

Paper No. \_\_\_\_\_  
Filed: November 12, 2025

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. IPR2025-01343  
Patent No. 9,502,025

---

**PATENT OWNER'S PRELIMINARY RESPONSE**

## **TABLE OF CONTENTS**

|      |                                                                                                                                   |    |
|------|-----------------------------------------------------------------------------------------------------------------------------------|----|
| I.   | Introduction.....                                                                                                                 | 1  |
| II.  | Claim Construction.....                                                                                                           | 3  |
| III. | Ground 1: The Petition Fails to Establish that Claims 1, 3, 6-8, 10, 13-14, 19 Are Obvious over Weider and Gold.....              | 4  |
| A.   | The Petition Fails to Establish the Combination of Weider and Gold Teaches Each and Every Limitation of Independent Claim 1 ..... | 4  |
| 1.   | The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(i)].....                               | 4  |
| 2.   | The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(ii)].....                              | 7  |
| 3.   | The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(v)].....                               | 9  |
| 4.   | The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(vi)].....                              | 11 |
| B.   | The Petition Fails to Establish a Rationale to Combine Weider and Gold .....                                                      | 13 |
| C.   | The Petition Fails to Show that the Combination of Weider and Gold Renders Obvious Independent Claim 8.....                       | 20 |
| D.   | The Petition Fails to Show that the Combination of Weider and Gold Renders Obvious Dependent Claims 3, 6-7, 10, 13-14 and 19..... | 21 |
| IV.  | Ground 2: The Petition Fails to Establish that Claims 2, 9, 17, and 18 Are Obvious Based on Weider, Gold, and Martinez.....       | 21 |
| V.   | Ground 3: The Petition Fails to Establish that Claims 4 and 11 Are Obvious Based on Weider, Gold, and Ginter.....                 | 21 |
| VI.  | Ground 4: The Petition Fails to Establish that Claims 5 and 12 Are Obvious Based on Weider, Gold, Ginter, and Wang .....          | 22 |

|       |                                                                                                                                                |    |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------|----|
| VII.  | Ground 5: The Petition Fails to Establish that Claims 15 and 16 Are Obvious Based on Weider, Gold, and Wang .....                              | 22 |
| VIII. | Ground 6: The Petition Fails to Establish that Claims 1, 3, 6-8, 10, 13-14, 19 Are Obvious over Kennewick, Gold, and Weider.....               | 22 |
| A.    | The Petition Fails to Establish the Combination of Kennewick, Gold, and Weider Teaches Each and Every Limitation of Independent Claim 1 .....  | 23 |
| 1.    | The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(i)] .....                               | 23 |
| 2.    | The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(ii)] .....                              | 26 |
| 3.    | The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(v)] .....                               | 28 |
| 4.    | The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(vi)] .....                              | 28 |
| B.    | The Petition Fails to Establish a Sufficient Rationale to Combine Kennewick, Gold, and Weider .....                                            | 29 |
| C.    | The Petition Fails to Show that the Combination of Kennewick, Gold, and Weider Renders Obvious Independent Claim 8 .....                       | 32 |
| D.    | The Petition Fails to Show that the Combination of Kennewick, Gold, and Weider Renders Obvious Dependent Claims 3, 6-7, 10, 13-14 and 19 ..... | 33 |
| IX.   | Ground 7: The Petition Fails to Establish that Claims 2, 9, 17, and 18 Are Obvious Based on Kennewick, Gold, Weider, and Martinez .....        | 33 |
| X.    | Ground 8: The Petition Fails to Establish that Claims 4 and 11 Are Obvious Based on Kennewick, Gold, Weider, and Ginter .....                  | 33 |
| XI.   | Ground 9: The Petition Fails to Establish that Claims 5 and 12 Are Obvious Based on Kennewick, Gold, Weider, Ginter, and Wang.....             | 34 |
| XII.  | Ground 10: The Petition Fails to Establish that Claims 15 and 16 Are Obvious Based on Kennewick, Gold, Weider, and Wang .....                  | 34 |

|                        |    |
|------------------------|----|
| XIII. Conclusion ..... | 34 |
|------------------------|----|

## I. INTRODUCTION

The Director should deny institution of *inter partes* review of U.S. Patent No. 9,502,025 (“the ’025 patent”) because Petitioner Amazon.com Services LLC fails to demonstrate a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable. 35 U.S.C. §324(a).

