**, *see*, *e.g.*, Fig. 45 below). *See e.g.*, EX1007, Figs. 28-32, 34-36, 38-45. Thus, a Skilled Artisan would

have understood that the "*first web page*" can include "*a web asset provided by a third party separate from the computer hardware system*."



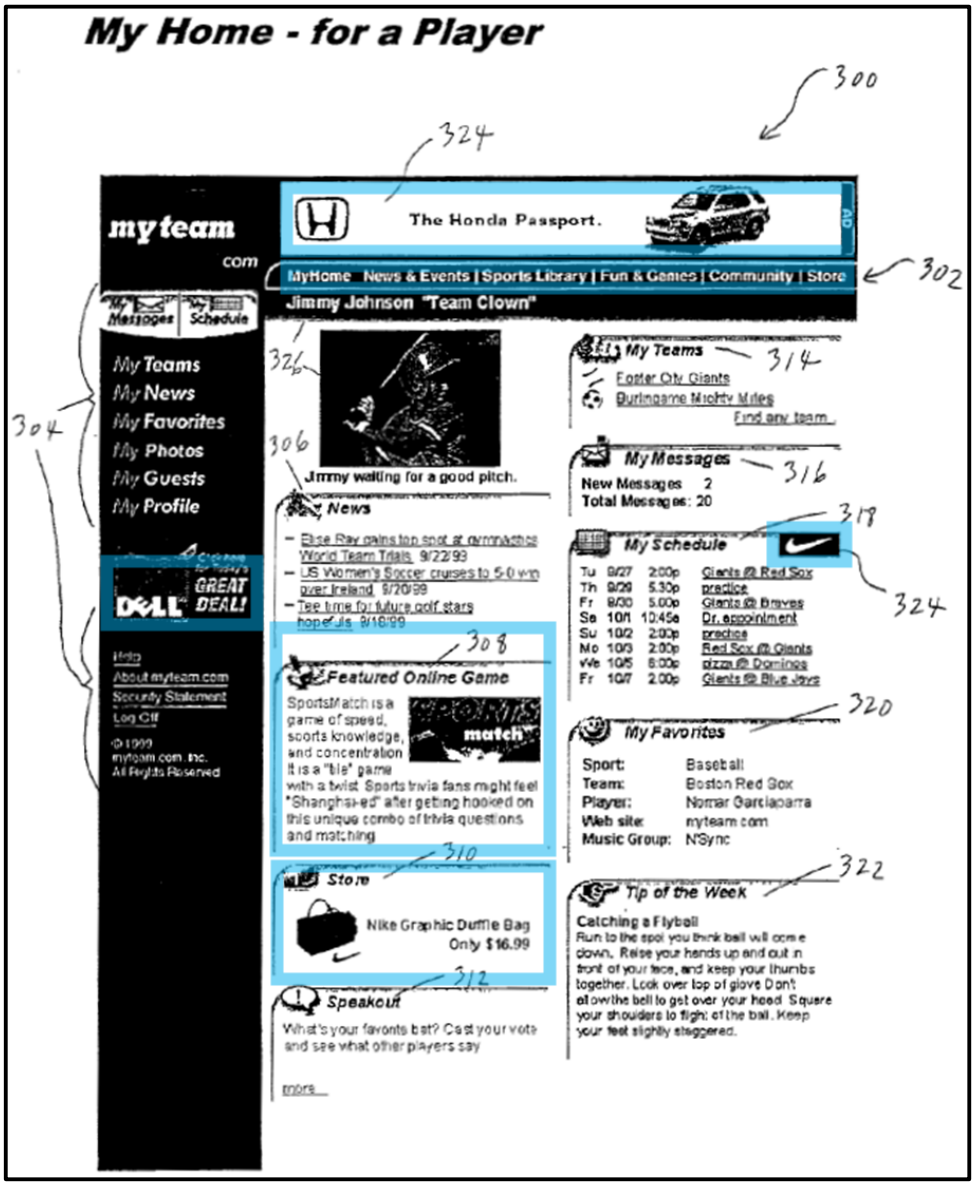

EX1007, Fig. 45 (annotated).

295. Accordingly, Block discloses "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

h. ***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.***

296. In my opinion, Block discloses and renders obvious "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

297. As explained above (*supra* §§VII.A.2.a, VII.A.5.a), Block discloses a "*first web page*" which is the My Friends page within the invitee's My Home mini-site ("*first website*"). As explained above (*supra* §VII.A.5.g), Block discloses "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*," where the "*web asset*" is a "capsule" on the web page, for example, such as a store link for the Nike Graphic Duffle Bag and the "*third party*" can be Nike. Block explains that the "'Store' tab is shown to include: equipment, auctions, personalized products, instructional products, myteam.com gear, and buying guides, all of which can be acquired as "ecommerce" (i.e. electronic commerce) items." EX1007, [0096]. Since myteam.com users can purchase "ecommerce" items placed in the "store" capsule ("*web asset*") or via the "store" tab, a Skilled Artisan would have understood that the "*third party*" seller such as Nike would be "*compensated*" "*based upon the web asset being included within the first web page site*."




EX1007, Fig. 3 (annotated).

298. As another example, Block describes that the "Community" tab includes "'ask the pro' information." *Id.*, [0096]. A Skilled Artisan would understand that any pro ("*third party*") would need to be compensated to be included on a "web page" of myteam.com. A Skilled Artisan would also be able to easily

create different compensation programs for users with no more than routine coding and optimization.

299. Accordingly, Block discloses "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

i. ***11: The method of claim 9, wherein the web asset is a functional application.***

300. In my opinion, Block discloses and renders obvious "*wherein the web asset is a functional application*."

301. As explained above (*supra* §VII.A.5.g), Block discloses "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*," where the "*web asset*" is a "capsule" on the web page, for example, such as online games, store, or "ask the pro" features under the community tab.

302. A Skilled Artisan would have understood that Block's capsule such as store 310, online games 308, and advertisements 324 are "*functional application[s]*." For example, the store capsule allows user to buy products from third parties. Likewise, a Skilled Artisan would have understood that the online games 308 capsule would build games using JAVA applets, scripts (including moving scripts and scripts written in a variety of internet languages such as PERL, CGI, SQL, JAVA, XML, and HTML). *See* EX1001, 7:20-29 ("**Web assets can include JAVA applets, scripts (including moving scripts and scripts** written in a

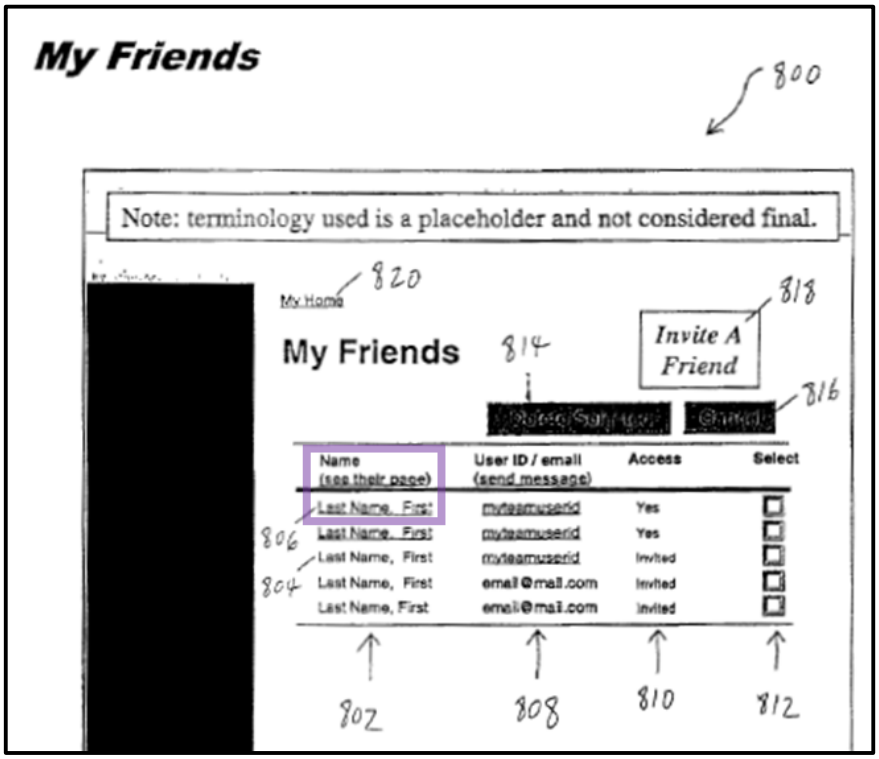
variety of internet languages such as PERL, CGI, SQL, JAVA, XML and HTML), stock art, clip art, digital art, background images, textures, GIF, JPEG, TIF, BMP, chat rooms, message boards, web objects, buttons, templates, themes, fading color, mouse over effects, borders, buttons, shadows, icons, internet designs, sounds, music, etc. In general, **web assets** are graphic images, including text and related color, sound and animation features, which can be displayed on a website."). A Skilled Artisan would have also understood that Block's "ask the pro" or "live chat" features are "*functional application[s]*."

303. Accordingly, Block discloses and renders obvious "*wherein the web asset is a functional application*."

j. ***12: The method of claim 8, wherein the second functional marketing element includes an image.***

304. In my opinion, Block discloses and renders obvious "*wherein the second functional marketing element includes an image*."

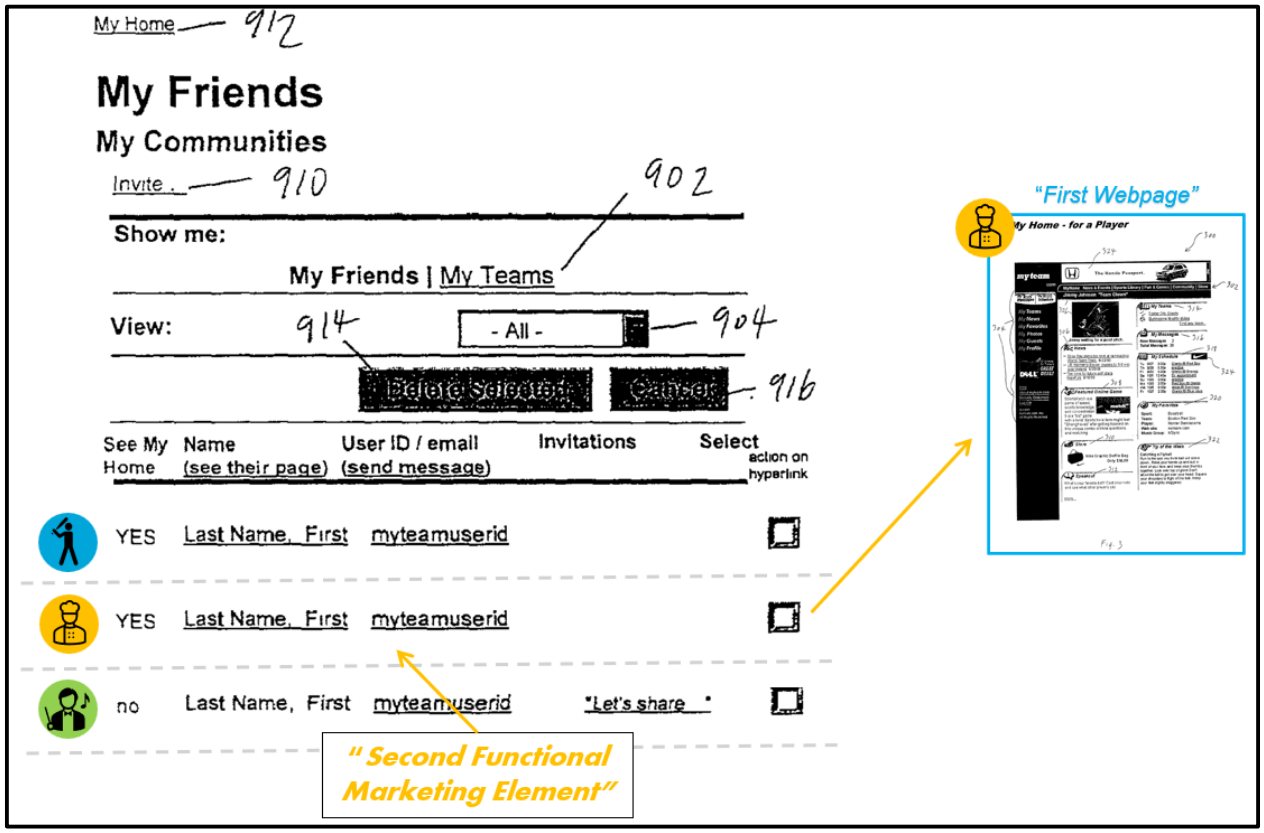
305. As explained above (*supra* §§VII.A.2.a, VII.A.5.b), in Figure 8, Block describes "*a second functional marketing element*" (annotated in **purple**) which is the name of the invitee associated with a click-through link to that invitee's My Home page displayed on the My Friends page ("*second web page*") on the invitor's My Home mini-site ("*second website*").




EX1007, Fig. 8 (annotated).

306. Block explains that the user can click-through the name of the persons "*the second functional marketing element*" on the My Friends list to see that person's My Home page. EX1007, [0133]; *see also id*. [0134], Fig. 9. Although Block only describes "*second functional marketing element*" as name (in text) of a person with a click-through link to that person's My Home page, Block describes other examples of click-through links presented via click-through boxes 602 or logos 421, 521. *Id.*, [0123], [0125], [0127], Figs. 4-6. Block also teaches that an individual's home page can include pictures of that individual. *See id.*, [0121] ("Personalized information 326 is shown regarding the owner of this page (Jimmy Johnson), including for instance pictures of the Player in action, or captions regarding the Player's

nickname."), Fig. 3. Since Block's system teaches displaying personalized image of the owner of a page, it would have been obvious for a Skilled Artisan to implement My Friends list in Fig. 8 to include the invitee's profile picture with a click-through link ("*second functional marketing element*") to the invitee's My Home page displayed on the invitor's "My Friends page" ("*second web page*") within the invitor's My Home mini-site ("*second website*") as shown below. In particular, a Skilled Artisan would have appreciated that associating a "functional marketing element" with an image was ubiquitous and common at this time. *Supra* §IV.E. Indeed, the background to the '971 Patent concedes that "banner ads" were "a common way of marketing a website on the internet." EX1001, 2:36-38. And it was well-known at the time that such banner ads could include links and images—e.g., "a seller simply creates a small graphic image, called a banner ad … [t]he banner ad has a hot link." EX1001, 2:56-60.




EX1007, Figs. 3, 9 (annotated)

307. Accordingly, Block discloses "*wherein the second functional marketing element includes an image*."

k. ***13: The method of claim 12, further comprising receiving, from the first user, the image.***

308. In my opinion, Block discloses and renders obvious "*receiving, from the first user, the image*."

309. As explained above (*supra* §VII.A.5.a), Block discloses that a "*first user*" is an invitee, or a new member of myteam.com, who owns a My Home mini-site ("*first website*") which includes a "*first web page*," for example, a My Friends Page. As explained above (*supra* §VII.A.5.j), in light of Block's teachings it would

have been obvious for a Skilled Artisan to implement the invitee's ("*first user*'s") name with a click-through link including an image, such as a profile picture, ("*second functional marketing element*") to the invitee's My Home page ("*first web page*") on the invitor's My Friends Page ("*second web page*").

310. Block teaches an image upload feature which allows a user to upload an image for a league logo which is to be displayed at the league home page. *Id.*, [0170] ("If a league logo exists, it will be displayed on the screen as indicated by the file in box 2908, which uploads the image, and overwrites any old images . . . . This logo is displayed at the top of the League Profile page, in addition to being displayed on the league home page."). Just like having an image upload feature for the league logo, it would have been obvious for a Skilled Artisan to implement an image upload feature to allow a user to upload an "*image*" such as a profile picture which can be used as a second functional marketing element. Thus, Block discloses "*receiving, from the [] user, the image*."

311. Block further teaches "*receiving, from the **first** user, the image*" for the "*the second functional marketing element*" inserted on the "*second web page*." As explained above (*supra* § VII.A.2.d), Block discloses "*receiving, by the website implementation system, **a selection by the first user as to a second functional marketing element***," where the "*second functional marketing element*" is the **name** of the invitee ("*first user*") with a click-through link to the invitee's My Home page

displayed on the invitor's My Home Page ("*second web page*"). Block also teaches that an individual's home page includes "personalized" information of that individual such as a picture or a nickname. *See id.*, [0121] ("Personalized information 326 is shown regarding the owner of this page (Jimmy Johnson), including for instance pictures of the Player in action, or captions regarding the Player's nickname."), Fig. 3. A Skilled Artisan would have understood that the "*the **first** user*" would upload a profile picture to be used in the myteam.com community, including another user's My Friends page. Thus, a Skilled Artisan would have understood that the profile image used as the "*second functional marketing element*" inserted on the invitor's My Friends page ("*second web page*") is received "*from the first user*."

312. Accordingly, Block discloses and renders obvious "*receiving, from the first user, the image*."

l. ***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.***

313. In my opinion, Block discloses and renders obvious "*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*."

314. As explained above (*supra* §§VII.A.2.e, VII.A.5.c), Block discloses the "*first functional marketing element*" which is the invitor's name associated with a click-through link to the invitor's My Home page ("*second website*") displayed on the My Friends page ("*first web page*") of the "*first website*." As explained above (*supra* §§VII.A.2.d, VII.A.5.b), Block discloses the "*second functional marketing element*" which is the invitee's name with a click-through link to the invitee's My Home page ("*first website*") displayed on the My Friends page ("*second web page*") of the "*second website*."

315. As explained above (*supra* §VII.A.5.a), for the purposes of infringement, Patent Owner argues that a reciprocal arrangement is established between a "first web page" and a "second web page," just like the reciprocal arrangement established between a "first website" and a "second website." *Compare* EX1012, 68-69, *with id*., 58-60. In view of Patent Owner's infringement contentions, a Skilled Artisan would have understood that a "*first web page*" of the "*first website*" and a "*second web page*" of the "*second website*" can have a "*reciprocal arrangement*."

316. Accordingly, Block discloses "*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*."

m. ***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.***

317. In my opinion, Block discloses and renders obvious "*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*."

318. As explained above (*supra* §VII.A.5.a), Block discloses a "*method . . . of establishing a* ***reciprocal arrangement*** *between a first web page, associated with a first user, and a second web page*," where a "*first web page*" is a web page of a "*first website*" which is the invitee's ("*first user*'s") My Home mini-site, and a "*second web page*" is a web page of a "*second website*" which is the invitor's My Home mini-site. As explained above (*supra* §§VII.A.2.a,VII.A.5.a), Block teaches that a "preexisting" member (invitor) who already "owns" a My Home mini-site ("*second website*" including a "*second web page*") can send an Invitation to a new Member (invitee) ("*first user*"). EX1007, [0091]. Since the "preexisting" member (invitor) owns the "*second web page*," a Skilled Artisan would have understood that the "preexisting" member (invitor) is a "*user associated with the second web page*," just like a "*first web page*" is "*associated with a first user*."

319. As explained above (*supra* §VII.A.2.a), Block teaches that "*a reciprocal arrangement*" is established when a new Member (invitee) ("*first user*") become a myteam.com Member by **accepting** an invitation from an invitor ("*user associated with the second web page*") who already "owns" a My Home mini-site

("*second website*" including a "*second web pagse*"). *Id.*, [0091], [0094]. Since the "*reciprocal arrangement*" is established when **both** the invitor **sends** an invitation to the invitee and the invitee **accepts** the invitation, a Skilled Artisan would have understood "*the reciprocal arrangement is based upon both the first user and a user associated with the second web page* ***opting into*** *the reciprocal arrangement*."

320. Accordingly, Block discloses and renders obvious "*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*."

6. Claim 14 And Its Dependent Claims 15-19, 22-23

a. ***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:***

321. In my opinion, Block discloses and renders obvious 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*."

322. As explained above (*supra* §§VII.A.2.a, VII.A.5.a), Block would meet this limitation.

b. ***14[a]: at least one processor, wherein the at least one processor is configured to perform:***

323. In my opinion, Block discloses and renders obvious "*at least one processor*."

324. As explained above (*supra* §§VII.A.2.c, VII.A.3.b), Block would meet this limitation.

c. ***14[b]: receiving a request by the first user to implement the first web page;***

325. In my opinion, Block discloses and renders obvious "*receiving a request by a first user to implement the first website*."

326. As explained above (*supra* §§VII.A.2.c, VII.A.3.d), Block would meet this limitation.

d. ***14[c]: generating a second functional marketing element, associated with the first user, to be activated on the second web page;***

327. In my opinion, Block discloses and renders obvious "*generating a second functional marketing element, associated with the first user, to be activated on the second web page*."

328. As explained above (*supra* §VII.A.5.b), Block would meet this limitation.

e. ***14[d]: establishing a reciprocal site in the first web page for a first functional marketing element; and***

329. In my opinion, Block discloses and renders obvious "*establishing a reciprocal site in the first web page for a first functional marketing element*."

330. As explained above (*supra* §VII.A.5.c), Block would meet this limitation.

f. ***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***

331. In my opinion, Block discloses and renders obvious "*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*."

332. As explained above (*supra* §VII.A.5.d), Block would meet this limitation.

g. ***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***

333. In my opinion, Block discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page*."

334. As explained above (*supra* §VII.A.5.e), Block would meet this limitation.

h. ***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.***

335. In my opinion, Block discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.*"

336. As explained above (*supra* §VII.A.5.f), Block would meet this limitation.

i. ***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.***

337. In my opinion, Block discloses and renders obvious "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

338. As explained above (*supra* §VII.A.5.g), Block would meet this limitation.

j. ***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.***

339. In my opinion, Block discloses and renders obvious "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

340. As explained above (*supra* §VII.A.5.h), Block would meet this limitation.

k. ***17: The system of claim 15, wherein the web asset is a functional application.***

341. In my opinion, Block discloses and renders obvious "*wherein the web asset is a functional application*."

342. As explained above (*supra* §VII.A.5.i), Block would meet this limitation.

l. ***18: The system of claim 14, wherein the second functional marketing element includes an image.***

343. In my opinion, Block discloses and renders obvious "*wherein the second functional marketing element includes an image*."

344. As explained above (*supra* §VII.A.5.j), Block would meet this limitation.

m. ***19: The system of claim 18, wherein the at least one processor is further configured to perform: receiving, from the first user, the image***

345. In my opinion, Block discloses and renders obvious "*receiving, from the first user, the image*."

346. As explained above (*supra* §VII.A.5.k), Block would meet this limitation.

n. ***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.***

347. In my opinion, Block discloses and renders obvious "*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*."

348. As explained above (*supra* §VII.A.5.l), Block would meet this limitation.

o. ***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.***

349. In my opinion, Block discloses and renders obvious "*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*."

350. As explained above (*supra* §VII.A.5.m), Block would meet this limitation.

7. Claim 1 And Its Dependent Claim 2

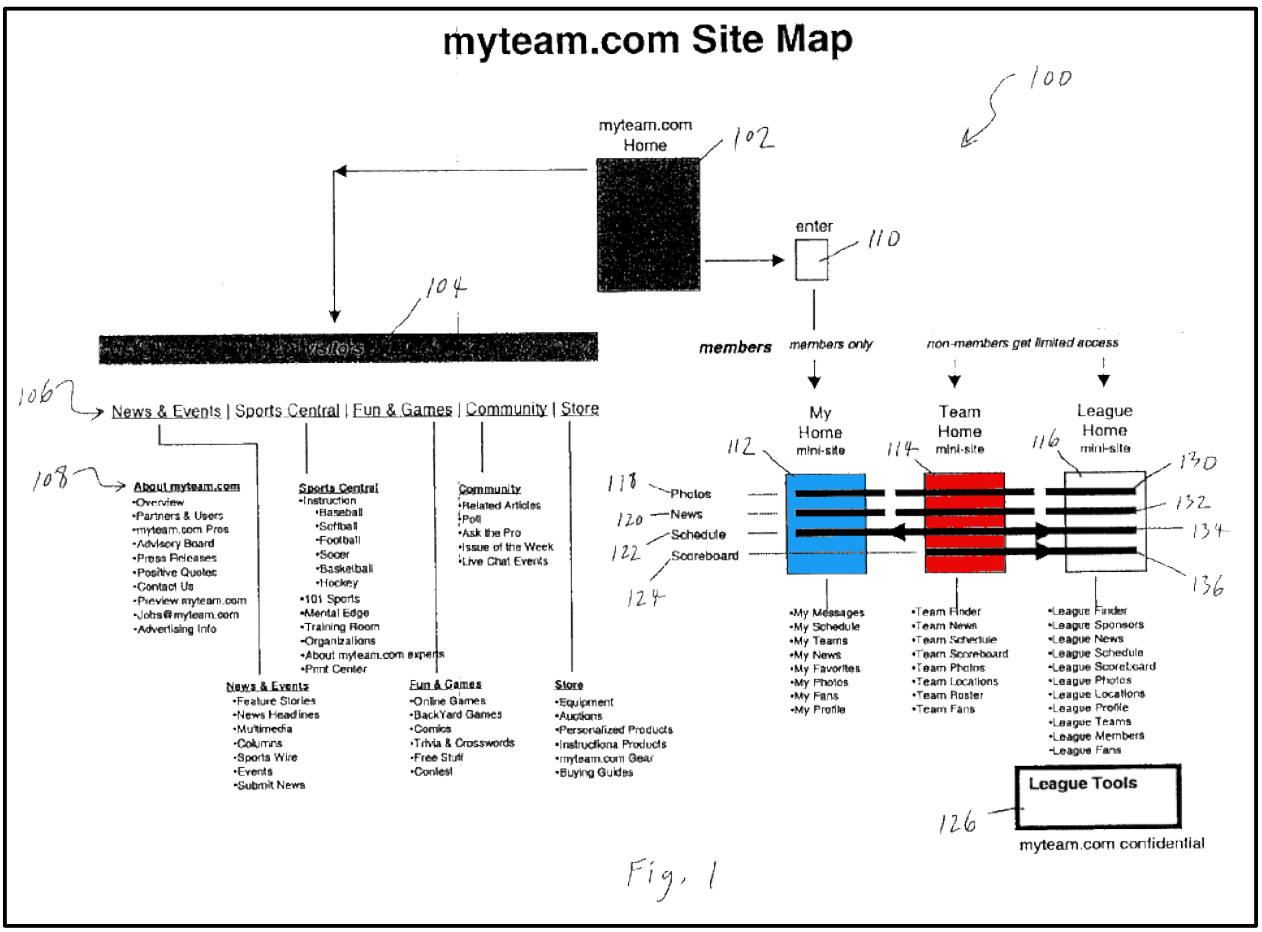
a. ***1[pre]: A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:***

351. In my opinion, Block discloses and renders obvious 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.*"

352. Block discloses a "*second website*." Block describes that a "Member" who has registered with the myteam.com website is "placed (by default) in their own **My Home mini-site 112**." EX1007, [0098]. The mini-site includes multiple sub-pages including a My Home page, My Fans page, and a My Teams page. *Id.*, [0094]. A Skilled Artisan would have understood that each "My Home mini-site" is a "*website*." *See also supra* §VII.A.2.a (explaining that a Skilled Artisan would appreciate that "mini-site" of Block operates in essentially the same manner as the accused first and second websites on TikTok). Therefore, the "My Home mini-site" of a current Member is "*a second website*" (**blue**).

353. Block discloses a "*first website*." Block teaches that "[u]pon entering the system, Members are provided access to three types of mini-site areas, namely My Home, Team Home, and League Home." *Id.*, [0097]. In particular, "[a]ny team that a Member belongs to, **will have a Team Home page** and associated linked pages therefrom, comprising the mini-site. Such link pages might include: Team Finder, Team News, Team Schedule, Team Scoreboard, Team Photos, Team

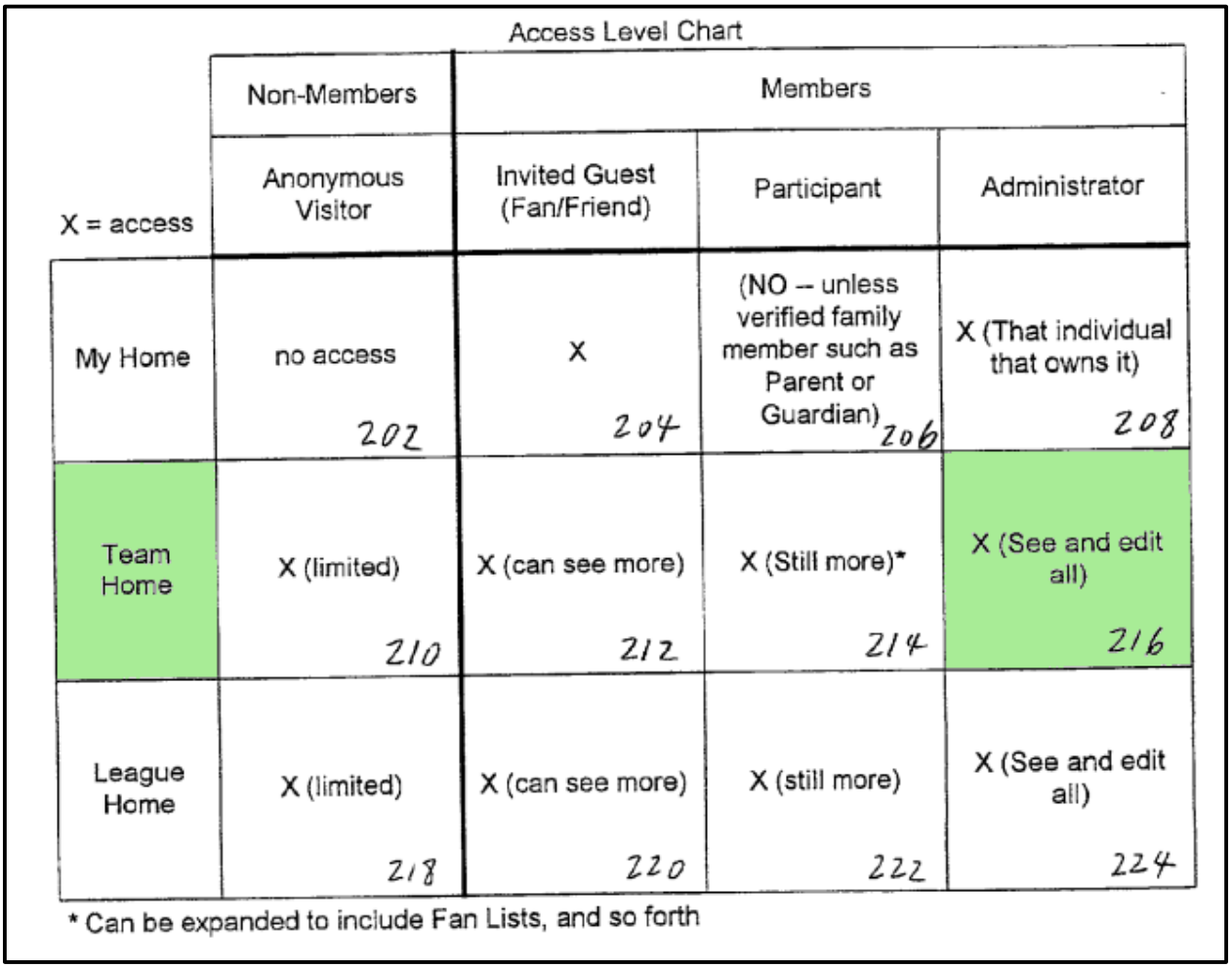
Locations, Team Roster, and Team Fans." *Id.*, [0099]. The Team Home page includes "information relevant to that Team." *Id.* For example, as shown in the example below, the Team Home page can include My Teams capsules such as "Team Photos 406, Team News 408, store information 410, polls 412, Scoreboard information 414, Standing information 416, and Schedule information 418." *Id.*, [0123]. Therefore, the Team Home is a "*first website*" (**red**).




EX1007, Fig. 1 (annotated).

354. 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 the web pages for a given community." *Id.*, [0091]. Individuals with Administrator access to the specific information get access to an "'edit' link" that goes "to an editable version of the detail information page for that item. Clicking on a specific item of information in the Capsule will go directly to its respective detail information page, and will display the 'edit' link if the individual has 'write' access." *Id.*, [0095], [0101]. In Figure 2, Block shows that a "Team Home" page can be assigned an "Administrator" who can "see and edit all." EX1007, Fig. 2. Therefore, a Skilled Artisan would have understood that the "*first website*" is editable and, therefore, being "*designed by the website designer*."




EX1007, Fig. 2 (annotated).

355. Block also assists the "*website designer in establishing an arrangement between*" the "*first*" and "*second website*." 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*")] or League Home mini-site when that information is relevant to and otherwise accessible by the individual when they are on the respective Team Home or League Home mini-site." *Id.*, [0098]. Therefore, there is a sharing arrangement

between the "*first*" and "*second website*." Indeed, Block explains—which reference to Figure 1—that Photos, schedules, news, and other information "crossover" between a personal My Home Page and Team Home:

> Each mini-site will present a variety of information, which generally includes Photos 118, News 120, Schedules 122, and Scoreboard 124 information. The discontinuous line 130 associated with the Photos information 118 shows that photos will be particularized for each mini-site, and information will not be passed there between. Hence, "local" photos pertaining to the owner, the Team, or the League will be shown on each mini-site. Varying levels of photo crossover are intended to be included within the scope of the present invention. The ability for an individual to view photos will be constrained by each individual's security access to the information on the respective mini-site that the photos originated on. The discontinuous line 132 associated with the News information 120 indicates that different types of news will be shown for each different mini-site, without passing of information there between. For instance, the My Home news might include a National news feed. Team news is written and submitted by a Team Administrator. News that is on the League Home page is submitted by the League Administrator. Varying levels of news crossover are intended to be included within the scope of the present invention. The ability for an individual view news items will be constrained by each individual's security access to the information on the respective mini-site that the news originated on. The continuous line 134, with bi-directional arrows between the mini-sites Team Home and League Home, indicates that Schedule information will be shared between the

> mini-sites. Scheduled games and practices entered by a Team will be accessible on the League Home page. 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. The continuous line 136 spanning the Team Home and League Home mini-sites indicates that Scoreboard information will be shared between the Team Home mini-site and the League Home mini-site. Game scores and related details can be entered in the Team Home for the team's that played in a game and the information entered will be available on the League Home pages and the Team Home pages for either team that played in the game. Likewise, a game score can be entered in the League Home and will appear in the Team Home pages for both of the Teams that played in the game.

*Id.*, [0103].

356. A significant amount of team information crosses over between the "*first*" and "*second website*." A link to the Team Home and the Team logo also appears on the My Home Page of each user, for example as shown in Figure 3 (below):

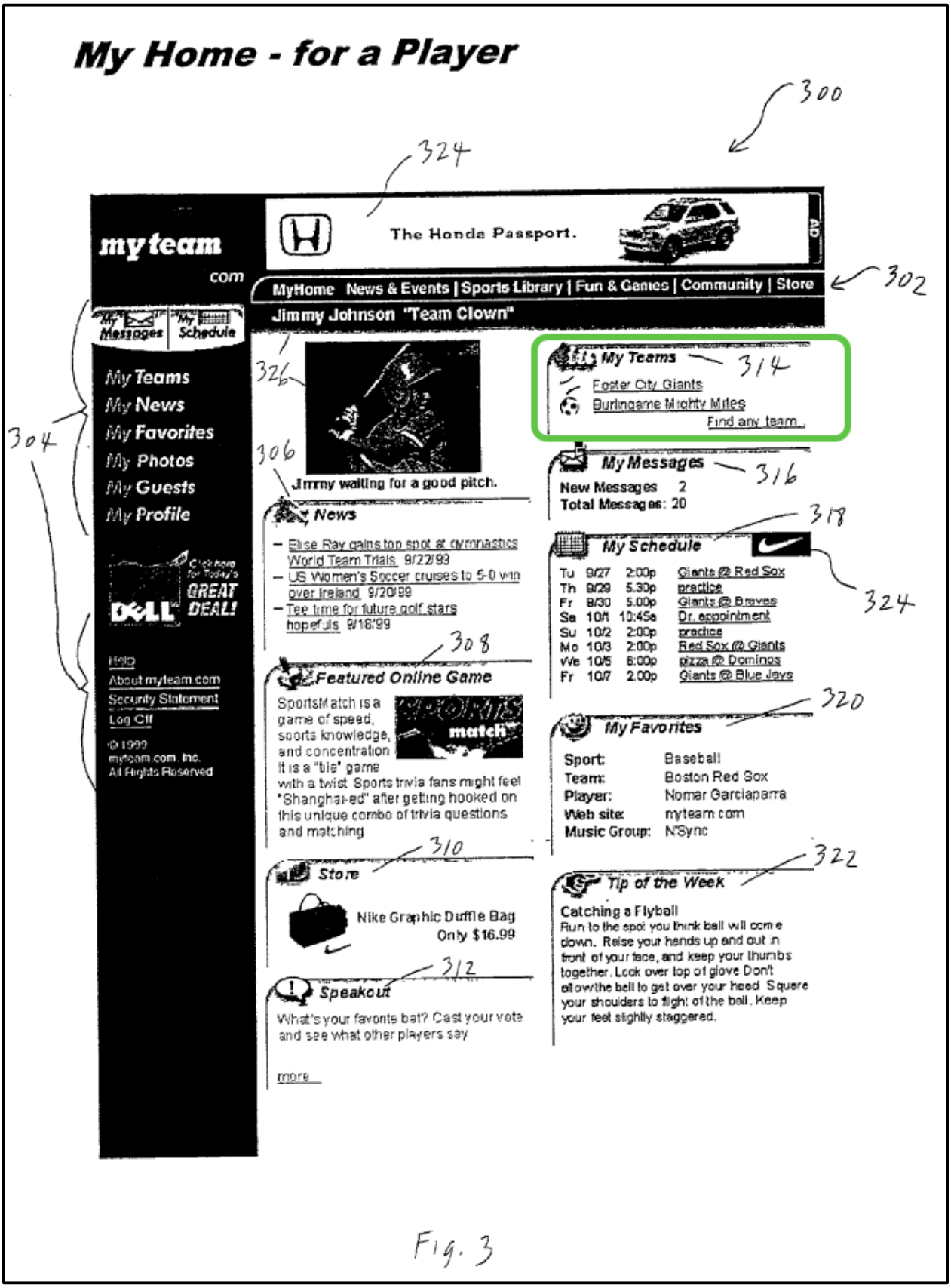

My Home - for a Player
300
324
The Honda Passport.
AD
myteam
com
MyHome | News & Events | Sports Library | Fun & Games | Community | Store
302
Jimmy Johnson "Team Clown"
My Messages
My Schedule
My Teams
My News
My Favorites
My Photos
My Guests
My Profile
304
DELL
Click here for Today's GREAT DEAL!
Help
About myteam.com
Security Statement
Log Off
©1999 myteam.com, Inc. All Rights Reserved
326
306
Jimmy waiting for a good pitch.
My Teams
314
Foster City Giants
Burlingame Mighty Mites
Find any team...
My Messages
316
New Messages 2
Total Messages: 20
318
My Schedule
324
Tu 9/27 2:00p Giants @ Red Sox
Th 9/29 5:30p practice
Fr 9/30 5:00p Giants @ Braves
Sa 10/1 10:45a Dr. appointment
Su 10/2 2:00p practice
Mo 10/3 2:00p Red Sox @ Giants
We 10/5 6:00p pizza @ Dominos
Fr 10/7 2:00p Giants @ Blue Jays
News
– Elise Ray gains top spot at gymnastics World Team Trials 9/22/99
– US Women's Soccer cruises to 5-0 win over Ireland 9/20/99
– Tee time for future golf stars hopefuls 9/18/99
308
Featured Online Game
SportsMatch is a game of speed, sports knowledge, and concentration It is a "tile" game with a twist Sports trivia fans might feel "Shanghai-ed" after getting hooked on this unique combo of trivia questions and matching
320
My Favorites
Sport: Baseball
Team: Boston Red Sox
Player: Nomar Garciaparra
Web site: myteam.com
Music Group: N'Sync
310
Store
Nike Graphic Duffle Bag
Only $16.99
322
Tip of the Week
Catching a Flyball
Run to the spot you think ball will come down. Raise your hands up and out in front of your face, and keep your thumbs together. Look over top of glove Don't allow the ball to get over your head Square your shoulders to flight of the ball. Keep your feet slightly staggered.
312
Speakout
What's your favorite bat? Cast your vote and see what other players say
more...

Fig. 3

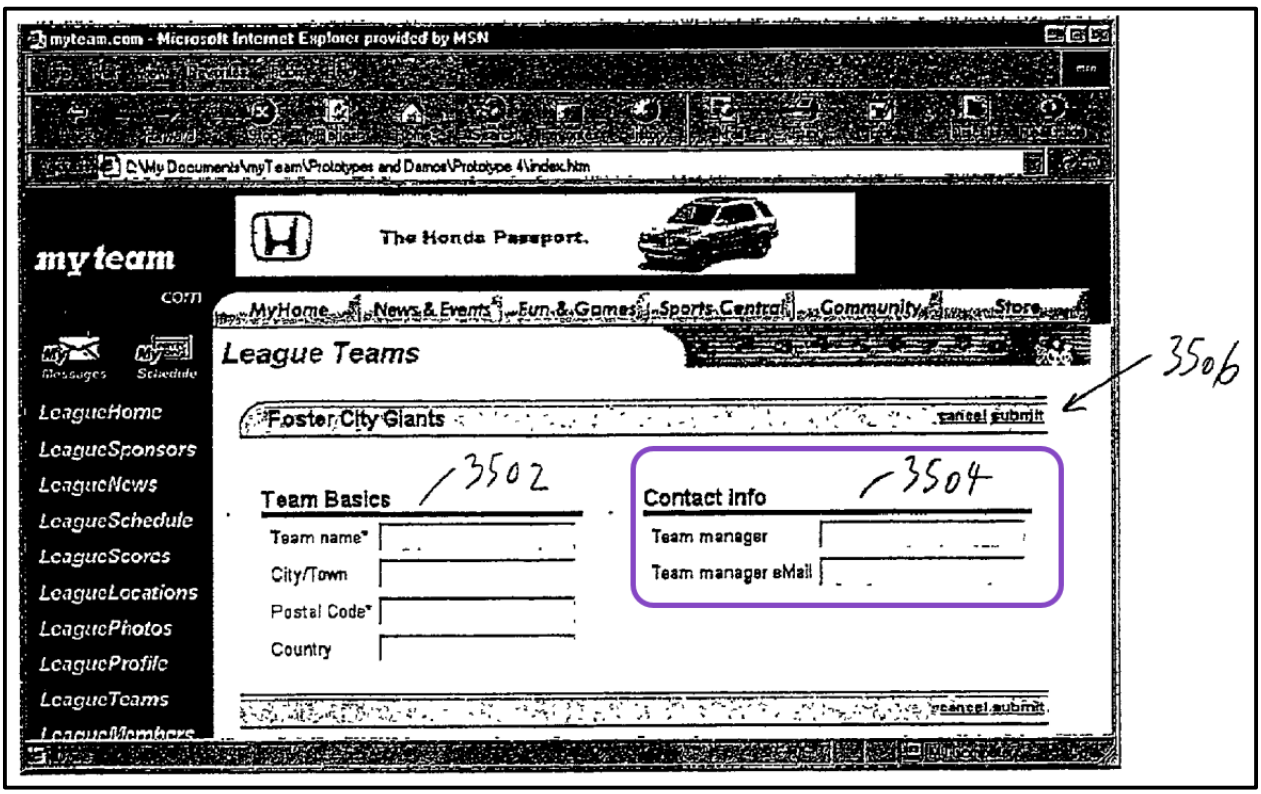
EX1007, Fig. 3 (annotated).

