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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, SERVICES LLC,
Petitioner,

v.

VB ASSETS, LLC,
Patent Owner.

Case No. IPR2025-01240
Patent No. 11,080,758

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Claim Construction.....	4
III.	Analysis	4
A.	Grounds 1-3: Petitioner fails to show Aretoulaki and Ramer teach every limitation of independent claims 1 and 23	4
1.	Petitioner fails to show Aretoulaki teaches limitation [1.c]	5
2.	Petitioner fails to show Aretoulaki teaches limitation [1.d]	10
3.	Petitioner fails to show Aretoulaki discloses limitation [1.f] ...	13
4.	Petitioner fails to establish a sufficient rationale to combine Aretoulaki with Ramer.....	17
5.	Petitioner fails to show the combination teaches independent claim 23.....	19
6.	Petitioner fails to show that the proposed combination renders obvious dependent claims 2-22 and 24-44	20
B.	Grounds 4-6: Petitioner fails to show Kennewick and Hao teach every limitation of independent claims 1 and 23	20
1.	Petitioner fails to show the combination teaches limitation [1.d]	21
2.	Petitioner fails to show the combination teaches limitation [1.f]	24
3.	Petitioner fails to establish a sufficient rationale to combine Kennewick and Hao	26
4.	Petitioner fails to show the combination teaches independent claim 23.....	28
5.	Petitioner fails to show that the proposed combination renders obvious dependent claims 2-22 and 24-44	29
IV.	Conclusion	29

I. INTRODUCTION

Patent Owner VB Assets, LLC (“Patent Owner”) requests denial of *inter partes* review of the involved U.S. Patent No. 11,080,758 (the “’758 patent”). Petitioner Amazon.com, Services LLC (“Petitioner”) has failed to demonstrate a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable. 35 U.S.C. §324(a). Petitioner challenges all claims of the ’758 patent, including both independent claims, on two sets of grounds: Grounds 1-3 and Grounds 4-6. For each of these sets of grounds, Petitioner’s challenges fail for numerous reasons described below.

In Ground 1, and by extension Grounds 2 and 3, Petitioner fails to meet its burden of showing that the combination of Aretoulaki (EX1004) and Ramer (EX1005) renders each limitation of the independent claims obvious. For example, with respect to element [1.c],¹ Petitioner fails to sufficiently explain how Aretoulaki’s disclosure of determining a “domain” teaches the claim limitation of *determining ... a context*,² given that both the ’758 patent and Aretoulaki treat

¹ Petitioner’s labeling for the claim limitations is used in this preliminary response.

² Claim language is italicized throughout this preliminary response.

“domain” and “context” as distinct concepts. *See infra*, §III.A.1. In this same limitation, Petitioner also fails to explain how Aretoulaki’s disclosure of determining domains for individual words of a user’s input teaches *determining ...a context for the natural language utterance*. *Id.* Regarding the next limitation, [1.d], Petitioner’s arguments fail because they mischaracterize and conflate disparate disclosures from Aretoulaki in an attempt to show that providing “best matches” to a user equates to *selecting ... a purchase opportunity based on the determined context*, as claimed. *See infra*, §III.A.2. That is, Petitioner’s arguments fail to properly show how Aretoulaki’s disclosure of presenting a user with e-commerce URLs is related to its disclosure of returning “best matches” to the user. *Id.* As a last example in this ground, in limitation [1.f], Petitioner fails to properly explain how Aretoulaki’s disclosure of expressing an intent to purchase a product and presenting a URL to a user constitutes a *subsequent request that includes...completing a transaction*. *See infra*, §III.A.3. Moreover, Petitioner’s arguments are also flawed because Petitioner improperly equates Aretoulaki’s disclosure of storing “previous orders” in a “User Model” to *tracking ... an interaction pattern associated with the purchase opportunity*. *Id.*

In Ground 4, and by extension Grounds 5 and 6, Petitioner likewise fails to meet its burden of showing that the combination of Kennewick (EX1006) and Hao (EX1007) renders each limitation of the independent claims obvious. For example,

in limitation [1.d], Petitioner fails to show Kennewick discloses the claim limitation of selecting a purchase opportunity *based on the determined context*. *See infra*, §III.B.1. Similarly, Petitioner’s arguments further relying on Hao also fail because Hao does not determine a context or select a purchase opportunity based on a context. *Id.* As a final example, in limitation [1.f], Petitioner fails to properly explain how a user’s past purchases are either an *interaction pattern* or *associated with the purchase opportunity*, as required by the limitation. *See infra*, §III.B.2.