The petition challenges the claims of the ’025 patent based on two sets of grounds. The first set of grounds (Grounds 1-5) relies on the Ground 1 combination of Weider (EX1004) and Gold (EX1005) with regard to the independent claims. However, Ground 1 is deficient for several reasons. First, the petition fails to establish that the relied-upon references teach each and every limitation of the independent claims. For example, with respect to limitation [1.b(i)], which requires that *one or more processors receive a first utterance that includes a natural language utterance*,<sup>1</sup> the petition relies on different embodiments of Weider, including an embodiment in which the component identified as receiving the first utterance is shown as external to the component that the petition identified as including the claimed *one or more processors*. Moreover,

---

<sup>1</sup> Claim language is italicized throughout this preliminary response. Moreover, for convenience, Patent Owner adopts the petition’s labeling for the claim limitations.

for limitation [1.b(ii)] requiring determination of one or more words or phrases of the first utterance *based on processing of the first utterance by a speech recognition engine*, the petition fails to adequately address Weider's description of intervening components that process speech input prior to it being received by the speech recognition engine relied upon by the petition. And for limitations [1.b(v)] and [1.b(vi)], the petition relies on portions of Weider and Gold that facially do not match the claim language, without any analysis to bridge the gap and explain how the limitations are disclosed by the references. Finally, the petition fails to provide a sufficient rationale to combine Weider and Gold. Neither reference supports Petitioner's assertion that a POSITA would have been motivated *provide the one or more phrases of [a] second utterance [to be associated with the dedication] as textual annotations within metadata of the content*. Petitioner's analysis instead depends on hindsight to arrive the claimed invention.

For the petition's second set of grounds (Grounds 6-10), the petition relies on Kennewick (EX1008) in redundant combination with Weider and Gold, applying substantially the same analysis and reasoning as that advanced for its Ground 1 combination. Thus, for the same reasons that Ground 1 fails, the petition's Grounds 6-10 also fail.

Accordingly, for the reasons detailed below, the Director 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 C.F.R. §42.100(b). The petition purports to “appl[y] plain-and-ordinary meaning to all terms.” Pet., 8. However, while Patent Owner submits that no constructions are necessary to deny institution, in the parallel district court proceeding, Petitioner has proffered explicit constructions for terms recited in the challenged claims of the ’025 patent. For example, prior to the filing of this petition, Petitioner advanced constructions for the terms “speech recognition engine” and “conversational language processor” recited in independent claims 1 and 8. EX2008, 2; *see also id.* (additionally advancing construction for “the natural language processing” recited in dependent claims 15 and 16). Petitioner fails to acknowledge these different constructions, nor does Petitioner provide any explanation as to how these constructions are consistent with its application of the plain and ordinary meaning in the petition. This failure renders the petition deficient for failing to set forth “[h]ow the challenged claim is to be construed.” 37 C.F.R. §42.104(b)(3); *see also Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 2, 3-4 (Director Nov. 3, 2025) (precedential) (vacating decision granting institution in view of petitioner’s differing claim constructions before the Board and the district court).

**III. GROUND 1: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 1, 3, 6-8, 10, 13-14, 19 ARE OBVIOUS OVER WEIDER AND GOLD**

Ground 1 of the petition challenges claims 1, 3, 6-8, 10, 13-14, and 19 as obvious over Weider and Gold. Pet., 2. As detailed below, the petition fails to establish that the challenged claims are rendered obvious over the applied references for several reasons. First, the petition fails to show that the proposed combination of Weider and Gold teaches each and every limitation of the challenged claims, including limitations [1.b(i)]-[1.b(ii)], [1.b(v)], and [1.b(vi)]. Second, the petition fails to provide a sufficient rationale to combine Weider and Gold.