357. Accordingly, based on the above disclosure, a Skilled Artisan would understand that Block discloses a "*method of assisting a website designer in establishing an arrangement between*" the "*first*" and "*second website*."

358. Additionally, the arrangement is to "*market the first website at the second website*." In particular, as shown above in Figure 3 of Block, the My Home Page for each user includes a My Teams 314 capsule that lists the team the user is a part of. *Id.*, [0121]. The My Teams 314 capsule also includes a "click-through [link] to a My Teams page" which "allows quick access to the Team Home and League Home pages for the various teams with which this Player is affiliated." *Id*. Therefore, the "*first website*" (i.e., the Team Home Page) is marketed on the "*second website*" (i.e., the user's My Home Page).

359. The marketing relationship is formed "*upon the activation of the first website on the internet*." In Figure 35 Block depicts "representative elements are shown comprising a web page 3500 that allows a team to be edited." *Id.*, [0184]. "The page allows for editing of basic team information, for the purposes of adding a new team, or editing an existing team." *Id*. Figure 35 shows that "basic team information" includes a "Team Manager" along with their associated eMail. EX1007, Fig. 35 (below, **purple**); [0184] ("The contact information is entered in fields 3504."). Block explains that "[a] 'choose a contact' link (not shown) can be

provided to permit the user to select an existing league volunteer to use as the primary team contact. The team contact has, by default, **administrative access to the Team pages**." *Id.*, [0185].



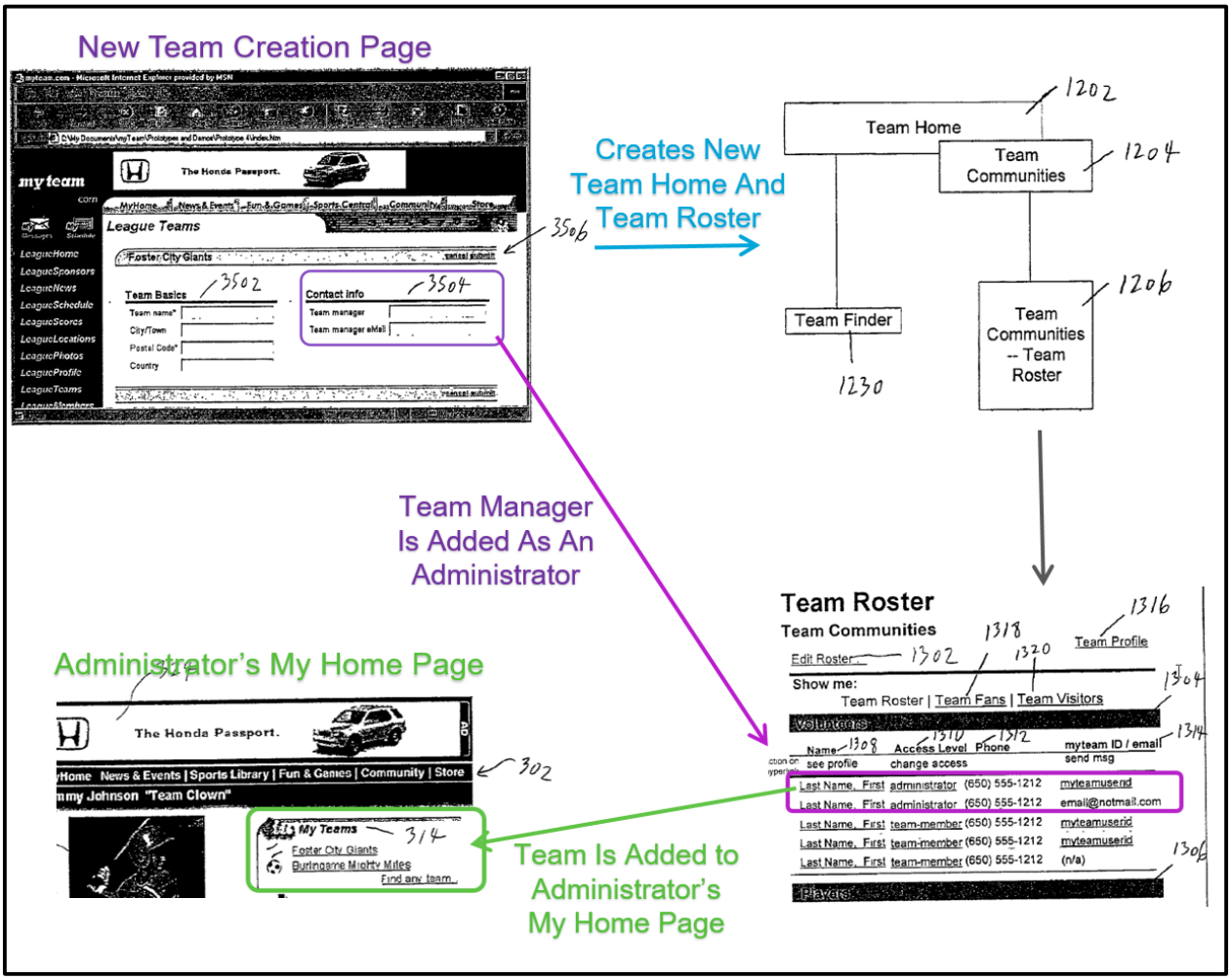

EX1007, Fig. 35 (annotated).

360. Therefore, as shown in the demonstrative below, a Skilled Artisan would understand that:

- As part of creating a new team, a Member is assigned as a "Team Manager." *Id.*, [0184] ("The contact information is entered in fields 3504.")
- Once the form is submitted, Block's system will then create a new Team Home. *Id.*, [0164] ("Block 2718 provides the ability add new teams (one at a

time"); *id.*, [0184] ("The page allows for editing of basic team information, for the purposes of adding a new team, or editing an existing team.")

- The "Team Manager" will be given "administrative access" to the new Team Home. *Id.*, [0185] ("The team contact has, by default, administrative access to the Team pages.")
- Each team includes a Roster page. *Id.*, [0099] ("Any team that a Member belongs to, will have a Team Home page and associated linked pages therefrom, comprising the mini-site. Such link pages might include: Team Finder, Team News, Team Schedule, Team Scoreboard, Team Photos, Team Locations, Team Roster, and Team Fans.")
- The team roster page lists the administrator, as shown in Figure 13 (below).
- The New Team will also be listed on the My Team capsule for the Administrator. *Id.*, [0094] ("When the individual accepts an Invitation to a Team Home and/or League Home page, the link to the respective Home pages is in their My Teams capsule and on the My Teams page. If the individual invited is already a Member, upon entering their Invitation-Number on the registration page, they will be given access to the respective Home pages using their current Member-ID and single log-in.")




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

361. Therefore, a Skilled Artisan would have understood that when a New Team Home is created, a link to the Team Home is added to the My Home Page for each member of the team. In this case, the link to the Team Home would be added to the My Teams capsule on the My Home Page for the administrator. Accordingly, "*upon the activation of the first website on the internet*" a link marketing the Team Home (the "*first website*") would be added to the My Home page (the "*second website*.")

362. Accordingly, Block discloses and renders obvious 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.*"

b. ***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;***

363. In my opinion, Block discloses and renders obvious "*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.*"

364. As explained above (*supra* §VII.A.7.a), the "*first website*" is the Team Mini-Site and the "*second website*" is a user Mini-Site (in one example, the Administrator's mini-site).

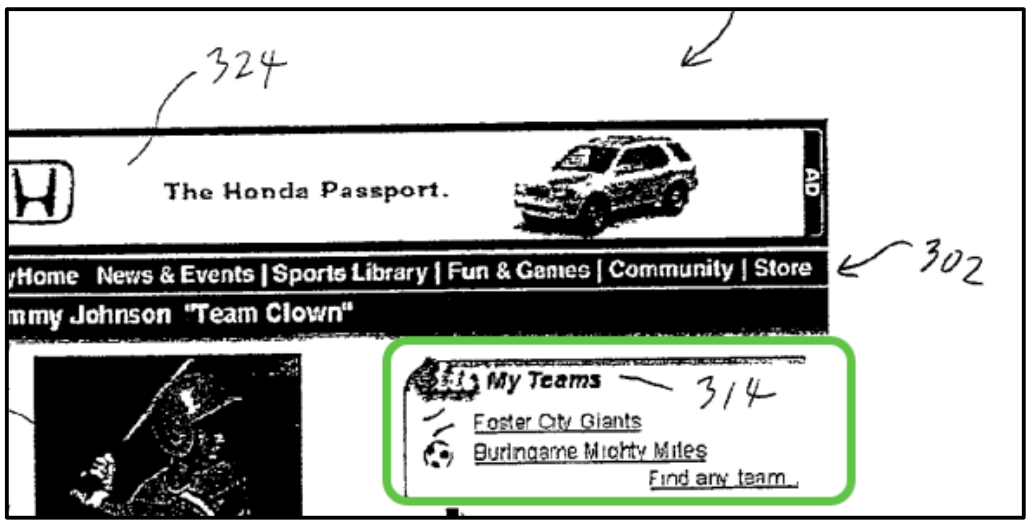
365. Block discloses "*a user interface*." Individuals with Administrator access to the specific information, get access to an "'edit' link" that goes "to an editable version of the detail information page for that item." EX1007, [0095], [0101]. A Skilled Artisan would have understood that the "editable version" of pages is a "user interface." In particular, Block explains that the "editable version"

is a "version" of the page, therefore, a Skilled Artisan would have understood that the "editable version" would display the content of the page. Moreover, in Figure 35, Block shows "certain representative elements . . . comprising a web page 3500 that allows a team to be edited. The page allows for editing of basic team information, for the purposes of adding a new team, or editing an existing team." *Id.*, [0184] ("This page can be accessed from the Add Team selection on the League Teams page."), [0169] ("Referring now to FIG. 29, certain representative elements are shown which comprise a web page 2900 for editing the League Profile."). Therefore, since Figures 29 & 35 are used to edit team information from the League Team, a Skilled Artisan would understand a similar page would be used to edit the Team Home. Alternatively, it would have been obvious to use a "user interface" similar to that shown in Figures 29 and 35. In particular, it would have been straightforward, predictable, and economical to use the same user interfaces used to edit the League pages in Block to also edit the Team pages. Therefore, Block discloses and renders obvious "*a user interface*."

366. The "*user interface*" also "*receives*" "*information*" "*indicating a type of an element for marketing that is to be displayed at the second website*." As explained above (*supra* §VII.A.2.d), Patent Owner argues that: "A substantial overlap exists in the meanings of the claimed 'functional identification element' of the '398 Patent and 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. A Skilled Artisan would have understood a “*functional identification element*” to be similar to an “*element for marketing*.” Indeed, there is no indication that an “*element for marketing*” must be “functional.” Therefore, a Skilled Artisan would have appreciated that one example of an “*element for marketing*” is a “hyperlink, link, and URL.”

367. Block discloses that a “My Teams capsule is generally provided on a user's My Home page.” EX1007, [0102]. “By clicking on a link associated with a Team name in this capsule, the user will be linked over to the Team Page for that team.” *Id*. Moreover, as shown in Figure 13 below, the My Teams capsule includes a logo associated with each team.

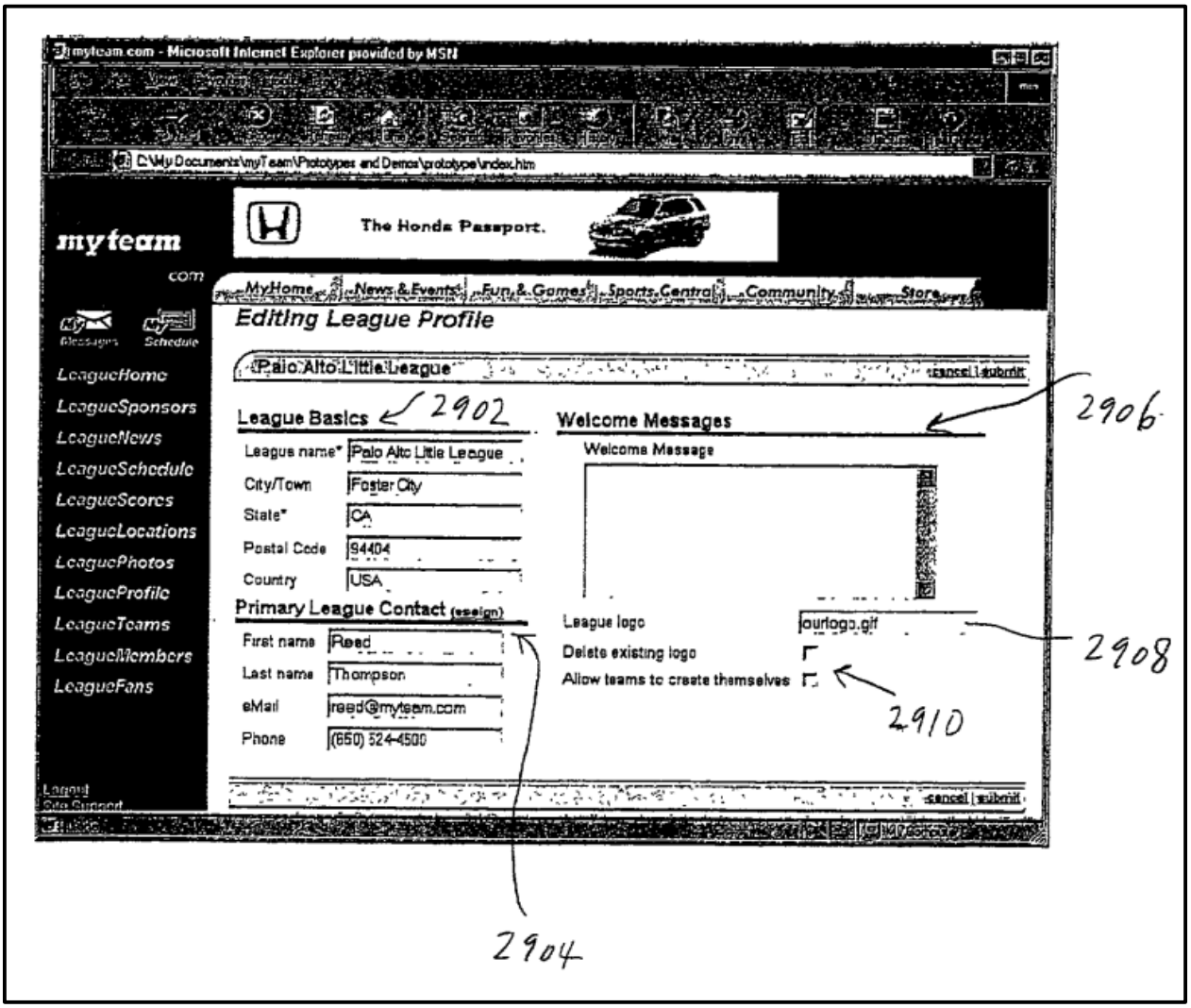



EX1007, Fig. 13 (annotated).

368. A Skilled Artisan would have understood that the team logo and click-through links to the Team Home page together form a “*element for marketing.*”

Moreover, because the logo and link are displayed on the user's My Home page, they are "*an element for marketing that is to be displayed at the second website*."

369. A Skilled Artisan would have understood that "*information . . . indicating a type of an element for marketing"* is received by the "*user interface*." In Figure 29, Block shows how a logo for a league page can be updated. EX1007, [0170] ("The message and logo allow the league to customize their home page with their league logo and a short message welcoming the people to the league site."). A Skilled Artisan would understand that the Logo for the Team Home would be updated in similar manner. *Supra* §VII.A.7.a. The image file, and information about the logo depicted below is "*information . . . indicating a type of an element for marketing*."

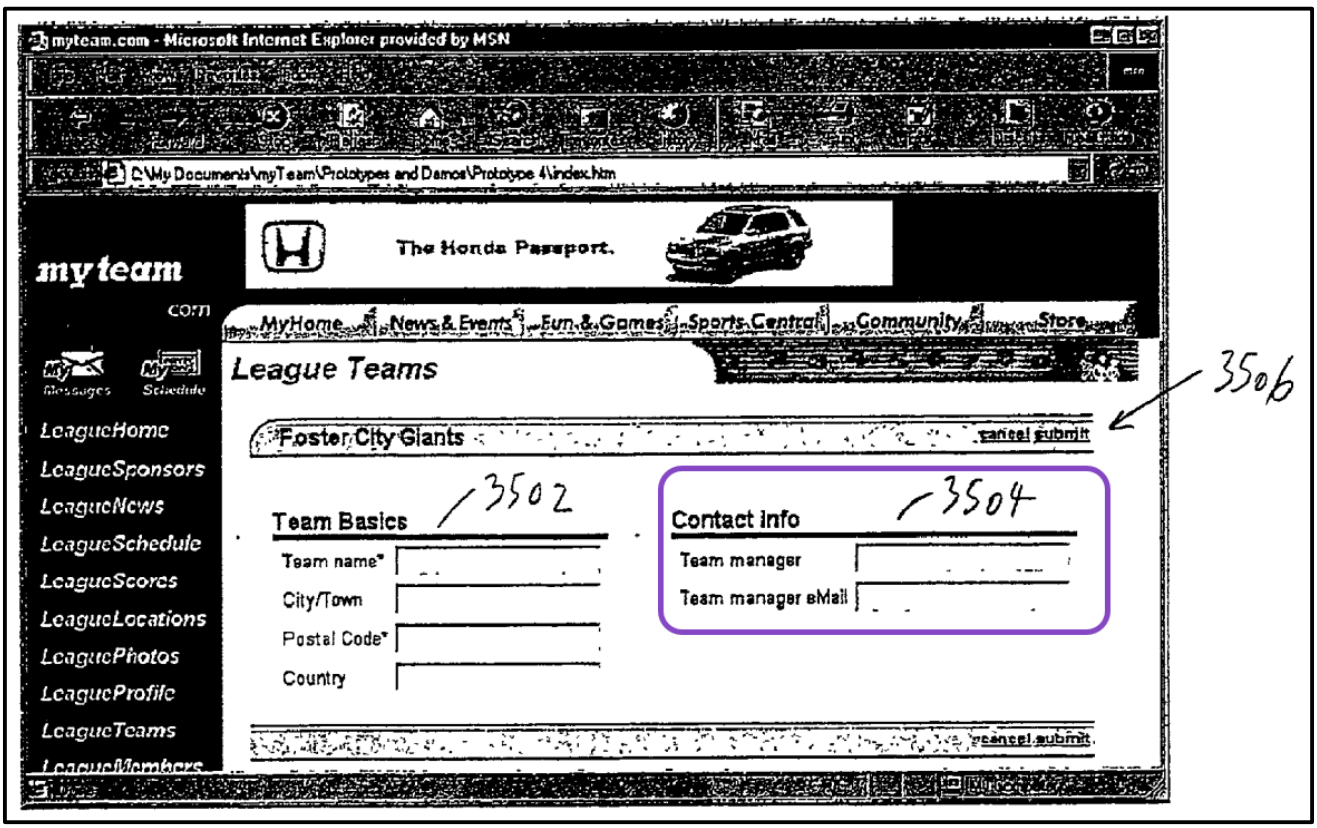



EX1007, Fig. 29.

370. Moreover, as shown above, the League logo in Fig 29 (item 2908) identifies the file "ourlogo.gif." A Skilled Artisan would have understood that ".gif" explicitly discloses receiving information at a user interface "*indicating a type of an element for marketing*" (i.e., a file type).

371. As explained above (*supra* §VII.A.7.a), when a New Team Home is created, a link to the Team Home is added to the My Home Page for each member

of the team. In this case, the link to the Team Home would be added to the My Teams capsule on the My Home Page for the administrator. Therefore, a Skilled Artisan would have understood that the information provided in box 3504 (shown below) is "*information specifying the second website at which the element is to be displayed.*" In particular, the information provided in box 3504 is used to add list the Team Home page on the "*second website*."




EX1007, Fig. 35 (annotated).

372. Accordingly, Block discloses and renders obvious "*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*."

c. ***1[b]: saving the information at a first database that is coupled to the user interface;***

373. In my opinion, Block discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

374. As explained above (*supra* §VII.A.7.b), Block discloses "*receiving* ***information*** *. . . 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*."

375. Block describes in Fig. 2D "the concept of **the central website system and/or database** providing for (optional) auto-generation of an access level based upon the role of the person being invited to join the website." EX1007, [0119]. "**The central website and database 281 will store information** such as the registrants and their access levels." *Id.* A Skilled Artisan would understand Block's system operates by accessing the central website and database to determine which information a given user is permitted to see and control. For example, in order for the user to change the Team logo described above, they must have the requisite access controls, which are stored in the database. *Id.*, [0168] ("Access to the actions (i.e. hyperlinks shown as edit league info, add officers, assign officers, and remove checked) as shown in box 2810, are generally available to users with write access . .

. . This information is accessed directly from a league's record in the website's league database.") The database also stores "registration" information including the connections between various pages on the MyTeams site. *Id.*, [0190] ("For a Submit action, and for each member being added, database entries are created as follows: create and fill in an individual record with most fields; role association of the individual to the league; role association of the individual to the team (if being added to the team); role association of the individual to a player (if a contact being added to a Player) . . . ."). Based on the above disclosure, a Skilled Artisan would have understood that the "*information*" relating to "*an element for marketing*" is stored in the database because the system must be able to determine which logo and link to add to a specific user's mini-site. It would have been obvious to use a website database to create and manage the "registration" and "connections" between users. The database also stores the "*information specifying the second website*" for the same reason.

376. Database 281 is also "***coupled** to the user interface*" at least because it stores information entered into the "*user interface*" as described above (*supra* §VII.A.7.b). Moreover, in order to determine whether a user has edit rights (edits using the "*user interface*"), the system accesses the "access level" information "directly from a league's record in the website's league database." *Id.*, [0168].

377. Accordingly, Block discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

d. ***1[c]: obtaining the element for marketing of the type indicated;***

378. In my opinion, Block discloses and renders obvious "*obtaining the element for marketing of the type indicated.*"

379. I note that this Claim element recites "*obtaining,*" but it is agnostic as to which components of the system "*obtain*" and from where.

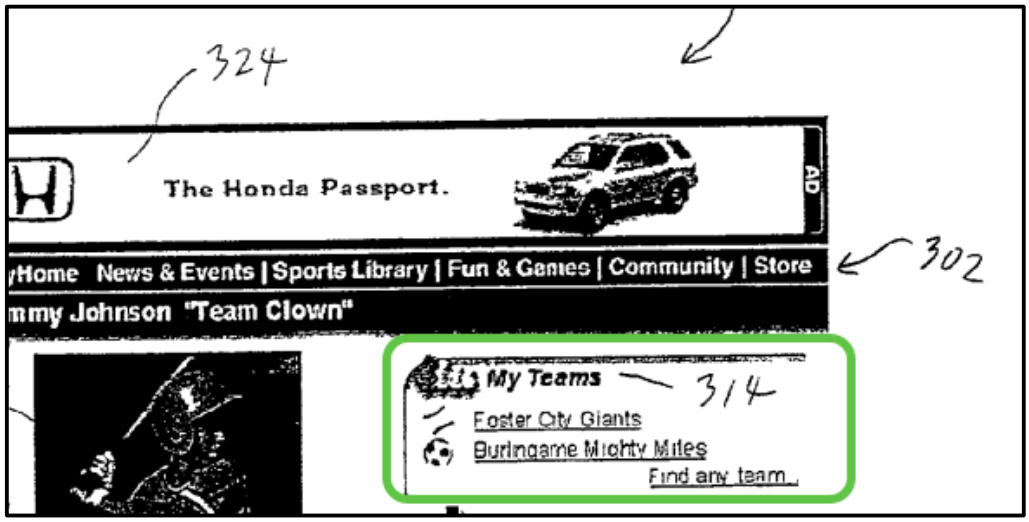
380. As explained above (*supra* §VII.A.7.b), Block discloses "*receiving information . . . indicating a type of* ***an element for marketing*** *that is to be displayed at the second website,*" which is the click-through link to the "*second website*" My Home mini-site along with the Team logo displayed in the My Teams capsule. As further explained above (*supra* §VII.A.7.b), Block teaches that an administrator with edit access can edit a Team Home. EX1007, [0095]. Block also shows an example of updating the League Logo using the interface described in Figure 29. Therefore, the Team logo would be "*obtain[ed]*" in the same manner as the League Logo—i.e., uploaded by an administrator with edit access. Further, a Skilled Artisan would have understood that in order to display the combined logo and link, the system must "*obtain*" the "*element for marketing*" (i.e., together, the logo and link). *Supra* §VII.A.7.b.

381. Accordingly, Block discloses and renders obvious "*obtaining the element for marketing of the type indicated.*"

e. ***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;***

382. In my opinion, Block discloses and renders obvious "*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.*"

383. 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*." In Figure 3, Block discloses that a "My Teams capsule is generally provided on a user's My Home page." EX1007, [0102]. "By clicking on a link associated with a Team name in this capsule, the user will be linked over to the Team Page for that team." *Id*. Moreover, as shown in Figure 3 below, the My Teams capsule includes a logo associated with each team.




EX1007, Fig. 3 (annotated).

384. Therefore, the "*the element for marketing*" (team logo + click through link) is displayed in the My Teams capsule of the "*second website*." As explained above (*supra* §VII.A.7.a), the Team information is added to the My Teams capsule when the Team Home page is created and is therefore displayed at the "*second website when the first website is activated with respect to the internet*."

385. The "*element for marketing [also] includes at least one of a banner ad concerning the first website and a link to the first website*." I note that this claim limitation is written disjunctively ("*at least one of*") and therefore the claim only requires that the "*element for marketing*" include **either** "*a banner ad*" or "*a link to the first website*." That this claim limitation is disjunctive is confirmed by claim limitations 1[g] and 3[g]. In particular, these two limitations offer alterative possibilities depending on whether the "*element for marketing*" includes "*a banner ad*" or "*a link to the first website*." Claim 1[g] recites that "*when the element for*

*marketing the first website is a banner ad*" and claim 3[g] recites that "*when the element for marketing the first website is a link to the first website*." Block discloses both potentials.

386. In the *LinkedIn* IPR, Patent Owner stated that "a banner ad is a specialized form of a hyperlink that also includes a graphic." EX1010, 15. They repeated this allegation in their brief to the Federal Circuit. EX1038, 23. In the underlying File History for the applications, the Board found that "a banner ad is simply a link in an HTML document." EX1005, 66. The Board also rejected Patent Owner's argument that a banner ad required any animation, interactivity, or user input. Therefore, at most "a banner ad is a specialized form of a hyperlink that also includes a graphic." EX1010, 15.

387. Block discloses where the "*element for marketing*" is "*a banner ad concerning the first website.*" As explained above (supra §VII.A.7.b), "*the element for marketing*" is the combinations of the team logo and click-through link that is displayed in the My Team capsule of the "*second website*" (shown above annotated in **green**). Accordingly, the "*element for marketing*" includes a hyperlink (i.e., the click-through link) and a graphic (i.e., the team logo). It was also obvious to a Skilled Artisan to associate a graphic with a hyperlink, as doing so was ubiquitous and well-understood. *Supra* §IV.E.

388. For the same reason, Block also discloses where the "*element for marketing*" is "*a link to the first website.*" In particular, the click-through link to the "*first website*" is a "*link to the first website.*"

389. Accordingly, 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, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.*"

f. ***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***

390. In my opinion, Block discloses and renders obvious "*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*."

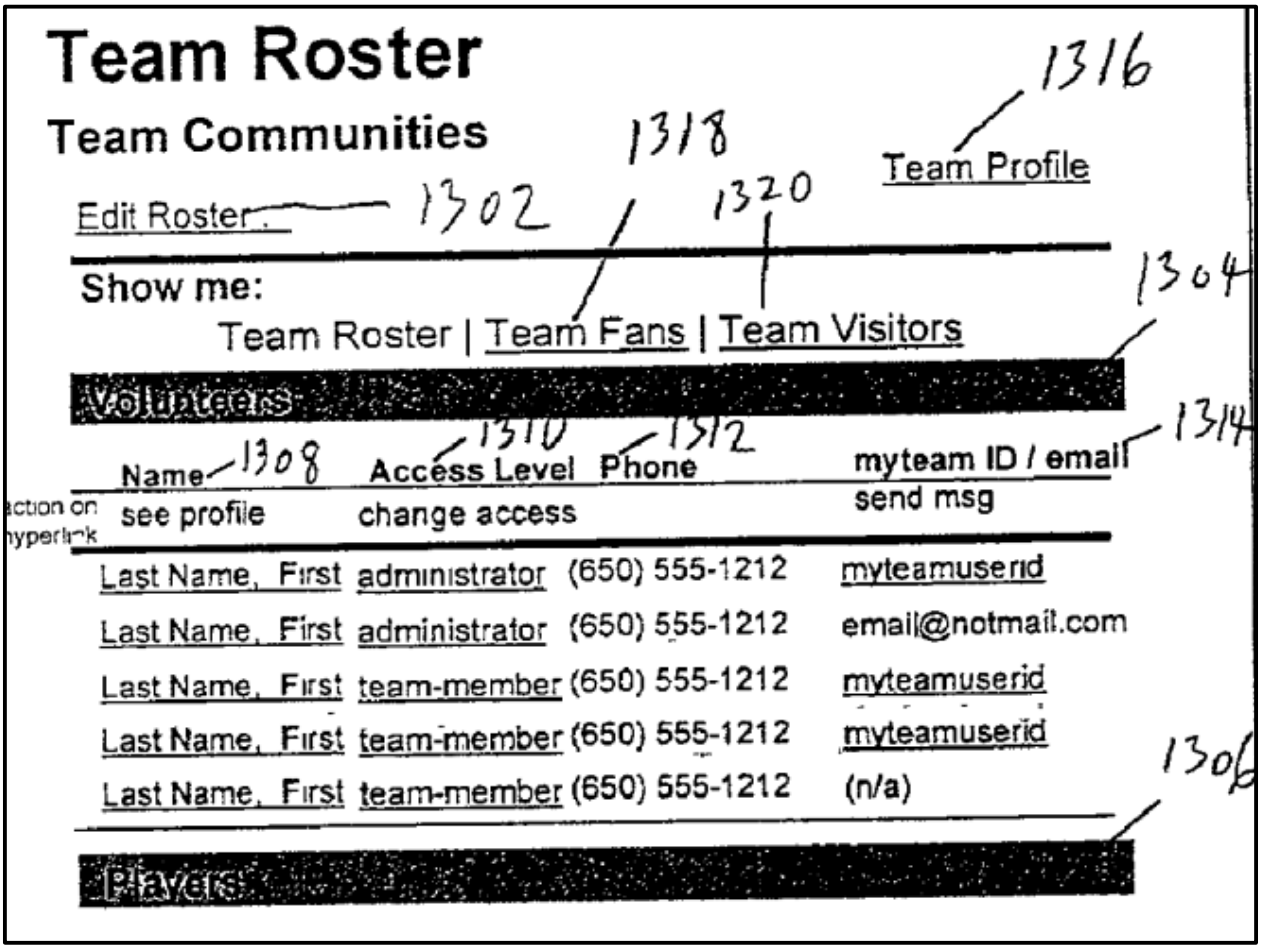
391. As explained above (*supra* §VII.A.7.a), the "*first website*" is the Team Mini-Site and the "*second website*" is a user Mini-Site (in one example, the Administrator's mini-site).

392. I note that the term "*third party website*" is not defined. However, a Skilled Artisan would have understood that a "*third party website*" is simply any website that is not the "*first*" or "*second website.*" In particular, the specification of the '971 Patent describes "third party" authors and databases as part of the system, implying that a third party can be registered within the system. EX1001, Fig. 1, 6:6-

35. Moreover, claim limitation 9 recites "*a third party separate from the computer hardware system*." A Skilled Artisan would have understood that a "*third party*" therefore could be part of the "*computer hardware system*" or outside of the "*computer hardware system*." Otherwise, the "*separate from*" language in claim 9 would be superfluous.

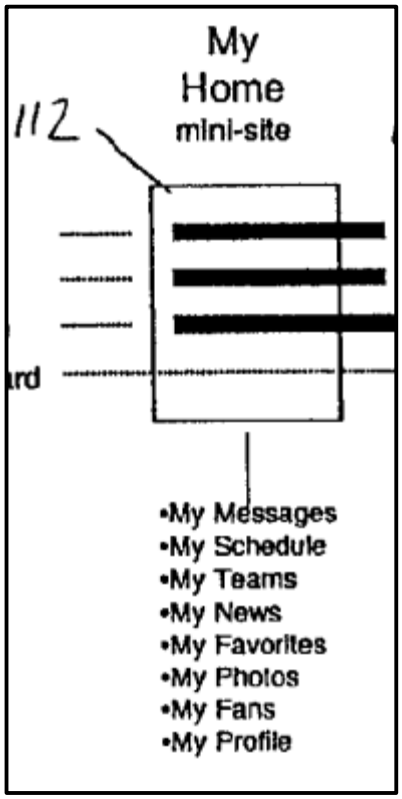
393. As explained above (*supra* §VI.A), a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

394. The Team Roster on the "*first website*" is a space within the "*first website*" for displaying reciprocal links to other websites. The Team Roster lists all people associated with a given team. EX1007, [0140], Fig. 13. Block explains that "[t]he Team Roster columns include a name column 1308, with each name having a **hyperlink to that particular person's information page**." *Id.*, [0142]. For example, in Figure 14, Block shows that a user can "action on hyperlink" to the "see profile" of the team members:



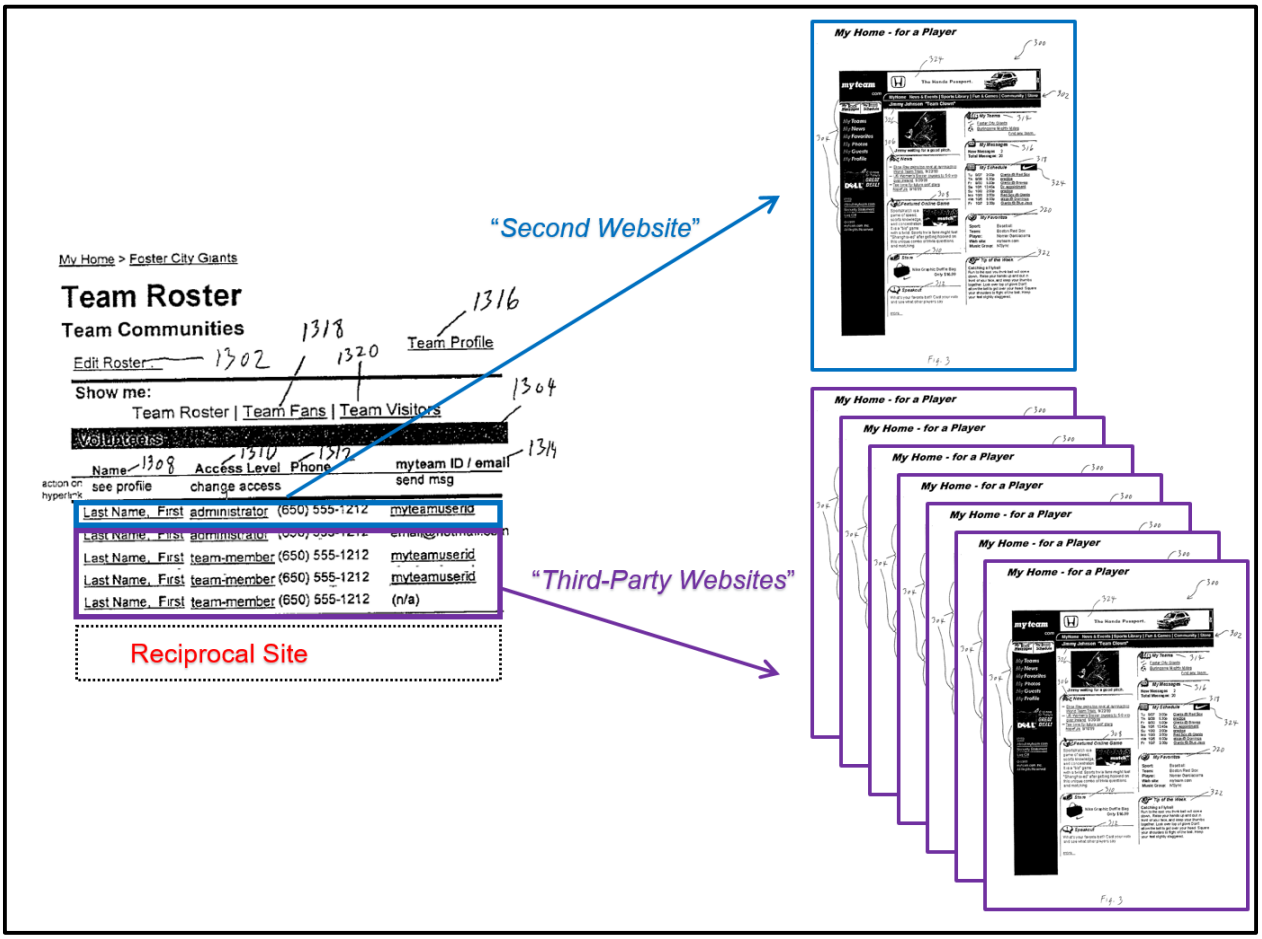

EX1007, Fig. 13.

395. A Skilled Artisan would have understood that the user "profile" in this context is referring to the "My Profile" part of the user's My Home Mini-Site, for example shown in Figure 1 below:




EX1007, Fig. 1.

396. Therefore, the name column includes hyperlinks to the "second website." It also includes hyperlinks to other "*third party websites*" belonging to other players:

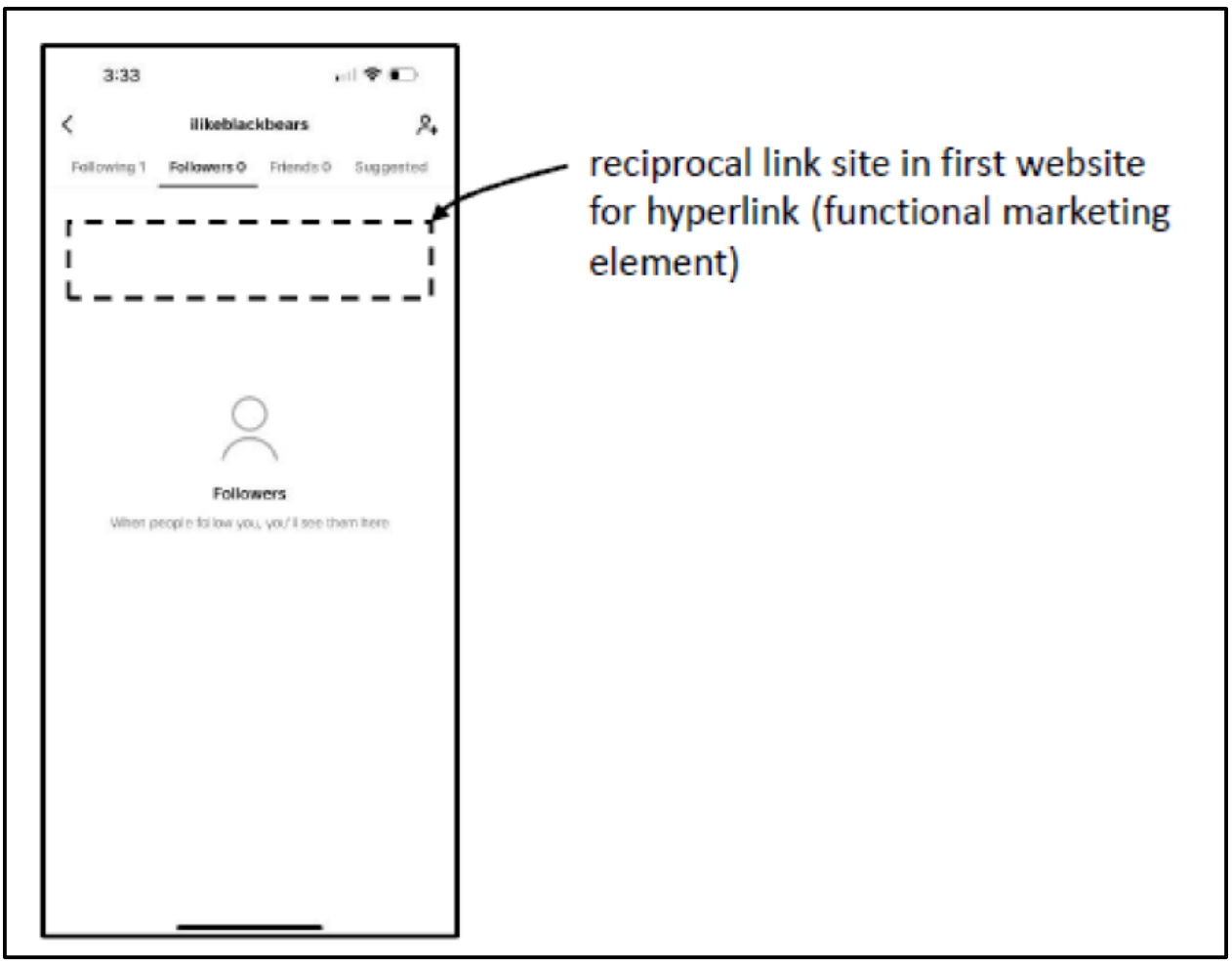



EX1007, Figs. 13 (left), 3 (right) (combined and annotated).

397. Therefore, the Team Roster includes a space where additional Team members can be added to the "*first website*." As explained above (*supra* §VII.A.7.b), a Skilled Artisan would have understood that "*at least one marketing element of a third party website*" can include a URL or hyperlink.

398. These links are "*reciprocal*." As explained above, the Team Roster lists all people associated with a given team and includes a hyperlink to the My Profile for each member. *Id.*, [0140], Fig. 13. The My Team capsule on the "*second website*" also includes a reciprocal link back to the Team Home ("*first website*").

399. Therefore, the Team Roster includes a "*reciprocal site*." As explained above (*supra* §VII.A.7.a), when a new Team is created the "Team Manager" is added to the Team Roster for that team. A Skilled Artisan would understand that, as part of the process of creating the Team Home, the system of Block must determine whether the Team Roster page exists. I.e., if the Team Roster page does not exist, or a new Team is created, the system determines it must create a Team Roster that includes the "*reciprocal site*." The Team Roster in Block appears to work in essentially the same manner, as Patent Owner argues the accused applications do:



EX1012, 64.

400. Accordingly, Block discloses and renders obvious "*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*."

g. ***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; and***

401. In my opinion, Block discloses and renders obvious "*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*."

402. As explained above (*supra* §VII.A.7.a), when a new Team is created the "Team Manager" is added to the Team Roster for that team. Each Team has a Team Roster and, therefore, a Skilled Artisan would understand that "*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*."

403. Accordingly, Block discloses and renders obvious "*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*."

h. ***1[g]: 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.***

404. In my opinion, Block discloses and renders obvious "*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.*"

405. I note that the "*element for marketing the* ***first website***" discussed in Claim Limitation 1[g] is different from "*the at least one marketing element of* ***third party website***" discussed in Claim Limitations 1[e] and 1[f]. Moreover, the "*the element for marketing the first website*" has no antecedent basis. The claim does not elsewhere refer to a "*element for marketing the first website.*" To the extent the claim is understandable, 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].