Moreover, deficiencies in Petitioner’s cited rationales to combine in both Grounds 1 and 4 further demonstrate the petition’s failure to establish a reasonable likelihood of unpatentability. For example, regarding Ground 1, Petitioner’s motivation to combined Ramer’s disclosure of tracking transactions with Aretoulaki’s User Model is flawed because a POSA would not have found the cited motivation to be relevant to the cited disclosures. *See infra*, §III.A.4. Regarding Ground 4, in opposition to the Board’s prior guidance, Petitioner has failed to properly show Hao’s text input processing embodiment can be combined with the voice input process disclosures relied on in Kennewick and elsewhere in Hao. *See infra*, §III.B.3. Lastly, in both Grounds 1 and 4, Petitioner fails to properly identify reasonable expectations of success in its analysis.

Accordingly, for the reasons detailed below, the Board should deny institution of the petition.

II. CLAIM CONSTRUCTION

In an IPR, claims are given their ordinary and customary meaning in light of the specification. 37 CFR §42.100(b). No constructions are necessary to deny institution because denial is warranted for numerous reasons that do not depend on claim construction, as further detailed below.

III. ANALYSIS

A. Grounds 1-3: Petitioner fails to show Aretoulaki and Ramer teach every limitation of independent claims 1 and 23

Ground 1 of the petition challenges claims 1-5, 9-10, 21-27, 31-32, and 43-44 as obvious based on a proposed combination of Aretoulaki (EX1004) and Ramer (EX1005). Pet., 3. The petition fails to meet its burden in showing that the combination of Aretoulaki and Ramer renders these claims obvious because the petition fails to show that the proposed combination teaches each and every limitation of independent claim 1, including limitations [1.c], [1.d], and [1.f], and their corresponding limitations in independent claim 23. The petition also fails to provide a sufficient rationale explaining why a POSA would have combined Aretoulaki and Ramer to arrive at the claimed invention.

Additionally, Grounds 2 and 3 of the petition challenge the remaining claims not challenged in Ground 1 and Petitioner similarly fails to show these remaining

claims were obvious. Ground 2 of the petition challenges claims 8 and 30 as obvious based on a proposed combination of Aretoulaki, Ramer, and Jong (EX1008) and Ground 3 challenges claims 6-7, 11-20, 28-29, and 33-42 as obvious based on a proposed combination of Aretoulaki, Ramer, and Kennewick (EX1006). Pet., 3. Each of the claims challenged in Grounds 2-3 depends from either independent claim 1 or 23 and thus the petition fails to meet its burden regarding these claims for at least the reasons identified with respect to those independent claims.

**1. Petitioner fails to show Aretoulaki teaches limitation
[1.c]**

Petitioner fails to show how Aretoulaki's disclosure of determining the domains of individual words discloses *determining ... a context for the natural language utterance*, as claimed. At the outset, Petitioner's arguments fail because they do not adequately explain how Aretoulaki's disclosure of determining a "domain" teaches the claimed "context" determination given that both Aretoulaki and the '758 patent treat these terms as distinct concepts. Regardless, even if Petitioner had shown these terms were equivalent, Petitioner also fails to explain how Aretoulaki's disclosure of determining different domains of various individual words contained in a user input amounts to determining a context for an utterance.

First, Petitioner fails to properly show how Aretoulaki's disclosure of determining a "domain" for individual words teaches determining a *context*, as

claimed. The lynchpin of Petitioner’s argument asserts that Aretoulaki discloses *determining ... a context for the natural language utterance* by identifying individual words that point to “**domain** specifications,” and then translating those words into the “corresponding relevant concepts in the **domain** ontology.” Pet., 15 (citing EX1004, 11:41-45) (emphasis added³). In doing so, Petitioner specifically equates Aretoulaki’s “domain” with the claimed context. *Id.* (“[T]he NLP Manager determines a domain or application of the utterance (e.g., ‘*determining...a context for the natural language utterance*’).” However, this mapping of Aretoulaki’s domain determination to the claimed determination of a *context* is flawed, as it is not only unexplained in the petition but also at odds with the reference.

In equating Aretoulaki’s discussion of domain to the claimed context, Petitioner overlooks that Aretoulaki itself does not equate the two. That is, Aretoulaki separately refers to a context related to the user’s input and treats “domain” and “context” as distinct concepts. For example, Aretoulaki discloses using keywords “relevant to more than a single domain” as well as using the “context of the exchange with the user” to analyze user input. EX1004, 15:16-29; Pet. 15 (citing same); *see also* EX1004, 11:47-12:2 (discussing “global context of each word”). Nevertheless, Petitioner fails to acknowledge Aretoulaki’s actual

³ All annotations and emphases are added unless otherwise noted.

discussion of context, let alone explain why it is appropriate to map the claimed context to Aretoulaki's domain rather than its context.