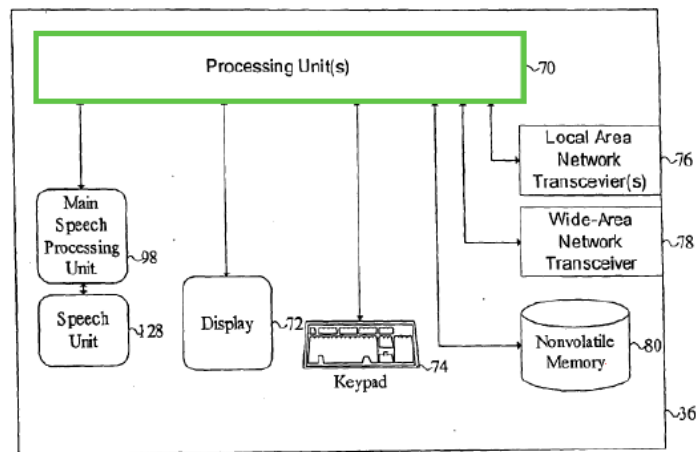
**A. The Petition Fails to Establish the Combination of Weider and Gold Teaches Each and Every Limitation of Independent Claim 1**

**1. The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(i)]**

Limitation [1.b(i)] recites that *one or more processors* of the claimed system *receive a first utterance that includes a natural language utterance*. The petition contends that Weider discloses these limitations through a “speech unit.” See Pet., 15. The petition particularly relies on an embodiment of a speech processing system illustrated in Figure 5 of Weider, which the petition asserts shows a “speech unit 128” that receives an utterance “using ‘one or more microphones.’” *Id.*, 15-16. The petition’s mapping, however, is inconsistent with what the petition

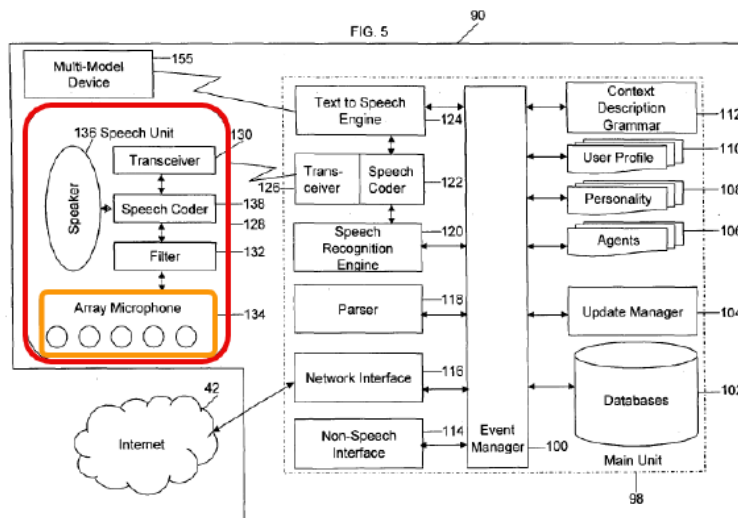
identifies as the *one or more processors* that must receive the *first utterance* as required by limitation [1.b(i)].

In asserting that Weider discloses a system having *one or more processors*, as recited in limitation [1.a], Petitioner identifies the “processing unit(s)” shown in Figure 3 of Weider, as shown below.



Pet., 11-12 (citing annotated version of Weider Figure 3).

However, when addressing limitation [1.b(i)], Petitioner cites a different embodiment of Weider, turning to Figure 5. Pet., 15-16. Petitioner relies on speech unit 128 from Figure 5 as satisfying the claimed *receive* limitation. *Id.*, 16 (arguing “Weider’s speech unit 128 receives the first utterance using one or more microphones” (internal quotations and alterations omitted)). As highlighted by the petition’s annotated version of Figure 5, speech unit 128 is physically separate from main unit 98 where the majority of Weider’s speech interpretation and other processing takes place:



Pet., 16. Confirming that Figure 5’s speech unit 128 and main unit 98 are distinct, Weider explains that “a transceiver module 130 may transmit the coded speech to the main unit 98.” EX1004, [0143].