406. The specification also does not provide guidance on the extent of what "*sequential display*" means. Sequential means "following or coming after something else." EX1051, 511 (defining "sequence" as "[1] the condition or fact of following or coming after something else" and "[2] the order in which things are or

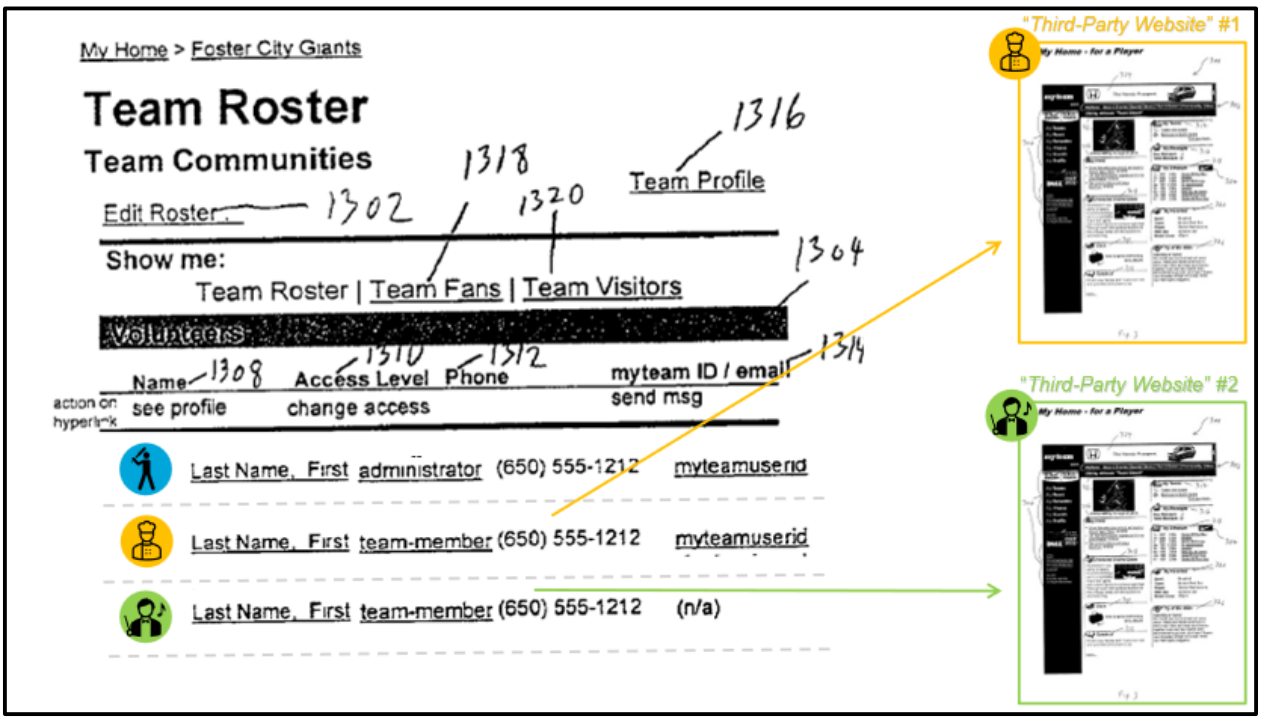
should be connected, related, or dated."); EX1052, 731 (defining "sequence" as "[1] the following of one thing after another in an orderly or continuous way" and "[2] a series without gaps, a set of things that belong next to each other in a particular order," and defining "sequential" as "forming a sequence, following in succession").

407. As explained above (*supra* §VII.A.7.e), Block discloses that the "*element for marketing the first website*" is both a "*banner ad*" and "*a link to the first website*." Therefore, the "*element for marketing the first website*" is always both a "*banner ad*" and "*a link to the first website*" in Block.

408. Accordingly, "*when the element for marketing the first website is a banner ad concerning the first website*," Block discloses the claim.

409. Block discloses and renders obvious "*a plurality banner ads respectively concerning a plurality of third party websites*." As explained above (*supra* §VII.A.7.e), a "*banner ad*" is "a specialized form of a hyperlink that also includes a graphic." EX1010, 15. As discussed above, the Team Roster includes a listing "*of third party websites*" which each include a hyperlink to their respective My Profile pages. *Supra* §VII.A.7.f. A Skilled Artisan would understand that each entry in the table is a "*banner ad*" in the context of the '971 Patent. For example, each includes a link. Moreover, each is an interactable object that includes more information about the "*third party websites*." E.g., Name, Access Level, Phone, myTeam *ID*. Together these items form a "*banner ad*," because they are sequentially

ordered within a table. It would have been obvious to associate a profile picture for each user with their respective entry in the Team Roster. Using Profile Pictures and Face Icons was ubiquitous in social media, even at this time. *Supra* §IV.E. In particular, a Skilled Artisan would appreciate that profile pictures allow a user to more quickly identify the relevant table entry and distinguish between individuals with similar names. For example, it would have been obvious to integrate profile pictures into the Team Roster, as shown below:




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

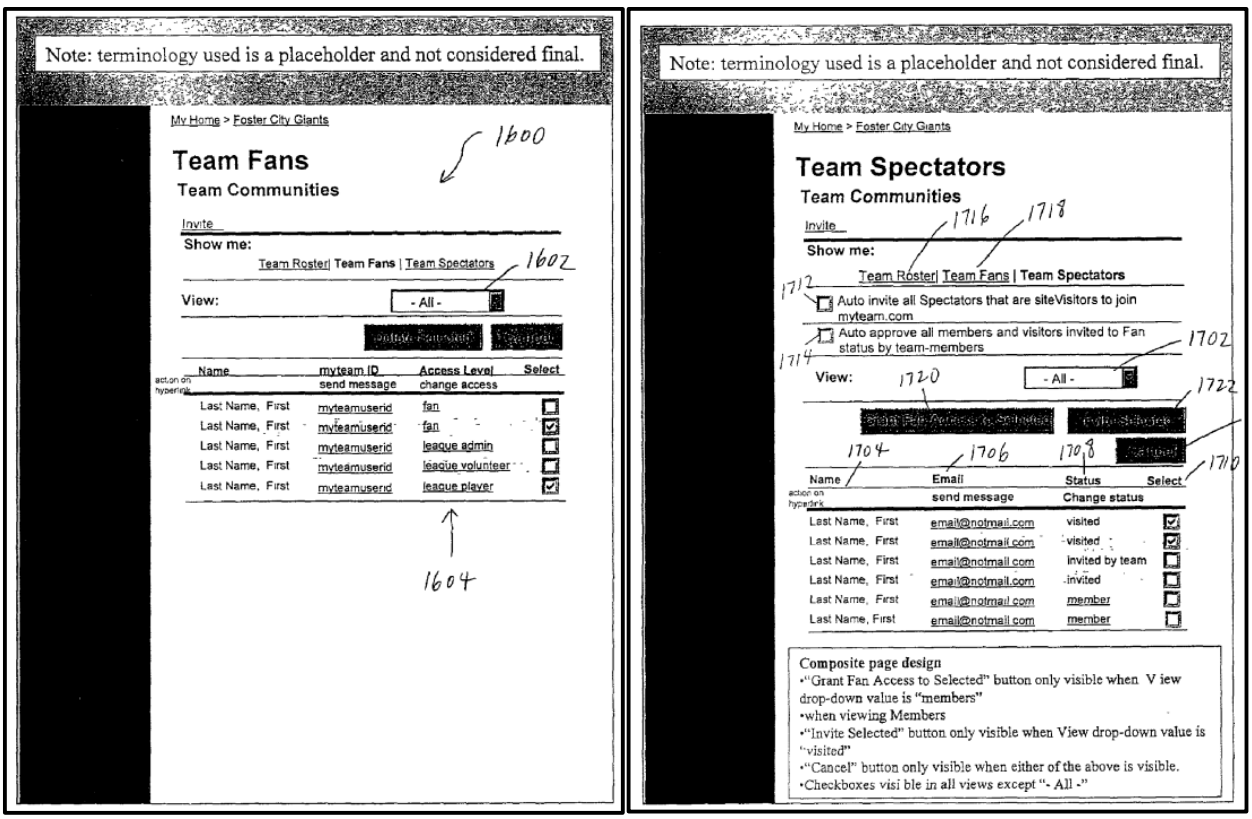
410. Therefore, it would have been obvious to include a "*banner ad*" for each of the "*plurality of third party websites*" in the Team Roster of Block. As

explained above (*supra* §VII.A.7.f), the Team Roster includes "*the reciprocal site of the first website*."

411. Block also discloses "*the sequential display at the reciprocal site of the first website*." In particular, as shown in the example above the entries in the Team Roster 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, with the role indicated for each such person. Such roles might include: coach, administrator, team parent, field crew, player, and the like. As one example, **the listings might be sorted according to such roles**." EX1007, [0141]. Therefore, the Team Roster of Block can be sorted to cause "*sequential display*" of each banner ad based on the roles of each person.

412. Block can also "*sequential[ly] display*" different "*banner ads*" by pressing the "Team Fans" or "Team Visitors" links at the top of the Team Roster. *Id.*, [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."). Like the Team Roster, the "Team Fans" and "Team Visitors" pages include listings of a "*plurality of third party websites*" (shown below). *Id.*, [0144] ("FIG. 15 shows a first representation 1500 of the Team Fans web page listing."), [0145] ("FIG. 16 shows an alternative representation 1600 of the Team Fans web page

listing."), [0146] ("Referring now to FIG. 17, a representation 1700 of the Team Spectators ("Team Visitors") web page listing is shown."). Therefore, as explained above (*supra* §VII.A.7.f), the "Team Fans" and "Team Visitors" pages include a "*reciprocal site*" and it would have been obvious to use "*banner ads*" to represent each of the "*plurality of third party websites*."




EX1007, Figs. 15 & 17.

413. Therefore, 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." For example, (first) Block displays the Team Roster, then (second) Block displays the Team Fans, and

finally (third) Block displays the Team Visitors/Spectators. Accordingly, Block causes the sequential display of banner ads.

414. As explained above (*supra* §VII.A.7.a), the Team Home along with the Team Roster, Team Fans, and Team Visitors/Spectators pages are created and implemented "*when the first website is activated with respect to the internet.*"

415. Accordingly, Block discloses and renders obvious "*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. ***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.]***

416. In my opinion, Block discloses and renders obvious "*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.*"

417. As explained above (*supra* §VII.A.7.h), Block would meet this limitation.

8. Claim 3

a. ***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:***

418. In my opinion, Block discloses and renders obvious "*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.*"

419. As explained above (*supra* §VII.A.7.a), Block would meet this limitation.

b. ***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;***

420. In my opinion, Block discloses and renders obvious "*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.*"

421. As explained above (*supra* §VII.A.7.b), Block would meet this limitation.

c. ***3[b]: saving the information at a first database that is coupled to the user interface;***

422. In my opinion, Block discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

423. As explained above (*supra* §VII.A.7.c), Block would meet this limitation.

d. ***3[c]: obtaining the element for marketing of the type indicated;***

424. In my opinion, Block discloses and renders obvious "*obtaining the element for marketing of the type indicated.*"

425. As explained above (*supra* §VII.A.7.d), Block would meet this limitation.

e. ***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;***

426. In my opinion, Block discloses and renders obvious "*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.*"

427. As explained above (*supra* §VII.A.7.e), Block would meet this limitation.

f. ***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; and***

428. In my opinion, Block discloses and renders obvious "*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*."

429. As explained above (*supra* §VII.A.7.f), Block would meet this limitation.

g. ***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***

430. In my opinion, Block discloses and renders obvious "*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.*"

431. As explained above (*supra* §VII.A.7.g), Block would meet this limitation.

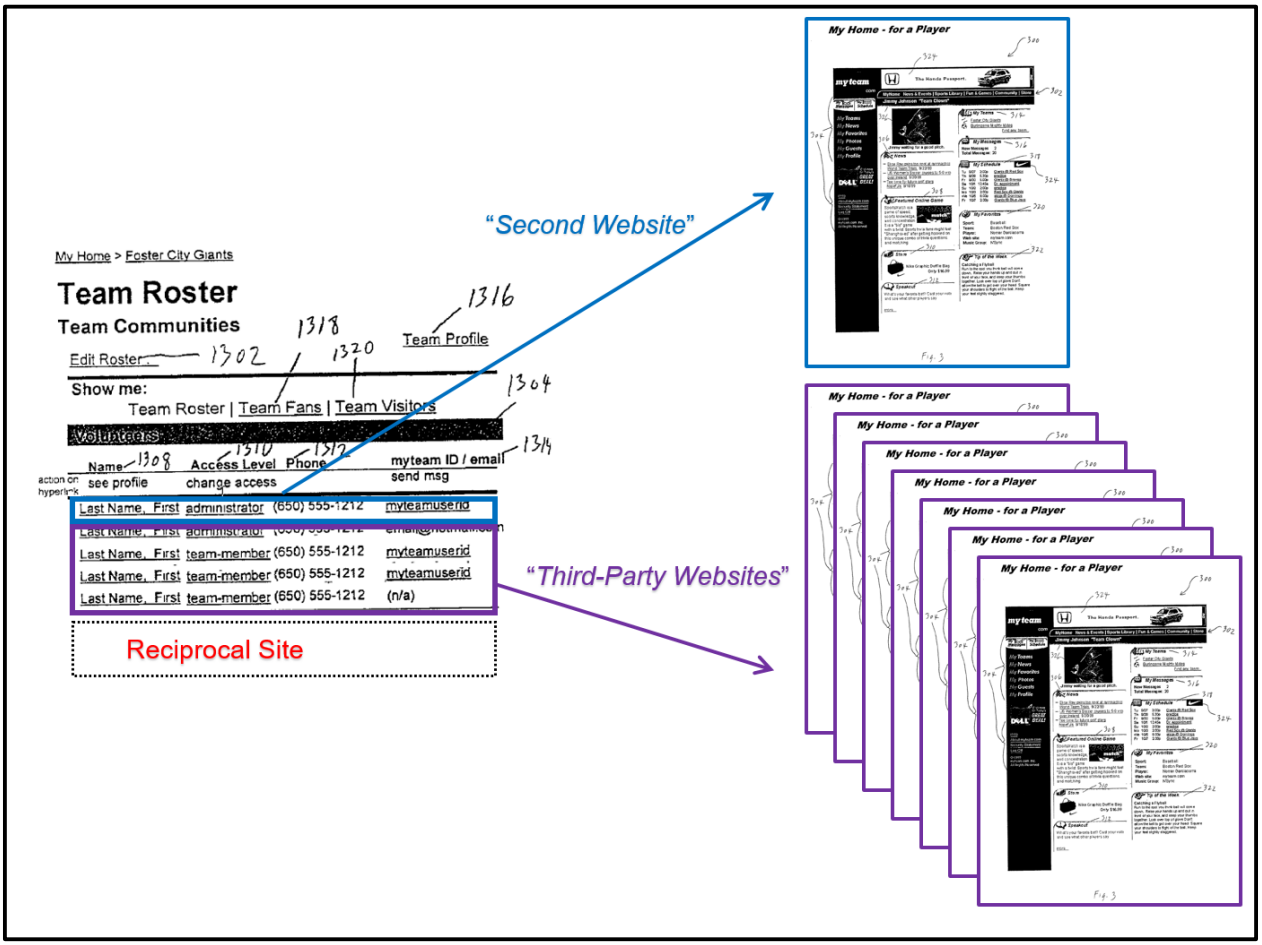
h. ***3[g]: when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links***

***to the plurality of third party websites, when the first website is activated with respect to the internet.***

432. In my opinion, Block discloses and renders obvious "*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.*"

433. As explained above (*supra* §VII.A.7.e), Block discloses that the "*element for marketing the first website*" is both a "*banner ad*" and "*a link to the first website*." Therefore, the "*element for marketing the first website*" is always both a "*banner ad*" and "*a link to the first website*" in Block.

434. As also explained above (*supra* §VII.A.7.f), Block 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:




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

435. Therefore, as explained above (*supra* §VII.A.7.h), Block discloses and renders obvious this claim.

436. Accordingly, Block discloses "*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.*"

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

### 1. Overview of Arnold

437. Arnold (EX1008) was filed on August 8, 1996, and identifies John K. Arnold, John R. Bennett, Peter O. Claar, Kurt D. Dahl, Jennifer L. Dobson, Charles A. Fontaine, Philip H. Johanson, Donald G. McGuire, Mary Swanson, David G. Wagner and Steve Wainright as its inventors. Arnold was published on January 18, 2000.

438. I understand that Arnold is prior art to the '971 Patent at least because it was filed before the filing date of the '971 Patent.

439. Arnold explains that "the [World Wide Web] today has several problems in supporting large scale commerce. One of the key problems is simply putting the buyers and sellers in contact. Because of the vastness of the WWW, even if a person knows what they want, they may not be able to find it. And, even more importantly, the WWW lacks in the ability to create "impulse" type buying in which a customer stumbles upon a product or service that appeals to them at that moment, and then allows them to make an immediate purchase." EX1008, 2:30-39.

440. Arnold explains that one "existing method" of advertising is "plac[ing a banner] ad in a prominent position on a Web page of the content-rich site. The banner ad has a hot link to the selling site. A Web surfer (i.e., potential customer) will notice the ad, then 'click' on it and thereby pass through to the selling site, where a purchase may be made." *Id.*, 2:55-63.

441. Arnold explains that a "problem" with "banner advertising" "is that when the Web surfer clicks on the banner ad, the surfer leaves the content-rich site and goes to the selling site and possibly will not return. This is a strong disincentive for the content-rich site owner because the owner wants the Web surfer to explore and to stay at its site for as long as possible." *Id.*, 3:1-7.

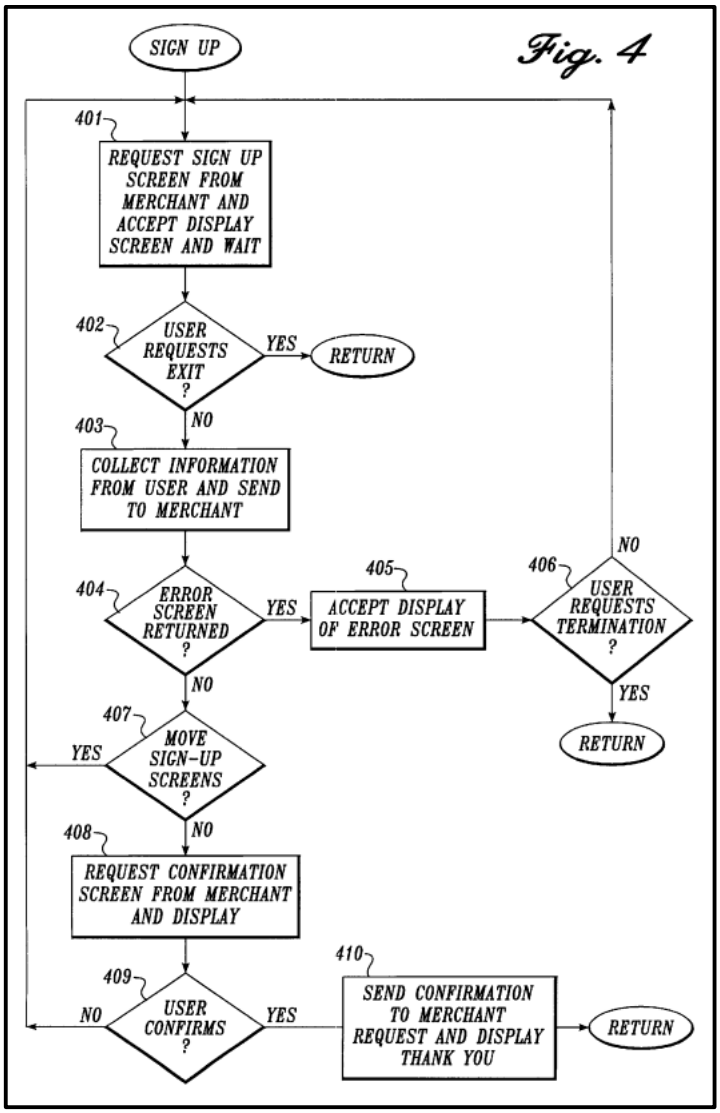
442. As explained in more detail in the section below, Arnold offers a solution to this problem, disclosing a "flexible method for establishing a computer-based relationship between a content-rich site and a selling site" by "tracking a purchase by a customer of a product supplied by a merchant through what is referred to as a 'virtual outlet.'" EX1008, 3:65, 4:3-4.

443. Arnold describes "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" and "a purchase mechanism that allows a customer to see what products are being offered for sale by the VO and to place an order directly with the merchant to purchase a product using the merchant Web site." *Id.*, 5:26-33.

444. Arnold describes that a "prospective VO first establishes the relationship [with a merchant] through a sign-up procedure . . . Once the relationship has been established, a representative of the VO can login to the merchant computer's account management component, which provides to the representative the ability to change the VO's password, to review and change account information, to browse the

merchant's catalog to select items to sell, to change the merchant's order Web page display characteristics, and to perform other necessary tasks to maintain the retail relationship." *Id.*, 6:18-34.

445. Arnold displays, in Fig. 4 (shown below), "a flow control diagram for the Sign-up routine." *Id.*, 4:43.




EX1008, Fig. 4

446. Arnold describes editing web pages. In Figs. 5 and 6 (shown below), Arnold illustrates "example sign-up Web pages. The Web page of FIG. 5 inputs such information as the mailing address and email address of the VO, as well as a proposed password for use if the merchant decides to establish a relationship with the VO. The Web page of FIG. 6 inputs information concerning the appearance that the VO expects for a merchant order Web page that will be displayed." *Id.*, 9:10-16, Figs. 5, 6.

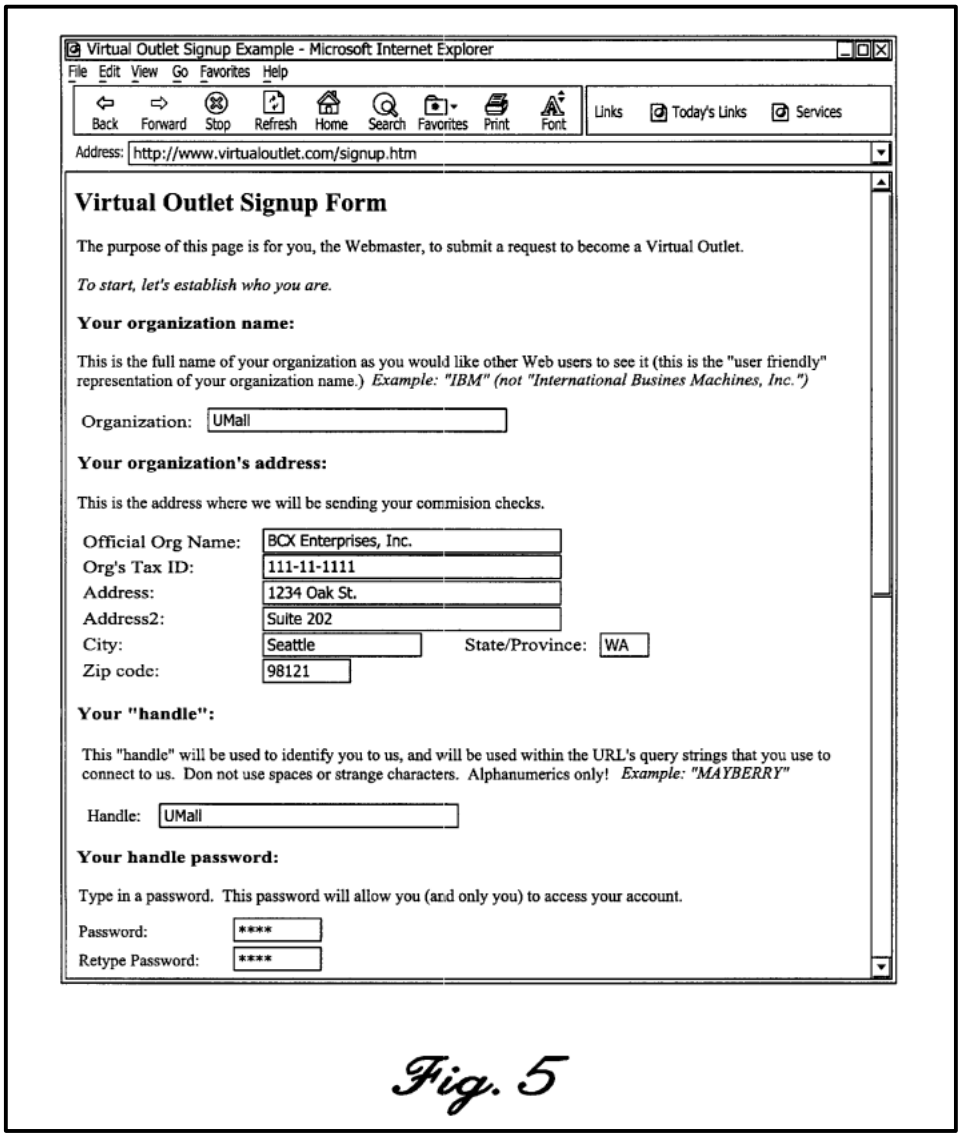



Fig. 5

EX1008, Fig. 5.

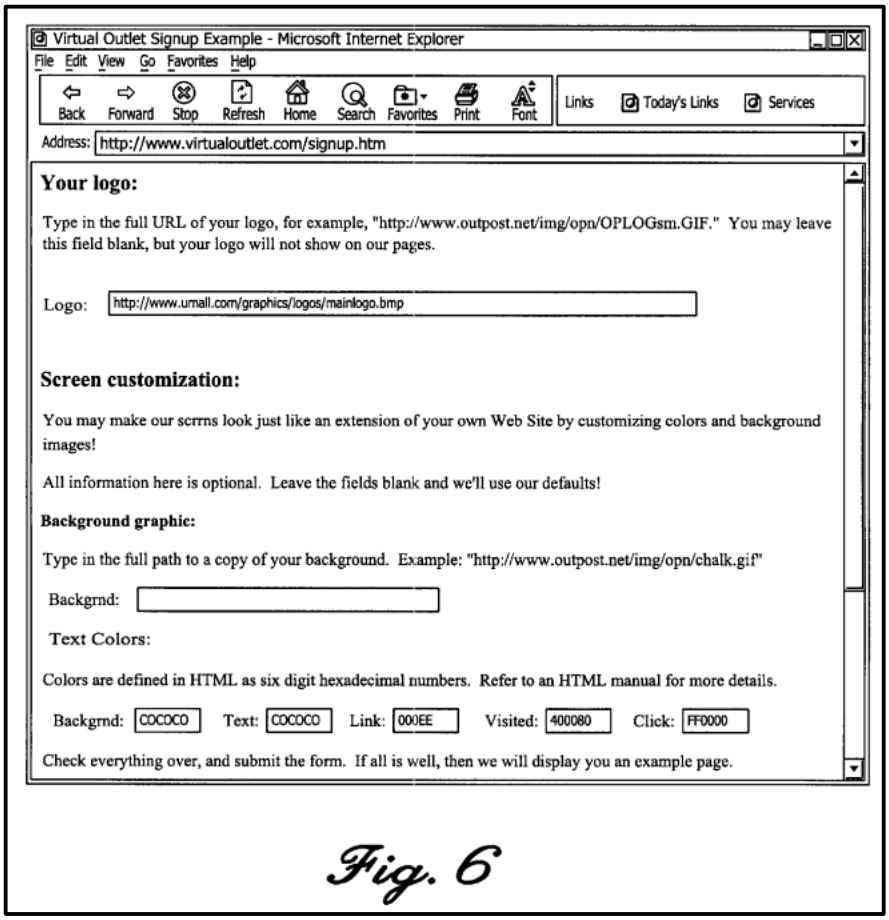



*Fig. 6*

EX1008, Fig. 6.

447. Arnold displays, in Fig. 7 (shown below), an "example confirmation Web page [which] repeats certain of the supplied sign-up information and displays the appearance requested by the representative for the merchant order Web page, including colors and fonts. If the representative finds the confirmation Web page acceptable and indicates a desire to confirm the sign-up request, then Sign-up detects the indication in step 409, sends a confirmation message to the merchant via the Internet and requests and displays a thank you message from the merchant in step

410, and returns. Otherwise, Signup returns from step 407 to step 401 to allow the representative to re-input data to the sign-up Web pages." *Id.*, 9:45-57, Fig. 7.

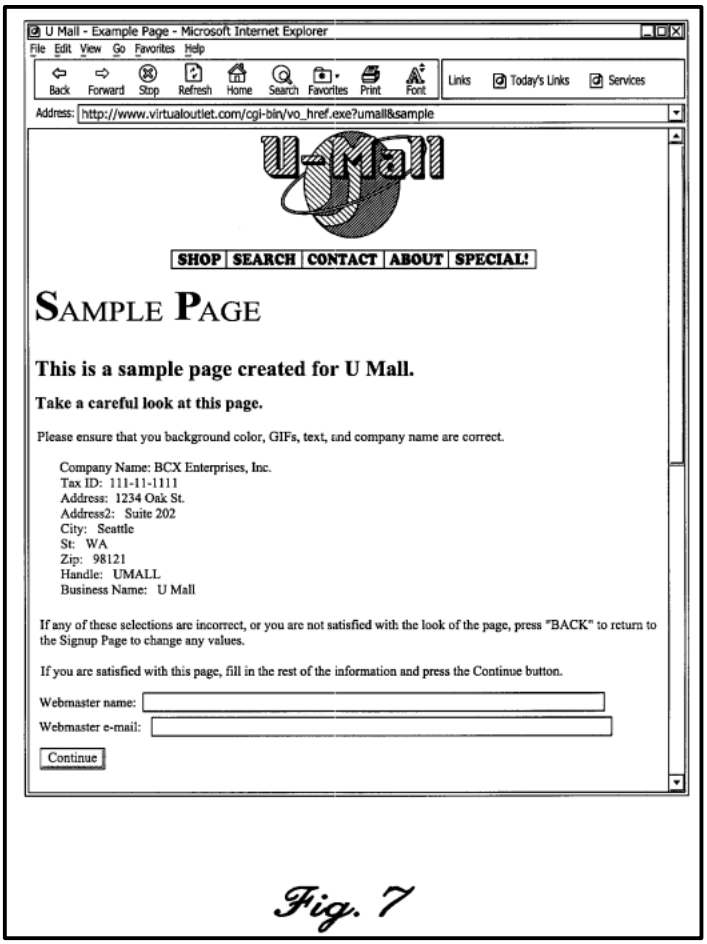



*Fig. 7*

EX1008, Fig. 7.

448. Arnold shows, in Fig. 10 (shown below), "an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item. The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." *Id.*, 10:41-52, Fig. 10.

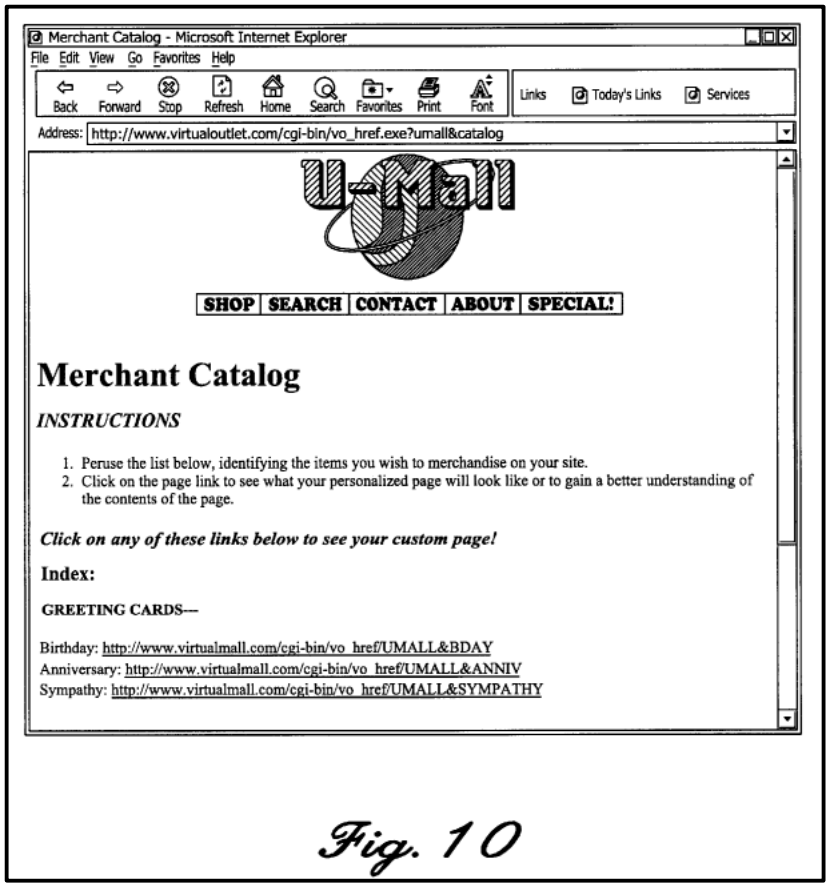



Fig. 10

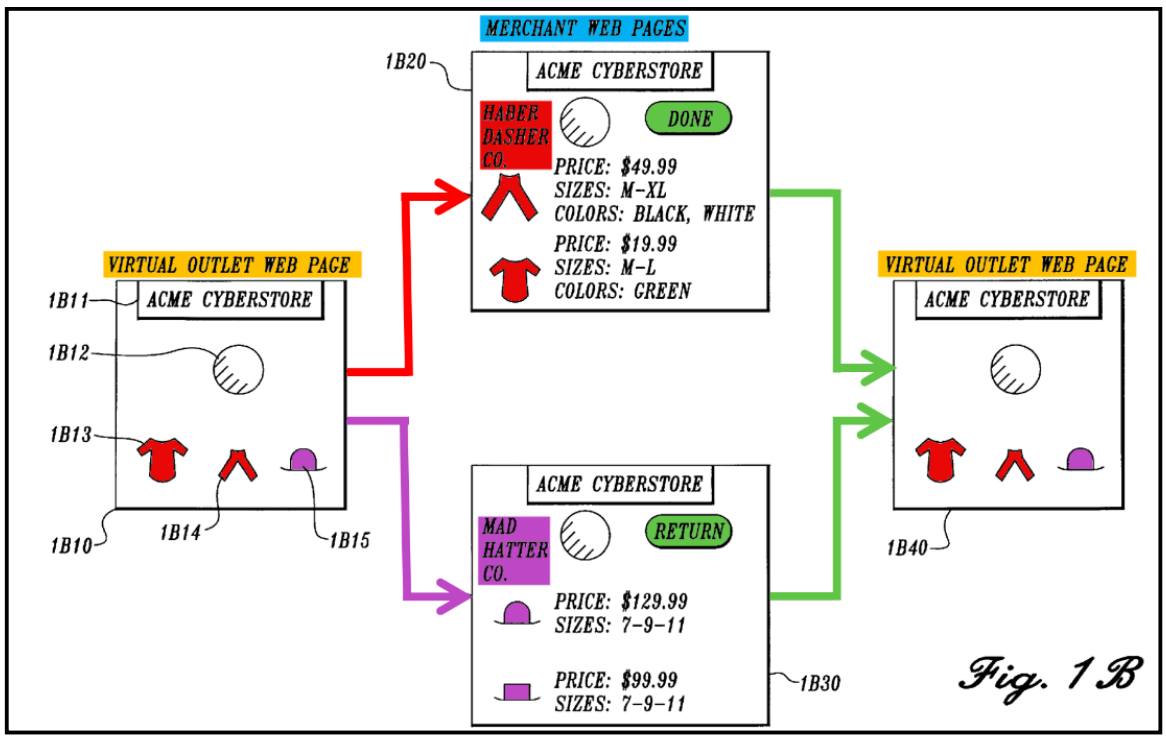
EX1008, Fig. 10.

449. Arnold explains that "[t]o purchase a product, a customer would first view a Web page provided by a VO. The VO Web page may show a graphical image of various products, such as a picture of a pair of blue jeans or a picture of a shirt. Each image has a URL associated with it that is a hot link to a Web page provided by the Web site of the merchant of the product. If a customer wishes to find more information about a product (e.g., cost or size information) or to purchase the product, the customer simply selects the image of the product displayed. When the image is selected, the customer computer then requests access to the merchant Web

page identified by the associated URL. A merchant computer provides the merchant Web page to the customer computer. Once the customer computer receives the merchant Web page, it displays the Web page to the customer . . . After the order is placed, the merchant Web page directs the customer computer to redisplay a Web page of the VO. By redisplaying the VO Web page, the VO can help ensure that the customer will return to a Web page of the VO after the purchase of a product." *Id.*, 5:41-62.

450. Arnold illustrates, in Fig. 1B (shown below), "the sequence of Web pages as seen by a customer of a VO. In this example, the name of **the VO is 'AcmeCyberstore;'** its logo is a circle with lines; and it is offering to sell shirts, pants, and hats. **The shirt and pants are sold through a merchant named 'HaberDasher Company,'** and **the hats are sold through a merchant named 'MadHatter Company.'** When a customer accesses the Web page for the **AcmeCyberstore**, the customer would see Web page 1B10. This Web page contains banner 1B11 and logo 1B12, which identify the VO. In addition, this Web page contains the images **1B13, 1B14**, and **1B15** of the products that are being offered for sale. When a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product. The Web page is identified by a URL (i.e., hotlink) associated with that product . . . . The merchant computer then sends that Web page to the customer

computer. The customer computer displays the **merchant Web page 1B20 [associated with Haber Dasher Co.], 1B30 [associated with Mad Hatter Co.]** . . . . When the customer has completed the purchase, the customer can select the **return icon** to return to the Web page lB40 for the AcmeCyberstore VO." *Id.*, 7:30-8:6, Fig. 1B.




EX1008, Fig. 1B (annotated).

2. Claim 4 And Its Dependent Claims 24-25

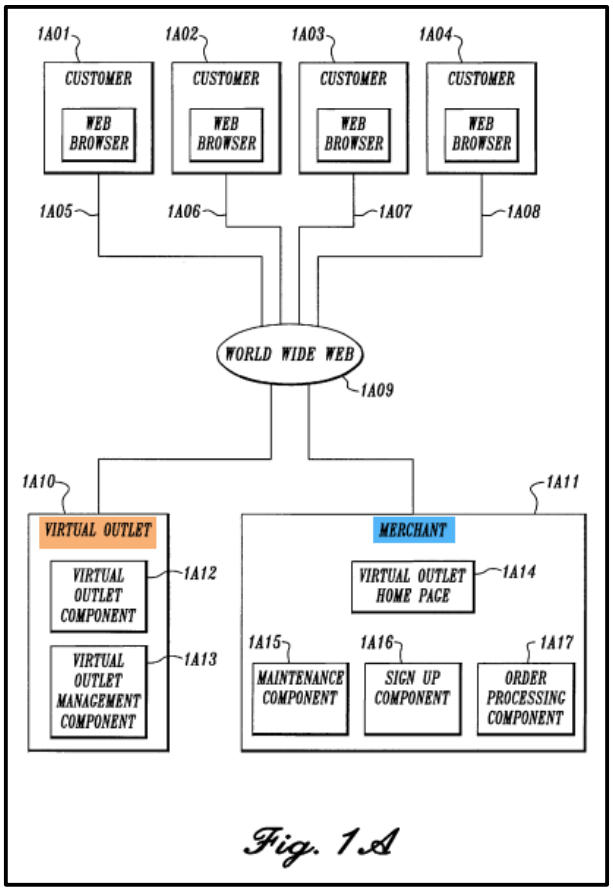
a. ***4[pre]: A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:***

451. In my opinion, Arnold discloses and renders obvious a "*method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website.*"

452. Arnold teaches that one problem associated with "[m]arketing Products on the Internet" is getting "potential customers who are at the content-rich sites to know that the selling site has a product that is available to be sold on the Web." EX1008, 2:22-47. As a solution, Arnold describes "a **computer-based method** and system for tracking transactions from a virtual outlet Web site to a merchant Web site" "on the Internet." *Id.*, 5:24-27. A Skilled Artisan would have understood that the merchant Web site is a "*first website*" and the virtual outlet Web site is a "*second website*."

453. Arnold discloses "*a computer hardware website implementation system*." Arnold, in Fig. 1A (shown below), illustrates "a block diagram illustrating a preferred system of networked computers that includes the present invention. The system includes a number of customer computers 1A01-1A04, a VO computer 1A10, and a merchant computer 1A11, which are interconnected on the WWW 109." *Id.*, 6:65-7:02. In particular, in Arnold a virtual outlet (**orange**) and merchant (**blue**) sell products to "customers" over the internet. *Id.*, Abstract, Fig. 1A. A Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system.*" In particular,

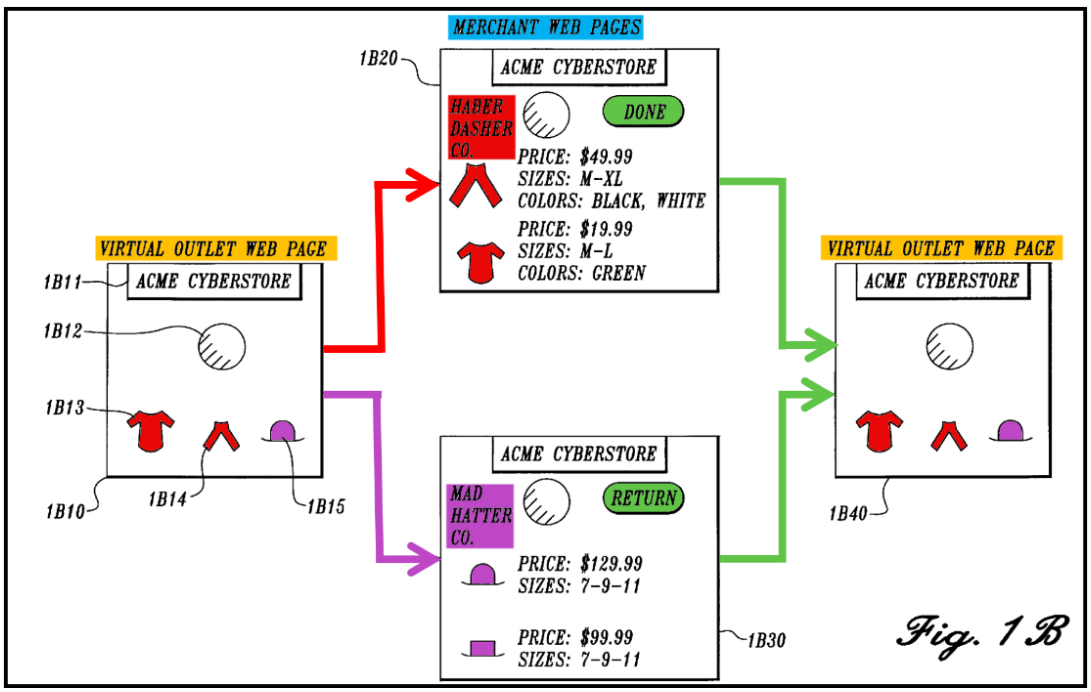
Arnold explains that "[v]irtual outlets, merchants, and customers need not reside on separate computers, but could reside together on one or more computers, provided that each has an Internet address." *Id.*, 7:24-27. Moreover, a Skilled Artisan would have understood that VO computer 1A10 and merchant computer 1A11 are "*computer hardware*."




EX1008, Fig. 1A (annotated).