Rather than squarely address Aretoulaki's disclosure, Petitioner instead attempts to make the domain/context connection via reference to the challenged '758 patent. This, too, fails. Petitioner argues its mapping for this element is consistent with the '758 patent's disclosure of determining a context. Pet. 15 (citing EX1001, 5:4-9). However, like Aretoulaki the cited portion of the '758 patent also treats "domain" and "context" as distinct concepts. In fact, the cited portion of the '758 patent explicitly discloses determining a "**context** for a current utterance" as a separate step from modelling "various **domains**." EX1001, 5:1-14; *see also id.*, claim 1 ("determining ...a **context** for the natural language utterance"), claim 6 (depending from claim 1 and adding "interpreting requests related to its **domain**"). The cited portion of the '758 patent explains that "conversational language processor 120 may use context determination module 130 to establish a context for a current utterance by having domain agents 135 competitively generate a context-based interpretation of the utterance." *Id.*, 5:4-9. But having domain agents **determine** context is not the same thing as domain **being** context. Thus, Petitioner's arguments fail because Petitioner has failed to properly explain how Aretoulaki's disclosure of determining a "domain" meets the claimed limitation.

Second, even if these terms were equivalent—they are not—Petitioner fails to show Aretoulaki discloses determining a context *for the natural language utterance*, as claimed. Petitioner relies on Aretoulaki’s spoken user input as mapping to the claimed natural language utterance. *E.g.*, Pet., 11 (relying on “‘natural language...speech input’/‘user requests’”), 14 (relying on “‘natural language input’ (e.g., a *natural language utterance*)”). Yet Petitioner fails to explain how Aretoulaki’s disclosure of determining domains for the individual words comprising a user’s input teaches a context for the *utterance*. Petitioner’s own arguments concede Aretoulaki is not determining a domain of the user’s input. Rather, Petitioner relies on Aretoulaki as identifying “individual words” within the text representation of the user’s input and finding the “domain specifications” each individual word “point[s] to.” Pet. 15 (citing EX1004, 11:41-45). Moreover, for similar reasons, Petitioner’s cited example from Aretoulaki further fails to disclose determining a context for the user’s input. Petitioner cites to Aretoulaki’s discussion of generating different interpretations “when the user employs **a keyword** that is relevant to more than a single domain.” EX1004, 15:16-29; Pet. 15-16. Aretoulaki further discusses using information from previous exchanges to “reassess the relative weighting of these different interpretations” and select the “one with the highest weight.” EX1004, 15:16-29; Pet. 15. Thus, at best, Aretoulaki discloses selecting an interpretation based on the domain of one or

more ambiguous keywords in the user's input. This disclosure is facially distinct from determining a context *for the natural language utterance*, as required, at least because selecting an **interpretation** is not determining a **context** nor has Petitioner alleged it is.

Again, Petitioner's misplaced reliance on the '758 patent only serves to highlight the distinction between the claims and cited prior art. Petitioner asserts that the cited disclosure from Aretoulaki is consistent with the '758 patent's disclosure of determining a context *for the natural language utterance*. Pet., 15-16 (citing EX1004, 15:16-29; EX1001 5:4-9, 9:36-56). However, it is not. In contrast to Aretoulaki, the '758 patent explicitly discloses determining a context for the utterance itself. In the '758 patent, the utterance is received by the Automatic Speech Recognizer, which then generates different preliminary interpretations by varying interpretations "from one context to another." EX1001, 4:15-30. These preliminary interpretations are sent to the Conversational Language Processor which, as Petitioner points out, uses the Context Determination Module to "**establish a context for a current utterance.**" EX1001, 4:31-37, 5:4-9; Pet. 15. In other words, even if Aretoulaki discloses selecting an interpretation of a user's input as discussed above, it never discloses further establishing a context for the user input as claimed. EX1001, 5:4-9.

Lastly, Petitioner's cited expert testimony provides nothing beyond parroting the petition's arguments and thus fails to correct any of the petition's aforementioned flaws. Pet. 15 (citing EX1002, ¶¶82-83); *see also Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (precedential); 37 C.F.R. §42.104(b)(4).

Accordingly, Petitioner fails to establish that Aretoulaki discloses limitation [1.c].

**2. Petitioner fails to show Aretoulaki teaches limitation
[1.d]**

Petitioner fails to show how Aretoulaki's disclosure of providing "best matches" to the user equates to *selecting ... a purchase opportunity based on the determined context*, as claimed. First, Petitioner's arguments that Aretoulaki discloses this limitation are flawed for relying on improperly cobbled-together and mischaracterized disclosures from Aretoulaki. Specifically, Petitioner pieces together disparate disclosures from Aretoulaki to support its assertion that Aretoulaki teaches selecting "best matches" and presenting them to the user as e-commerce links, which Petitioner alleges are *purchase opportunities*. Second, Petitioner fails to explain how these e-commerce links, which are generated based on subsequent queries to the user, are selected based on the context determined from the originally recognized words and phrases, as required. Finally,

Petitioner's cited testimony simply parrots Petitioner's flawed arguments and should be afforded no weight.