In its limitation [1.b(i)] discussion, Petitioner does not provide discussion of what *processor* it asserts *receive[s]* the utterance in Weider. Pet., 15-16. Nor does Petitioner allege that Weider’s “processor unit(s)” cited earlier in the petition would *receive* the utterance. *Id.* The petition is simply silent on this aspect of the claims, despite reliance on a separate, **external** speech unit and its disclosed array of microphones when mapping to limitation [1.b(i)]. Petitioner’s mapping creates an inconsistency, given that the Figure 5 speech unit is a separate device that transmits data wirelessly to the main unit where the other speech processing components are located. Pet., 15-16 (citing EX1004, [0028], [0143], Fig. 5); EX1004, [0110] (main unit and speech unit can be “independent components”),

[0143]-[0146], Fig. 5. Conversely, Petitioner also does not rely on the transceiver, speech coder, or any other component in the main unit as *receiv[ing] a first utterance*, which would have entailed explaining how receipt of encoded wireless transmissions satisfies the requirement that what is received is the *natural language utterance*, as required by the claims. EX1004, [0143].

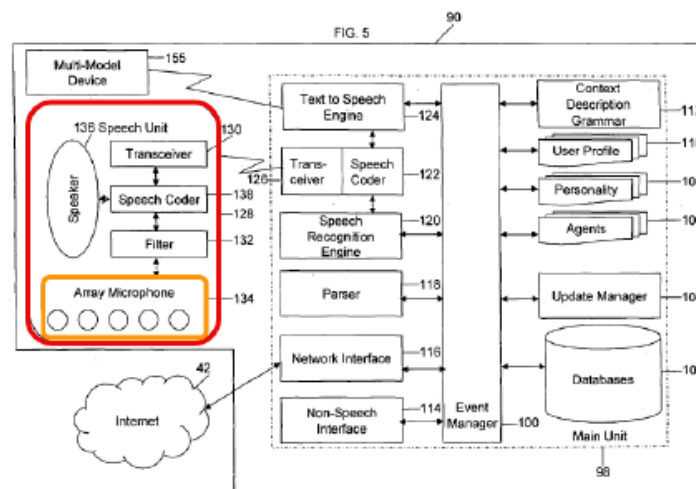
Accordingly, the petition fails to establish that the combination of Weider and Gold teaches limitation [1.b(i)].

**2. The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(ii)]**

Limitation [1.b(ii)] recites *determine, based on processing of the first utterance by a speech recognition engine, one or more words or phrases of the first utterance*. The petition asserts that Weider discloses the limitation, arguing that “Weider discloses that speech input is ‘passed to the speech coder 122 for decoding and decompression’ before being ‘fed to the speech recognition engine 120,’ which ‘recognizes words and phrases’ and ‘transcribe[s] utterances to textual messages.’” Pet., 16. The petition fails to establish that Weider discloses *processing of the first utterance by a speech recognition engine* because the petition fails to show that the utterance identified as the claimed *first utterance* is received by and processed by a speech recognition engine.

Earlier in the petition, for limitation [1.b(i)], the petition maps *the first utterance* to “‘spoken natural language ... utterances from users’” received at a

“speech unit 128” using “one or more microphones,” as shown in FIG. 5 of Weider. Pet., 15 (omission original). However, as illustrated below, Weider shows that the relied-upon input received by the speech unit 128 via the microphones is subsequently processed by intervening components before being received by the speech recognition engine 120. Indeed, as Petitioner’s citations demonstrate, the input received and processed by the speech recognition engine 120 is “decoded speech” output by the speech coder 122 of the main unit 98, which itself processes coded speech received from the speech coder 138 of the speech unit 128. See EX1004, [0146] (stating that “coded speech received at the transceiver 126 on the main unit 98 is passed to the speech coder 122 for decoding and decompression” and “[t]he decoded speech may be processed by the speech recognition engine 120”), [0187] (“The output of the speech coder 122 may be fed to the speech recognition engine 120.”); see also Pet., 16 (citing same).



Pet., 16 (annotating Weider FIG. 5).

The petition does not explain how the “decoded speech” received and processed by the speech recognition engine 120 corresponds to the utterance received at the microphones of the speech unit 128 (the alleged *first utterance*). As such, the petition fails to show that Weider discloses *processing of the first utterance by a speech recognition engine*.