454. The "system of networked computers" includes a VO computer 1A10 that "provides the Web pages of the virtual outlet to customers via the WWW." *Id.*, 6:65-7:9. The web pages of the virtual outlet include "link[s] that identif[y] a

merchant Web page available from the merchant computer." *Id.*, 4:11-12. And the merchant computer 1A11 "provides the merchant Web page to the customer computer." *Id.*, 5:52-53. As shown in Figure 1B, this arrangement of VO computer 1A10 and merchant computer 1A11 together form "a server system." Moreover, the VO computer 1A10 and merchant computer 1A11 both "provide" web pages to the customers through the WWW. *See e.g.*, *Id.*, 4:5-6 ("[T]he merchant, virtual outlet owner, and customer each have a computer connected through a network and where the purchase is conducted as a transaction over the network.").




EX1008, Fig. 1B (annotated).

455. In particular, in the "server system" of Arnold, a "virtual outlet web page" (**orange**) offers products such as shirt 1B13, pants 1B14, and hat 1B15 for sale to customers. *Id.*, 7:39-41, Fig. 1B. Each product is "supplied by a merchant"

and each shirt 1B13, pants 1B14, and hat 1B15 include a link to a product page. *Id.*, 4:3-5. When the customer selects the product to purchase from the displayed "virtual outlet web page" the customer computer "sends to the merchant computer a request for the merchant Web page identified by the link associated with the product." *Id.*, 4:18-20.

456. When the merchant computer receives the request for the web page, the "merchant computer modifies the merchant Web page" (**blue**). *Id.*, 4:20-21. The merchant computer can modify the page to include for example, specialized logos, information, banners, and will also add a "return link" (**green**). *Id.*, 4:20-21. The modified merchant Web page is displayed at the customer computer to allow the customer to purchase the product from the merchant. *Id.*, 4:25-27. When the purchase is complete, the customer computer displays the return Web page (i.e., "virtual outlet web page" 1B40 (**orange**)) "identified by the return link in the modified merchant Web page." *Id.*, 4:30-32. Accordingly, because the system of Arnold is modifying and implementing webpages, a Skilled Artisan would have understood it is a "*website implementation system.*"

457. Arnold explains that the "virtual outlet component of the VO provides Web pages to customers that comprise a collection of text or images that describe or represent various products or services that the customer can purchase." *Id.*, 8:9-24. Arnold includes a "layout" system that allows the VO representative to "specif[y] a

Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page. 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." *Id.*, 7:58-65. Accordingly, a Skilled Artisan would have understood that because Arnold can be used to implement the design of web sites and "dynamically creates a Web page," it describes a "*website implementation system.*"

458. Thus, a Skilled Artisan would have understood that the Merchant and Virtual Outlet are a "*a computer hardware website implementation system*."

459. As explained above, Arnold discloses "*establishing a reciprocal arrangement between a first website and a preexisting second website*." Arnold describes "a computer-based method and system for tracking transactions from a virtual outlet Web site to a merchant Web site on the Internet." *Id.*, 5:24-27.

460. In particular, Arnold explains that "[t]he virtual outlet component of the VO provides Web pages to customers" which include "hot links that allow a customer to directly access a merchant's order Web page" (**red**/**purple**). *Id.*, 8:9-16. Arnold also explains that "the merchant computer provides the customer with a return link to the VO's Web page" (**green**). *Id.*, 6:51-55, 8:21-23 ("[T]he merchant can return to the customer computer a reference to the appropriate VO Web page.").

Therefore, there is a "*reciprocal arrangement*" between the "*first website*" and the "*second website*."

461. Moreover, Arnold explains that before the "virtual outlet management component of the VO allows a VO to enter into a **VO relationship** with a merchant and to manage the relationship over time." *Id.*, 8:39-41. When a user of the VO website accesses a hot link to the merchant computer, the merchant computer "accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher Company" and "dynamically creates a Web page (e.g., an HTML file) in accordance" with the virtual outlet relationship (as explained above). *Id.*, 7:54-65. A Skilled Artisan would have understood that the "virtual outlet relationship" in Arnold is an example of a "*reciprocal arrangement*" because it is used to "dynamically creates a Web page" that includes reciprocal links.

462. A Skilled Artisan would have understood that the VO web page is a "*preexisting*" website because it exists prior to "*establishing a reciprocal arrangement between a first website and a preexisting second website.*" In particular, as explained above, in Arnold "[t]he 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, 7:62-65. Therefore, the "*first website*" (the merchant website) is dynamically created when a user clicks a

link on the VO website ("*second website*")—accordingly, the second website must be "*preexisting*."

463. To the extent forming a "*reciprocal arrangement*" requires opting into the relationship, as discussed below (*infra* §VII.B.5.l), Arnold discloses it.

464. Accordingly, Arnold discloses and renders obvious a "*method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website.*"

b. ***4[a]: registering the second website with the website implementation system;***

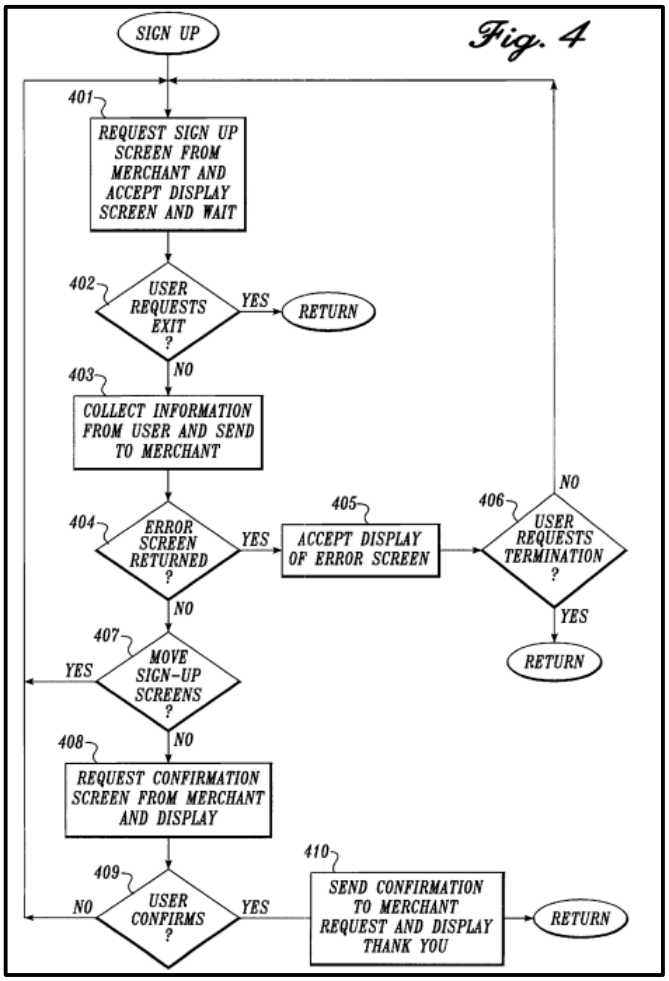
465. In my opinion, Arnold discloses and renders obvious "*registering the second website with the website implementation system.*"

466. As explained above (*supra* §VII.B.2.a), the virtual outlet web site is an example of a "*second website*." And a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system."*

467. Arnold explains that a "virtual outlet management component of the VO allows a VO to enter into a **VO relationship** with a merchant and to manage the relationship over time." *Id.*, 8:39-41. In particular, "[t]he system of a present invention provides 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." *Id.*, 5:27-30. A Skilled Artisan would have known that "signing up" to "offer a merchant's products

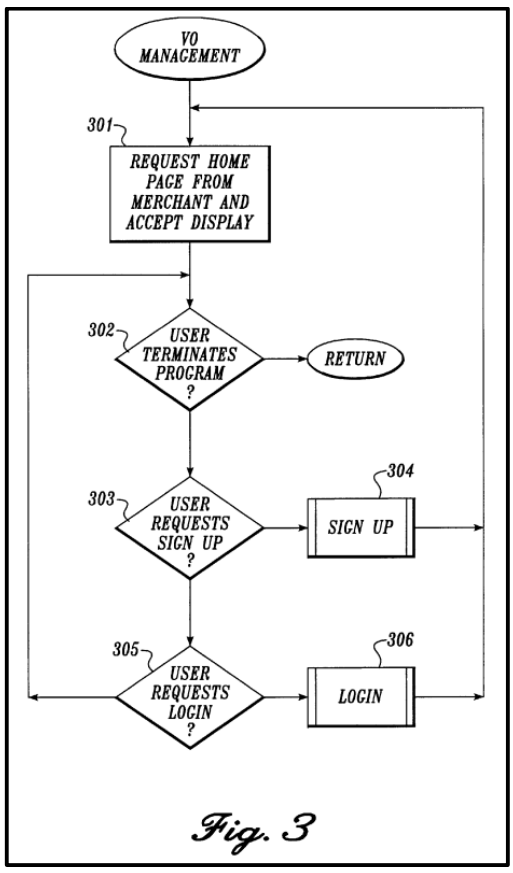
for sale through the VO" is an example of "*registering the second website with the website implementation system.*"

468. Arnold illustrates, in Fig. 4 (shown below), "a flow control diagram for the Sign-up routine. In step 401, Sign-up requests the sign-up Web page, or initial sign-up Web page, if there are more than one, provided by the merchant computer to the VO for collection of sign-up information from the VO. When the requested Web page is received from the merchant computer, Sign-up displays the sign-up Web page." *Id.*, 9:3-9.



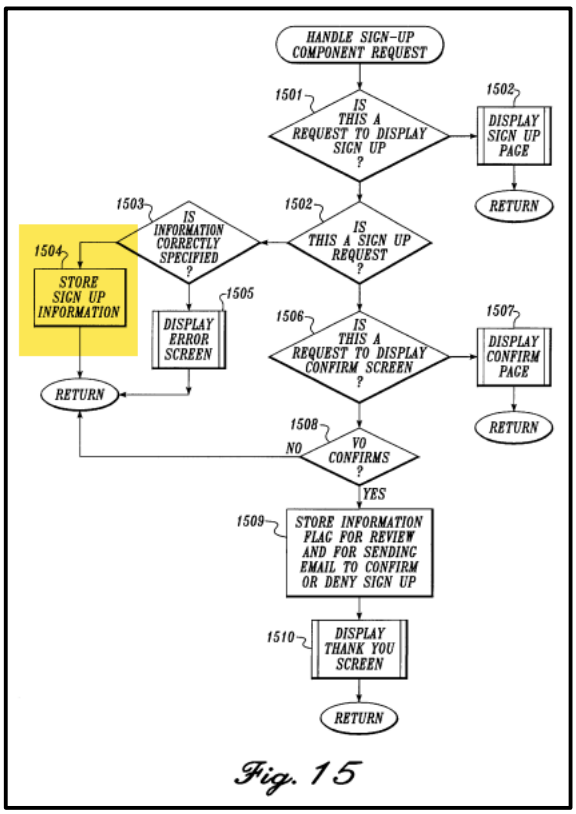
EX1008, Fig. 4.

469. In Fig. 3 (shown below), Arnold illustrates "a high-level flow control diagram for the virtual outlet management component of the VO." Arnold explains "[a]s part of step 301, the representative indicates with which merchant the VO wishes to interact. The initial merchant Web page includes input means for the representative to . . . to establish a relationship." *Id.*, 8:53-60, Fig. 3. Arnold explains "[a]fter viewing the home page, a VO representative may decide to attempt to enter a VO relationship with the merchant by invoking the sign-up procedure." *Id.*, 11:41-43.

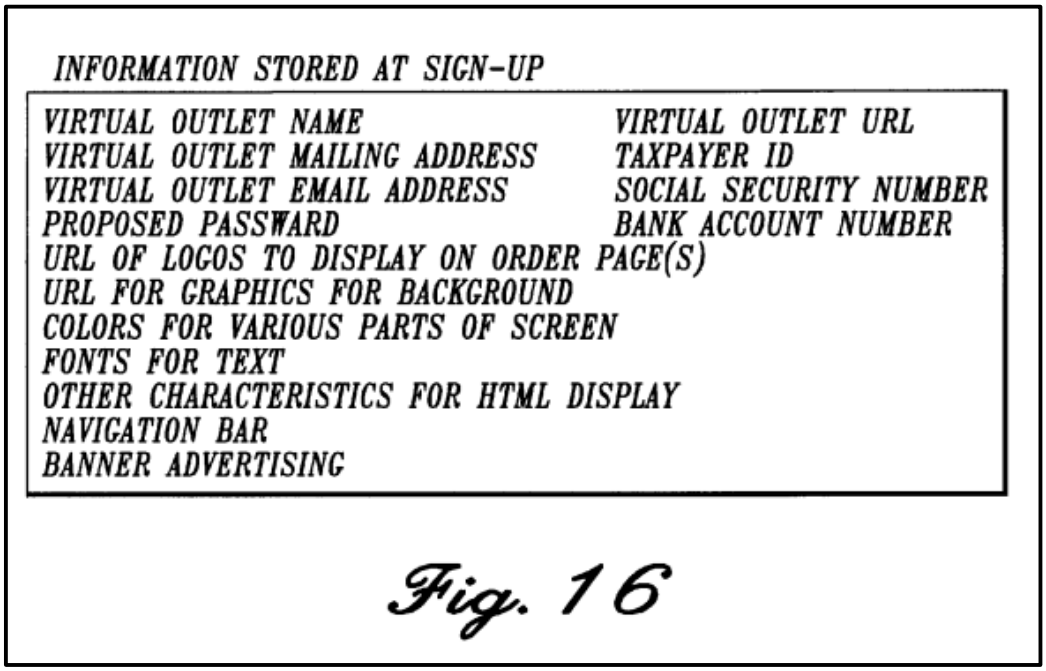



EX1008, Fig 3.

470. In Fig. 15, Arnold illustrates "a flow diagram for the Sign-up_ Request routine." Arnold explains that "[i]f the information was correctly specified" during sign-up, the system "temporarily stores the sign-up information in a file on the merchant computer in step 1504 and returns." *Id.*, 12:39-52, Fig. 15.




EX1008, Fig. 15 (annotated).




EX1008, Fig. 16.

471. A Skilled Artisan would have understood that "Store Sign Up Information" indicates that sign-up information, including the "VO relationship with the merchant," would be stored in a computer database. *Id.*, 13:1-10 ("In step 1509, sign-up-- Request permanently stores the sign-up information on the merchant computer and flags the stored information for review by a representative of the merchant computer."). Accordingly, a Skilled Artisan would have understood that Arnold discloses and renders obvious "*registering the second website with the website implementation system.*"

472. Additionally, Arnold gives an example of a relationship between merchant HaberDasher Company and VO AcmeCyberstore, in which the relationship is stored in a database. *See id.*, 7:54-60 ("When the merchant computer

for the HaberDasher Company receives this URL, **it accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher Company.** That database specifies a Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore.").

473. Accordingly, Arnold discloses and renders obvious a "*registering the second website with the website implementation system.*"

c. ***4[b]: receiving, by the website implementation system, a request by a first user to implement the first website;***

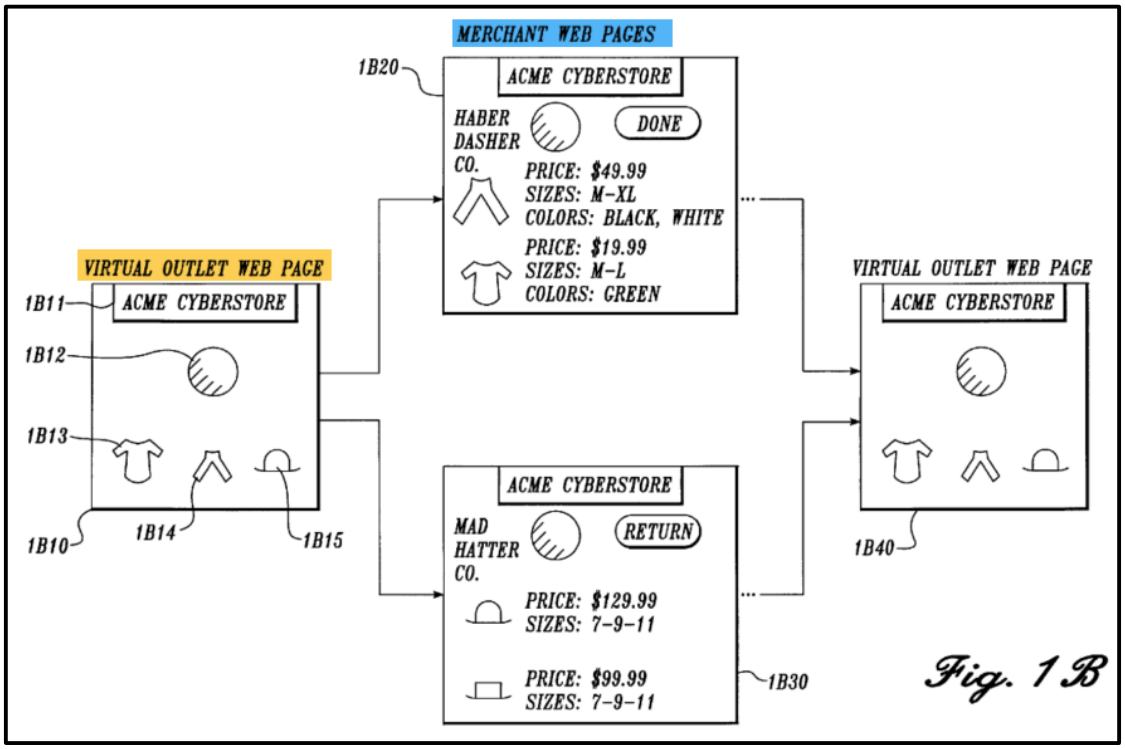
474. In my opinion, Arnold discloses and renders obvious "*receiving, by the website implementation system, a request by a first user to implement the first website.*"

475. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system.*" Additionally, the merchant web site is an example of a "*first website*." *Supra* §VII.B.2.a.

476. Arnold explains that "a representative of the VO can login to the merchant computer's account management component, which provides to the representative the ability to . . . browse the merchant's catalog to select items to sell, to change the merchant's order Web page display characteristics, and to perform other necessary tasks to maintain the retail relationship." EX1008, 6:27-34.

477. A Skilled Artisan would have understood that the representative of the VO is a "*first user*." A Skilled Artisan would have further understood that when the VO representative selects items to sell and changes other display characteristics of the merchant's order Web page, the "*first user*" is "*implementing a website.*"

478. Subsequent to this implementation, in the example displayed in Fig. 1B (shown below), Arnold explains that "[w]hen the merchant computer for the HaberDasher Company receives" the URL identifying the VO and the return link from the VO, "[t]he 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." *Id.*, 7:45-66, 14:15-33 ("[T]he merchant computer to construct an order Web page that appears similar to a VO Web page and uses the information to construct a description of an order Web page and send it to the customer in step 2405. . . . the merchant . . . prepares a confirmation Web page."). Arnold explains that each page layout is provided by a VO representative ("*first user*") when the VO relationship is formed.




EX1008, Fig. 1B (annotated).

479. Therefore, when the merchant computer "receives" the URL identifying the VO and the return link from the VO, "it accesses a database established when the Acme Cyberstore established a virtual outlet relationship with the HaberDasher Company." *Id.*, 7:55-58. "That database specifies a Web page layout," and the "merchant computer then dynamically creates a Web page (e.g., an HTML file) in accordance with the layout." *Id.*, 7:58-65. Accordingly, a Skilled Artisan would have understood that when the merchant computer "receives" the URL identifying the VO and the return link from the VO it accesses the layout information in the relationship database (which is provided by the "*first user*") and dynamically creates the "*first website*." Therefore, creating a layout for a given

product page in the relationship database is "*a request by a first user to implement the first website*." Since the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system*" this "request" is "*receiv[ed], by the website implementation system.*" *Supra* §VII.A.2.c.

480. Additionally, Arnold discloses an "example confirmation web page" in Figure 7 that "repeats certain of the supplied sign-up information and displays the appearance requested by the [VO] representative." *Id.*, 9:45-56. Arnold explains that:

> If the representative finds the confirmation Web page acceptable and indicates a desire to confirm the sign-up request, then Sign-up detects the indication in step 409, sends a confirmation message to the merchant via the Internet and requests and displays a thank you message from the merchant in step 410, and returns. Otherwise, Signup returns from step 407 to step 401 to allow the representative to re-input data to the sign-up Web pages.

*Id.*, 9:45-56.

481. Therefore, a Skilled Artisan would have understood that the merchant computer dynamically creates the "*first website*" as part of generating the "example page" and that the creation of this "example page" would be a "*request by a first user to implement the first website*." In particular, the "*first user*" (i.e., the VO representative) requests the implementation of the "*first website*" in order to confirm that the web page layout is "acceptable."

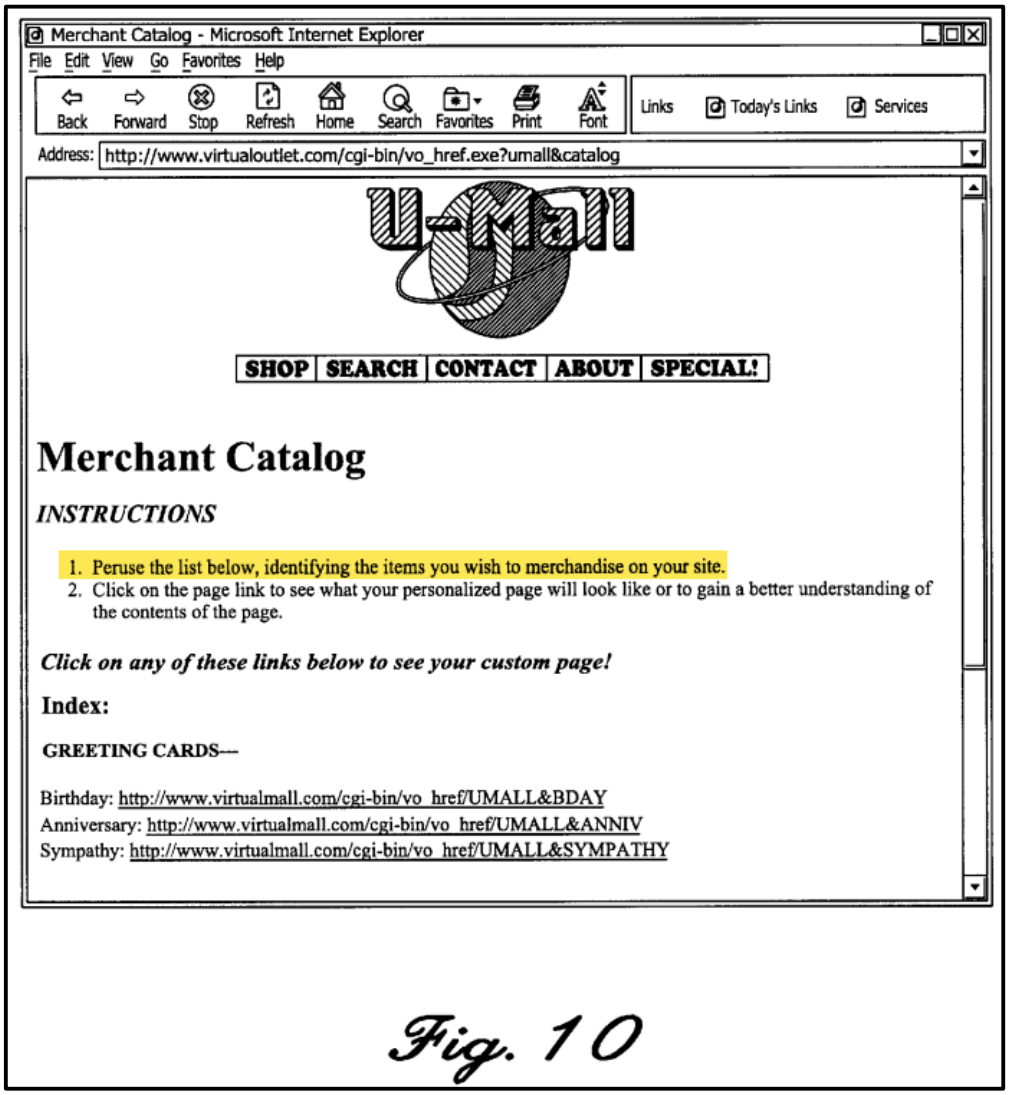
482. Accordingly, Arnold discloses and renders obvious "*receiving, by the website implementation system, a request by a first user to implement the first website.*"

d. ***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;***

483. In my opinion, Arnold discloses and renders obvious "*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.*"

484. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system*" and that the virtual outlet web site is an example of a "*second website*." As further explained above (*supra* §VII.B.2.c), a Skilled Artisan would have also understood that the representative of the VO is a "*first user*."

485. Arnold illustrates, in Fig. 10 (shown below), "an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item. The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." EX1008, 10:42-50.




EX1008, Fig. 10 (annotated).

486. As instruction 1 for the VO representative (highlighted), the catalog of Fig. 10 states: "peruse the list below, identifying the items you wish to merchandise on your site." Arnold also explains that "[o]nce the relationship has been established, a representative of the VO can login to the merchant computer's account management component." *Id.*, 6:26-29. The "merchant computer's account management component" provides the representative with the ability to, among

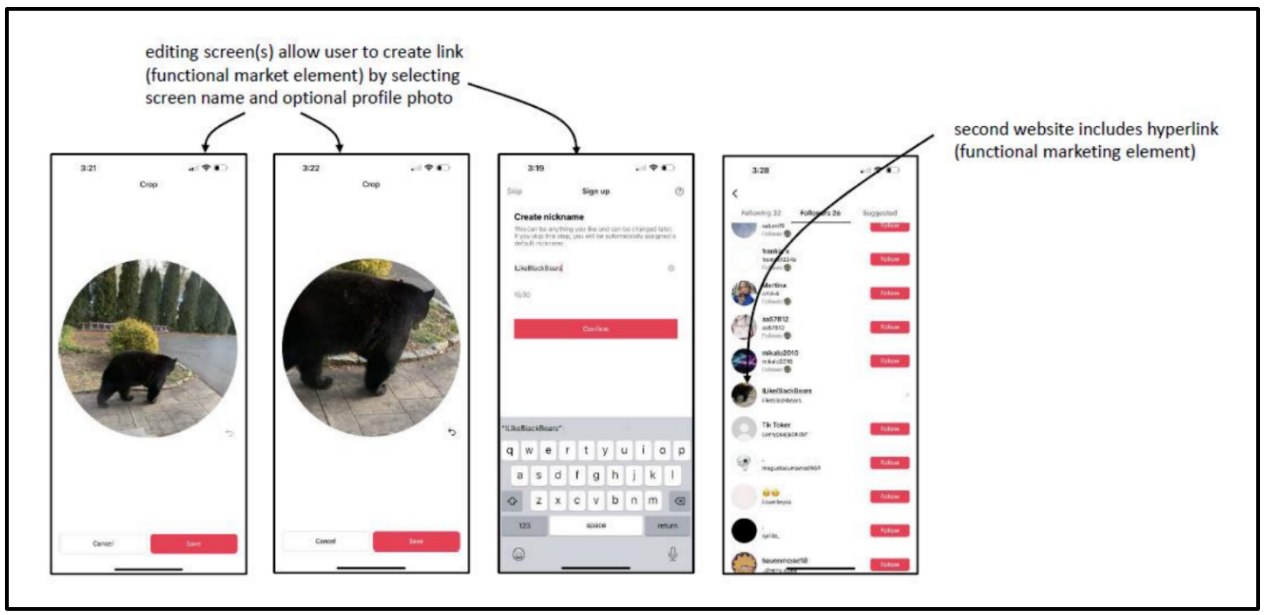
other things, "browse the merchant's catalog to **select** items to sell." *Id.*, 6:28-32. A Skilled Artisan would have understood that "identifying" and "selecting" items in the merchant catalog to be added to the "*second website*" includes **"***a selection by the first user as to a second functional marketing element*." *Id.*, 10:47-50 ("The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages."). Moreover, because this selection occurs on the MMC (on the merchant computer), it is "*receiv[ed], by the website implementation system*."

487. Moreover, as explained above (*supra* §VII.B.2.a), when a customer of the VO website accesses a hot link to the merchant computer, the merchant computer "accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher Company" and "dynamically creates a Web page (e.g., an HTML file) in accordance" with the virtual outlet relationship. *Id.*, 7:56-65. Therefore, a Skilled Artisan would have understood that the "*first user*" "*selection*" of a "*second marketing element*" is "*receiv[ed], by the website implementation system*," because the "*second marketing element*" corresponds to an entry in the "virtual outlet relationship" database.

488. It would have been obvious to "incorporate items into the VO Web pages" using the same layout and web site design tools described in Arnold for implementing the merchant site. In particular, Arnold teaches that "a database" is

"established" when the "virtual outlet relationship" is created. *Id.*, 7:55-58. The "database specifies a Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page." *Id.* The system of Arnold 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." *Id*. It would have been obvious to use the same database and layout design system to edit and create the "*second website*." In particular, 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 predicable result. Moreover, the layout system of Arnold is managed by the MMC on the merchant computer. "The maintenance component of the merchant is the counterpart to the login and maintenance procedures made available to the VO by the maintenance component of the VO." *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 Skilled Artisan would also have been motivated to use Arnold's layout system to build the "*second website*" at least because such systems were well-known (§IV.A), the layout system would allow the VO to more easily design and develop the "*second website,*" and would allow to VO to quickly and easily add new products to the "*second website*."

489. Patent Owner argues in their complaint that "[a] substantial overlap exists in the meanings of the claimed 'functional identification element' of the '398 Patent and 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, 62 (below, stating that a "hyperlink" is a "functional marketing element.").

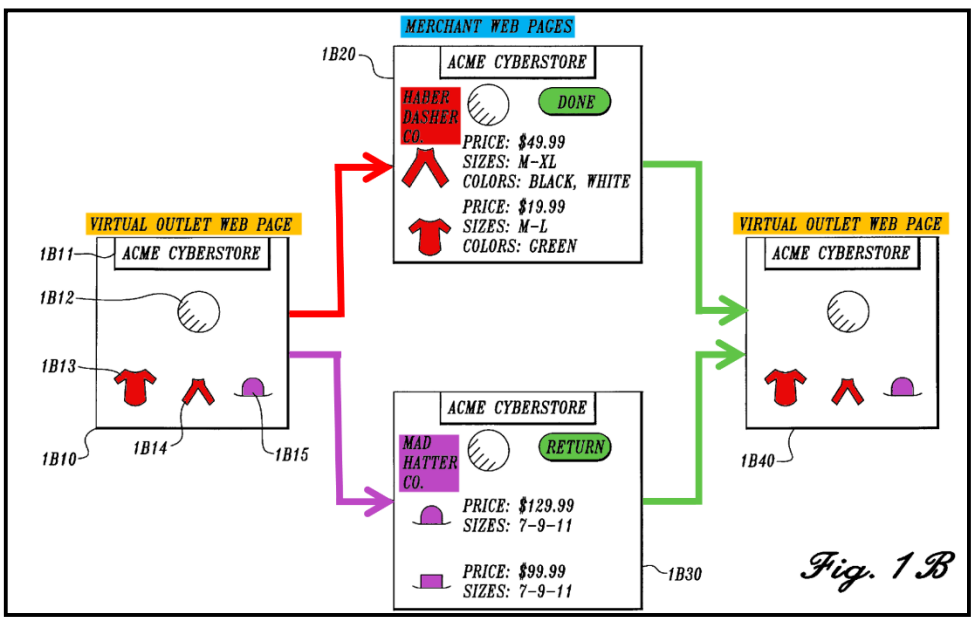



EX1012, 70.

490. Therefore, Patent Owner admits that "functional marketing element" was (1) "known" and (2) is a hyperlink. Accordingly, a Skilled Artisan would have understood that an item for sale with a URL corresponding to the order Web page is a "*second functional marketing element.*"

491. Indeed, in Fig. 1B (shown below), Arnold describes a Web page 1B10 for the AcmeCyberstore which "contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale." *See* EX1008, 7:39-41. The images of the

products are each associated with a URL that links to the Merchant Web page 1B20, 1B30 that sells the product. *See id.*, 7:44-54 ("The Web page is identified by a URL (i.e., hotlink) associated with that product. For example, the shirt image 1B13 may have the URL 'http://www.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it. The portion 'HaberDasher.com' identifies the merchant that sells the shirt, the portion 'AcmeCyberstore' identifies the VO, and the portion 'AcmeCyberstore.com/ homepage' identifies the Web page to return to after the sale is complete. (If a return Web page is not identified, the merchant can use a default return Web page for that virtual outlet).").




EX1008, Fig. 1B (annotated).

492. Therefore, the product images are "functional marketing element" at least because they include a hyperlink to the merchant site. The product images are

also images and buttons that indicate the type of product offered for sale. Moreover, the product images are "*activated on the second website*" because they can be accessed and used by users of the VO website.

493. Accordingly, Arnold discloses and renders obvious "*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.*"

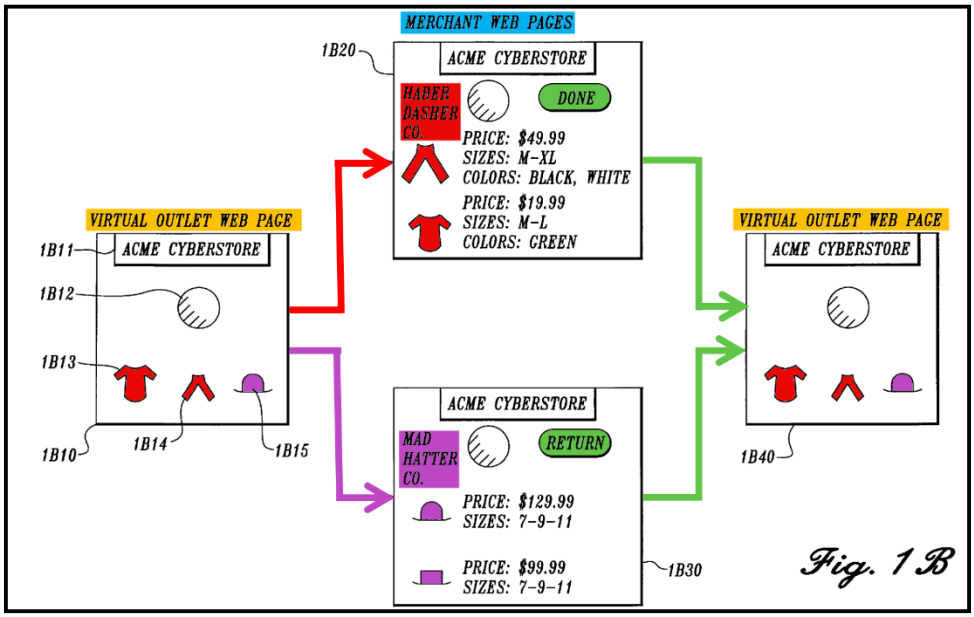
e. ***4[d]: establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and***

494. In my opinion, Arnold discloses and renders obvious "*establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element.*"

495. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*website implementation system"* and the virtual outlet web site is an example of a "*second website*."

496. As explained above (*supra* §VI.A), a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

497. In Figure 1B (shown below), Arnold describes merchant Web page 1B20, 1B30 as including "the return icon to return to the Web page 1B40 for the AcmeCyberstore VO" (**green**). EX1008, 7:66-8:6.




EX1008, Fig. 1B (annotated).

498. A Skilled Artisan would have understood that the return icon, having a link to the virtual outlet web page, is a "*first functional marketing element.*" *Supra* §VII.B.2.e. In particular, Arnold explains that when the "*first website*" is created, the merchant computer "associates the return URL with an icon on the Web page." *Id.*, 7:62-65. The "DONE" or "RETURN" icons include a hyperlink and are functional buttons pressed by the user.

499. A Skilled Artisan would have understood that the "DONE" or "RETURN" icons on the "*first website*" are "*a reciprocal site in the first website*." In particular, the "DONE" or "RETURN" icons disclose a space within a web page (within a website) for displaying reciprocal links to other websites, because the merchant computer inserts a "return URL" into this space when the "*first website*" is created. *Id.*, 7:62-65; *infra* §VII.B.2.f.

500. Moreover, because the merchant computer "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" the "*website implementation system*" is "*establishing*" the "*reciprocal site in the first website for a first functional marketing element.*"

501. Accordingly, Arnold discloses and renders obvious "*establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element.*"

f. ***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***

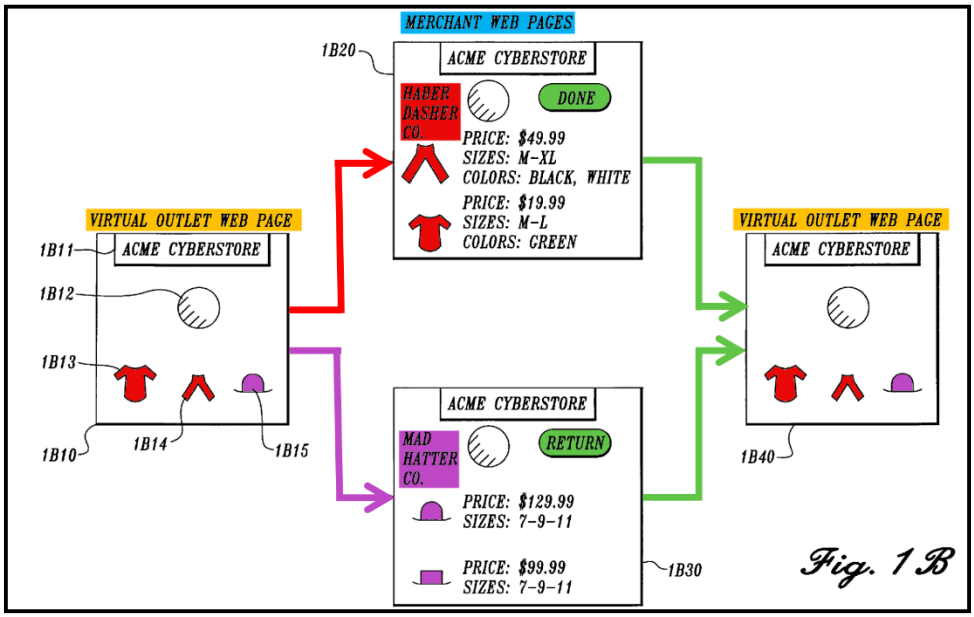
502. In my opinion, Arnold discloses and renders obvious "*upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element, and (ii) the second website to implement the second functional marketing element*."

503. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together

form the "*website implementation system,*" the merchant web site is an example of a "*first website,*" and the virtual outlet web site is an example of a "*second website*."

504. As explained above (*supra* §VII.B.2.e), a Skilled Artisan would have understood that the return icon, having a link to the virtual outlet web page, is a "*first functional marketing element.*" Additionally, as explained above (*supra* §VII.B.2.d), a Skilled Artisan would have understood that the pictures/icons of items for sale with a URL corresponding to the order Web page is a "*second functional marketing element*."

505. The "*first functional marketing element*" and "*second functional marketing element"* are part of a "*reciprocal arrangement.*" Arnold illustrates, in Fig. 1B (shown below), "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. When a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product." *Id.*, 7:39-44. Arnold also explains that "[t]he 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." *Id.*, 7:62-8:64.




EX1008, Fig. 1B (annotated).

506. A Skilled Artisan would have understood the since the VO website and merchant website necessarily link to each other, the "*first functional marketing element*" and "*second functional marketing element*" are in a "*reciprocal arrangement*."

507. Additionally, a Skilled Artisan would have understood that the reciprocal arrangement is implemented by "*the computer website implementation system*" "*upon the first website being activated with respect to the internet*," because "[t]he merchant computer" "dynamically creates a [merchant] Web page having a "return URL with an icon" when the VO website user uses a hotlink. When the "*first website*" is dynamically created ("*upon the first website being activated with respect to the internet*") the "*first functional marketing element*" (DONE/RETURN Icon) is implemented and associated with a return URL. Arnold explains that:

> The Web page is identified by a URL (i.e., hotlink) associated with that product. For example, the shirt image 1B13 may have the URL "http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore .com/home page&hat" associated with it. The portion "HaberDasher.com" identifies the merchant that sells the shirt, the portion "AcmeCyberstore" identifies the VO, and the portion "AcmeCyberstore.com/homepage" identifies the Web page to return to after the sale is complete. (If a return Web page is not identified, the merchant can use a default return Web page for that virtual outlet.)

EX1008, 7:44-54.

508. Therefore, depending on the format of the hotlink, different "*first functional marketing element[s]*" are implemented: a return link to either (1) "AcmeCyberstore.com/homepage" or (2) to "default return Web page for that virtual outlet." Therefore, "*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*."

509. A Skilled Artisan would have understood that "*the first website*" 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. In particular, a Skilled Artisan would have understood that after "*the first website*"

is "dynamically created," a customer is able to access the "*first website*" over the internet.

510. Arnold explains that "[w]hen a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product." *Id.*, 7:41-44. "The Web page is identified by a URL (i.e., hotlink) associated with that product." *Id.*, 7:44-45. When a customer on the VO website clicks the "*second functional marketing element*" (i.e., product images 1B13, 1B14, and 1B15) the "merchant computer then dynamically creates" the "*first website*" and activates it with respect to the internet. As part of creating the "*first website*," the merchant computer "associates the return URL with an icon on the Web page" (i.e., implements the "*first functional marketing element*"). Once the return or done button is implemented then the "*the computer website implementation system*" has successfully "*implement[ed] the reciprocal arrangement*." The implementation of the "*reciprocal arrangement*" is caused by the: "*(i) the first website [] implement[ing] the first functional marketing element, and (ii) the second website [] implement[ing] the second functional marketing element*."

511. To the extent forming a "*reciprocal arrangement*" requires opting into the relationship, as discussed below (*infra* §VII.B.5.l), Arnold discloses it.