First, Petitioner's explanation of how Aretoulaki's disclosure of presenting "best matches" to the user teaches the claimed *selecting ... a purchase opportunity* is based on a mischaracterization. Petitioner's arguments rely on two selectively quoted portions of Aretoulaki as though they were one cohesive teaching. Pet. 16 (citing EX1004, 15:44-51, 22:10-26). In its flawed argument, Petitioner alleges Aretoulaki's Knowledge Manager selects the "best matches" to a user's search as a "result set" for presentation to the user, where the user has the opportunity to "'make a purchase (commit)' of the presented products/services." Pet. 16. This conflates separate teachings in the reference. Instead, Aretoulaki teaches its Knowledge Manager accesses a database and attempts to retrieve the "best matches to the user's requirements" and presents them to the user as either "ASCII text, speech and/or images." EX1004, 15:44-51. Seven pages later and without mention of the Knowledge Manager, Aretoulaki separately teaches that "after a number of system queries ... a small number of database matches will have been isolated" and may be presented to the user as "links to the individual E-commerce sites" where the user may then "ask to make a purchase (commit)." EX1004, 22:10-26. Thus, contrary to Petitioner's assertion, Aretoulaki does not disclose

presenting the “best matches” that were selected based on the original user input to the user as a purchase opportunity.

Petitioner fails to explain how the “best matches” relate to the isolated database matches discussed later in Aretoulaki’s disclosure. For example, Petitioner does not explain if these later discussed database matches (EX1004, 22:10-26) are a subset of the “best matches” (EX1004, 15:44-51) or something completely different. This omission is particularly noteworthy because there is no mention of the Knowledge Manager producing these subsequent matches and these matches are produced in a different manner than the “best matches” Petitioner maps to the claimed *purchase opportunities*. EX1004, 22:10-26 (disclosing matches isolated after “system queries to the user for the further specification of the user requirements”). Petitioner’s characterization of the prior art is therefore disconnected from the reference itself, with no assertion of obviousness to bridge the gap between the two.

Second, even if the “best matches” provided by the Knowledge Manager could be considered *purchase opportunities*, Petitioner does not explain how the subsequently “isolated” database matches are selected based on *the determined context*, as claimed. As discussed above, Aretoulaki discloses presenting e-commerce links “[a]fter a number of system queries to the user” such that a “small number of database matches will have been isolated.” EX1004, 22:10-26. In other

words, the e-commerce links are selected based on subsequent requests by the user and not on the determined context from the recognized words and phrases of the original utterance cited with respect to, e.g., elements [1.pre] and [1.a]. Petitioner likewise fails to address this discrepancy.

Lastly, Petitioner's cited expert testimony provides nothing beyond repeating Petitioner's arguments and thus fails to correct any of the petition's aforementioned flaws. Pet. 16 (citing EX1002, ¶84); *see also Xerox* at 15; 37 C.F.R. §42.104(b)(4).

Accordingly, Petitioner fails to establish that Aretoulaki discloses limitation [1.d].

3. Petitioner fails to show Aretoulaki discloses limitation [1.f]

Petitioner improperly relies on facially deficient arguments and conclusory assertions to show Aretoulaki teaches *tracking ... an interaction pattern associated with the purchase opportunity*, as claimed. First, Petitioner's arguments rely on addressing the claim element language in isolated snippets that mischaracterize the claim element requirements. In particular, Petitioner fails to show how Aretoulaki teaches a *subsequent request [that] ... includes the electronic device completing a transaction*, given that Aretoulaki, at best, discloses only presenting URLs to a user to enable them to later complete a transaction. Second, Petitioner equates Aretoulaki's disclosure of storing "previous orders" in a "User Model" to *tracking*

... *an interaction pattern associated with the purchase opportunity* without properly explaining how Aretoulaki's previous orders are *associated with the purchase opportunity*.

First, in attempting to show Aretoulaki discloses element [1.f], Petitioner relies on Aretoulaki as allegedly teaching *wherein the subsequent request in which the electronic device interacts with the purchase opportunity includes the electronic device completing a transaction related to the purchase opportunity*.

Pet. 17. However, in attempting to stretch Aretoulaki's disclosure to meet this limitation Petitioner mischaracterizes the claim requirement by breaking the claim element into discrete chunks that lose the meaning of the claim. Petitioner's mapping thus relies on arguing Aretoulaki discloses each chunk without regard for the others.