Accordingly, the petition fails to establish that the combination of Weider and Gold teaches limitation [1.b(ii)].

**3. The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(v)]**

Limitation [1.b(v)] recites *identify, based on the interpretation of the first utterance, content to dedicate to a recipient*. The petition does not allege that Weider teaches *identify[ing] ... content to dedicate to a recipient* and instead argues that Gold teaches this limitation. Pet., 19-20. In particular, the petition argues that “Gold’s sender ‘receives a song list’ based on sender-specified search criteria and ‘selects a song to dedicate to a recipient.’” *Id.*, 20. According to the petition, a “song is ‘**content**’ that Gold’s system ‘**identif[ies]**’ when it receives the song title selected by the sender.” *Id.* (original emphases and alteration).

The petition fails to show the references disclose limitation [1.b(v)] because the petition fails to adequately explain how Gold discloses *identify[ing] ... content to dedicate to a recipient* as required by the claim. Specifically, the petition concedes that Gold describes that a **user** selects a song title from a song list but

nevertheless contends that the system *identif[ies]* a song title when it receives the user's selection. See EX1005, [0036] (stating "the sender ... selects a song to dedicate to a recipient" from the song list, resulting in "[t]he sender Web client send[ing] the resulting song selection 215 to the jukebox Web server"). However, other than making this conclusory assertion, the petition does not explain how receipt of a song title that was identified by the user from a song list amounts to the **system** *identify[ing] ... content to dedicate to a recipient.*

Further highlighting the petition's deficient analysis is the petition's citation to Weider. In an attempt to bridge the gap between the systems of Weider and Gold and justify their combination, the petition asserts that Weider discloses *identify[ing], based on the interpretation of the first utterance, content*, citing to paragraph [0139]. Pet., 19 (arguing that Weider discloses that "the user 'command[s] the system to play a specific song title,' and the system 'provide[s] a song' in response" (alterations original)). However, the cited paragraph of Weider is focused on embodiments where the system "implement[s] one or more techniques to determine that textual messages are **incorrectly recognized**," such as when "the user may command the system to play a specific song title and the system may **misrecognize** the requested song title and provide a song having a different title." EX1004, [0139] (emphasis added). In other words, the cited paragraph of Weider discusses the misrecognition of content, not the identification

of content. The petition fails to acknowledge this aspect of Weider or explain how this disclosure would have led a POSITA “to integrate Gold’s content dedication into Weider’s natural language system, so that a user could say a song title and the system would then ‘**identify ... content to dedicate to a recipient**’ (i.e., the user-specified song)” as asserted in the petition. Pet., 20.

Accordingly, the petition fails to establish that the combination of Weider and Gold teaches limitation [1.b(v)].

**4. The petition fails to show that the combination of Weider and Gold teaches limitation [1.b(vi)]**

Limitation [1.b(vi)] recites *initiate, based on the identified content, a dedication to the recipient*. The petition relies on both Weider and Gold as disclosing elements of the limitation, but the petition relies on aspects of Weider and Gold that fail to support Petitioner’s assertions that the references teach limitation [1.b(vi)].

First, the petition argues that “Weider discloses ‘**initiat[ing]**’ an action ‘**based on the identified content**’ by ‘provid[ing] a song’ when the user commands the system to ‘play a specific song title.’” Pet., 21 (citing EX1004, [0139], [0027]) (emphases and alterations original). However, the relied-upon portions of Weider do not support the petition’s assertions. As explained above, paragraph [0139] discusses instances where the system erroneously provides a song that is **different** from the “specific song title” requested by the user. EX1004, [0139] (“the system

may misrecognize the requested song title and provide a song having a different title”). Paragraph [0027] of Weider does not discuss providing a song at all, instead discussing the processing of a request from a user to “tune in my favorite radio station” and, “[i]f the programming on that station is of a type the user generally does not listen to,” suggesting an alternative option. *Id.*, [0027]. Thus, in both cases, Weider is discussing circumstances in which the system provides responses that are different from what the user is actually requesting.