512. Accordingly, Arnold discloses and renders obvious "*upon the first website being activated with respect to the internet, the computer website*

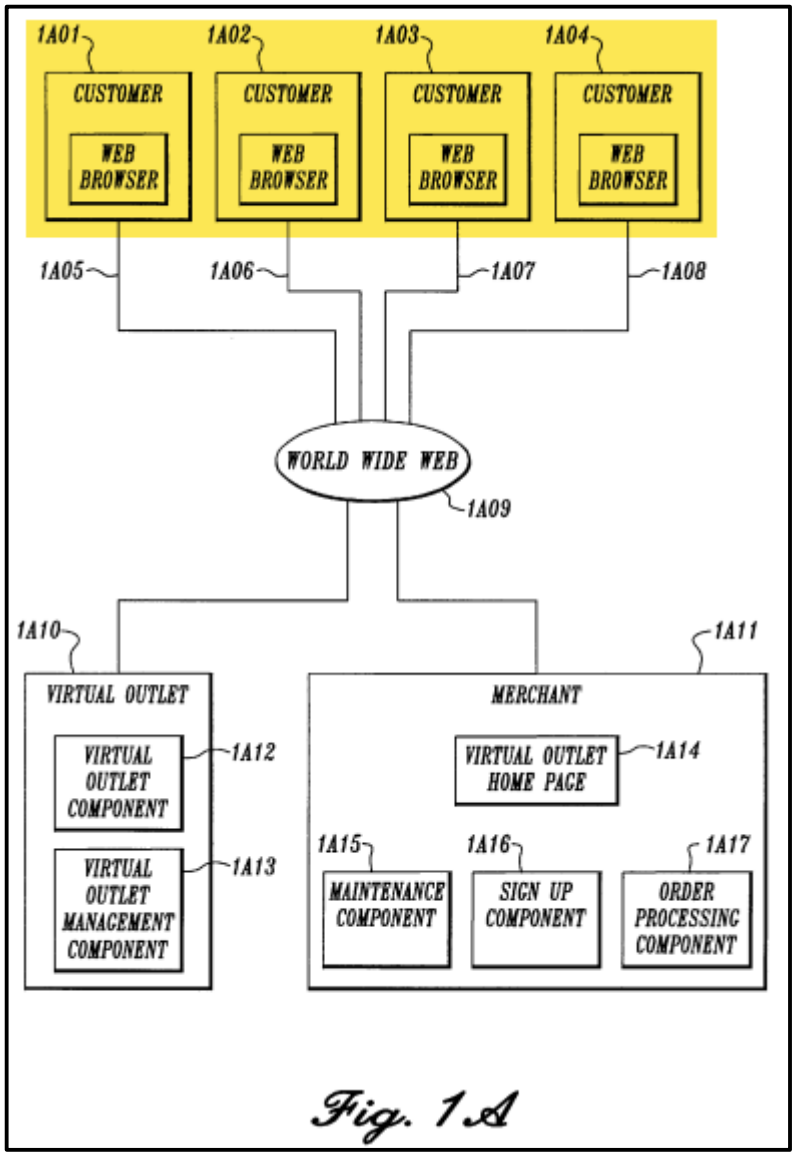
*implementation system implementing the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element, and (ii) the second website to implement the second functional marketing element*."

g. ***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***

513. In my opinion, Arnold discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

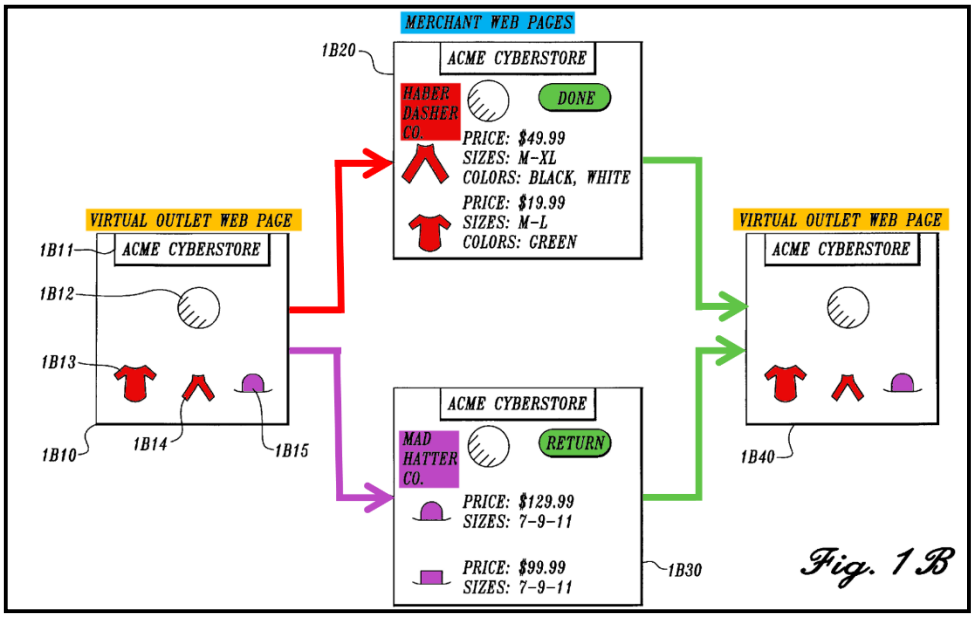
514. As explained above (*supra* §VII.B.2.e), a Skilled Artisan would have understood that the return icon, having a link to the virtual outlet web page, is a "*first functional marketing element.*" As further explained above (*supra* §VII.B.2.a), the virtual outlet web site is an example of a "*second website*."

515. Arnold illustrates, in Fig. 1A (shown below), "a block diagram illustrating a preferred system of networked computers that includes the present invention. The system includes a number of customer computers 1A01-1A04A." EX1008, 6:65-66. Arnold explains that the system "includes an order processing component 1A17 that provides order Web pages directly to customer computers via the network." ***Id.***, 7:17-19. A Skilled Artisan would have understood that the "*second user*" of "*the first functional marketing element*" could be any one of customers 1A01, 1A02, 1A03, or 1A04.




EX1008, Fig. 1A (annotated).

516. Arnold illustrates, in Fig. 1B (shown below), "the sequence of Web pages as seen by a **customer** of a VO." *Id.*, 7:30-31. Arnold explains that "[w]hen the customer has completed the purchase, the customer can select the return icon to return to the Web page lB40 for the AcmeCyberstore VO" (**green**). *Id.*, 8:4-6.




EX1008, Fig. 1B (annotated).

517. Therefore, the "*first functional marketing element*" directs the "customer" ("*a second user of the first functional marketing element*") back to the "*second website*." The "*first functional marketing element*" includes a URL back to the "*second website*." As Arnold explains a URL is used as part of "information exchange" over the internet, therefore, a Skilled Artisan would have understood that "*the first functional marketing element directs, via the internet*." *Id.*, 1:28-30.

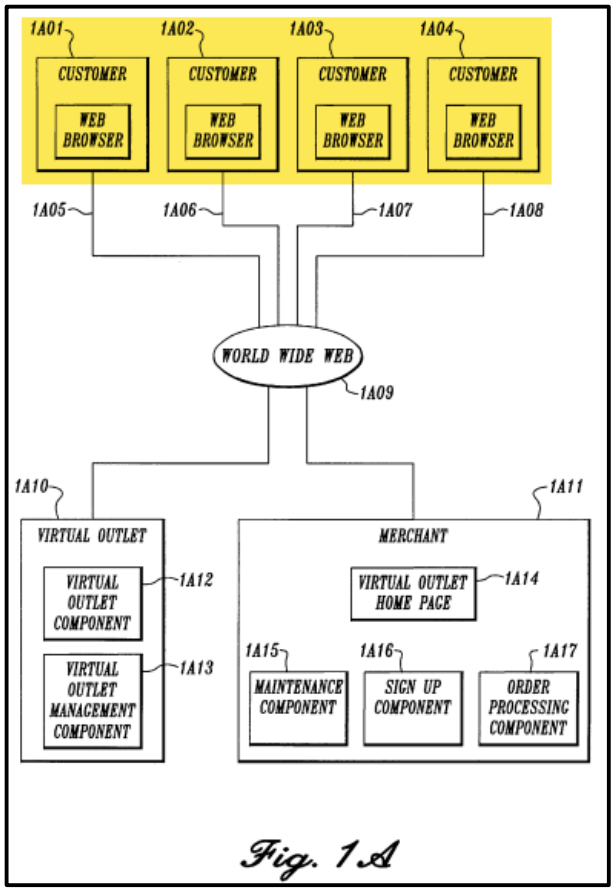
518. Thus, Arnold discloses "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

h. ***4[g]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

519. In my opinion, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

520. As explained above (*supra* §VII.B.2.d), a Skilled Artisan would have understood that an item for sale with a URL corresponding to the order Web page is a "*second functional marketing element*." As further explained above (*supra* §VII.B.2.a), the merchant web site is an example of a "*first website*."

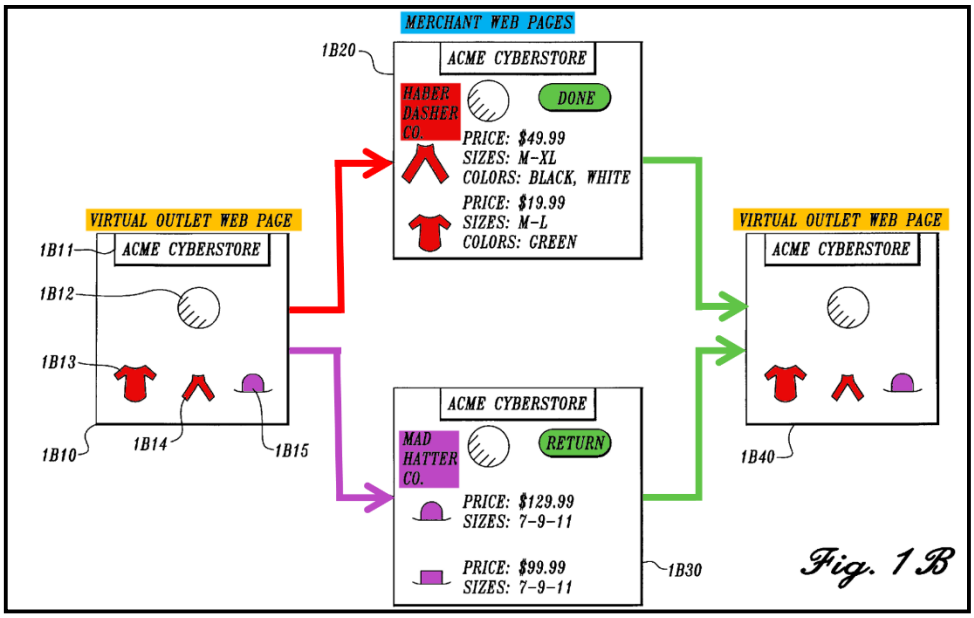
521. Arnold illustrates, in Fig. 1A (shown below), "a block diagram illustrating a preferred system of networked computers that includes the present invention. The system includes a number of customer computers 1A01-1A04A." EX1008, 6:65-66, 7:17-19. A Skilled Artisan would have understood that the "*second user*" of "*the first functional marketing element*" could be any one of customers 1A01, 1A02, 1A03, or 1A04, and "*a third user*" of "*the second functional marketing element*" could be one of the other customers.




EX1008, Fig. 1A (annotated).

522. Arnold illustrates, in Fig. 1B (shown below), "the sequence of Web pages as seen by a customer of a VO." *Id.*, 7:30-31. Arnold explains that "[w]hen a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product. The Web page is identified by a URL (i.e., hotlink) associated with that product." *Id.*, 7:41-45. Therefore, a "third user" (any of customers 1A01, 1A02, 1A03, or 1A04) who is different than the "second user" (of other of customers 1A01, 1A02, 1A03, or 1A04)

can interact with "*the second functional marketing element*" to access the "*first website*."




EX1008, Fig. 1B (annotated).

523. Thus, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

524. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 4 obvious.

i. ***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.***

525. In my opinion, Arnold discloses and renders obvious "*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*."

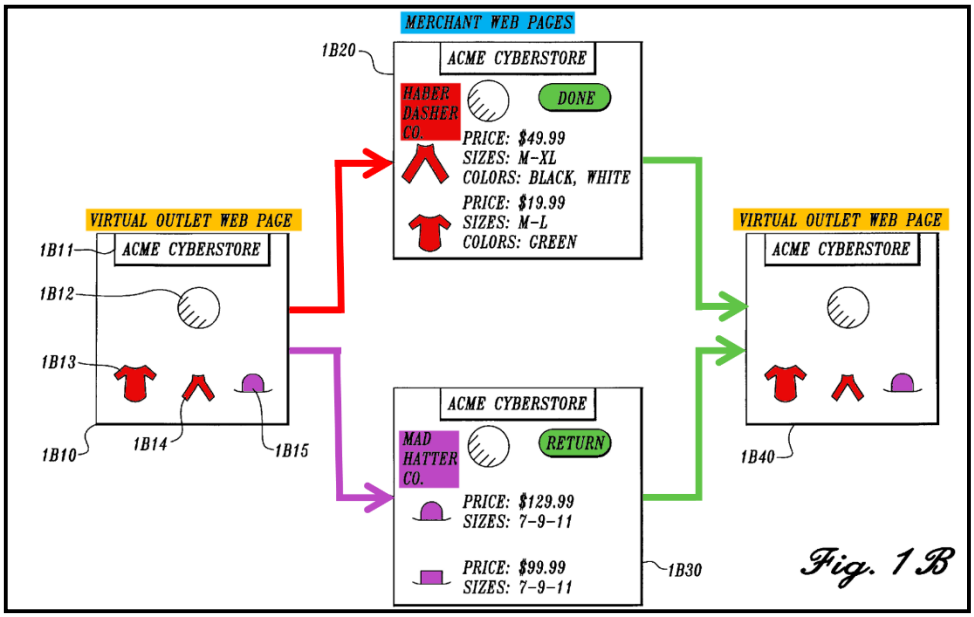
526. As explained above (*supra* §VII.B.2.e), a Skilled Artisan would have understood that the return icon, having a link to the virtual outlet web page, is a "*first functional marketing element.*"

527. As explained above (*supra* §VII.B.2.a), the virtual outlet web site is an example of a "*second website*."

528. As explained above (*supra* §VII.B.2.d), a Skilled Artisan would have understood that an item for sale with a URL corresponding to the order Web page is a "*second functional marketing element.*"

529. As explained above (*supra* §VII.B.2.a), the merchant web site is an example of a "*first website.*"

530. Arnold discloses "*the first functional marketing element consists of a hyperlink to the second website.*" Arnold illustrates, in Fig. 1B (shown below), "the sequence of Web pages as seen by a customer of a VO." EX1008, 7:30-31. Arnold explains that "[w]hen the customer has completed the purchase, the customer can select the return icon to return to the Web page lB40 for the AcmeCyberstore VO" (**green**). *Id.*, 8:4-6. Therefore, the "*the first functional marketing element*" includes a hyperlink back to the "*second website*."




EX1008, Fig. 1B (annotated).

531. Arnold discloses "*the second functional marketing element consists of a hyperlink to the first website*." Arnold explains that "[w]hen a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product. The Web page is identified by a URL (i.e., hotlink) associated with that product" (**red** and **purple** product images). "For example, the shirt image 1B13 may have the URL 'http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it.'" *Id.*, 7:41-48. Therefore, the "*the second functional marketing element*" includes a hyperlink (**red arrow**/**purple arrow**) to the "*first website*."

532. Accordingly, Arnold discloses and renders obvious "*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*."

j. ***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.***

533. In my opinion, Arnold discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

534. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the representative of the VO is a "*first user*."

535. Arnold explains that "[a] virtual outlet relationship can be established and maintained with a merchant . . . The VO provides the merchant with various information such as the VO's name, street address, email address, and design information (e.g., color scheme) of the VO Web site. 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 . . . browse the merchant's catalog to select items to sell, to change the merchant's order Web page display

characteristics, and to perform other necessary tasks to maintain the retail relationship." EX1008, 6:13-34.

536. A Skilled Artisan would have understood that this claim is directed to bilateral agreement to create a "*reciprocal arrangement*." As explained above, Arnold discloses said bilateral agreement before creating a "virtual outlet relationship." The exact approvals and implementation of the process flow for said approvals would be obvious variations and straight-forward for a Skilled Artisan to implement. Alternatively, a Skilled Artisan would have understood that the "merchant" is "*associated with*" a "VO Web site" because the VO Web site sells the merchant's products.

537. A Skilled Artisan would have understood that the arrangement between the VO and merchant is "*reciprocal*" "*based upon both*" the merchant and VO agreeing to "*opt[] into the reciprocal arrangement*" where the VO inserts the merchant's link in the VO web site if the merchant inserts a return link to the VO website in the merchant web site.

3. Claim 5 And Its Dependents Claims 6, 26-27

a. ***5[pre]: A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:***

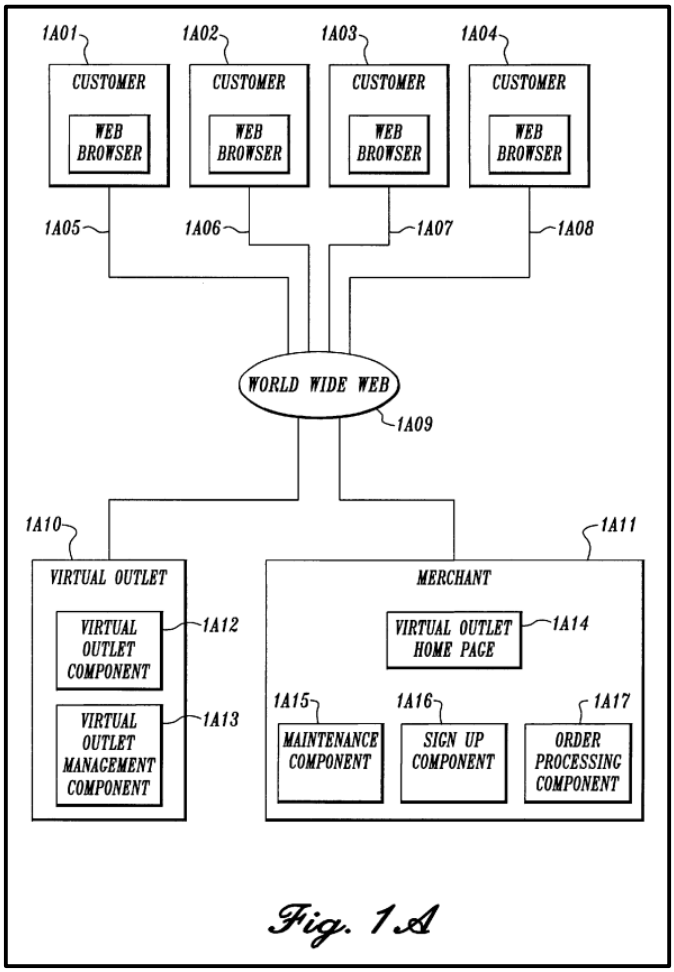
538. In my opinion, Arnold discloses and renders obvious a "*computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website.*"

539. As explained above (*supra* §VII.B.2.a), Arnold discloses and render obvious this claim element.

b. ***5[a]: at least one processor, the at least one processor configured for***

540. In my opinion, Arnold discloses and renders obvious "*at least one processor.*"

541. Arnold, in Fig. 1A (shown below), illustrates "a block diagram illustrating a preferred system of networked computers that includes the present invention. The system includes a number of customer computers 1A01-1A04, a VO computer 1A10, and a merchant computer 1A11, which are interconnected on the WWW 109." EX1008, 6:65-7:02. A Skilled Artisan would have understood that each computer has "*at least one processor*."




EX1008, Fig. 1A.

542. Accordingly, Arnold discloses and renders obvious "*at least one processor.*"

c. ***5[b]: registering the second website with the website implementation system;***

543. In my opinion, Arnold discloses and renders obvious "*registering the second website with the website implementation system.*"

544. As explained above (*supra* §VII.B.2.b), Arnold discloses and renders obvious this claim element.

d. ***5[c]: receiving a request by a first user to implement the first website;***

545. In my opinion, Arnold discloses and renders obvious "*receiving a request by a first user to implement the first website.*"

546. As explained above (*supra* §VII.A.2.c), Arnold discloses and renders obvious this claim element.

e. ***5[d]: receiving a selection by the first user as to a second functional marketing element to be activated on the second website;***

547. In my opinion, Arnold discloses and renders obvious "*receiving a selection by the first user as to a second functional marketing element to be activated on the second website.*"

548. As explained above (*supra* §VII.B.2.d), Arnold discloses and renders obvious this claim element.

f. ***5[e]: establishing a reciprocal site in the first website for a first functional marketing element; and***

549. In my opinion, Arnold discloses and renders obvious "*establishing a reciprocal site in the first website for a first functional marketing element.*"

550. As explained above (*supra* §VII.B.2.e), Arnold discloses and renders obvious this claim element.

g. ***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***

551. In my opinion, Arnold discloses and renders obvious "*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*."

552. As explained above (*supra* §VII.B.2.f), Arnold discloses and renders obvious this claim element.

h. ***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***

553. In my opinion, Arnold discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

554. As explained above (*supra* §VII.B.2.g), Arnold discloses and renders obvious this claim element.

i. ***5[h]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

555. In my opinion, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

556. As explained above (*supra* §VII.A.2.h), Arnold discloses and renders obvious this claim element.

557. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 5 obvious.

j. ***6: The website implementation system of claim 5, further comprising a database of registered websites.***

558. In my opinion, Arnold discloses and renders obvious "*further comprising a database of registered websites.*"

559. In Fig. 15 (shown below), Arnold illustrates "a flow diagram for the Sign-up-- Request routine." Arnold explains that "[i]f the information was correctly specified" during sign-up, the system "temporarily stores the sign-up information in a file on the merchant computer in step 1504 and returns." EX1008, 12:49-52.

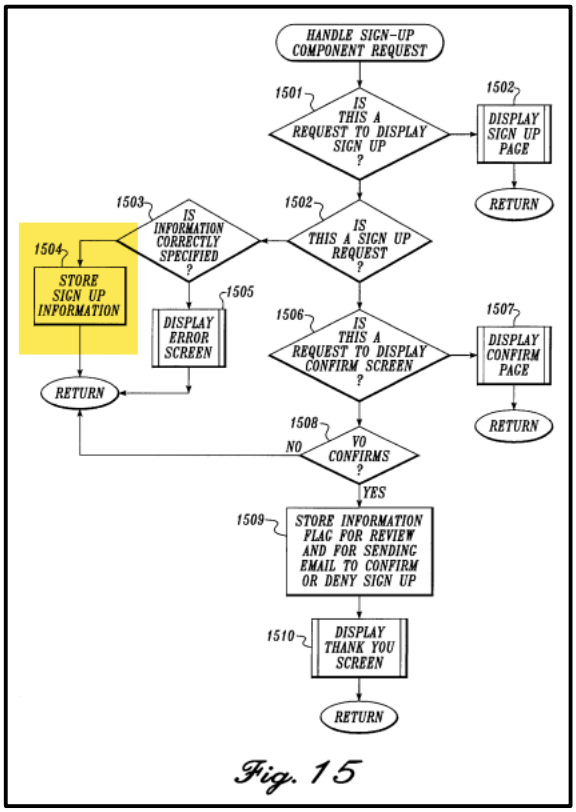
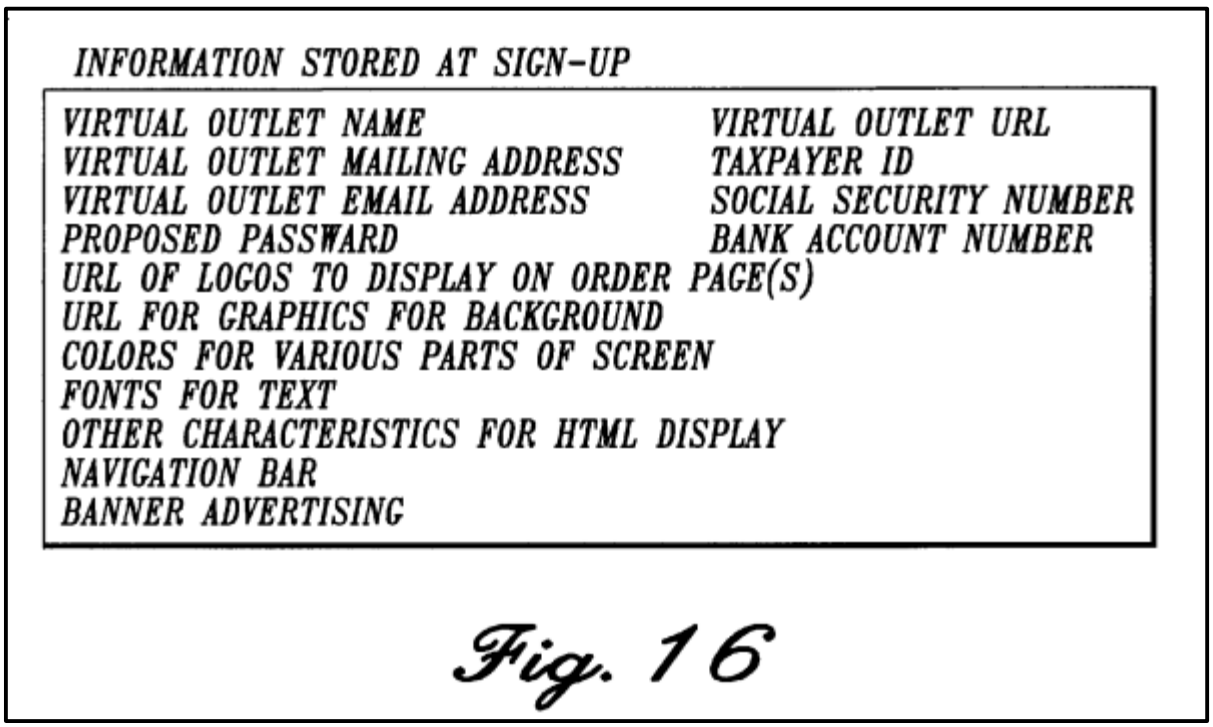



Fig. 15

EX1008, Fig. 15 (annotated).

560. An entry of the database is shown in Figure 16:




EX1008, Fig. 16.

561. A Skilled Artisan would have understood that "Store Sign Up Information" indicates that sign-up information would be stored in a computer database.

562. I note that the claim only requires that the "*second website*" be registered. As described above, Figure 16 show the registration of the VO (the "*second website*") with the system of Arnold.

563. Accordingly, Arnold discloses and renders obvious "*further comprising a database of registered websites.*"

k. ***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.***

564. In my opinion, Arnold discloses and renders obvious "*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*."

565. As explained above (*supra* §VII.B.2.i), Arnold discloses and renders obvious this claim element.

l. ***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.***

566. In my opinion, Arnold discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

567. As explained above (*supra* §VII.B.2.j), Arnold discloses and renders obvious this claim element.

4. Claim 7 And Its Dependents Claim 28-29

a. ***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:***

568. In my opinion, Arnold discloses and renders obvious 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*."

569. Arnold, in Fig. 1A (shown below), illustrates "a block diagram illustrating a preferred system of networked computers that includes the present invention. The system includes a number of customer computers 1A01-1A04, a VO computer 1A10, and a merchant computer 1A11, which are interconnected on the WWW 109." EX1008, 6:65-7:02. A Skilled Artisan would have understood that the system includes "*a computer-readable storage medium having stored therein computer usable program code*." For example, Arnold describes how VO computer 1A10, and a merchant computer 1A11 can "store" information. EX1008, 6:1-2 ("Second, the merchant computer can store a return URL."), 14:24-28 ("Some information, including the VO logo, may be obtained from the VO by accessing VO files using stored URLs. Other information may be stored entirely on the merchant computer.").

570. A Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 must store "*computer usable program code*"

wherein the "*the computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform*" the below steps. In particular, a Skilled Artisan would understand that "*computer usable program code*" is necessary to cause the computer to perform actions. Since Arnold describes "a **computer-based** method and system for tracking transactions from a virtual outlet Web site to a merchant Web site on the Internet" is must include "*computer usable program code*" to execute its methods.

571. Additionally, as explained above (*supra* §VII.B.2.a), Arnold discloses "*program code for establishing a reciprocal arrangement between a first website and a preexisting second website.*"

b. ***7[a]: registering the second website with the website implementation system;***

572. In my opinion, Arnold discloses and renders obvious "*registering the second website with the website implementation system.*"

573. As explained above (*supra* §VII.B.2.b), Arnold discloses and renders obvious this claim element.

c. ***7[b]: receiving a request by a first user to implement the first website;***

574. In my opinion, Arnold discloses and renders obvious "*receiving a request by a first user to implement the first website.*"

575. As explained above (*supra* §VII.B.2.c), Arnold discloses and renders obvious this claim element.

d. ***7[c]: receiving a selection by the first user as to a second functional marketing element to be activated on the second website;***

576. In my opinion, Arnold discloses and renders obvious "*receiving a selection by the first user as to a second functional marketing element to be activated on the second website.*"

577. As explained above (*supra* §VII.B.2.d), Arnold discloses and renders obvious this claim element.

e. ***7[d]: establishing a reciprocal site in the first website for a first functional marketing element; and***

578. In my opinion, Arnold discloses and renders obvious "*establishing a reciprocal site in the first website for a first functional marketing element.*"

579. As explained above (*supra* §VII.B.2.e), Arnold discloses and renders obvious this claim element.

f. ***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 the first functional marketing element, and (ii) the second website to implement the second functional marketing element, wherein***

580. In my opinion, Arnold discloses and renders obvious "*upon the first website being activated with respect to the internet, 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*."

581. As explained above (*supra* §VII.B.2.f), Arnold discloses and renders obvious this claim element.

g. ***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***

582. In my opinion, Arnold discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website.*"

583. As explained above (*supra* §VII.B.2.g), Arnold discloses and renders obvious this claim element.

h. ***7[g]: the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.***

584. In my opinion, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.*"

585. As explained above (*supra* §VII.B.2.h), Arnold discloses and renders obvious this claim element.

586. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 7 obvious.

i. ***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.***

587. In my opinion, Arnold discloses and renders obvious "*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*."

588. As explained above (*supra* §VII.B.2.i), Arnold discloses and renders obvious this claim element.

j. ***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.***

589. In my opinion, Arnold discloses and renders obvious "*wherein the reciprocal arrangement is based upon both the first user and a user associated with the second website opting into the reciprocal arrangement*."

590. As explained above (*supra* §VII.B.2.j), Arnold discloses and renders obvious this claim element.

5. Claim 8 And Its Dependent Claims 9-10, 12-13, 20-21

a. ***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:***

591. In my opinion, Arnold discloses and renders obvious 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*."

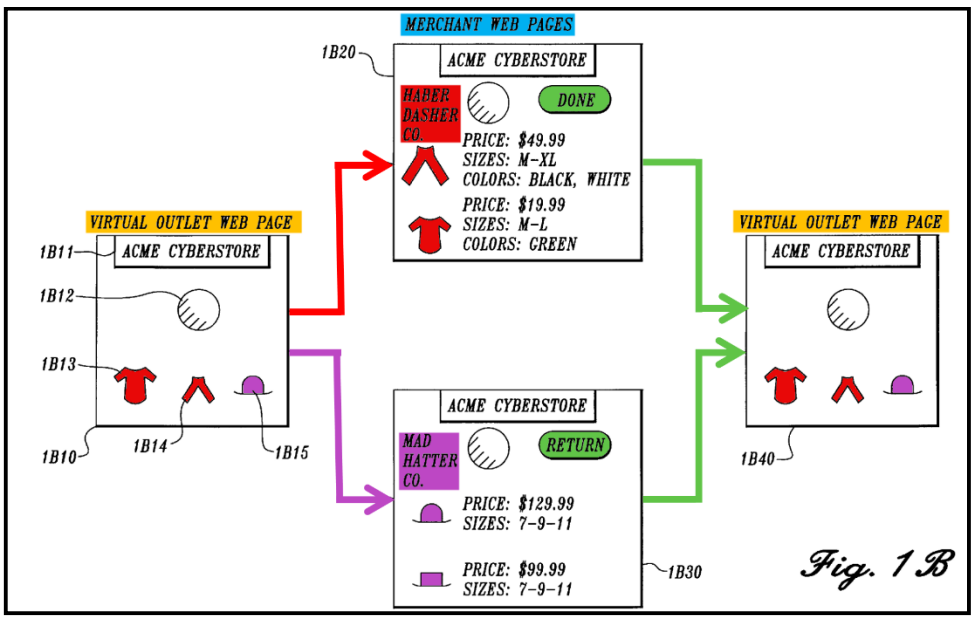
592. As explained above (*supra* §VII.B.4.a), a Skilled Artisan would have understood that the VO computer 1A10, and a merchant computer 1A11 together form the "*computer hardware website implementation system.*" A Skilled Artisan would have understood that because a website contains web pages, the VO computer 1A10 and a merchant computer 1A11 together also form a "*computer hardware web page implementation system"*

593. As explained above (*supra* §VII.B.2.a), the merchant Web site is a "*first website*" and the virtual outlet web site is a "*second website*." The virtual outlet web page and the merchant web page are examples of the "*first web page*" and "*second web page*," respectively.

594. As explained above (*supra* §VII.B.2.c), a Skilled Artisan would have understood that the representative of the VO is a "*first user*." Therefore, the "*first web page [is] associated with a first user*."

595. As explained above (*supra* §VII.B.2.a), a Skilled Artisan would have understood that the linking arrangement between the virtual outlet and the merchant is a "*reciprocal arrangement*."

596. Arnold explains that "[t]he VO may incorporate items into the VO Web **pages** by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." EX1008, 10:47-50. Arnold, in Fig. 1B (shown below), "illustrates the sequence of Web **pages** as seen by a customer of a VO." Arnold explains that the merchant computer "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. The merchant computer then sends that Web page to the customer computer. The customer computer displays the merchant Web page 1B20, 1B30." *Id.*, 7:30-67.




EX1008, Fig. 1B (annotated).

597. Therefore, Arnold discloses a "*reciprocal arrangement*" between "*a first web page*" and "*a second web page*."

598. Accordingly, Arnold discloses and renders obvious 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*."

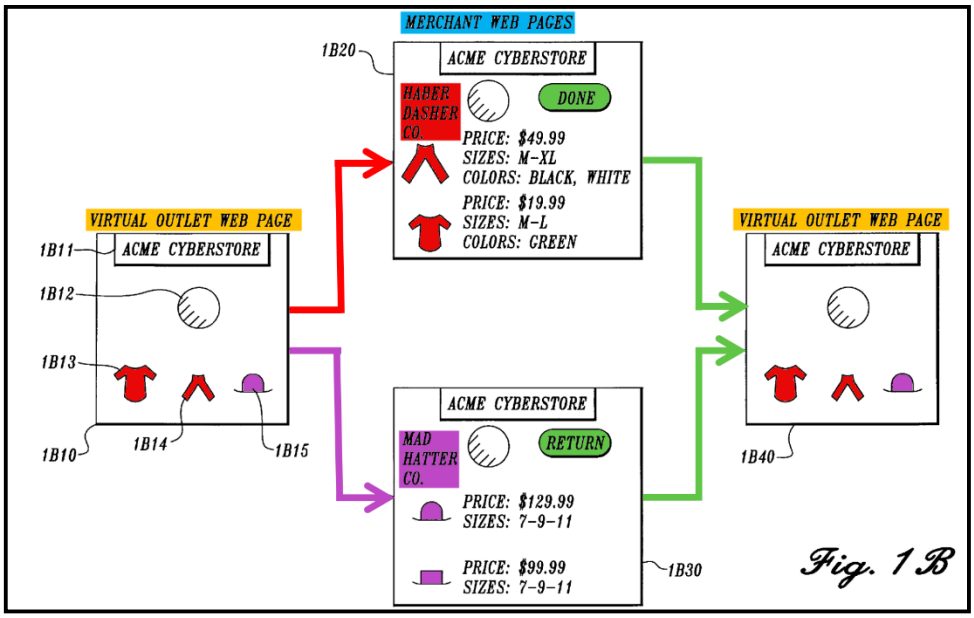
599. In addition, as explained above (*supra* §VII.B.2.a), Arnold discloses and renders obvious this claim element.

b. ***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;***

600. In my opinion, Arnold discloses and renders obvious "*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.*"

601. As explained above (*supra* §VII.B.2.d, Arnold discloses and renders obvious this claim element. In particular, as explained above (*supra* §VII.B.2.d), the "*second functional marketing element*" is the "images 1B13, 1B14, and 1B15 of the products that are being offered for sale" on the VO web page. *See* EX1008, 7:39-41. As further explained above (*supra* §VII.B.2.c), the "*first user*" is the VO representative. Therefore, the "*second functional marketing element*" is "*associated with the first user*" because the "*second functional marketing element*" is "*activated*

*on the second web page*" (i.e., it is on the VO web page, which is the "*first user[s]*" web page).




EX1008, Fig. 1B (annotated).

602. Moreover, as explained above (*supra* §VII.B.2.d), the "*web page implementation system*" generates the "*second functional marketing element*." Arnold explains that, as part of the VO representative selecting products to sell on the VO website, "[i]tems for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item." *Id.*, 10:44-47. Arnold also explained that "[t]he VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." *Id.*, 10:47-50. Therefore, Arnold generates the hotlinks used to form the "*second functional marketing element*."

c. ***8[b]: establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element; and***

603. In my opinion, Arnold discloses and renders obvious "*establishing, by the web page implementation system, a reciprocal site in the first web page for a first functional marketing element.*"

604. As explained above (*supra* §VII.B.2.e), Arnold discloses and renders obvious this claim element.

d. ***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***

605. In my opinion, Arnold discloses and renders obvious "*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*."

606. As explained above (*supra* §VII.B.2.f), Arnold discloses and renders obvious this claim element.

e. ***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***

607. In my opinion, Arnold discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page.*"

608. As explained above (*supra* §VII.B.2.g), Arnold discloses and renders obvious this claim element.

f. ***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.***

609. In my opinion, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.*"

610. As explained above (*supra* §VII.B.2.h), Arnold discloses and renders obvious this claim element.

611. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 8 obvious.

g. ***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.***

612. In my opinion, Arnold discloses and renders obvious "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

613. As explained above (*supra* §VII.B.5.a), the merchant web page is an example of a "*first web page*."

614. A Skilled Artisan would have understood that because a website contains web pages, the VO computer 1A10, and a merchant computer 1A11 together also form a "*computer hardware web page implementation system.*"

615. The '971 Patent explains "[w]eb assets can include JAVA applets, scripts (including moving scripts and scripts written in a variety of internet languages such as PERL, CGI, SQL, JAVA, XML and HTML), stock art, clip art, digital art, background images, textures, GIF, JPEG, TIF, BMP, chat rooms, message boards, web objects, buttons, templates, themes, fading color, mouse over effects, borders, buttons, shadows, icons, internet designs, sounds, music, etc." EX1001, 7:20-27. "In general, web assets are graphic images, including text and related color, sound and animation features, which can be displayed on a website." *Id.*, 7:27-29. Thus, "*web asset*" is in general, but not limited to, graphic image, including text and related color, sound and animation features, JAVA applets, and scripts which can be displayed on a website.

616. Arnold describes the layout of the merchant web page as containing a "banner, logo, and background color." EX1008, 7:60-62.

617. A skilled artisan would have understood that Arnold's web asset, such as a logo, could be authored by a third party separate from Arnold's system, because

the logo could be sourced from, for example, an independent artist hired by a merchant. Alternatively, banner ads were well known. For example, the '971 Patent states that "a common way of marketing a website on the internet is to have other websites display advertising messages ('banner ads') concerning the website." EX1001, 2:36-39. A Skilled Artisan would have understood that banner ads could be provided "*a third party separate from the computer hardware system*."

618. Thus, it would have been obvious to a Skilled Artisan that Arnold discloses "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

619. Accordingly, Arnold discloses and renders obvious "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

h. ***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.***

620. In my opinion, Arnold discloses and renders obvious "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

621. As explained above (*supra* §VII.B.5.a), the merchant web page is an example of a "*first web page*."

622. Arnold explains that "establishing [] 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.

623. A Skilled Artisan would have understood that the third party would also be compensated based on the third party's relationship with the merchant. 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 by the merchant for the authored logo. A Skilled Artisan would be able to easily create different compensation programs for users with no more than routine coding and optimization.

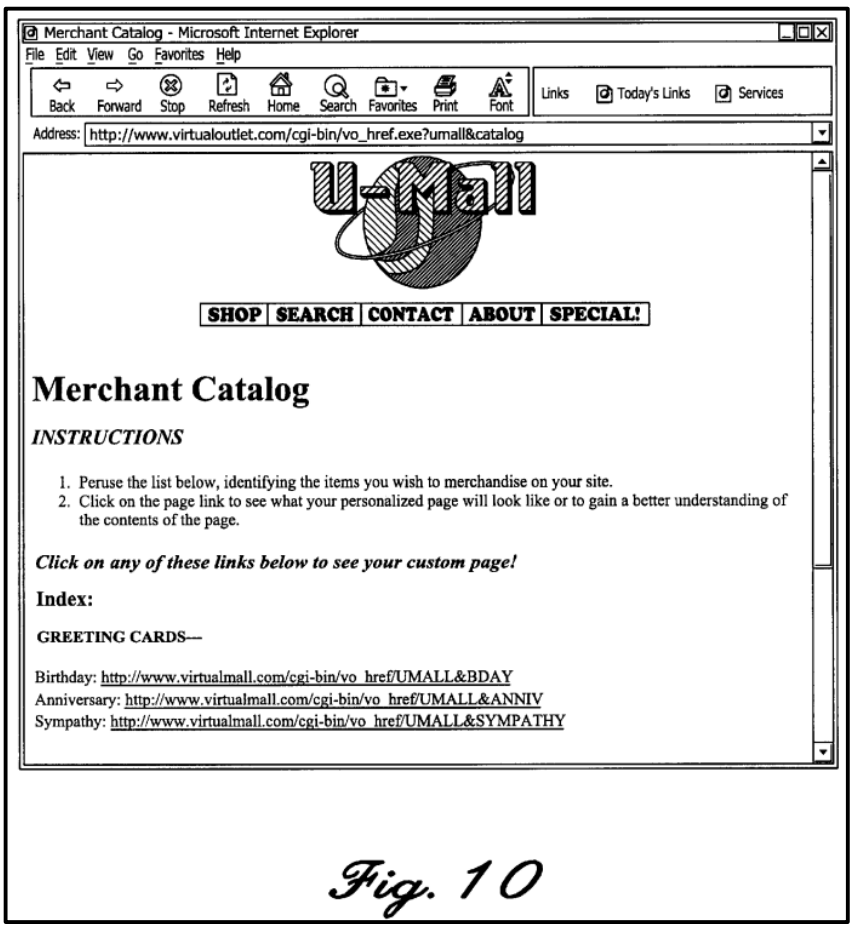
624. Thus, Arnold discloses "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

i. ***12: The method of claim 8, wherein the second functional marketing element includes an image.***

625. In my opinion, Arnold discloses and renders obvious "*wherein the second functional marketing element includes an image*."

626. As explained above (*supra* §VII.B.2.d), a Skilled Artisan would have understood that an item for sale with a URL corresponding to the order Web page is a "*second functional marketing element*."

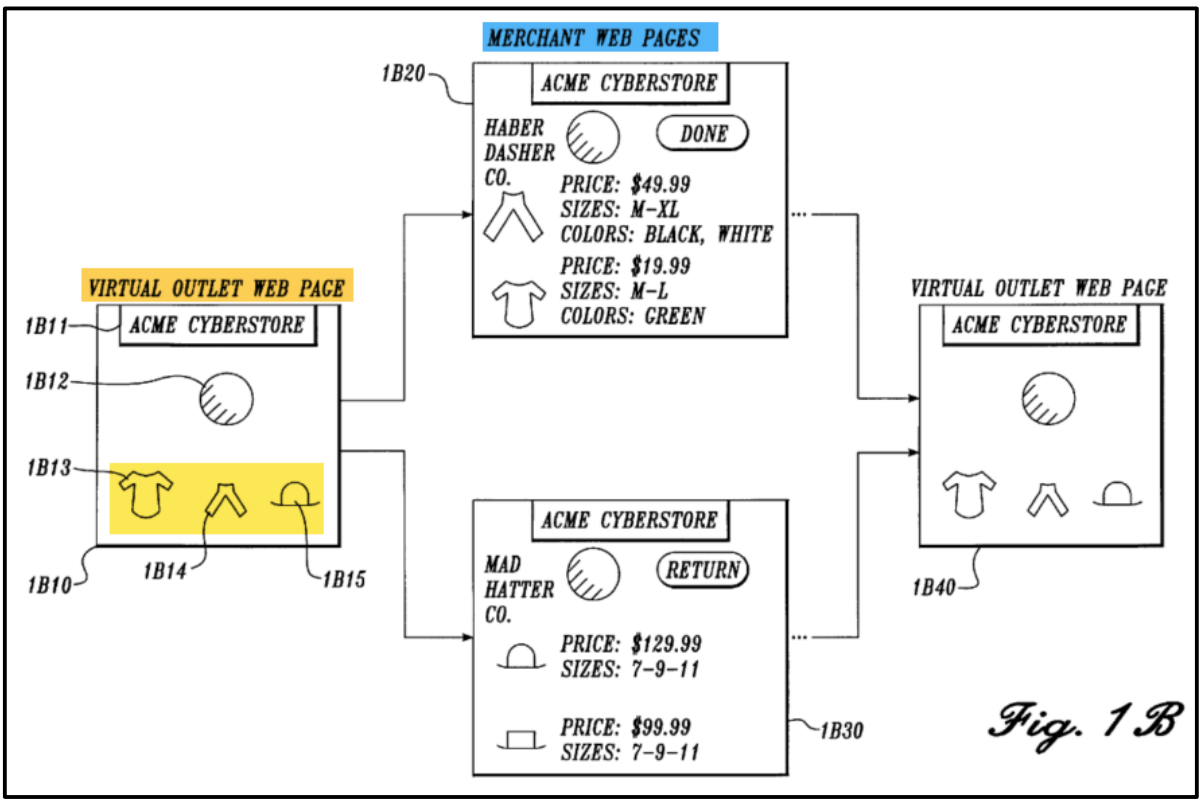
627. Arnold illustrates, in Fig. 10 (shown below), "an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item. The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." EX1008, 10:42-50.