For example, Petitioner is unable to show that Aretoulaki discloses a *subsequent request [that] ... includes the electronic device completing a transaction*. In fact, Petitioner does not even allege the reference discloses this. Instead, the petition alleges that Aretoulaki discloses (1) a subsequent request, and (2) the electronic device completing a transaction, without connecting the two as in the claim. Petitioner begins by asserting that Aretoulaki teaches a *subsequent request* through its disclosure that a user may "commit" to purchasing a product "via a natural language request such as ... How can I pay?" Pet. 17. Petitioner

then argues that “[w]hen the user makes this request, the system enables the user to, through the electronic device, ‘complet[e] a transaction.’” *Id.* However, the claim does not recite that the subsequent request **enables** an electronic device to complete a transaction, it requires that the subsequent request **includes** the electronic device completing a transaction. Petitioner’s challenge thus facially fails to even allege Aretoulaki discloses the claim element, nor does it assert obviousness to overcome the difference.

Even if Petitioner had alleged Aretoulaki discloses a *subsequent request [that] ... includes the electronic device completing a transaction*, the cited portions of Aretoulaki would refute that. As noted, Petitioner argues that Aretoulaki teaches this claim limitation because once the system receives the user request of “How can I pay?,” Aretoulaki allegedly discloses directing a user to an e-commerce website by presenting them with a URL. Pet. 17 (citing EX1004, 22:20-26, 25:9-14). However, a user request that “enables” the user to subsequently complete a transaction, or even a user request expressing an intent to complete a purchase (e.g., “commit”), are facially distinct from a *subsequent request that includes ... completing the transaction*, as required by the claim. Petitioner does not address this distinction. Thus, Petitioner’s arguments are insufficient at least because, as Aretoulaki admits, the user could easily decide not to purchase anything after viewing the presented URL. EX1004, 22:35-41

(describing user backing out of website). Accordingly, Petitioner fails to show how presenting a URL to a user in response to the user's request to purchase a product teaches a *subsequent request that includes ... completing a transaction*, as required by the claim.

Second, Petitioner fails to show how storing "previous orders" in a "User Model" teaches *tracking ... an interaction pattern associated with the purchase opportunity*, as claimed. Specifically, Petitioner concludes its arguments that Aretoulaki alone teaches this claim element by asserting, without explanation, that the "system tracks the interaction by recording the completed purchase as part of the user's 'previous orders' in the 'user model.'" Pet., 17 (citing EX1004, 9:40-49, 14:4-8). However, Aretoulaki mentions "previous order" information one time and only to teach that it may be stored in a User Model. EX1004, 14:4-8. Petitioner's argument, without explanation, assumes this information comes from a user's discourse with the system where the user "commit[s]" to purchasing a product. Pet. 17. But this assumption is belied by Aretoulaki's disclosure. That is, while Aretoulaki never explicitly discloses where the "previous order" information comes from—which Petitioner also never addresses—Aretoulaki does teach the "previous order" information is "permanent data" (EX1004, 14:1-8) and that this "fixed" type of data model is updated "not online." EX1004, 9:52-10:5. This is in contrast to Aretoulaki's disclosure of "evolving" models which are monitored "in

the course of the interaction” and updated in “real time.” *Id.* In other words, Aretoulaki teaches or at least suggests updating fixed data models, such as those containing permanent previous order data, offline and separately from updates to “evolving” models containing the user’s discourse with the system, such as the returned “best matches” Petitioner alleges are the claimed *purchase opportunities*. Thus, neither Petitioner nor Aretoulaki explain where the previous order data comes from. As such, even adopting Petitioner’s mappings, Petitioner has not adequately explained how the previous order information in the User Model (i.e., *track[ed] ... an interaction pattern*) is *associated with* the returned best matches (i.e., *the purchase opportunity*), as required.

Finally, as with the other claim elements discussed above, Petitioner’s cited expert testimony provides nothing beyond parroting Petitioner’s arguments and thus fails to correct any of the petitions aforementioned flaws. Pet. 17 (citing EX1002, ¶¶87-90); *see also Xerox* at 15; 37 C.F.R. §42.104(b)(4).

Accordingly, Petitioner fails to establish that Aretoulaki discloses limitation [1.f].

4. Petitioner fails to establish a sufficient rationale to combine Aretoulaki with Ramer

Petitioner also fails to sufficiently provide a rationale for why a POSA would have combined Aretoulaki with Ramer. Petitioner’s motivation to combine Ramer’s disclosure of tracking transactions with Aretoulaki’s User Model is

flawed because the cited motivation facially does not apply to the cited Aretoulaki disclosure, in which the system providing alleged purchase opportunities is not used to complete subsequent transactions and therefore cannot track the results. For similar reasons, Petitioner fails to explain why a POSA would have reasonably expected success in modifying Aretoulaki with Ramer to track user transactions on third-party websites Aretoulaki has no access to.

Implicitly acknowledging the shortcomings of Aretoulaki with respect to element [1.f], Petitioner turns to Ramer, arguing it discloses “tracking various interactions, including completed transactions (e.g., purchases), to register user preferences/‘shopping habits’.” Pet., 19. Petitioner proposing applying these aspects of Ramer to modify Aretoulaki “to track user interactions including completing a purchase transaction as taught by Ramer.” *Id.* However, Petitioner fails to explain how Aretoulaki in combination with Ramer would track whether a user completed a transaction on a third-party website, given Aretoulaki provides no disclosure of having access to third-party website transaction data.