Second, the petition also argues that Gold discloses *initiat[ing] ... a dedication to the recipient* by allegedly describing that “[a]fter Gold’s sender selects a song title, the system sends the sender ‘instructions for recording the [dedication] voice message.’” Pet., 21 (citing EX1005, [0007], [0070]) (second alteration original). However, the petition ignores intervening steps described in Gold between the user’s selection of a song and the sending of instructions for recording a message. For example, Gold describes that, after the user has selected a song from the song list, “[t]he sender then enters relevant information such as the sender’s email address, and an e-mail address or telephone number for the intended recipient of the dedication.” EX1005, [0007] (“[o]ther information,” such as “a subject header for an email message” and “billing information” may be entered “for a given transaction”). The petition does not acknowledge these intervening steps, nor does the petition explain how the subsequent step of “instructing the

sender to record the dedication message” amounts to *initiat[ing]*, *based on the identified content, a dedication to the recipient* in view of these steps. For example, Petitioner does not explain how the cited instructions for recording a voice message constitute *initiat[ing] ... a dedication* when the user has already responded to prompts by providing information like the dedication recipient’s contact information and a subject header for a dedication email. Conversely, if the recording instructions are considered initiation of a dedication, Petitioner does not explain why this would be *based on the identified content* in view of the intervening steps providing additional information related to the dedication.

Accordingly, the petition fails to establish that the combination of Weider and Gold teaches limitation [1.b(vi)].

**B. The Petition Fails to Establish a Rationale to Combine Weider and Gold**

The petition further fails to sufficiently explain why a POSITA would have been motivated to combine Weider and Gold to arrive at the claimed invention because the petition provides insufficient evidence and explanation as to why a POSITA would have sought to provide a second utterance associated with the dedication as textual annotations within metadata of the content and enable the recipient to access the second utterance. Weider only describes using textual annotations within metadata of an object in order to allow users to search objects. Gold already enables a user to provide a personalized voice message with a song

dedication to a recipient. Only with knowledge of the '025 patent claims and specification does the petition work backward by combining Weider and Gold in the manner proposed in order to arrive at the claimed invention. As explained below, the petition's rationale to combine is insufficient to meet Petitioner's burden in establishing the obviousness of the challenged claims.

The petition argues that the combination of Weider and Gold renders obvious *provid[ing] the one or more words or phrases of the second utterance as textual annotations within metadata of the content* (limitation [1.b(ix)]).

Specifically, the petition maps the claimed *second utterance to be associated with the dedication* to "Gold's sender [that] records a dedication voice message 'to be combined with the dedicated song to create a dedication.'" Pet., 22. According to the petition, a POSITA would have sought "to transcribe this utterance and store the words or phrases" *as textual annotations within metadata of the content* (which the petition maps to the song to be dedicated) "because storing the second utterance as metadata (per Weider) would have provided an efficient way of conveying Gold's dedication message to the recipient together with the content in a single message that consumes less network resources, like bandwidth, than sending them separately." *Id.*, 25. The cited expert testimony merely parrots the same conclusory assertion, providing no additional explanation or supporting evidence. EX1002, ¶124.

Nor do the cited references themselves support Petitioner’s arguments.

First, Weider does not teach that storing utterances as textual annotations within metadata of content is “an efficient way to convey” messages with content.

Instead, Weider describes configuring mobile devices “to allow speech annotations of objects stored thereon,” such as “photographs, calendar entries, email messages, instant messages, phonebook entries, voice mail entries, digital movies or other objects.” EX1004, [0120]. Weider explains that the mobile devices “may transcribe the speech annotations to textual annotations and store the textual annotations with the object.” *Id.* Weider further describes that “textual annotations and/or textual descriptions that are associated with the objects may be stored as metadata, thereby enabling searching for the objects using the metadata.” *Id.*, [0123]. For example, “GPS coordinates may be stored in the metadata associated with the objects and users may search for selected objects based on the GPS coordinates.” *Id.* Weider explains that the user may then “provide a speech command such as ‘show me all the photos of Greece,’ which would prompt the system to “search the metadata for objects that correspond to photographs and that also satisfy GPS coordinates for Greece.” *Id.* Thus, Weider does not support the petition’s assertion that storing an utterance as a textual annotation within metadata is “an efficient way of conveying” messages—Weider only suggests this form of

storage as a way to enable the system to search for particular objects specified by the user.<sup>2</sup>