EX1008, Fig. 10.

628. Arnold, in Fig. 1B (shown below), "illustrates the sequence of Web pages as seen by a customer of a VO." Arnold explains that "[i]n this example, the

name of the VO is 'AcmeCyberstore;' its logo is a circle with lines; and it is offering to sell shirts, pants, and hats . . . . [T]his Web page contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale." *Id.*, 7:31-41. As shown below the "*second functional marketing element includes an image*."




EX1008, Fig. 1B (annotated).

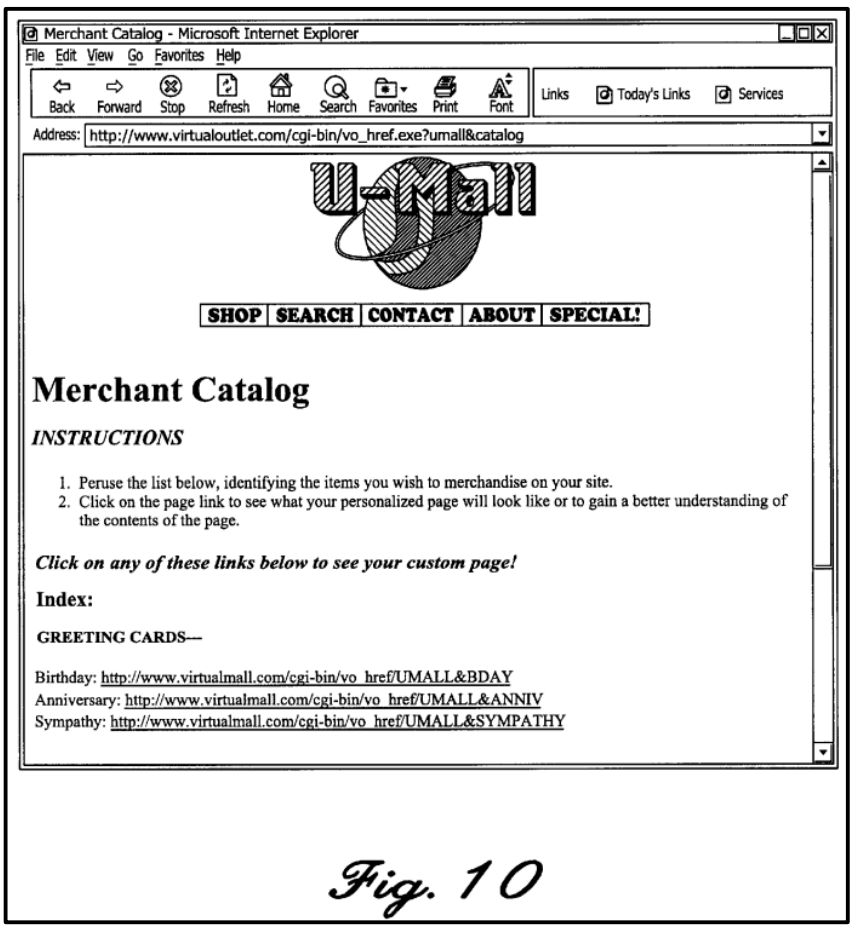
629. Accordingly, Arnold discloses and renders obvious "*wherein the second functional marketing element includes an image*."

j. ***13: The method of claim 12, further comprising receiving, from the first user, the image.***

630. In my opinion, Arnold discloses and renders obvious "*receiving, from the first user, the image*."

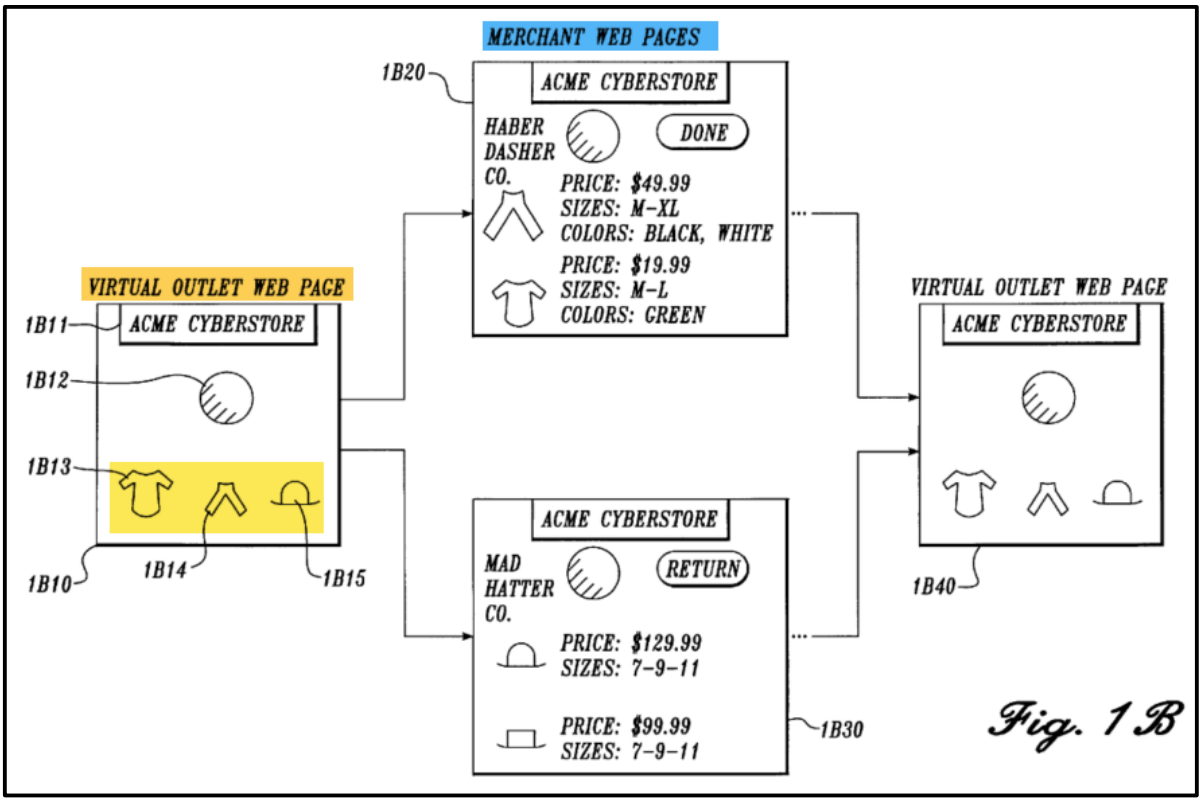
631. As explained above (*supra* §VII.B.2.c), a Skilled Artisan would have understood that the representative of the VO is a "*first user*."

632. Arnold illustrates, in Fig. 10 (shown below), "an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item. The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages." EX1008, 10:43-50.




EX1008, Fig. 10.

633. Arnold, in Fig. 1B (shown below), "illustrates the sequence of Web pages as seen by a customer of a VO." Arnold explains that "[i]n this example, the name of the VO is 'AcmeCyberstore;' its logo is a circle with lines; and it is offering to sell shirts, pants, and hats . . . . [T]his Web page contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale." *Id.*, 7:30-41.




EX1008, Fig. 1B (annotated).

634. A Skilled Artisan would have understood that when the VO representative selects a product from the catalog, the web page implementation system "*receive[s] an image*." It would have been obvious to allow the "*first user*" to supply the "*image*."

635. Accordingly, Arnold discloses and renders obvious "*receiving, from the first user, the image*."

k. ***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.***

636. In my opinion, Arnold discloses and renders obvious "*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*."

637. As explained above (*supra* §§VII.B.2.g, VII.B.2.h), Arnold discloses and renders obvious this claim element.

l. ***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.***

638. In my opinion, Arnold discloses and renders obvious "*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*."

639. As explained above (*supra* §VII.B.2.j), Arnold discloses and renders obvious this claim element.

6. Claim 14 And Its Dependent Claims 15-16, 18-19, 22-23

a. ***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:***

640. In my opinion, Arnold discloses and renders obvious 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*."

641. As explained above (*supra* §VII.B.5.a), Arnold discloses and renders obvious this claim element.

b. ***14[a]: at least one processor, wherein the at least one processor is configured to perform:***

642. In my opinion, Arnold discloses and renders obvious "*at least one processor*."

643. As explained above (*supra* §VII.B.3.b), Arnold discloses and renders obvious this claim element.

c. ***14[b]: receiving a request by the first user to implement the first web page;***

644. In my opinion, Arnold discloses and renders obvious "*receiving a request by a first user to implement the first web page*."

645. As explained above (*supra* §VII.B.2.c), Arnold discloses and renders obvious this claim element.

d. ***14[c]: generating a second functional marketing element, associated with the first user, to be activated on the second web page;***

646. In my opinion, Arnold discloses and renders obvious "*generating a second functional marketing element, associated with the first user, to be activated on the second web page.*"

647. As explained above (*supra* §VII.B.5.b), Arnold discloses and renders obvious this claim element.

e. ***14[d]: establishing a reciprocal site in the first web page for a first functional marketing element; and***

648. In my opinion, Arnold discloses and renders obvious "*establishing a reciprocal site in the first web page for a first functional marketing element.*"

649. As explained above (*supra* §VII.B.5.c), Arnold discloses and renders obvious this claim element.

f. ***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***

650. In my opinion, Arnold discloses and renders obvious "*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*."

651. As explained above (*supra* §VII.B.5.d), Arnold discloses and renders obvious this claim element.

g. ***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***

652. In my opinion, Arnold discloses and renders obvious "*the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second web page.*"

653. As explained above (*supra* §VII.B.5.e), Arnold discloses and renders obvious this claim element.

h. ***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.***

654. In my opinion, Arnold discloses and renders obvious "*the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first web page.*"

655. As explained above (*supra* §VII.B.5.f), Arnold discloses and renders obvious this claim element.

656. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 14 obvious.

i. ***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.***

657. In my opinion, Arnold discloses and renders obvious "*including, within the first web page, a web asset provided by a third party separate from the computer hardware system*."

658. As explained above (*supra* §VII.B.5.g), Arnold discloses and renders obvious this claim element.

j. ***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.***

659. In my opinion, Arnold discloses and renders obvious "*causing, based upon the web asset being included within the first web page site, the third party to be compensated*."

660. As explained above (*supra* §VII.B.5.h), Arnold discloses and renders obvious this claim element.

k. ***18: The system of claim 14, wherein the second functional marketing element includes an image.***

661. In my opinion, Arnold discloses and renders obvious "*wherein the second functional marketing element includes an image*."

662. As explained above (*supra* §VII.B.5.i), Arnold discloses and renders obvious this claim element.

l. ***19: The system of claim 18, wherein the at least one processor is further configured to perform: receiving, from the first user, the image***

663. In my opinion, Arnold discloses and renders obvious "*receiving, from the first user, the image*."

664. As explained above (*supra* §VII.B.5.j), Arnold discloses and renders obvious this claim element.

m. ***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.***

665. In my opinion, Arnold discloses and renders obvious "*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*."

666. As explained above (*supra* §VII.B.5.k), Arnold discloses and renders obvious this claim element.

n. ***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.***

667. In my opinion, Arnold discloses and renders obvious "*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*."

668. As explained above (*supra* §VII.A.5.m), Arnold discloses and renders obvious this claim element.

7. Claim 1 And Its Dependent Claim 2

a. ***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:***

669. In my opinion, Arnold discloses and renders obvious 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*."

670. Arnold discloses a "*method of assisting a website designer*." Arnold explains that "a representative of the VO can login to the merchant computer's account management component, which provides to the representative the ability to . . . change the merchant's order Web page display characteristics." EX1008, 6:26-34. Arnold illustrates, in Fig. 6 (shown below), "example sign-up Web pages" in which the representative of the VO "inputs information concerning the appearance

that the VO expects for a merchant order Web page that will be displayed when a customer hot links through the VO to the merchant site. This information includes a URL for a graphics file that contains the VO's logo, the desired background color, and other such information." *Id.*, 9:10-20. A Skilled Artisan would have understood that a "representative of the VO" is a "*website designer*," because Arnold assists the "*website designer*" with designing and implementing the visual appearance of a website.

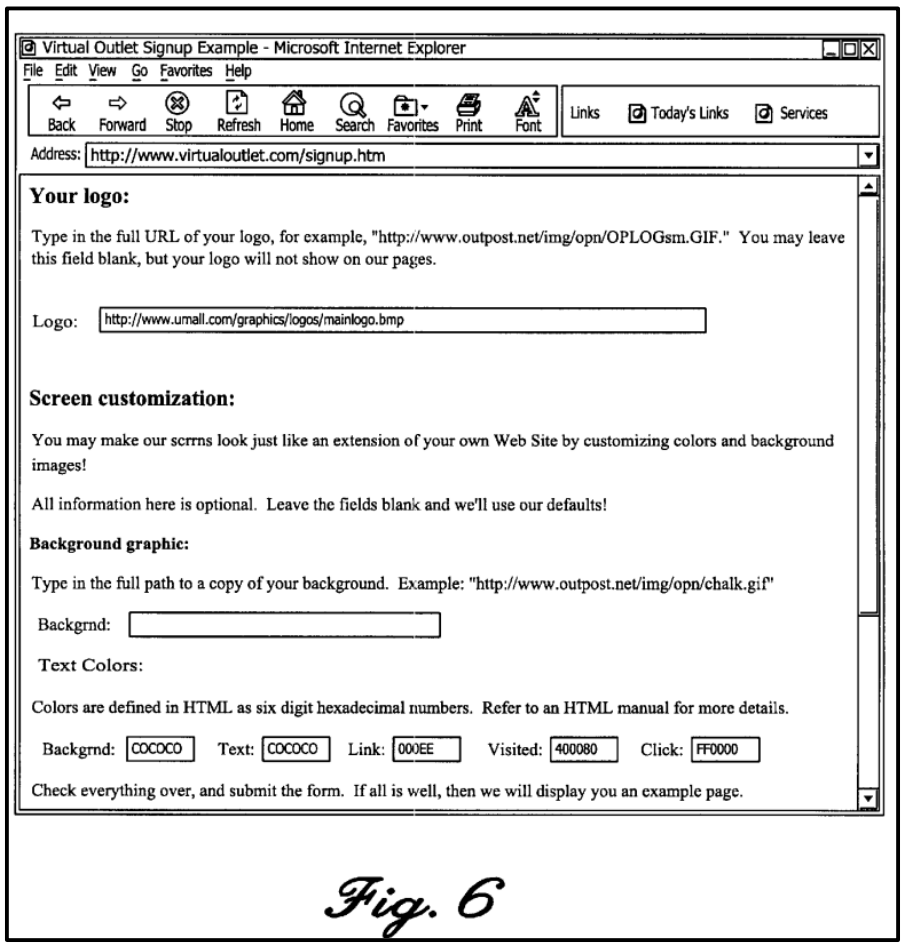



*Fig. 6*

EX1008, Fig. 6.

671. Arnold discloses "*a first website being designed by the website designer and a second website*."

672. Arnold teaches that one problem associated with "[m]arketing Products on the Internet" is getting "potential customers who are at the content-rich sites to know that the selling site has a product that is available to be sold on the Web." *Id.*, 2:22-47. As a solution, Arnold describes "a computer-based method and system for tracking transactions from a virtual outlet Web site to a merchant Web site" "on the Internet." *Id.*, 5:24-27. A Skilled Artisan would have understood that the merchant Web site is a "*first website*" and the virtual outlet Web site is a "*second website*."

673. Arnold explains that "a representative of the VO can login to the merchant computer's account management component, which provides to the representative the ability to . . . change the merchant's order Web page display characteristics." *Id.*, 6:26-34. For example, Arnold illustrates, in Fig. 6 (shown below), "example sign-up Web pages" in which the VO representative "inputs information concerning the appearance that the VO expects for a merchant order Web page that will be displayed when a customer hot links through the VO to the merchant site. This information includes a URL for a graphics file that contains the VO's logo, the desired background color, and other such information." *Id.*, 9:10-20.

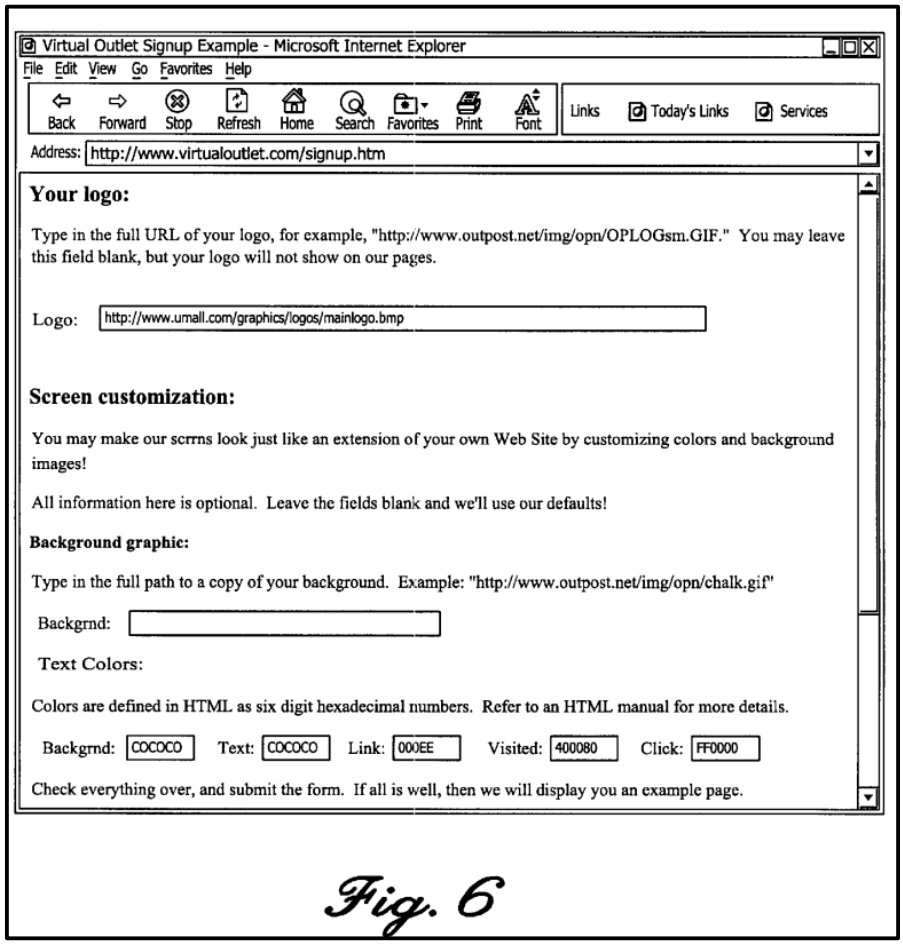
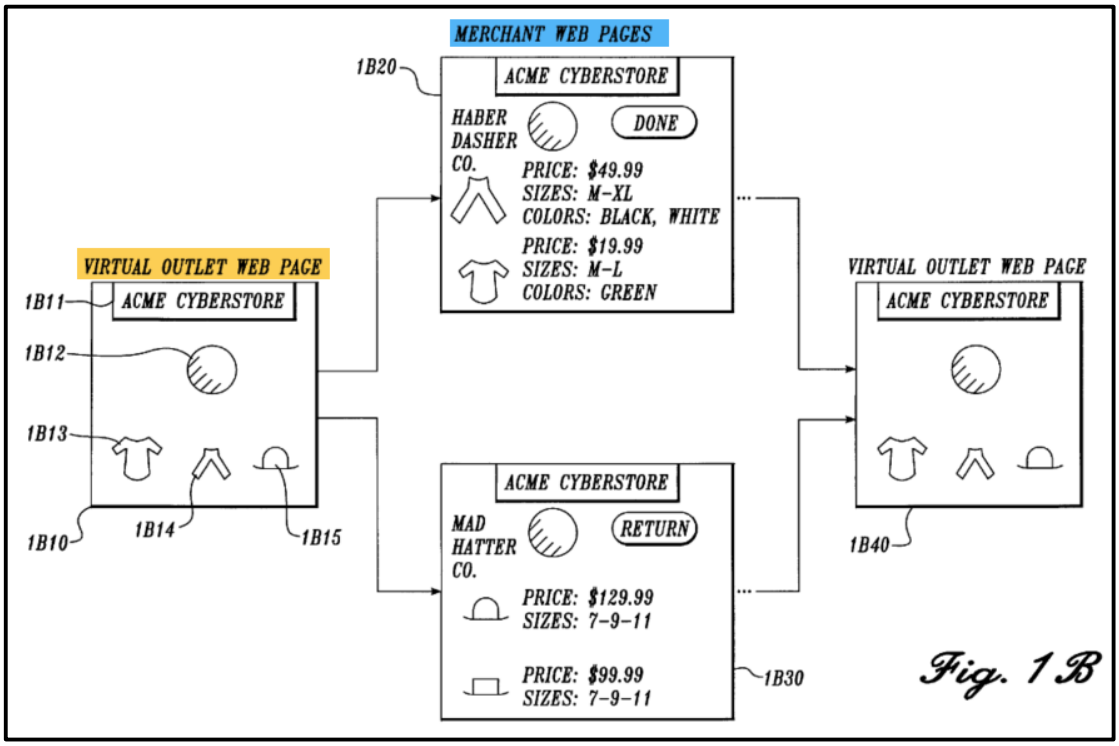



Fig. 6

EX1008, Fig. 6.

674. In Figure 1B (shown below), Arnold illustrates a marketing arrangement between **merchants** "**HaberDasher Company**" and "**MadHatter Company**" displayed as "**Web page 1B20, 1B30**" and the "**Web page for the [virtual outlet,] AcmeCyberstore . . . Web page 1B10.**" *Id.*, 7:30-8:6; *supra* §VII.B.2.a (discussing layout system).




EX1008, Fig. 1B (annotated).

675. The information inputted by the VO representative, illustrated above in Fig. 6, determines the look and feel of the merchant pages illustrated in Fig. 1B as 1B20, 1B30. Thus, the merchant web page is designed by the website designer. Accordingly, Arnold discloses "*a first website being designed by the website designer*."

676. Moreover, Arnold discloses that the VO website (i.e., the "*second website*") "*market[s] the first website.*" For example, Arnold explains that "[i]f a customer wishes to find more information about a product (e.g., cost or size information) or to purchase the product, the customer simply selects the image of the [merchant's] product displayed [on the virtual outlet web site]. When the image

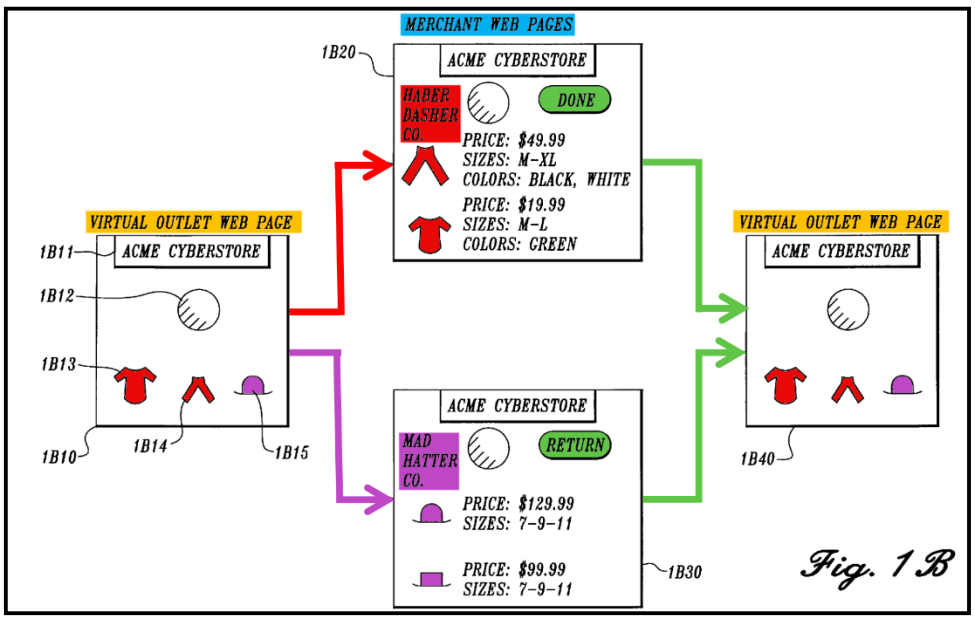
is selected, the customer computer then requests access to the merchant Web page identified by the associated URL. A merchant computer provides the merchant Web page to the customer computer. Once the customer computer receives the merchant Web page, it displays the Web page to the customer." *Id.*, 5:46-55. Accordingly, the products sold by the "*first website*" are displayed and marketed on the "*second website*."

677. Arnold discloses and renders obvious "*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.*"

678. A Skilled Artisan would have understood that the "Merchant Web page" and the "Virtual Outlet Web page" are pages within the merchant website and virtual outlet website, respectively.

679. Indeed, Arnold walks through an example whereby "the [virtual outlet,] AcmeCyberstore establishe[s] a virtual outlet relationship with the [merchant,] HaberDasher Company." *Id.*, 7:30-8:6. In Figure 1B Arnold describes the "*arrangement between a first website being designed by the website designer and a second website*." As explained above (*supra* §VII.B.2.a), in the "server system" of Arnold, a "virtual outlet web page" (**orange**) offers products such as shirt 1B13, pants 1B14, and hat 1B15 for sale to customers. *Id.*, 7:39-41, Fig. 1B. Each product is "supplied by a merchant" and each shirt 1B13 (**red**), pants 1B14 (**red**), and hat

1B15 (**purple**) includes a link to a merchant product page (**blue**). *Id.*, 4:3-5. When the merchant computer receives the request for the web page, the "merchant computer modifies the merchant Web page" (**blue**). *Id.*, 4:20-21. The merchant computer can modify the page to include for example, specialized logos, information, banners, and will also add a "return link" (**green**). *Id.* The "return link" (**green**) directs the customer back to the "virtual outlet web page" (**orange**).




EX1008, Fig. 1B (annotated).

680. A Skilled Artisan would have understood that the linking arrangement between the Merchant web page and the virtual outlet web page is a "*marketing arrangement*" because the merchant's products are marketed in the virtual outlet web page. For example, each shirt 1B13 (**red**), pants 1B14 (**red**), and hat 1B15 (**purple**) is a product sold by the "*first website*" and is marketed on the "*second website*" and, therefore, the "*marketing arrangement*" is used to "*market the first*

*website at the second website*." As explained above (*supra* §VII.B.2.b), Arnold also includes a sign up mechanism designed to assist a VO in creating the above marketing arrangements.

681. Arnold discloses "*upon the activation of the first website on the internet.*" For example, Arnold explains that "[w]hen a customer selects a product to purchase (or to view product information) [in the virtual outlet 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." *Id.*, 7:41-45. "When the merchant computer . . . receives this URL, it accesses a database" that "specifies a Web page layout" for the merchant site (i.e., the "*first website*") which "may indicate the contents of the banner, logo, and background color of the Web page. 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." *Id.*, 7:54-65. The merchant website (i.e., the "*first website*") is therefore dynamically created when the URL is selected in VO website (i.e., the "*second website*") and thus the "*first website*" is "*market[ed]*" "*at the second website*" "*upon the activation of the first website on the internet.*"

682. Accordingly, Arnold discloses and renders obvious 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.*"

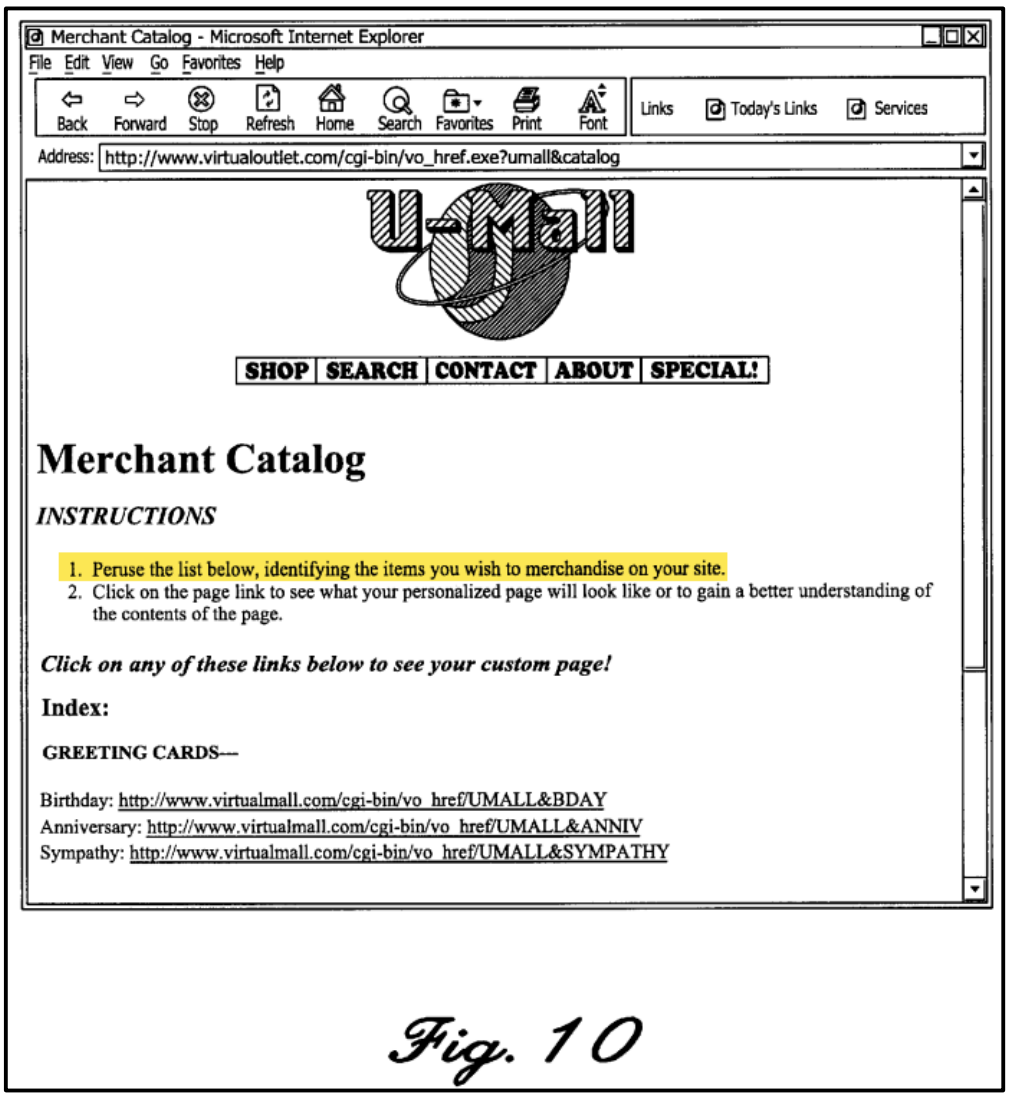
b. ***1[a]: during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;***

683. In my opinion, Arnold discloses and renders obvious "*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.*"

684. As explained above (*supra* §VII.B.2.c), Arnold's merchant web site is the "*first website*" and virtual outlet web site is the "*second website*."

685. Arnold discloses "*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.*" Arnold illustrates, in Fig. 10 (shown below), "an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item. **The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages**." *Id.*, 10:43-50. A Skilled Artisan would have understood that the items

selected for incorporation into the VO Web pages represent **types** of elements for marketing. In particular, Arnold discloses that customers may select an element on the VO Web page to find more information about a product, such as "size information." *Id.*, 5:46-49; *supra* §VII.B.7.a.




EX1008, Fig. 10 (annotated).

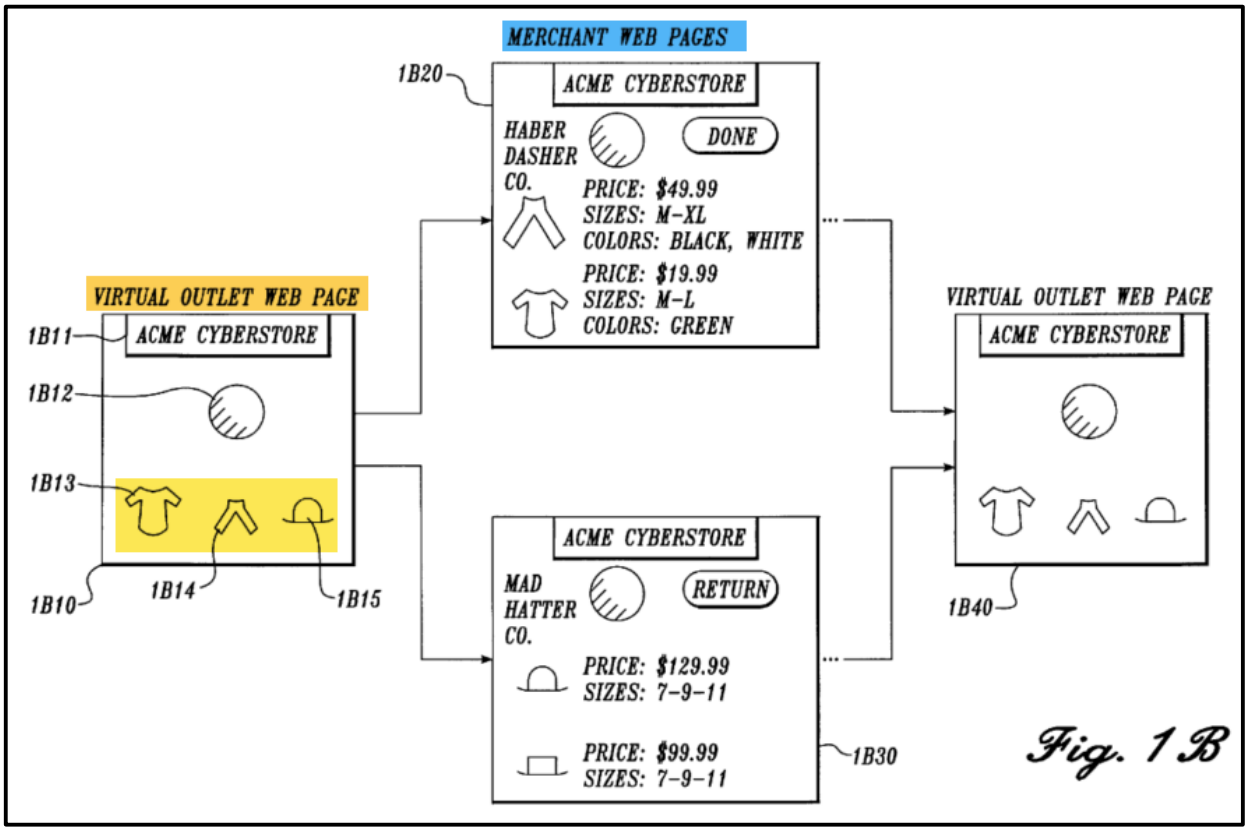
686. A Skilled Artisan would have also understood that the merchant catalog is an example of a "*user interface*" that is utilized "*during design of the first*

*website*." The catalog of Fig. 10 states, as instruction 1 for the VO representative (highlighted), "peruse the list below, identifying the items you wish to merchandise on your site." Arnold also explains that "[o]nce the relationship has been established, a representative of the VO can login to the merchant computer's account management component." *Id.*, 6:26-29. The "merchant computer's account management component" provides to the representative the ability to, among other things, "browse the merchant's catalog to **select** items to sell." EX1008, 6:28-32. A Skilled Artisan would have understood that "identifying" and "selecting" items in the merchant catalog to be added to the "*second website*" includes **"***receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website*." *Id.*, 10:47-50 ("The VO may incorporate items into the VO Web pages by including the URLs obtained from the merchant's catalog as hot links in the VO Web pages.") Moreover, because this selection occurs on the MMC (on the merchant computer), it is "*receiv[ed]*" by the system of Arnold.

687. The merchant catalog displayed in Fig. 10 states: "peruse the list below, identifying the items you wish to merchandise on your site." A Skilled Artisan would have understood that identifying items would result in saving the information in a database. In particular, Arnold explains that "a database" is "established" when the "virtual outlet relationship" is created. *Id.*, 7:54-58. The "database specifies a Web page layout that is preferably a layout similar to that of the Web page for the

AcmeCyberstore. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page." *Id*. The system of Arnold 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." *Id*., 7:54-62. Therefore, a Skilled Artisan would have understood that each product page corresponds to an entry in the "virtual outlet relationship" database. Accordingly, the VO representatives 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 the requested product pages (discussed more below). As shown above, the VO representatives "selection" would be "*receiv[ed] . . . at a user interface*."

688. In Figure 1B (shown below), Arnold illustrates a Web page 1B10 for the AcmeCyberstore which "contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale." The images of the products (highlighted in yellow) are each associated with a URL that links to the Merchant Web page 1B20, 1B30 that sells the product. *Id.*, 7:45-54, 5:41-46 ("The VO Web page may show a graphical image of various products, such as a picture of a pair of blue jeans or a picture of a shirt. Each image has a URL associated with it that is a hot link to a Web page provided by the Web site of the merchant of the product.")

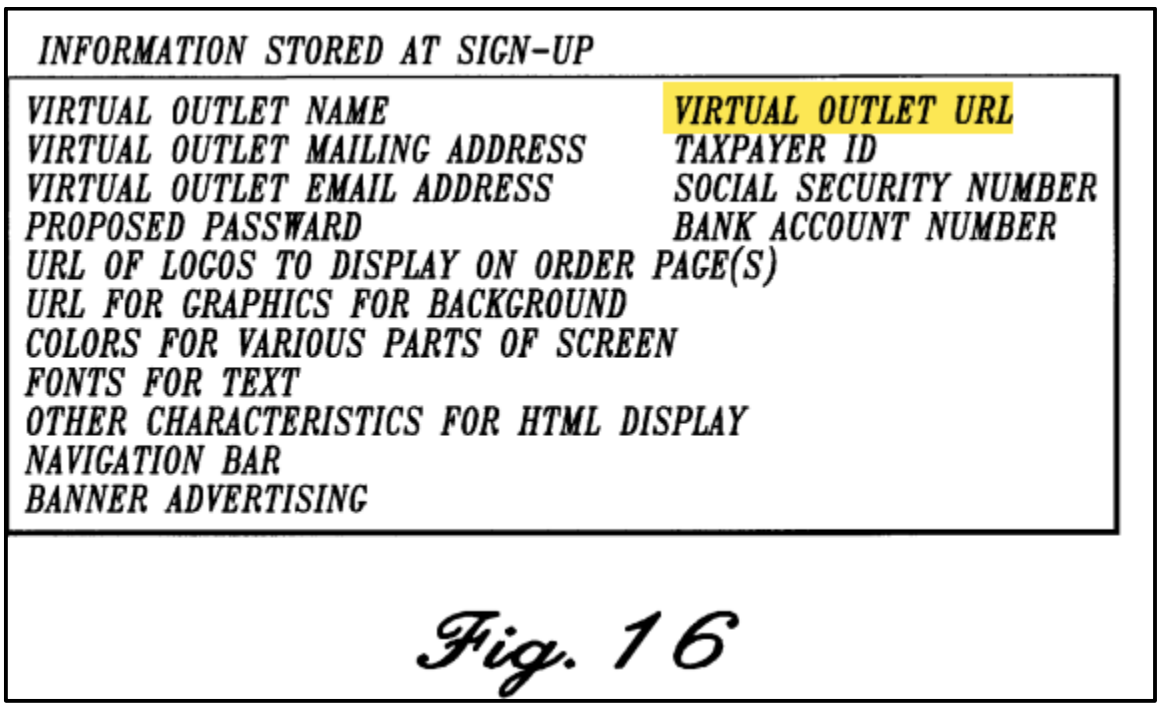



EX 1008, Fig. 1B (annotated).

689. A Skilled Artisan would have understood that the images of the products in the virtual outlet, which have associated URLs that link to merchant sites, are "*type[s] of [] element[s] for marketing*" and the products selected from the merchant catalog that are displayed in the virtual outlet are the "*element[s] for marketing.*"

690. Thus, a Skilled Artisan would have understood that selecting a product from the merchant catalog results in "*receiving information . . . at a user interface indicating a type of an element for marketing*."

691. Arnold discloses "*during design of the first website, receiving . . . information specifying the second website at which the element is to be displayed.*" Arnold explains that accessing the merchant catalog requires a VO representative to log in to the "merchant computer's account management component." *See id.*, 6:26-32 ("Once the relationship has been established, a representative of the VO can login to the merchant computer's account management component, which provides the representative the ability to . . . browse the merchant's catalog to select items to sell."). Fig. 16 (shown below) of Arnold illustrates "information stored at sign-up" which includes the "virtual outlet URL."




EX1008, Fig. 16 (annotated).

692. Arnold explains that the hotlink used to direct a customer from the VO website to the merchant website "identifies the Web page to return to after the sale

is complete. If a return Web page is not identified, the merchant can use a **default return Web page for that virtual outlet**." *Id.*, 7:51-54. A Skilled Artisan would have understood that in order for the merchant website to return to a default Web page for the VO, the default Web page for the VO must have been provided to the merchant previously. Thus, a Skilled Artisan would have understood that the merchant receives "*information specifying the second website at which the element is to be displayed*."

693. Accordingly, Arnold discloses and renders obvious "*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.*"

c. ***1[b]: saving the information at a first database that is coupled to the user interface;***

694. In my opinion, Arnold discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

695. As explained above (*supra* §VII.B.7.b), the selection of a product from a merchant catalog is "*information . . . indicating a type of an element for marketing that is to be displayed at the second website"* and the VO sign up information is "*information specifying the second website at which the element is to be displayed*." I note that it is unclear what "*information*" must be saved in the "*first database*." The term "*information*" is used to refer to multiple types of information elsewhere

in the claim. Regardless, Arnold discloses storing each type of "*information*" in the "*first database*."

696. The merchant catalog displayed in Fig. 10 states: "[p]eruse the list below, identifying the items you wish to merchandise on your site." A Skilled Artisan would have understood that identifying items would result in saving the information in a database. In particular, Arnold explains that "a database" is "established" when the "virtual outlet relationship" is created. *Id.*, 7:54-58. The "database specifies a Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page." *Id*., 7:54-62. The system of Arnold 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." *Id*. Therefore, a Skilled Artisan would have understood that each product page corresponds to an entry in the "virtual outlet relationship" database. Accordingly, the VO representative's selection of products is "*saved*" in the first database because an entry associated with each product section exists in the database, which is used to dynamically create the requested product pages (discussed more below).