As discussed above, Aretoulaki does not disclose the ability to track whether a user completed a transaction, only whether a user expressed a desire to “commit” to purchasing a product which might then be subsequently purchased by using a provided URL to connect to a third-party merchant system. *Supra*, §III.A.3. In contrast, Ramer’s invention is focused on “improv[ing] mobile advertisement

syndication for mobile communication facilities.” EX1005, 1:45-51. Ramer discloses improved methods and systems for tracking user interactions with advertisements (e.g., sponsored links), including the use of “e-commerce features” for tracking these interactions. EX1005, Abstract, 48:8-13. Thus, Petitioner’s arguments that a POSA would have been motivated to apply Ramer’s teachings as proposed fail because Petitioner has simply cherry-picked a single sentence out of Ramer’s 100-page disclosure of an improved system for advertising without explaining how the combination might be accomplished in the context of Aretoulaki’s system. For example, Petitioner does not address how a POSA would have accomplished gathering such sensitive user information from a third-party website the disclosed Aretoulaki system has no access to. For the same reasons, Petitioner has likewise failed to demonstrate a POSA would have had a reasonable expectation of success in combining the cited prior art disclosures as proposed in order to achieve the claimed invention.

Accordingly, for at least the above reasons, Petitioner fails to meet its burden in establishing that the combination of Aretoulaki and Ramer renders obvious independent claim 1.

5. Petitioner fails to show the combination teaches independent claim 23

Petitioner argues independent claim 23 is obvious for reasons similar to those discussed in claim 1, including those discussed in limitations [1.c]-[1.d] and

[1.f]. Accordingly, for the same reasons discussed above with respect to independent claim 1, Petitioner also fails to establish that the combination of Aretoulaki and Ramer renders obvious independent claim 23.

6. Petitioner fails to show that the proposed combination renders obvious dependent claims 2-22 and 24-44

Dependent claims 2-22 and 24-44 each depend from either independent claim 1 or 23 and thus Petitioner also fails to meet its burden with respect to each of these claims for at least the reasons discussed above with respect to independent claims 1 and 23.

B. Grounds 4-6: Petitioner fails to show Kennewick and Hao teach every limitation of independent claims 1 and 23

Ground 4 of the petition challenges claims 1-2, 4-7, 9-24, 26-29, and 31-44 as obvious based on a proposed combination of Kennewick and Hao (EX1007). Pet., 3. The petition fails to meet its burden in showing that the combination of Kennewick and Hao renders these claims obvious because the petition fails to show that the proposed combination teaches each and every limitation of independent claim 1, including limitations [1.d] and [1.f], and their corresponding limitations in independent claim 23. The petition also fails to provide a sufficient rationale explaining why a POSA would have been motivated to combine Kennewick and Hao to arrive at the claimed invention.

Additionally, Grounds 5 and 6 of the petition challenge the remaining claims not challenged in Ground 4 and similarly fail to show these remaining claims were obvious. Ground 5 of the petition challenges claims 3 and 25 as obvious based on a proposed combination of Kennewick, Hao, and Aretoulaki and Ground 6 challenges claims 8 and 30 as obvious based on a proposed combination of Kennewick, Hao, and Jong. Pet., 3. Each of the claims challenged in Grounds 5-6 depends from either independent claim 1 or 23 and thus the petition fails to meet its burden regarding these claims for at least that reason.

1. Petitioner fails to show the combination teaches limitation [1.d]

Petitioner fails to show Kennewick, alone or in combination with Hao, teaches selecting a purchase opportunity *based on the determined context*, as claimed. Petitioner's conclusory assertions mischaracterize Kennewick's disclosure and yet still fail to show how Kennewick teaches this limitation. Furthermore, Petitioner fails to explain how Hao's disparate method of processing user input—which explicitly avoids determining a context for the user input—supplements Kennewick's failure to disclose selecting a purchase opportunity *based on the determined context*, as claimed.

Petitioner fails to demonstrate that Kennewick discloses the claimed limitation of selecting a purchase opportunity based on a *determined context*. Petitioner's arguments on this point are based on a mischaracterization of

Kennewick’s disclosure, contending the reference teaches determining, based on the context of an utterance, a “domain agent corresponding to a service” through which a user may query the system for goods and services. Pet. 52. Petitioner argues that in response to this query, the system responds by “providing interactive offers and promotions.” Pet. 52 (citing EX1006, ¶¶66-67). Petitioner asserts that these “offers and promotions” are the claimed *select[ed] ... purchase opportunit[ies] based on a determined context*. Pet. 52. However, Kennewick does not disclose this.