Second, Gold describes “conveying [the] dedication message to the recipient together with the content in a single message.” Pet., 25. As the petition itself acknowledges (Pet., 25-26), Gold describes sending “an email to the recipient with a hypertext link to a Web page with the dedication,” which permits the recipient to use a streaming media player to “play the voice message and the dedicated song as a single dedication by the recipient’s Web client.” EX1005, [0008], [0043]. Gold also describes that the voice message and dedicated song may be “combined into a single audio file,” which “is sent in its entirety as an attachment to the email dedication notification sent to the recipient.” *Id.*, [0070]; *see also* Pet., 26. Thus, the petition’s assertion that a POSITA would have been motivated to combine Weider and Gold in the manner proposed because it would enable the dedication message and song to be conveyed “in a single message” rather “than sending them

---

<sup>2</sup> Confirming that the petition is deficient, in its opposition to Patent Owner’s request for discretionary denial, Petitioner attempts to expand on its arguments regarding Weider by citing to other paragraphs describing other embodiments not relied upon in the petition. *See* Paper 7 at 13 (newly citing EX1004, [0022], [0124]).

separately” (Pet., 25) is undermined by Gold itself, which already describes ways in which the dedication message may be conveyed with the dedicated song “in a single message” (*e.g.*, as a hypertext link or attached combined audio file).

Furthermore, the petition’s proposed combination is also illogical and insufficiently explained. For example, the proposed combination is premised on “transcrib[ing]” Gold’s voice message and “stor[ing] the words or phrases” *as textual annotations within metadata* of the dedicated song and then “send[ing] it at the same time, enabling the recipient to access the song and the dedication message in a single message.” Pet., 25, 27. However, such a proposed combination—one where the voice message would be converted into text before being sent to the recipient—is inconsistent with Gold’s explanation that “song dedications can be an effective way to convey and share complex emotions and memories when it might not be possible, or desired, for the sender and recipient to communicate directly.” EX1005, [0006]; *see also* Pet., 23 (citing same). The petition’s combination runs counter to this purpose—that is, the petition suggests converting the sender’s personalized **voice** message into a **textual** annotation that would be played to the recipient. Petitioner does not explain how converting a personalized voice message from the sender into a comparatively less-personalized textual annotation would support the sender’s desire “to convey and share complex emotions and memories” as suggested by Gold.

Also insufficiently explained is how the inclusion of any dedication message as textual annotations *within metadata* comports with the ways Gold teaches sending the dedication song and message. Specifically, the petition asserts that Gold discloses *send[ing] information to enable the recipient to access the content and the second utterance*, as recited in limitation [1.b(x)]. Pet., 25-27. The petition particularly points to Gold’s use of a “URL of a play dedication server script that the recipient invokes,” a “single audio file” that is sent “as an attachment,” or “a telephone call” as messages that each satisfy the claim limitation. *Id.* The petition does not explain how providing a dedication message *within metadata* enables the recipient to access to the message via these communication forms (*e.g.*, via a telephone call).

Rather than being supported by the references themselves, the petition’s rationale to combine Weider and Gold is guided by hindsight. For instance, the petition specifically relies on the ’025 patent’s disclosure that Weider’s techniques may be used to create “verbal annotations, textual annotations, and other types of annotations.” Pet., 25 (quoting EX1001, 29:56-64). This reliance on the ’025 patent’s teachings as to the use of the claimed invention evidences hindsight—that is, starting with the ’025 patent’s own suggestion to use Weider’s techniques for textual annotations, the petition worked backward to find reasons to combine Weider and Gold, despite neither reference suggesting such a use. This is

improper and insufficient to establish obviousness. *See W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983) (“To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.”).