697. Arnold, in Fig. 15 (shown below), "displays a flow diagram for the Sign-up_Request routine." *Id.*, 12:38-13:12. This routine is called when the system

receives a "request [that] concerns the merchant sign-up component." *Id.*, 12:24-27. Arnold explains that "Sign-up-Request determines, in step 1502b, whether the received request was to store sign-up information elicited from the VO by a displayed sign-up Web page. If so, Sign-up-Request determines in step 1503 whether the information was correctly specified. If the information was correctly specified, **Sign-up-Request temporarily stores the sign-up information in a file on the merchant computer in step 1504** and returns." *Id.*, 12:45-52.

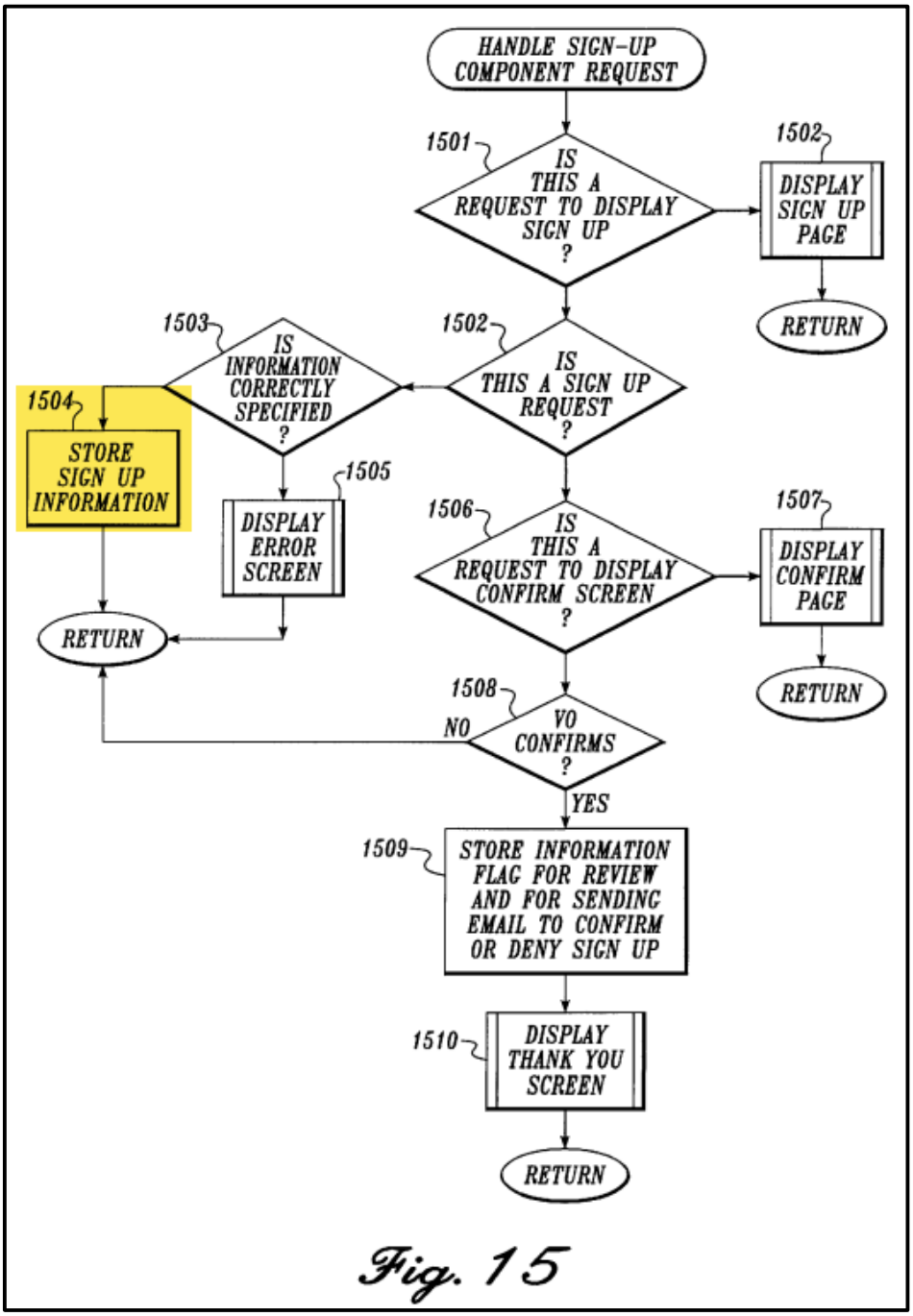
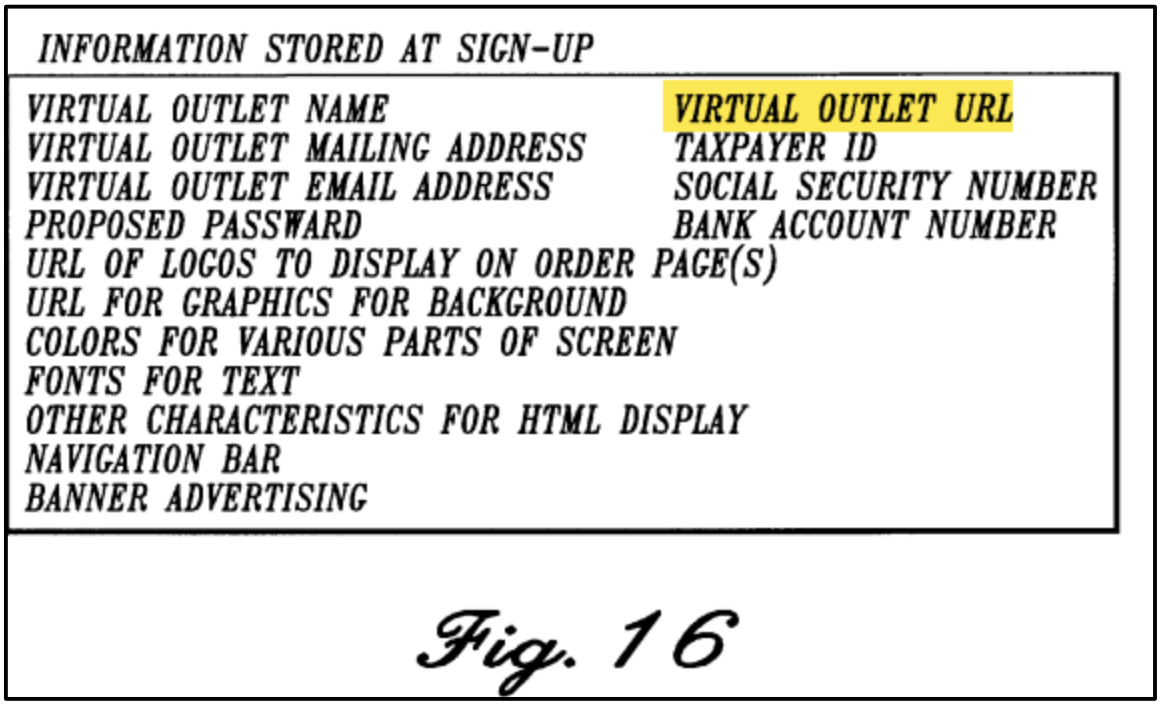



Fig. 15

EX1008, Fig. 15 (annotated).

698. Arnold illustrates "information stored at sign-up" in Fig. 16 (shown below) which includes the "virtual outlet URL."




EX1008, Fig. 16 (annotated).

699. Arnold also explains that "sign-up request permanently stores the sign-up information on the merchant computer and flags the stored information for review by a representative of the merchant computer." *Id.*, 13:2-5.

700. Arnold also explains that the merchant "[w]eb page is identified by a URL (i.e., hotlink) associated with that product. For example, the shirt image 1B13 may have the URL 'http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it." *Id.*, 7:43-48. The layout information of the merchant website is stored in a database. *Id.*, 7:45-60 ("When the merchant computer for the HaberDasher Company receives this URL, it accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher

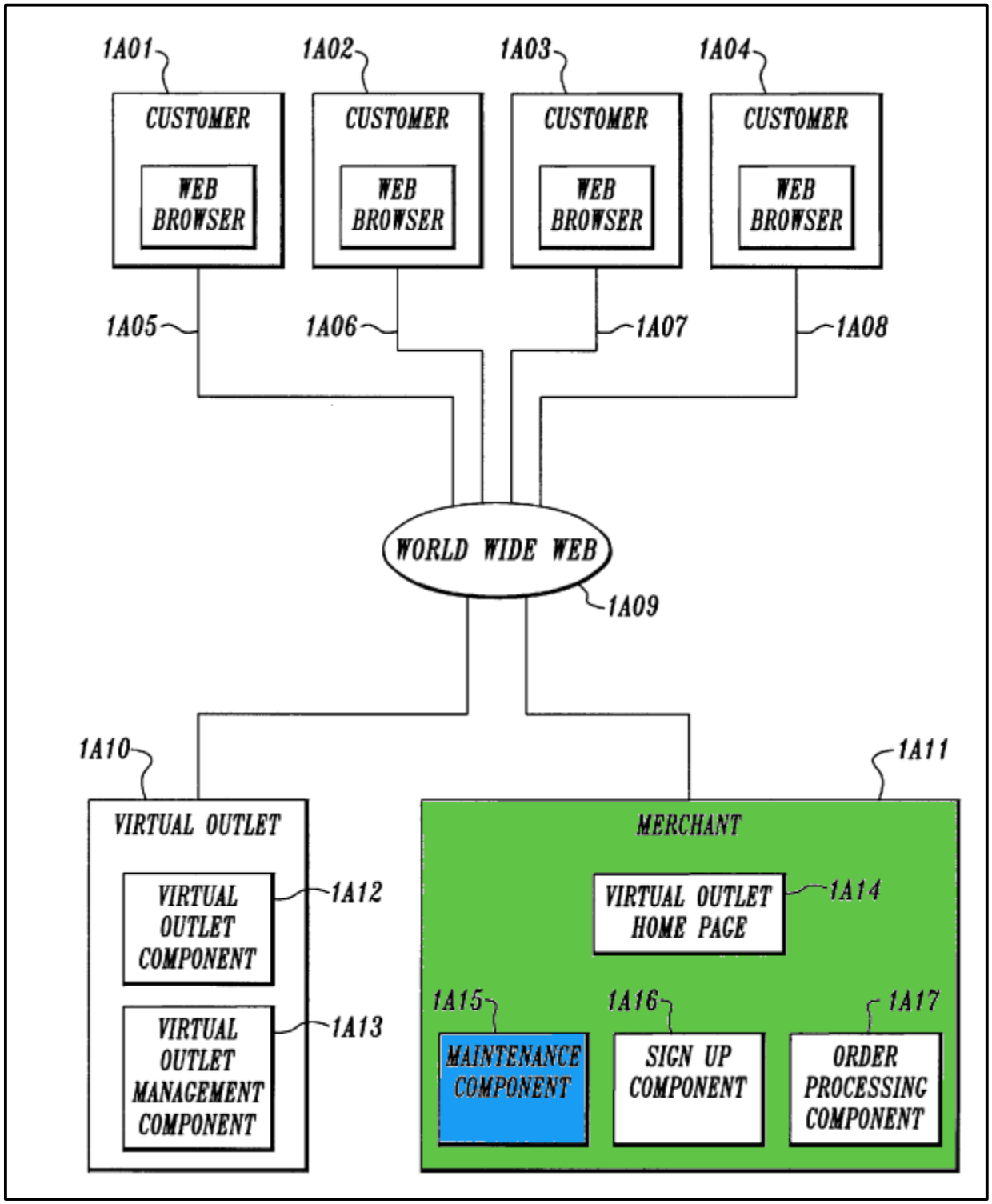
Company. That database specifies a Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore.").

701. In the exemplar hotlink described by Arnold, "http://www.haberdasher.com/?AcmeCyberstore&AcmeCyberstore.com/home%20page&hat," "[t]he portion 'HaberDasher.com' identifies the merchant that sells the shirt, the portion 'AcmeCyberstore' identifies the VO, and the portion 'AcmeCyberstore.com/homepage' identifies the Web page to return to after the sale is complete." A Skilled Artisan would have understood that the portion "&hat" identifies the specific item that was selected from the merchant catalog.

702. Thus, a Skilled Artisan would have understood Arnold discloses "*saving the*" "*information . . . indicating a type of an element for marketing that is to be displayed at the second website*" and "*information specifying the second website*" "*at a first database*."

703. A Skilled Artisan would have understood that the merchant computer and merchant computer's account management component are "*coupled*" because the merchant computer and merchant computer's account management component communicate and are on the same computer (shown below)—e.g., when the VO requests a virtual outlet relationship with the merchant and then signs in to browse the merchant's catalog, and the information received from at the merchant computer's account management component is saved on the merchant computer.

*See, e.g.*, *Id.*, 7:9-19 ("The merchant computer includes a virtual outlet home Web page component 1A14 that provides an initial Web page to the virtual outlet management component of the VO computer. From that initial Web page, the VO computer can access the Web pages provided by the maintenance component 1A15 and the sign-up component 1A16 of the merchant computer through the virtual outlet management component on the VO computer. The merchant computer also includes an order processing component 1A17 that provides order Web pages directly to customer computers via the network."), Fig. 1A.




EX1008, Fig. 1A (annotated).

704. Accordingly, the merchant catalog ("*user interface*") is "*coupled*" to the "*first database*" (housed on the merchant computer). *Supra* §VII.B.7.c.

705. To the extent Patent Owner argues that both sets of "*information*" must be stored in a single "*first database*," it would have been obvious to a Skilled Artisan to combine the "virtual outlet relationship" databases. Indeed, doing so would be a simple matter of optimizing a database data structure.

706. Accordingly, Arnold discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

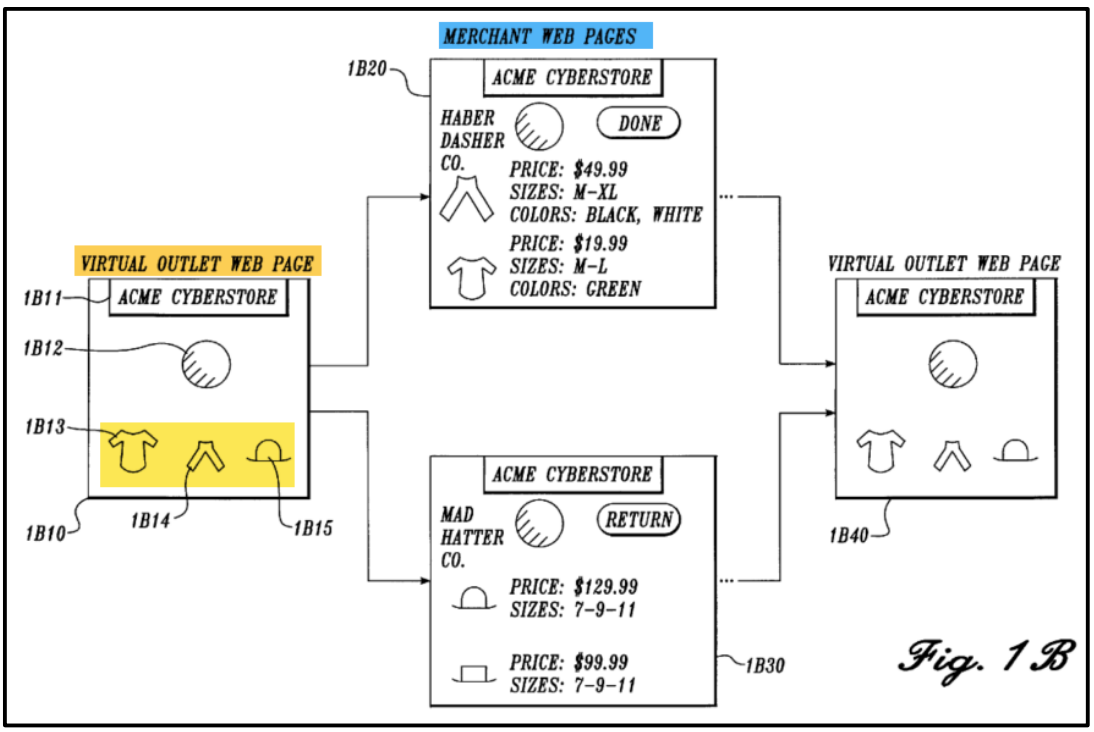
d. ***1[c]: obtaining the element for marketing of the type indicated;***

707. In my opinion, Arnold discloses and renders obvious "*obtaining the element for marketing of the type indicated.*"

708. As explained above (*supra* §VII.B.7.b), a Skilled Artisan would have understood that the images of the products in the virtual outlet (which are associated with hotlinks to merchant product pages) are "*types of* [] *element[s] for marketing.*"

709. As explained above, Figure 1B (shown below) shows Web page 1B10 for the AcmeCyberstore which "contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale." EX1008, 7:36-41. "Each image has a URL associated with it that is a hot link to a Web page provided by the Web site of the merchant of the product." *Id.*, 5:44-46. "For example, the shirt image 1B13 may have the URL

'http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it. The portion 'HaberDasher.com' identifies the merchant that sells the shirt, the portion 'AcmeCyberstore' identifies the VO, and the portion 'AcmeCyberstore.com/homepage' identifies the Web page to return to after the sale is complete." *Id.*, 7:45-53.




EX1008, Fig. 1B (annotated).

710. A Skilled Artisan would have understood that the system of Arnold must "*obtain*" the images of the products that are each associated with a URL that links to the Merchant Web page 1B20, 1B30 in order to display the images and URLs on the VO Web page.

711. Accordingly, Arnold discloses and renders obvious, "*obtaining the element for marketing of the type indicated*."

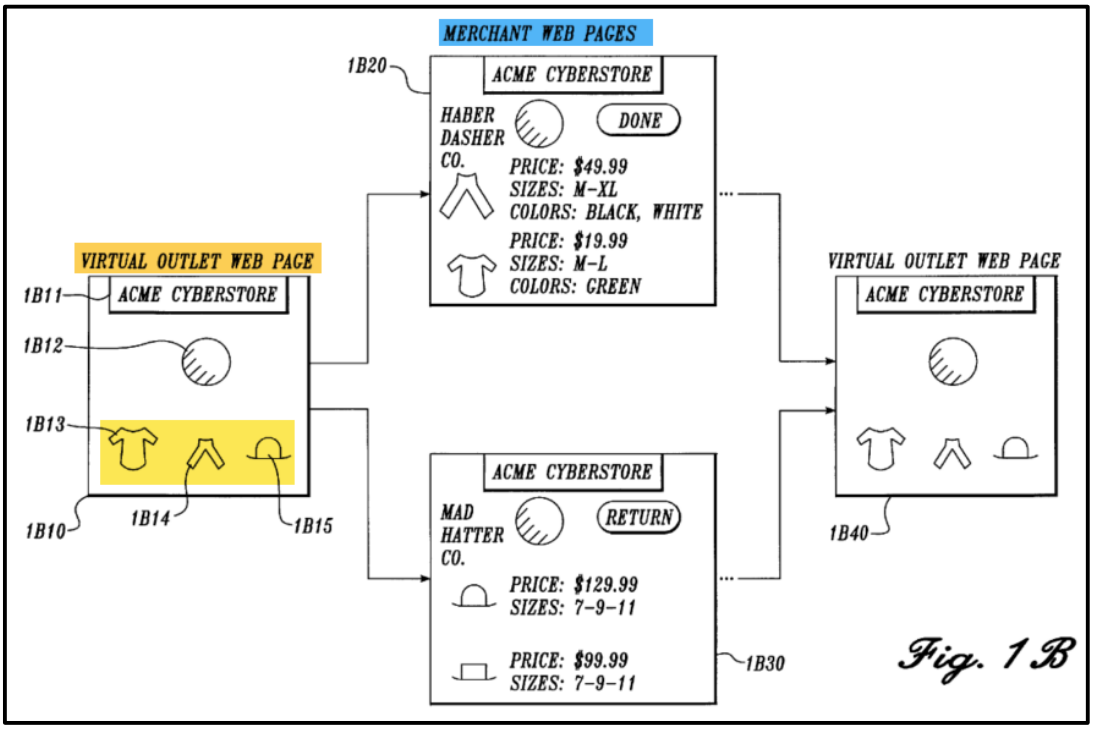
e. ***1[d]: causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;***

712. In my opinion, Arnold discloses and renders obvious "*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.*"

713. As explained above (*supra* §§VII.B.7.a, VII.B.7.b), the virtual outlet web site is the "*second website*," the merchant outlet web site is the "*first website*," and, the image/link of the specific product selected from the merchant catalog is the "*element for marketing*."

714. As explained above (*supra* §VII.A.7.e), this claim limitation is written disjunctively ("*at least one of*") and, therefore, the claim only requires that the "*element for marketing*" include **either** "*a banner ad*" or "*a link to the first website*." Additionally, as also explained above (*supra* §VII.A.7.e), in the *LinkedIn* IPR, Patent Owner stated that "a banner ad is a specialized form of a hyperlink that also includes a graphic." EX1010, 15.

715. Arnold discloses "*causing the display of the element for marketing at the second website . . . wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.*" Arnold explains that "[t]he virtual outlet component of the VO provides Web pages to customers that comprise a collection of text or images that describe or represent various products or services that the customer can purchase. Those text descriptions or images that represent items to be ordered from a merchant are associated on the VO Web page with hot links that allow a customer to directly access a merchant's order Web page." EX1008, 8:9-16. In Fig. 1B (shown below), Arnold provides an example in which a Virtual Outlet page, the "Web page [1B10] for the AcmeCyberstore," "contains the images 1B13, 1B14, and 1B15 of the products that are being offered for sale" which have "hotlinks" that, when selected, "accesses the Web page for the merchant that sells the product." *Id.*, 7:30-45.




EX1008, Fig. 1B (annotated).

716. Arnold explains that "the WWW's version of the traditional advertising model," is a "banner ad," which is a "graphic image" having a "hot link to the selling site." *Id.*, 2:55-60. Arnold seeks to improve traditional banner ads by describing "a way to track purchases on the Web that avoids the problems associated with the [traditional] banner advertising method." *Id.*, 3:61-64. Because the merchant provides images (e.g., 1B13, 1B14, and 1B15) of the products that are being offered for sale by Merchant Web page (e.g., 1B20, 1B30), and these images have hot links to the selling site, a Skilled Artisan would have understood that images 1B13, 1B14, and 1B15 of Arnold are banner ads—i.e., "a specialized form of a hyperlink that also includes a graphic." EX1010, 15 (*citing* EX1001, 6:67-7:16). Thus, a Skilled

Artisan would have understood that "*the element for marketing includes . . . a banner ad concerning the first website*."

717. A Skilled Artisan would have understood that "*the element for marketing includes . . . a link to the first website*" because the images of the products are each associated with a URL that links to the Merchant Web page (e.g. 1B20, 1B30) that sells the product.

718. Arnold discloses "*when the first website is activated with respect to the internet.*" 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 "browse the merchant's catalog to select items to sell, to change the merchant's order Web page display characteristics, and to perform other necessary tasks to maintain the retail relationship." EX1008, 6:26-34, 10:41-47 ("The Catalog_Browser routine allows a VO representative to browse through catalog Web pages supplied by the merchant. Fig. 10 shows an example catalog Web page. Items for sale are described and listed along with URLs corresponding to the order Web page that the merchant will supply to a customer linking through a VO Web page to the merchant site in order to purchase the item.").

719. Arnold further explains that the merchant webpage is "dynamically create[d] . . . in accordance with the layout [specified in a database established when the VO AcmeCyberstore established a virtual outlet relationship with the

HaberDasher Company] and associates the return URL with an icon on the Web page." *Id.*, 7:54-65.

720. A Skilled Artisan would have understood that 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 Web page of the merchant. The URLs are used to dynamically create the order Web page of the merchant in accordance with the specified layout of the merchant Web page. Thus, a Skilled Artisan would have understood that "*when the first website is activated with respect to the internet*," "*the element for marketing*" is displayed "*at the second website*." Moreover, a Skilled Artisan would have understood that 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*."

721. Accordingly, Arnold discloses and renders obvious "*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*."

f. ***1[e]: determining whether a reciprocal site for the display of at least one marketing element of third party website exists in the first website being designed; and***

722. In my opinion, Arnold discloses and renders obvious "*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*."

723. As explained above (*supra* §§VII.B.7.a, VII.B.7.b), the merchant outlet web site is the "*first website*."

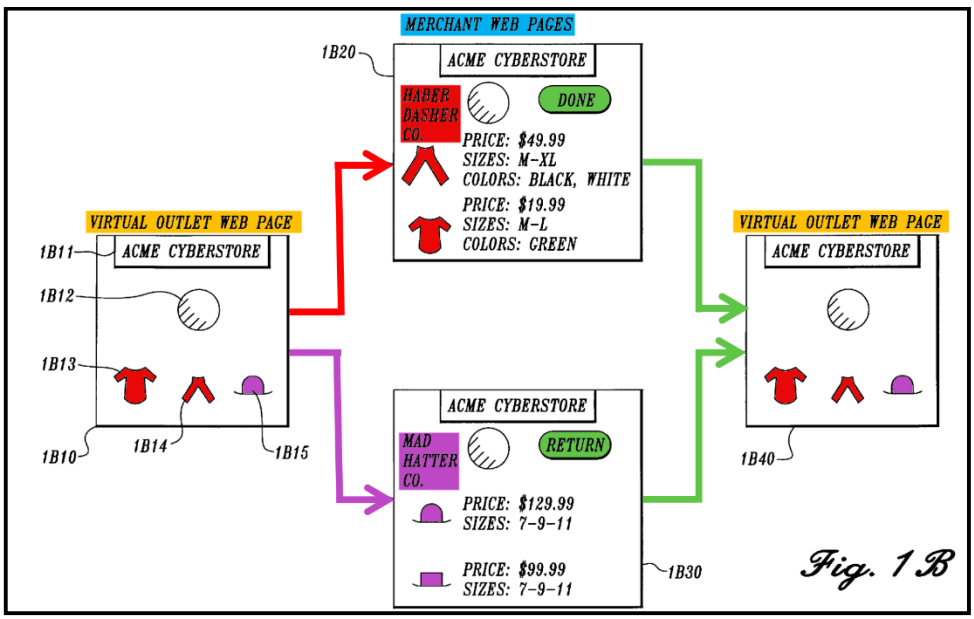
724. As explained above (*supra* §VII.A.7.f), the term "*third party website*" is not defined, and a Skilled Artisan would have understood that a "*third party*" therefore could be part of the "*computer hardware system*" or outside of the "*computer hardware system*."

725. As explained above (*supra* §VI.A), a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

726. Arnold discloses "*a reciprocal site for the display of at least one marketing element of a third party website."*

727. Arnold explains that "the merchant computer provides the customer with a return link to the VO's Web page, [therefore,] the VO can be relatively assured that the customer will return to the VO Web page after leaving the merchant Web page." EX1008, 6:50-55. Arnold illustrates a "done" or "return" icon (highlighted in yellow below) as a space within a merchant site in Figure 1B and explains "[w]hen the customer has completed the purchase, the customer can select the return[, or done,] icon to return to the Web page lB40 for the AcmeCyberstore VO." *Id.*, 8:4-6.

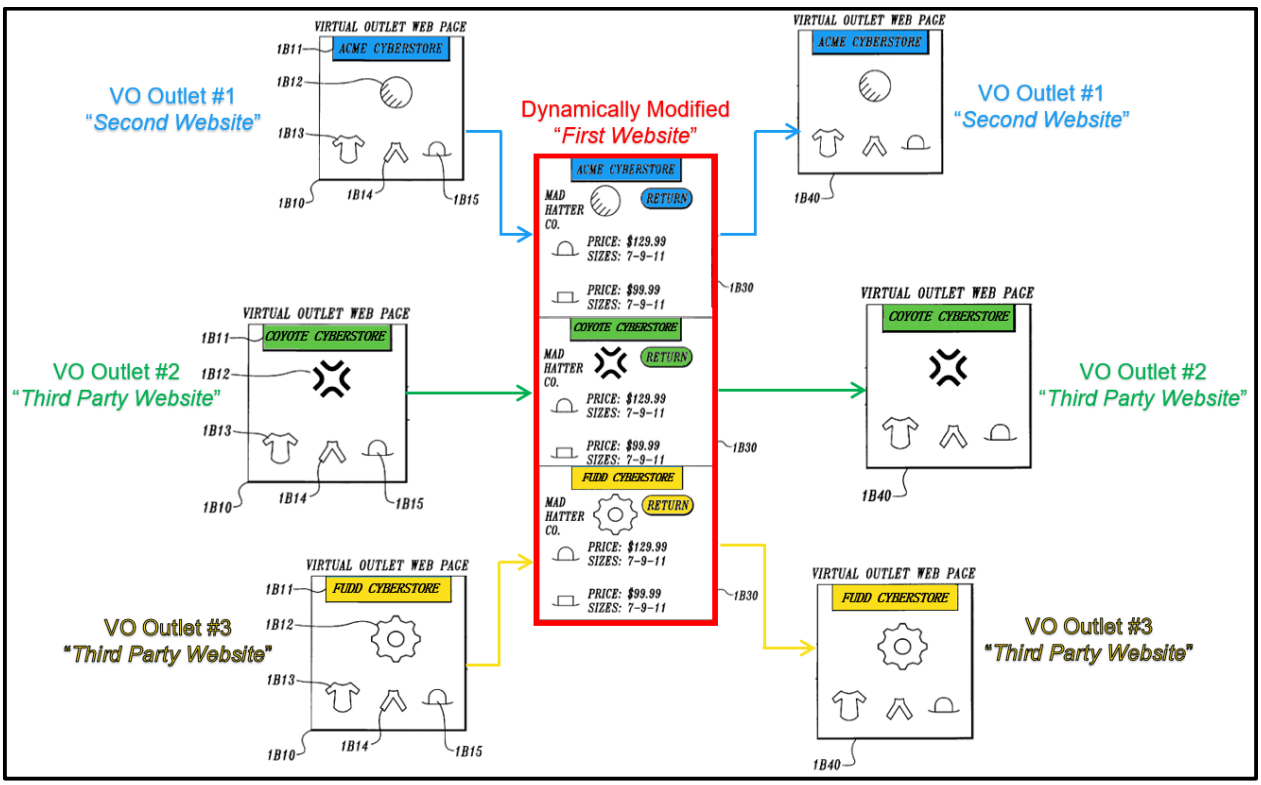
728. The merchant site in Figure 1B includes the logo for the VO and banner for the VO. *See id.*, 7:31-32 ("[T]he name of the VO is 'AcmeCyberstore'; its logo is a circle with lines."), 7:38-39 ("[B]anner 1B11 and logo 1B12, [] identify the VO."), 7:54-62 ("When the merchant computer for the HaberDasher Company receives this URL, it accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher Company. That database specifies a Web page layout that is preferably a layout similar to that of the Web page for the AcmeCyberstore. For example, the layout may indicate the contents of the banner, logo.").




EX1008, Fig. 1B (annotated).

729. Based on Arnold's disclosure of a database used to dynamically create the merchant site, based on the preferences of a VO site, a Skilled Artisan would have understood that each merchant site could serve multiple VOs. Indeed, Arnold

explicitly discloses that the "VO system provides one or more Web pages to **VOs**" and that "the merchant computer can have one web page defined for **each VO**;" i.e., a plurality of VOs. EX1008, 11:37, 6:55-60. Indeed, a Skilled Artisan would have understood that one of the advantages of dynamically creating pages is that the system would be able to serve multiple VOs pragmatically. Therefore, as shown in the demonstrative below, different logos, colors, and images will be used based on which VO is interacting with the merchant site. Therefore, the "done" or "return" icons (**green** above) on the merchant site will also be updated to redirect the customer to the correct VO site.



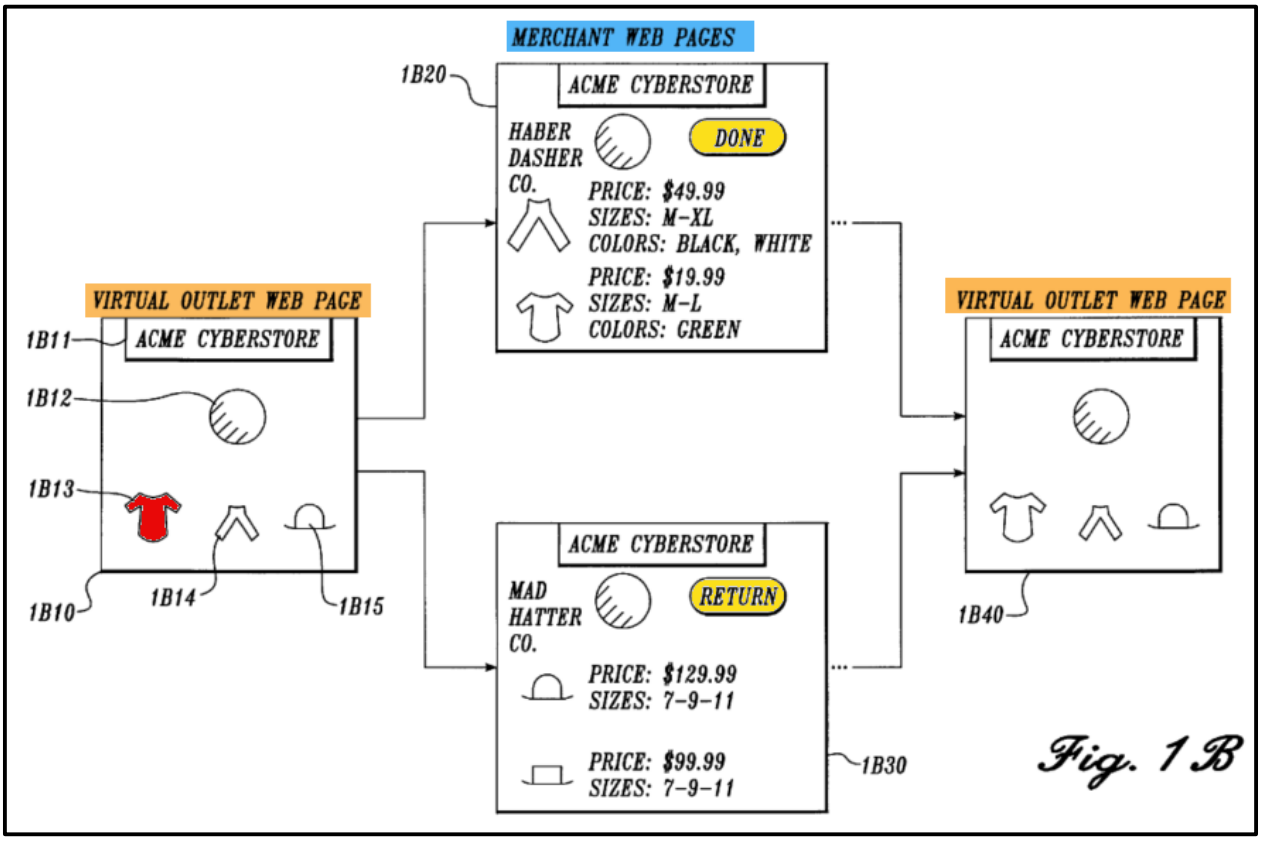

EX1008, Fig. 1B (modified).

730. For example, as shown in the demonstrative above, the dynamically modified "*first website*" (**red outline**) is modified to include the logo, banner, and return links for multiple VOs. 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 the "*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**). A Skilled Artisan would have understood that, for example, "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**).

731. A Skilled Artisan would have understood that because the "return icon" resides in a space within the merchant site, Mad Hatter, 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.*" In particular, as shown above (*supra* §VII.B.7.a), the "return icon" is used as a space to provide a "*reciprocal*" link back to the originating VO.

Moreover, 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*."

732. Arnold discloses "*determining whether a reciprocal site . . . exists in the first website being designed*." Referring to the example in Fig. 1B, Arnold explains that the "[w]hen a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product." EX1008, 7:41-44. The "[merchant] web page is identified by a URL (i.e., hotlink) associated with that product." EX1008, 7:44-45. For example, "the shirt image 1B13 may have the URL 'http://WWW.HaberDasher.com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it." *Id.*, 7:45-48. "The portion 'HaberDasher.com' identifies the merchant that sells the shirt, the portion 'AcmeCyberstore' identifies the VO, and the portion 'AcmeCyberstore.com/homepage' identifies the Web page to return to after the sale is complete." *Id.*, 7:48-52.




EX1008, Fig. 1B (annotated).

733. Arnold explains that "when the merchant computer . . . receives this [hotlink] URL," "it accesses a database" that "specifies a Web page layout that is preferably a layout similar to that of the Web page for the [virtual outlet]." *Id.*, 7:54-60. Using information from this database, "[t]he 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" and "sends that Web page to the customer computer." *Id.*, 7:54-66. Figure 1B illustrates two examples of dynamically created web pages: Haber Dasher Co., labeled 1B20, and Mad Hatter Co., labeled 1B30.

734. A Skilled Artisan would have understood that when dynamically creating a web page layout, a "return URL with an icon" cannot be incorporated into the web page layout without "*determining whether a reciprocal site . . . exists in the first website being designed.*" Moreover, Arnold explains that "[w]hen the merchant computer for the HaberDasher Company receives this URL" (the URL from the VO) the merchant computer "accesses a database established when the AcmeCyberstore established a virtual outlet relationship with the HaberDasher Company." *Id.*, 7:54-58. "That database specifies a Web page layout" and 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." *Id.*, 7:58-65. A Skilled Artisan would have understood that, as part of dynamically building the page, the merchant computer must determine whether or not 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*."

735. Accordingly, Arnold discloses and renders obvious "*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*."

g. ***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; and***

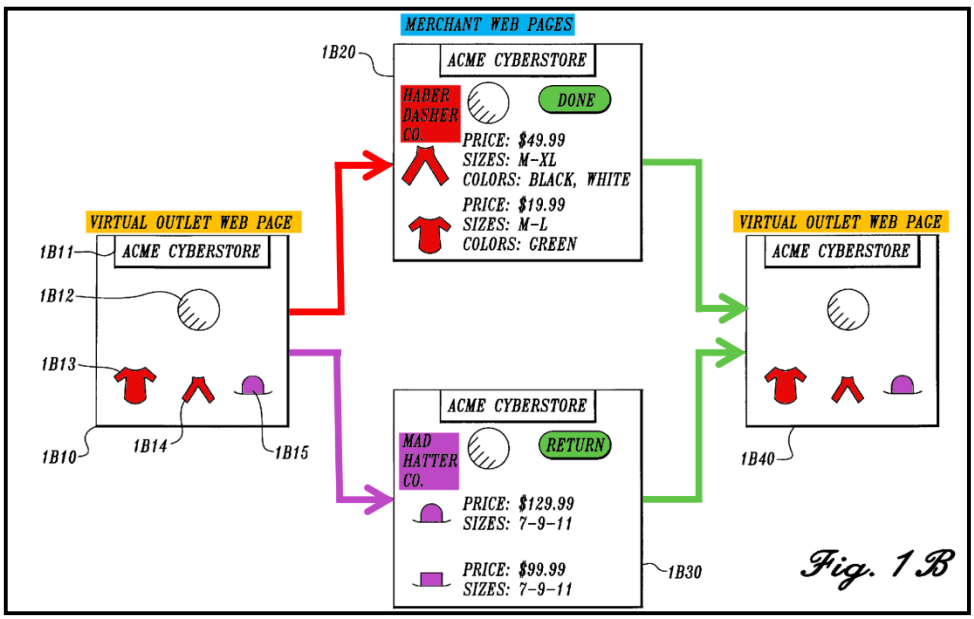
736. In my opinion, Arnold discloses and renders obvious "*creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.*"

737. As explained above (*supra* §VI.A), a "*reciprocal site*" is a space within a web page (within a website) for displaying reciprocal links to other websites.

738. Arnold explains that "when a customer selects a product to purchase (or to view product information), the browser accesses the Web page for the merchant that sells the product. The Web page is identified by a URL (i.e., hotlink) associated with that product . . . When the merchant computer . . . receives this URL, it accesses a database established when the [VO web site] established a virtual outlet relationship with the [merchant]. That database specifies a Web page layout that is preferably a layout similar to that of the Web page for the [VO web site]. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page. 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, 5:41-65.

739. In the example illustrated by Arnold in Fig. 1B (shown below), a Skilled Artisan would have understood that, before the merchant computer dynamically creates the merchant web page, the space within the Merchant Web

page 1B20, 1B30 with a link to Web page 1B10 for the AcmeCyberstore "*does not yet exist in the first website*" because the merchant web page itself does not yet exist. Thus, a Skilled Artisan would have understood that 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 within the Merchant Web with a link to the AcmeCyberstore. *Id.*, 7:62-65.




EX1008, Fig. 1B (annotated).

740. Accordingly, Arnold discloses and renders obvious "*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.*"

h. ***1[g]: 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.***

741. In my opinion, Arnold discloses and renders obvious "*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.*"

742. As explained above (*supra* §VII.A.7.h), the "*element for marketing the* ***first website***" discussed in Claim Limitation 1[g] is different from "*the at least one marketing element of* ***the third party website***" discussed in Claim Limitations 1[e] and 1[f]. The "*element for marketing the first website*" is "*the element for marketing at the second website*" which includes a link to the "*first website*" which is described in Claim Limitation 1[d].

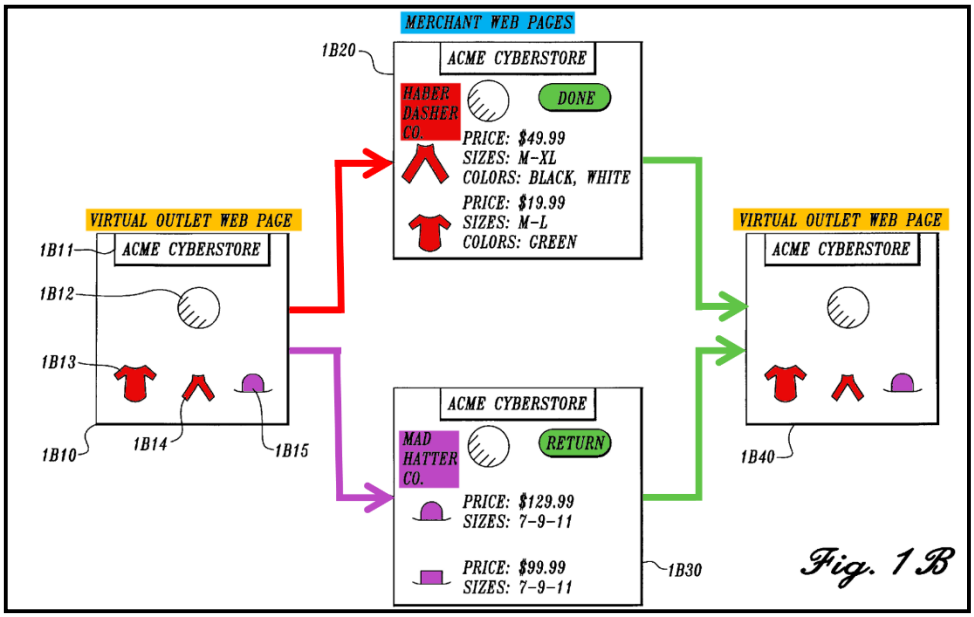
743. As also explained above (*supra* §VII.A.7.h), the specification also does not provide any guidance on what "*sequential display*" means. However, a Skilled Artisan would understand that sequential means "following or coming after something else." EX1051, 511.