The cited portion of Kennewick discusses various services provided to a “vehicle operator,” such as querying the system for “promotions for goods and services,” but Petitioner does not explain how these “goods and services” are selected based on a context corresponding to a determined domain. Pet. 52; EX1006, ¶¶60, 66. In fact, Kennewick never discloses the “remote ordering domain” referenced by Petitioner, which appears to be fabricated wholesale based on the header of paragraph 67, despite lacking any mention of domain. EX1006, ¶67. Moreover, Petitioner admits that Kennewick’s alleged purchase opportunities are provided in response to a user query received **after** invocation of the purported domain service, yet never addresses how this intervening user request impacts Petitioner’s contention that the purchase opportunity is provided “based on” the context Petitioner argues determines the domain service to be invoked. In fact,

Petitioner's assertion that the purchase opportunity is selected based on the determined context is entirely conclusory, with no citation to Kennewick whatsoever. Pet., 52 ("The system selects the '*purchase opportunity based on the determined context*' corresponding to one of these e-commerce services, e.g., a remote ordering domain."). Petitioner cites its expert testimony for this proposition, but that testimony merely repeats Petitioner's conclusory assertions. *Id.* (citing EX1002, ¶225).

Recognizing Kennewick's deficiencies, Petitioner further relies on Hao to satisfy this limitation. However, Hao also does not teach this limitation, and Petitioner is again forced to rely on mischaracterizations. Here, Petitioner argues Hao teaches selecting a purchase opportunity "'*based on the determined context*' being an e-commerce context." Pet. 53 (citing EX1007, ¶43). However, in the passages Petitioner cites, Hao actually discloses processing user input by "identify[ing] a series of tokens 410-428 that have meaning in an e-commerce context." EX1007, ¶43. Thus, Hao's purchase opportunity is not selected *based on a determined context* because Hao never teaches determining a context and the alleged purchase opportunity is not selected based on any context. The e-commerce context in Hao is the only context, and therefore need not be determined. Neither Petitioner nor its expert address this critical difference between Hao's disclosure and what is claimed. Rather, Petitioner obfuscates this

mischaracterization with an overly burdensome string cite. Pet. 53 (citing EX1007, ¶¶32-33, 38-40, 43, 45). Despite this, Petitioner identifies nothing in Hao disclosing determining a context, and by extension is unable to support the petition’s assertion that Hao’s “system selects purchase opportunity ‘based on the determined context.’” *Id.*

Accordingly, the petition fails to establish that Kennewick alone, or in combination with Hao, discloses limitation [1.d].

2. Petitioner fails to show the combination teaches limitation [1.f]

Petitioner fails to show that Kennewick alone or in combination with Hao teaches *tracking ... an interaction pattern associated with the purchase opportunity*, as claimed. First, Petitioner’s argument that Kennewick alone teaches this limitation is flawed because Petitioner fails to explain how Kennewick’s disclosure of a “customer order history” is either an *interaction pattern* or *associated with the purchase opportunity*, as required by the claim. Second, for similar reasons, Petitioner’s arguments that the Kennewick-Hao combination teaches this limitation also fail. Lastly, Petitioner’s cited expert testimony merely repeats Petitioner’s conclusory assertions and thus fails to correct any of the Petition’s deficiencies discussed below.

Petitioner fails to explain how Kennewick’s disclosure of a “customer order history” teaches an *interaction pattern associated with the purchase opportunity*

as claimed. In particular, Petitioner argues that a POSA would have understood that a user's "past purchases" corresponds to an "*interaction pattern*" associated with a past purchase opportunity. Pet. 56. However, Petitioner's arguments are flawed for at least two reasons. First, Petitioner asserts without explanation that simply tracking a user's past purchases amounts to tracking a pattern. Petitioner's unstated assertion that a list of purchased items constitutes a pattern is unsupported by evidence or analysis. Second, Kennewick does not disclose where the items added to the customer order history are from or disclose tracking which items are associated with a purchase opportunity. Thus, even if a list of purchases had been shown to be an *interaction pattern* Petitioner does not properly explain how this list of items is in any way *associated with the purchase opportunity*, as is also required.

For similar reasons, Petitioner's reliance on Hao to teach Kennewick's missing disclosure is also flawed. To show that the Kennewick-Hao combination teaches the claim limitation, Petitioner argues that Hao teaches maintaining a "shopper profile/preferences data store" storing records of the user's "past transaction history." Pet. 57 (citing EX1007, ¶¶9, 41). In the cited portion of Hao, Hao teaches storing "past transaction history" to "increase accuracy of future transactions" by "weigh[ing] items that have previously been purchased by a shopper when resolving ambiguities." EX1007, ¶41. Thus, similar to above with

Kennewick, Hao teaches past transaction history is raw data of past purchases which may be referenced for various purposes. Petitioner does not explain how this list of past purchases is an *interaction pattern*, as claimed. Moreover, as discussed with Kennewick's generic discussion of storing "customer order history," Hao does not disclose tracking an interaction pattern *associated with the purchase opportunity*, as required. That is, like Kennewick, Hao does not disclose where the items included in the transaction history come from or disclose tracking which of the items is associated with a purchase opportunity.