744. Finally, as explained above (*supra* §VII.B.7.e), a Skilled Artisan would have understood that images 1B13, 1B14, and 1B15 of Arnold are banner ads—i.e., "a specialized form of a hyperlink that also includes a graphic." Moreover, because

the images of the products are each associated with a URL that links to the Merchant Web page ("*first website*") images 1B13, 1B14, and 1B15 also include "*a link to the first website*." Therefore, images 1B13, 1B14, and 1B15 in Arnold are both a banner ad and a link to the first website.

745. Accordingly, Arnold performs the steps below "*when the element for marketing the first website is a banner ad concerning the first website*."

746. Arnold discloses "*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*." In Fig. 1B (shown below), Arnold illustrates "the sequence of Web pages as seen by a customer of a VO." Arnold explains that "[w]hen a customer selects a product to purchase (or to view product information)," on the Web page 1B10, 1B40 for the VO, "the browser accesses the Web pages for the merchant that sells the product. The Web page is identified by a URL (i.e., hotlink) associated with that product." EX1008, 7:41-45.



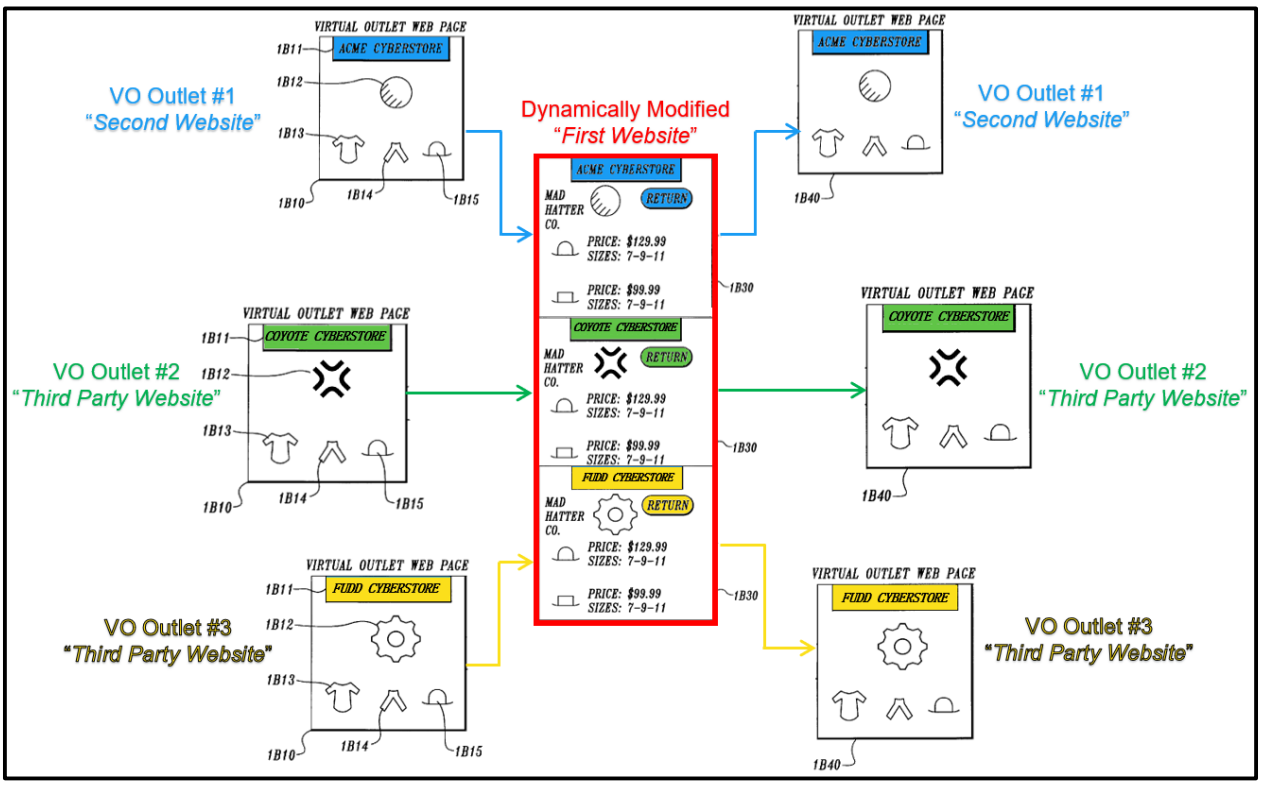

EX1008, Fig. 1B (annotated).

747. Arnold describes an example of the hot link where "the shirt image 1B13 may have the URL 'http://www.HaberDasher .com/?AcmeCyberstore&AcmeCyberstore.com/home page&hat' associated with it. The portion 'HaberDasher.com' identifies the merchant that sells the shirt, the portion 'AcmeCyberstore' identifies the VO, and the portion 'AcmeCyberstore.com/ homepage' identifies the Web page to return to after the sale is complete. (If a return Web page is not identified, the merchant can use a default return Web page for that virtual outlet.)." *Id.*, 7:45-54. A Skilled Artisan would have understood that the syntax for a hotlink is http://[MERCHANT URL]/?[VIRTUAL OUTLET]&[VIRTUAL OUTLET URL]/home page&[PRODUCT], where highlighted information is included within the hotlink.

748. As explained above (*supra* §VII.B.7.f), a Skilled Artisan would have understood that the method described by Arnold allows multiple different virtual outlets to sell the same merchant's products. For example, Arnold explains that "the merchant computer can store a return URL that identifies a VO Web page in association with the unique VO identification." *Id.*, 6:1-4. A VO identification would not be necessary if a merchant computer was only associated with a single VO. Additionally, Arnold describes a "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" and a "a database" that is "established when the [VO] established a virtual outlet relationship with the [merchant]." *Id.*, 5:26-30, 7:55-58. A Skilled Artisan would have understood that a sign-up method, and a database, would not have been necessary if the merchant was only associated with a single VO. Indeed, Arnold explains that "a large number of virtual outlets and merchants [would be desirable]." *Id.*, 7:23-25. The merchant system of Arnold supports a plurality of VOs. *See, e.g.*, *Id.*, 11:35-38 ("The VO home page component of the merchant portion of the VO system provides one or more Web pages to **VOs** that may contain general information about the merchant."), *Id.*, 11:53 ( "[The maintenance component of the merchant] . . . supports login requests from **VOs**.").

749. The diagram below illustrates the scenario in which multiple virtual outlets sell the same merchant's products. In this scenario, 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 web site** having **a return icon** (i.e., banner ad) to **Coyote CyberStore**, or the **Mad Hatter Co web site** having a **return icon** (i.e., banner ad) to **Fudd Cyberstore** is displayed. Accordingly, "*the reciprocal site of the first website*" displays "*a plurality banner ads respectively concerning a plurality of third party websites.*"




EX1008, Fig. 1B (modified).

750. As explained above, a Skilled Artisan would have understood that the syntax for a hotlink is http://[MERCHANT URL] /?[VIRTUAL OUTLET]&[VIRTUAL OUTLET URL]/home page&[PRODUCT], where

highlighted information is included within the hotlink. Thus, using the example with "Acme Cyberstore" (**blue**), "Coyote Cyberstore" (**green**), or "Fudd Cyberstore" (**yellow**), examples of the hotlinks for a hat, for the respective virtual outlets, would be:

**Coyote CyberStore**:

http://**www.MadHatter.com**/? **CoyoteCyberStore** &

**CoyoteCyberStore.com**/homepage&hat

**Acme CyberStore**:

http://**www. MadHatter.com**/? **AcmeCyberStore** &

**AcmeCyberStore.com**/homepage&hat

**Fudd Cyberstore:**

http://**www. MadHatter.com**/? **FuddCyberStore** &

**FuddCyberStore.com**/homepage&hat

751. In both versions, the URL for the merchant site, **www.MadHatter.com**, is the same. Further, the return icon displays different banner ads depending on which "*third party website*" links to the "*first website*."

752. Thus, Arnold teaches that the site of the return icon can direct a user to "*a plurality of*" third party websites. Moreover, the merchant computer causes the "*sequential display*" of the VOs. As described above, each merchant page is

dynamically created "following or coming after" each other, for example: "Acme Cyberstore" (**blue**), "Coyote Cyberstore" (**green**), or "Fudd Cyberstore" (**yellow**).

753. Accordingly, Arnold teaches or renders obvious "*causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party website.*"

754. Arnold discloses "*causing the sequential display . . . when the first website is activated with respect to the internet*."

755. Arnold explains that "[w]hen the merchant computer for the HaberDasher Company receives th[e] URL, it accesses a database established when the AcmeCyberStore established a virtual outlet relationship with the Haber Dasher Company. That database specifies a Web page layout that is preferably a layout similar to that of the Web page for the Acme CyberStore. For example, the layout may indicate the contents of the banner, logo, and background color of the Web page. 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.

756. A Skilled Artisan would have further understood that 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 Web page of the merchant.

The URLs are used to dynamically create the order Web page of the merchant in accordance with the specified layout of the merchant Web page. Thus, a Skilled Artisan would have understood that "*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.

757. Accordingly, Arnold discloses and renders obvious "*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*."

758. For the reasons above, a Skilled Artisan would have understood that Arnold renders Claim 1 obvious.

i. ***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.]***

759. In my opinion, Arnold discloses and renders obvious "*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.*"

760. As explained above (*supra* §VII.B.7.h), Arnold discloses and renders obvious this claim element.

8. Claim 3

a. ***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:***

761. In my opinion, Arnold discloses and renders obvious "*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.*"

762. As explained above (*supra* §VII.B.7.a), Arnold discloses and renders obvious this claim element.

b. ***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;***

763. In my opinion, Arnold discloses and renders obvious "*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.*"

764. As explained above (*supra* §VII.B.7.b), Arnold discloses and renders obvious this claim element.

c. ***3[b]: saving the information at a first database that is coupled to the user interface;***

765. In my opinion, Arnold discloses and renders obvious "*saving the information at a first database that is coupled to the user interface.*"

766. As explained above (*supra* §VII.B.7.c), Arnold discloses and renders obvious this claim element.

d. ***3[c]: obtaining the element for marketing of the type indicated;***

767. In my opinion, Arnold discloses and renders obvious "*obtaining the element for marketing of the type indicated.*"

768. As explained above (*supra* §VII.B.7.d), Arnold discloses and renders obvious this claim element.

e. ***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;***

769. In my opinion, Arnold discloses and renders obvious "*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.*"

770. As explained above (*supra* §VII.B.7.e), Arnold discloses and renders obvious this claim element.

f. ***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; and***

771. In my opinion, Arnold discloses and renders obvious "*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*."

772. As explained above (*supra* §VII.B.7.f), Arnold discloses and renders obvious this claim element.

g. ***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***

773. In my opinion, Arnold discloses and renders obvious "*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.*"

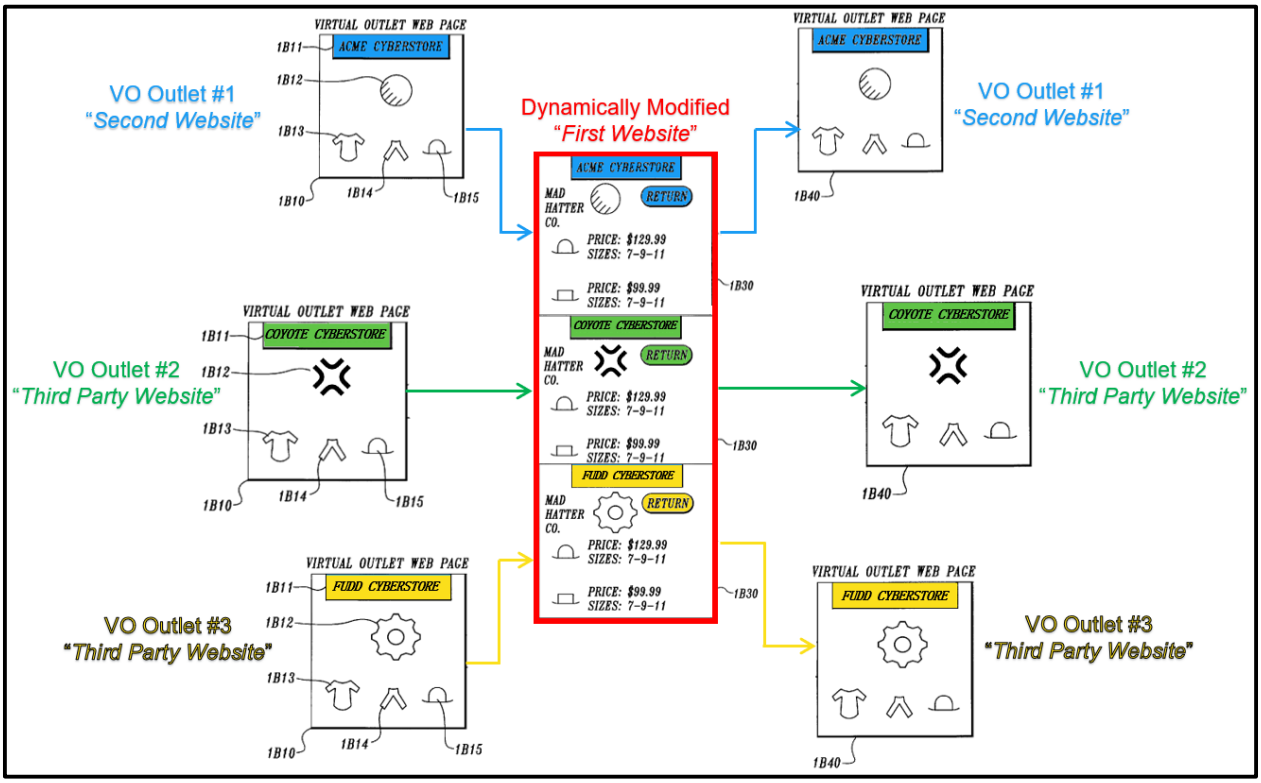
774. As explained above (*supra* §VII.B.7.g), Arnold discloses and renders obvious this claim element.

h. ***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.***

775. In my opinion, Arnold discloses and renders obvious "*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.*"

776. As explained above (*supra* §VII.B.7.h), Arnold discloses and renders obvious this claim element. As explained above (*supra* §VII.B.7.e), Arnold discloses that the "*element for marketing the first website*" is both a "*banner ad*" and "*a link to the first website*." Therefore, the "*element for marketing the first website*" is always both a "*banner ad*" and "*a link to the first website*" in Arnold.

777. As also explained above (§VII.B.7.h), 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:




EX1008, Fig. 1B (modified).

778. Therefore, as explained above (*supra* §VII.B.7.h), Arnold discloses and renders obvious this claim.

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

#### 1. Overview of Arora

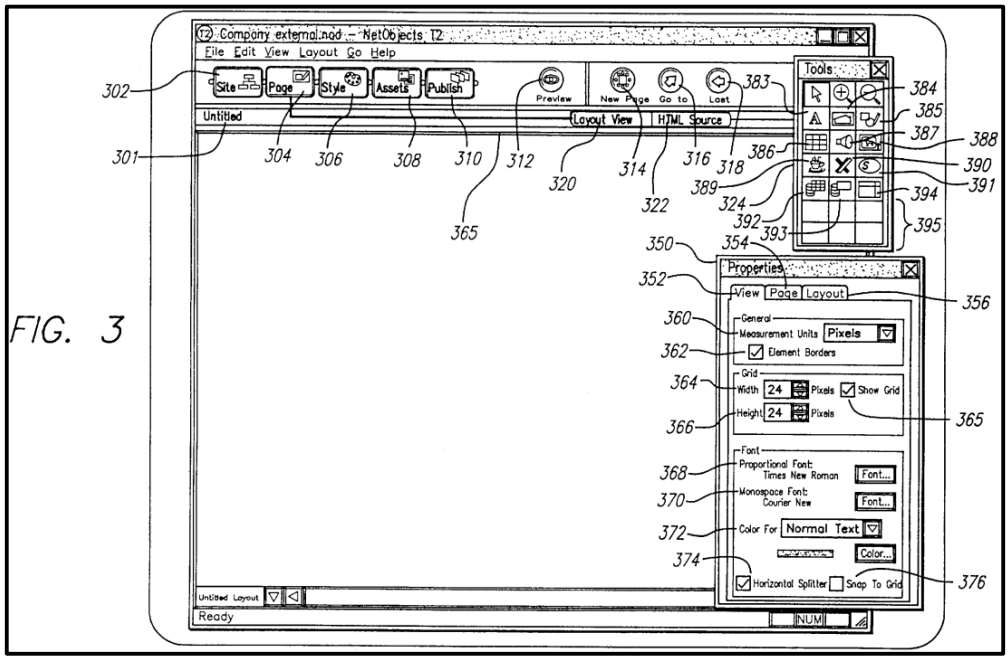
779. Arora is titled "Draw-based editor for web pages" and was filed on July 29, 1996. Arora identifies Samir Arora, Gagan Arora, Rajagopal Lakshminarayan, Gregory Brown, and Martin Fried-Nielsen as inventors and was published on December 1, 1998.

780. I understand that Arora is prior art to the '971 Patent at least because it was published prior to the earliest possible filing date of the '971 Patent.

781. Arora explains that "[t]he HTML to describe a Web page is often created by hand by a human being. If the design of the page changes, the corresponding HTML must be rewritten, which is an exacting process. Although several conventional HTML editors exist, these editors only allow the user to specify certain elements of a page and frequently still require the user to physically enter HTML code." EX1009, 1:46-52.

782. To overcome problems and disadvantages of the prior art, Arora describes a what you see is what you get ("WYSIWYG") web page editor that uses a "drag and drop interface to allow a user to easily design a Web page. The user moves display elements to define the appearance of a web page. When the user clicks/selects a "publish" button, HTML code is automatically generated." *Id.*, 2:20-25.

783. In Fig. 3 (shown below), Arora shows an example of a "page draw editor [that] allows the user to design a page just as it will appear when viewed with a browser. The user uses the page draw editor to add text graphics, and other display elements to the page. The user can then rearrange display elements by dragging and dropping them to a new location, placing the display elements exactly where they will eventually appear with pixel level accuracy." *Id.*, 5:57-63, Fig. 3.




EX1009, Fig. 3.

784. In Fig. 2 (shown below), Arora illustrates "a block diagram showing input and output to page draw editor software." *Id.*, 5:37-38. The page draw editor includes "a portion 202 that creates and manages a page layout and a portion 204 that publishes the page." *Id.*, 5:38-40. Fig. 2 describes that users can input web assets such as "existing text and images, and data" and edit those web assets using "editing commands" before publishing the page. *Id.*, Fig. 2.

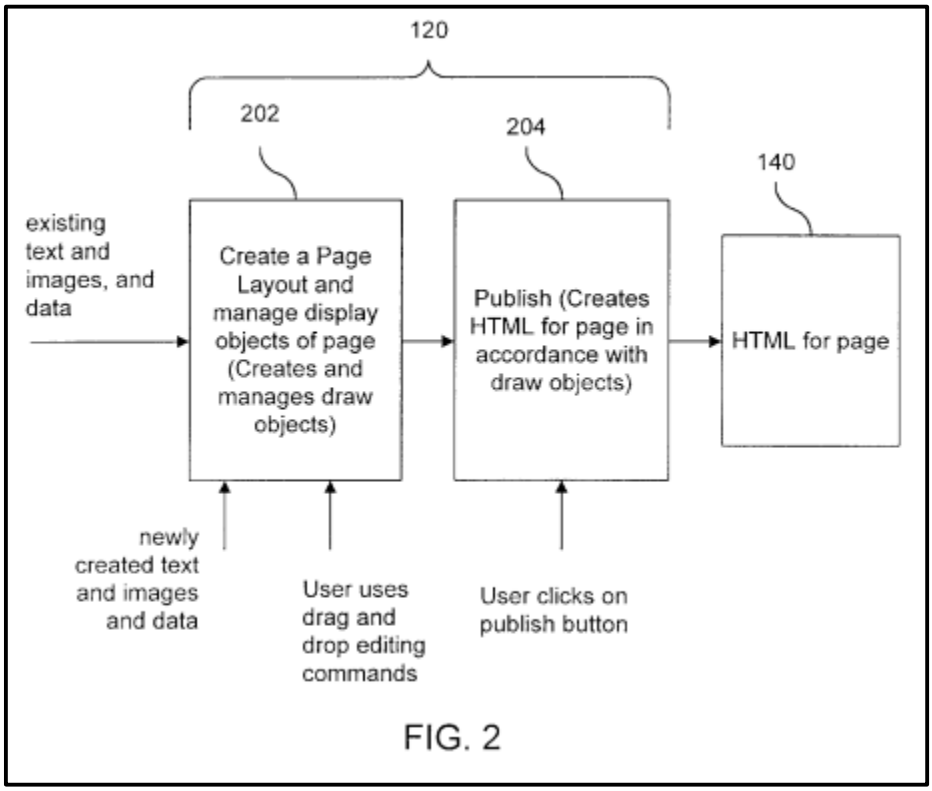



FIG. 2

EX1009, Fig. 2.

785. The page draw editor has various tools that allow users to input and edit elements of the web page. These tools include the "text tool," "image tool," "draw tool," "table tool," "sound tool," "video tool," "Java tool," "ActiveX tool," "Shockwave tool," and "forms tools." *See id.*, 9:40-10:67.

786. Additionally, Arora describes "Assets display" (illustrated in Fig. 31 shown below) which "displays all current files, links and data objects" associated with the website. *Id.*, 13:2-4, Fig. 31.

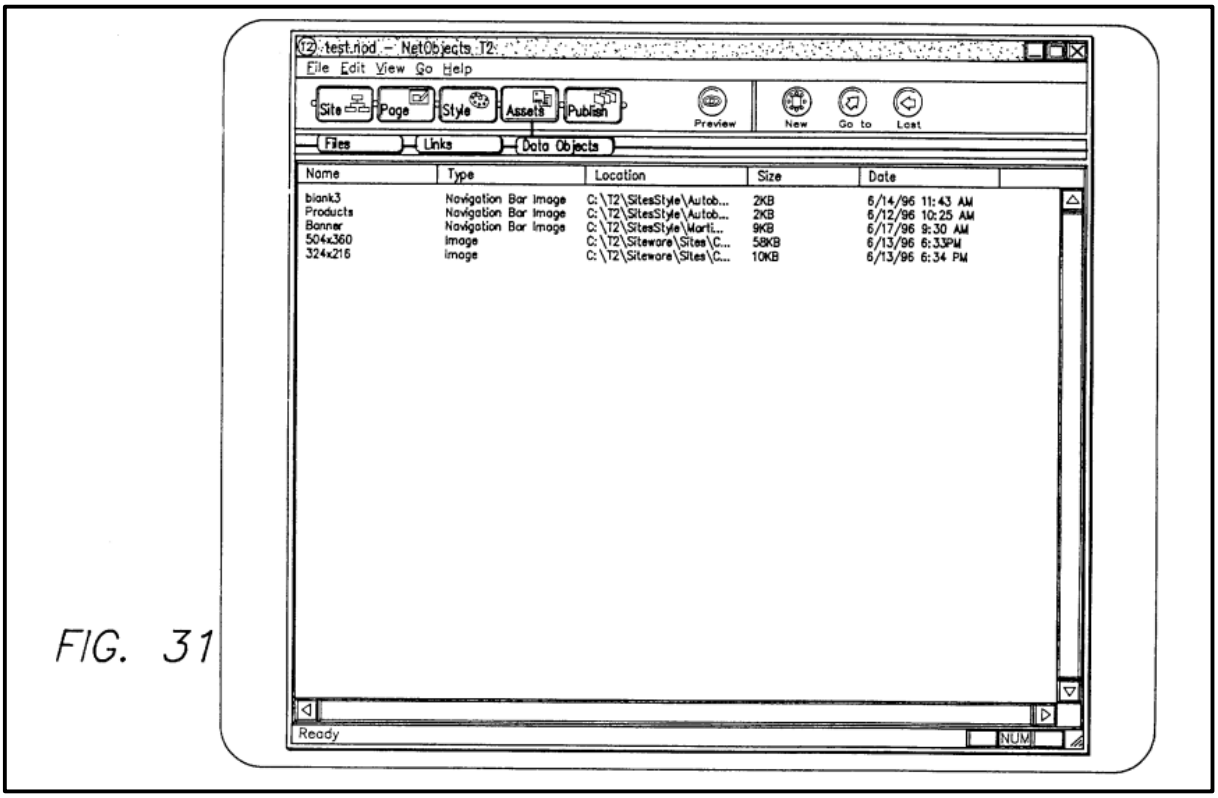
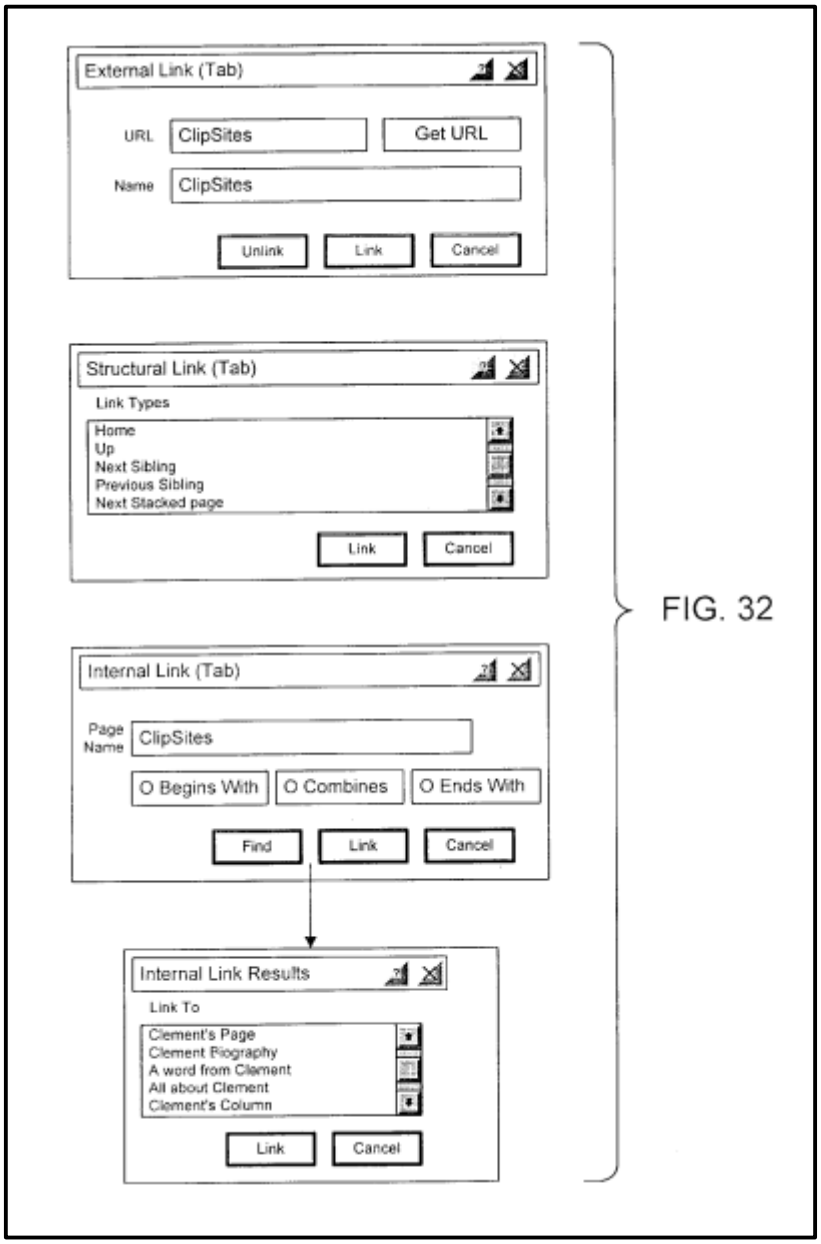



FIG. 31

EX1009, Fig. 31.

787. Arora shows, in Fig. 32 (shown below), "links dialog boxes" whereby users can manage links within a website.




EX1009, Fig. 32.

788. Arora explains that, after designing a page, "[w]hen the user 'publishes' a page, the described embodiment generates HTML code for the page." *Id.*, Fig. 31.

2. The Combination of Arnold and Arora

789. A Skilled Artisan would have been motivated to combine Arnold and Arora, *infra* §VII.C.3. In the combination of Arnold and Arora, the "Java applets" of Arora would be combined with the page layout design system of Arnold. *Id.*, 11:40-42.

790. Java applets allow website designers to incorporate "small programs" that "run on most computer platforms" in their websites. *Id.*, 11:40-42.

791. Arnold describes a "system of networked computers." EX1008, 6:65-66. In particular, in Arnold, a virtual outlet (**orange**) and merchant (**blue**) sell products to "customers" over the internet. EX1008, Abstract, Fig. 1A. Within the Virtual Outlet, is a "Virtual Outlet Management Component" (VOMC) "1A13" through which a "retailer accesses the merchant Web pages that provide management and sign-up facilities." EX1008, 8:39-44. Arnold explains that the "[t]he maintenance component ['1A15' (MMC)] of the merchant is the counterpart to the login and maintenance procedures made available to the VO by the maintenance component of the VO." *Id.*, 11:50-52. Thus, the VOMC and MMC both reside within the server system described by Arnold.

792. The VOMC and MMC include web editing systems using layouts. The web editing systems of the VOMC and MMC allow adding and modifying assets within a web page. For example, as illustrated in Fig. 6 (shown below), Arnold gives an example of the sign-up facility of the VOMC and explains that this page allows

a "representative of the VO" to "input[] information concerning the appearance that the VO expects for a merchant order Web page that will be displayed when a customer hot links through the VO to the merchant site. This information includes a URL for a graphics file that contains the VO's logo, the desired background color, and other such information." *Id.*, 8:45-9:20, Fig. 6.

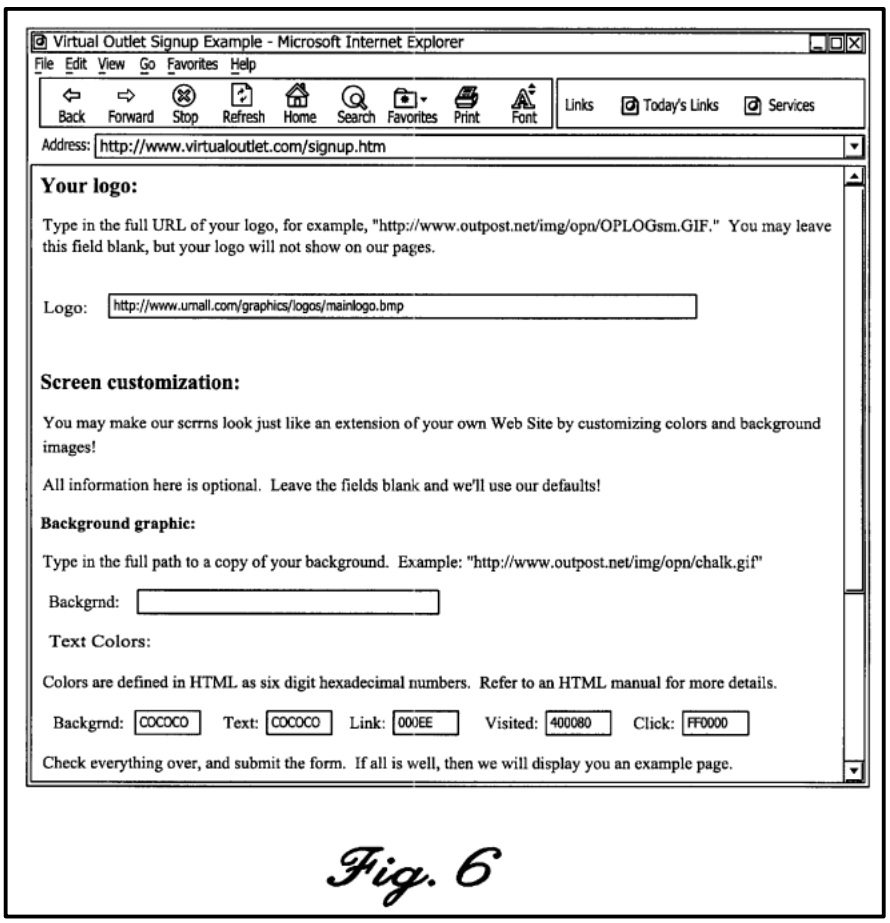



*Fig. 6*

EX1008, Fig. 6.

793. A Skilled Artisan would have modified Arnold's web editing systems of the VOMC and MMC with Arora's "java applications," which are "small programs that can be downloaded over the web and run on most computer

platforms." EX1009, 11:40-42. Arora explains that "the user [can] specify an icon for a Java applet and the location of the Java applet similarly to how the user specifies a sound or video icon and file. When page is displayed by a browser and the user clicks on the Java applet icon, the Java applet will be downloaded and executed." *Id.*, 11:42-45.

794. Such a combination would require a Skilled Artisan to simply implement Arora's Java applets within the VOMC and the MMC of Arnold. Indeed, "the most common Java programs are applications and applets" and a Skilled Artisan would have been familiar with how to use java applets. Java applets are designed to "adhere to a set of conventions that lets them run within a Java-compatible browser." EX1055. Therefore, it would have been easy and straight forward to use java applets on the merchant and VO websites of Arnold.

795. Indeed, Arnold explains that "the VO retailing system is, however, quite flexible, and **can accommodate a large number of different approaches to Web page design, sequence of Web page displays,** and VO retail relationships." EX1008, 14:52-55. Thus, A Skilled Artisan would have implemented Arora's java applets within Arnold's VOMC and MMC.

3. Motivation to Combine

796. A Skilled Artisan would have ample reasons and motivations to combine Arnold and Arora.

797. Indeed, as explained above (*supra* §VII.C.2) combining the systems of Arnold and Arora would have been simple substitution and a Skilled Artisan would have had a high likelihood of success in making the combination.

798. Additionally, Arnold and Arora are analogous art to the ’971 Patent. For example, Arnold, Arora and the ’971 Patent are all in the same field of endeavor—*i.e.*, creating and marketing web sites. EX1009, 1:18-21 (“This application relates to the World Wide Web and, in particular, to a method and apparatus for easily generating web pages on a ‘What You See is What You Get’ (WYSIWYG) basis.”); EX1008, 3:1-4 (“There are several problems with [traditional] banner advertising. A first problem is that when the Web surfer clicks on the banner ad, the surfer leaves the content-rich site and goes to the selling site and possibly will not return.” “A need has been recognized, therefore, for a way to track purchases on the Web that avoids the problems associated with the banner advertising method.”); EX1001, 3:8-16 (“The present invention relates to 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 includes, during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is

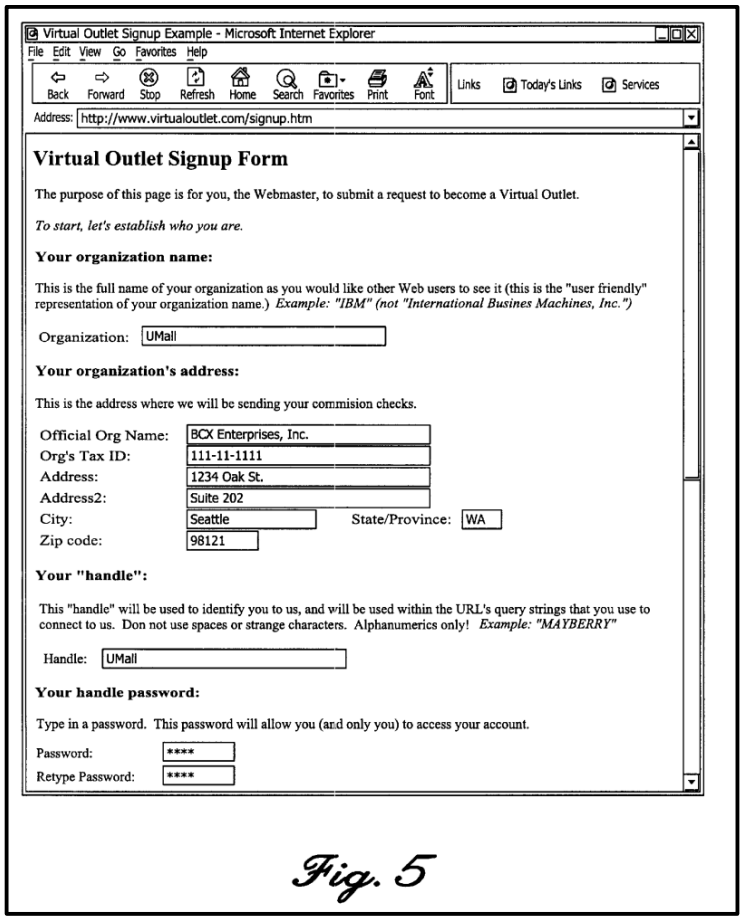
to be displayed at the second website, and information specifying the second website at which the element is to be displayed.").

799. A Skilled Artisan also would have recognized that the combination of Arnold and Arora is merely a combination of old elements. Website design using java applets was not new in 2000. *Supra* §IV.A. Additionally, reciprocal linking was not new in 2000. *Supra* §IV.B. These elements had been in existence for approximately half a decade before the earliest possible filing date of the '971 Patent. Because these components had existed for so long, a Skilled Artisan would have recognized that combining these prior art references constituted nothing more than a simple substitution of one known element for another to obtain a predictable result.

800. Indeed, as explained above (*supra* §VII.C.2), this combination is merely a combination of the known elements of Arnold and Arora, with each performing their known functions and yielding a predictable result. Therefore, the combination is obvious to try and implements old elements.

801. A Skilled Artisan would have been motivated to combine Arnold and Arora to provide users an extensive "interface" that allows them "to easily design" the VO and merchant "Web page[s]." EX1009, 2:21-22. Arnold describes editing the merchant site using a form-like interface illustrated in Figs. 5, 6 (shown below) and the VO site using a form-like interface illustrated in Fig. 10 (shown below). A Skilled Artisan would modify Arnold to include a WYSIWYG to allow for a more

robust method of web design. In fact, Arnold explains that it "can accommodate a large number of different approaches to Web page design." EX1008,14:53-54.




EX1008, Fig. 5.

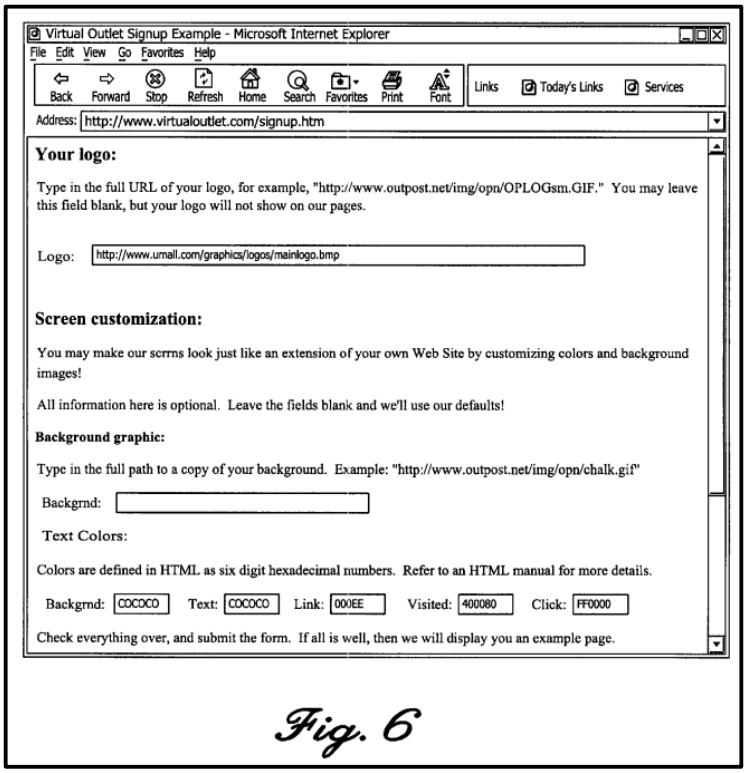



Fig. 6

EX1008, Fig. 6.

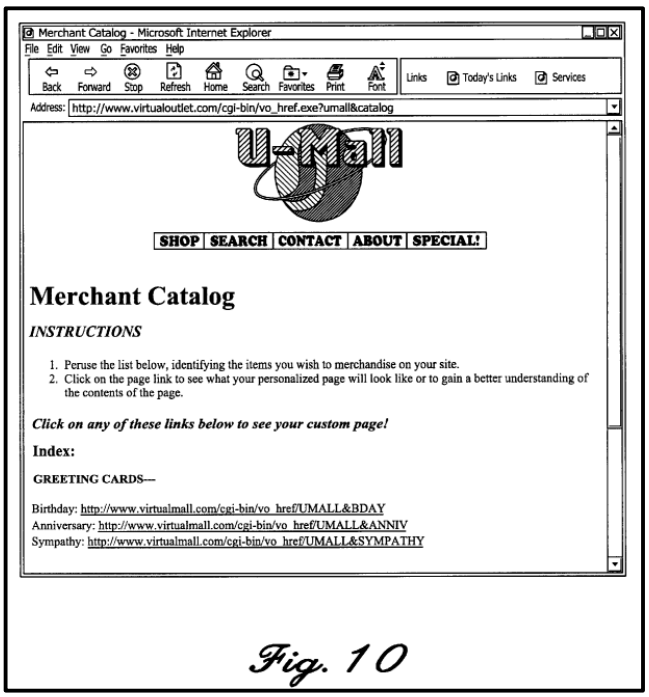



Fig. 10

EX1008, Fig. 10.

802. A Skilled Artisan 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.

803. Thus, a Skilled Artisan would have been highly motivated to combine the reciprocal linking elements of Arnold with a robust web page design graphical user interface of Arora.

4. 11: The method of claim 9, wherein the web asset is a functional application

804. In my opinion, the combination of Arnold and Arora discloses and renders obvious "*wherein the web asset is a functional application*."

805. The '971 Patent does not define what "*a functional application*" is.

806. Arora describes that a file can be a Java applet or other plug-ins. 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." *Id.*, at 11:35-58. "Java applets are small programs that can be downloaded over the web and run on most computer platforms." *Id.*, 11:40-42. Arora describes an embodiment which "allows the user to specify an icon for a Java applet and the location of the Java applet similarly to how the user specifies a sound or video icon

and file." *Id.*, 11:42-45. "When page is displayed by a browser and the user clicks on the Java applet icon, the Java applet will be downloaded and executed." *Id.*, 11:45-48.

807. Accordingly, Arnold and Arora disclose "*wherein the web asset is a functional application*."

5. 17: The system of claim 15, wherein the web asset is a functional application

808. In my opinion, Arnold in combination with *Arora* discloses and renders obvious "*wherein the web asset is a functional application*."

809. As explained above (*supra* §VII.C.4), Arnold discloses and renders obvious this claim element.

## VIII. SECONDARY CONSIDERATIONS

810. I understand that certain objective factors, sometimes known as "secondary considerations," are taken into account in determining whether a claimed invention would have been obvious. In most instances, these secondary considerations of non-obviousness are raised by the patentee. I also understand that these objective indications are only relevant to obviousness if there is a connection, or nexus, between them and the invention covered by the patent claims.

811. I also understand that secondary considerations of non-obviousness are inadequate to overcome a strong showing on the primary considerations of obviousness. For example, where the inventions represented no more than the

predictable use of prior art elements according to their established functions, the secondary considerations are inadequate to establish non-obviousness.

812. I am not aware of any secondary considerations of non-obviousness. I have also been informed that Petitioner is unaware of any publicly available secondary considerations evidence bearing any nexus to the purported claimed invention. No secondary considerations were asserted or relied on during prosecution. EX1002. I reserve the right to address any secondary considerations should Patent Owner raise them.

## IX. CONCLUSION

813. In my opinion, the Challenged Claims 1-29 of the ’971 Patent are unpatentable.