Lastly, Petitioner's cited expert testimony provides nothing beyond repeating Petitioner's arguments and thus fails to correct any of the petition's aforementioned flaws. Pet. 56-58 (citing EX1002, ¶¶236-38); *see also Xerox* at 15; 37 C.F.R. §42.104(b)(4).

Accordingly, the petition fails to establish that Kennewick alone, or in combination with Hao, discloses limitation [1.f].

3. Petitioner fails to establish a sufficient rationale to combine Kennewick and Hao

Petitioner also fails to sufficiently provide a rationale for why a POSA would have combined Kennewick with Hao. First, contrary to prior Board guidance, Petitioner has failed to properly show how Hao's "free form text processing" embodiment can be combined with Hao's and Kennewick's voice

input processing embodiments. Moreover, Petitioner also fails to provide a proper reasonable expectation of success.

First, regarding limitation [1.d] and contrary to the Board's previous guidance, Petitioner's combination applies the teachings of "free form text processing" contained in Hao's Fig. 4 to Hao's and Kennewick's speech input processing embodiments, without explanation. Pet. 53 (citing EX1007, ¶43). As discussed above, Petitioner relies on combining Hao's Fig. 4 embodiment of "free form text processing" with the speech input processing disclosures of Kennewick and elsewhere in Hao to allegedly teach selecting a purchase opportunity *based on the determined context*. *Supra*, §III.B.1. However, the Board has previously found Petitioner's reliance on Hao's "free form text processing" to be improper when, as is the case here, Petitioner failed to "establish[] that the embodiment disclosed in Figure 4 uses voice input" and establish "how Hao's embodiments would merge." *Amazon.com, Inc. et al v. VB Assets, LLC*, IPR2020-01380, Paper 8, 19-21. Here, Petitioner similarly combines Hao's Fig. 4 teachings with Kennewick's speech input processing disclosure and cherry-picks and combines disclosures from both the voice and text input processing techniques of Hao without explanation. Pet., 53-54 (citing EX1007, ¶¶22, 32-33, 38-40, 43, 45-46). Thus, as the Board has previously held, Petitioner's combination is "fundamentally flawed." IPR2020-01380, Paper 8, 19-21.

To be sure, Petitioner does acknowledge this material difference between Hao's free form text processing and Kennewick's voice input processing elsewhere in the petition, but this serves only to highlight the deficiencies in Petitioner's proposed combination in limitation [1.d] and the deficiencies in Petitioner's improper limitation-by-limitation analysis, generally. Pet., 63-64; *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

Regarding the claim 1 preamble and limitations [1.f]-[1.h], Petitioner has not adequately provided a rationale to combine Kennewick and Hao. That is, while Petitioner has alleged a motivation to combine Kennewick and Hao, it has provided no explanation as to why a POSA would have found there to be a reasonable expectation of success. Cf. Pet., 54-55 (alleging a reasonable expectation of success for limitation [1.d]). Rather, Petitioner only makes a conclusory assertion that the combination would have been obvious. Pet., 57-58, 60-61, 64.

Accordingly, for at least the above reasons, Petitioner fails to meet its burden in establishing that the combination of Kennewick and Hao renders obvious independent claim 1.

4. Petitioner fails to show the combination teaches independent claim 23

Petitioner argues independent claim 23 is obvious for reasons similar to those discussed in claim 1, including those discussed in limitations [1.d] and [1.f].

Accordingly, for the same reasons discussed above with respect to independent claim 1, the petition also fails to establish that the combination of Kennewick and Hao renders obvious independent claim 23.

5. Petitioner fails to show that the proposed combination renders obvious dependent claims 2-22 and 24-44

Dependent claims 2-22 and 24-44 each depend from either independent claim 1 or 23 and thus the petition also fails to meet its burden with respect to each of these claims for at least the reasons discussed above with respect to independent claims 1 and 23.

IV. CONCLUSION

Petitioner has failed to make a facial case of unpatentability for any challenged claim, so institution is unwarranted and should be denied.

Respectfully submitted,

Date: October 16, 2025

/ Matthew A. Argenti /
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CERTIFICATE OF COMPLIANCE

Pursuant to §42.24(d), the undersigned certifies that this paper contains no more than 14,000 words, not including the portions of the paper exempted by §42.24(b). According to the word-processing system used to prepare this paper, the paper contains 6,092 words.

Respectfully submitted,

Date: October 16, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Preliminary Response was served on October 16, 2025, on the Petitioner at the electronic correspondence address of the Petitioner as follows:

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