Indeed, the Board’s previous consideration of a similar combination provides further evidence that the petition’s analysis is merely a hindsight-based attempt to fashion together the claimed invention from the applied references. In particular, during prosecution of the ’025 patent, the Examiner asserted that a dependent claim reciting the claimed textual annotations was obvious over a combination of Kennewick,<sup>3</sup> Gold, Bachman, and Caine. EX1003, 139-140. The Examiner specifically pointed to Gold’s dedication message combined with Caine’s description of “changes to image information including tags (which are part of the metadata associated with the image) made by the user” to reject the claim. *See* EX1003, 140 (citing EX1005, [0031]). On appeal, the Board found that the Examiner had erred, finding it unclear how the references disclosed or suggested the claimed limitation. *Id.*, 85-86. The petition uses a similar approach

---

<sup>3</sup> This is the same Kennewick that Petitioner applies in its Grounds 6-10.

as the Examiner's misplaced rejection by relying on the same disclosure of Gold's dedication message combined with Weider's inclusion of textual annotations made by the user to objects. *See* Pet., 22 (citing EX1005, [0031]). The petition's attempt to put forward a combination similar to one already found lacking by the Board further supports the conclusion that the petition's assertions as to obviousness are based on hindsight knowledge of the '025 patent and its claims.

Accordingly, the petition fails to establish a sufficient rationale to combine Weider and Gold.

**C. The Petition Fails to Show that the Combination of Weider and Gold Renders Obvious Independent Claim 8**

Independent claim 8 recites *[a] method for providing a natural language content dedication service*. The petition argues that “[a] POSITA would have understood that the systems described above for claim 1 perform” a method as recited in claim 8's preamble. Pet., 32. The petition also incorporates its element-by-element analysis for claim 1. *Id.* (asserting “[t]he remaining limitations of claim 8 are substantively identical to those of claim 1” and “Wieder in combination with Gold therefore renders claim 8 obvious”). Accordingly, for the same reasons discussed above with respect to independent claim 1, the petition also fails to establish that the combination of Weider and Gold renders obvious independent claim 8. *Supra*, §§III.A-B.

**D. The Petition Fails to Show that the Combination of Weider and Gold Renders Obvious Dependent Claims 3, 6-7, 10, 13-14 and 19**

Dependent claims 3, 6-7, 10, 13-14, and 19 depend from either independent claims 1 or 8. The petition thus fails to establish that the combination of Weider and Gold renders these claims obvious for the same reasons discussed above with respect to the independent claims.

**IV. GROUND 2: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 2, 9, 17, AND 18 ARE OBVIOUS BASED ON WEIDER, GOLD, AND MARTINEZ**

Ground 2 of the petition alleges obviousness of dependent claims 2, 9, 17 and 18 based on the combination of Weider, Gold, and Martinez. Pet., 2. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Weider, Gold, and Martinez renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**V. GROUND 3: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 4 AND 11 ARE OBVIOUS BASED ON WEIDER, GOLD, AND GINTER**

Ground 3 of the petition alleges obviousness of dependent claims 4 and 11 based on the combination of Weider, Gold, and Ginter. Pet., 2. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Weider, Gold, and Ginter renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**VI. GROUND 4: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 5 AND 12 ARE OBVIOUS BASED ON WEIDER, GOLD, GINTER, AND WANG**

Ground 4 of the petition alleges obviousness of dependent claims 5 and 12 based on the combination of Weider, Gold, Ginter, and Wang. Pet., 2. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Weider, Gold, Ginter, and Wang renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**VII. GROUND 5: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 15 AND 16 ARE OBVIOUS BASED ON WEIDER, GOLD, AND WANG**

Ground 5 of the petition alleges obviousness of dependent claims 15 and 16 based on the combination of Weider, Gold, and Wang. Pet., 2. Because these claims depend from independent claim 1, the petition fails to establish that the combination of Weider, Gold, and Wang renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**VIII. GROUND 6: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 1, 3, 6-8, 10, 13-14, 19 ARE OBVIOUS OVER KENNEWICK, GOLD, AND WEIDER**

Ground 6 of the petition challenges claims 1, 3, 6-8, 10, 13-14, and 19 as obvious over Kennewick, Gold, and Weider. Pet., 3. The petition relies on description provided in Kennewick that substantially mirrors Weider's description relied upon with regard to the petition's Ground 1, with Weider only specifically cited for its alleged teachings regarding textual annotations. Moreover, the petition

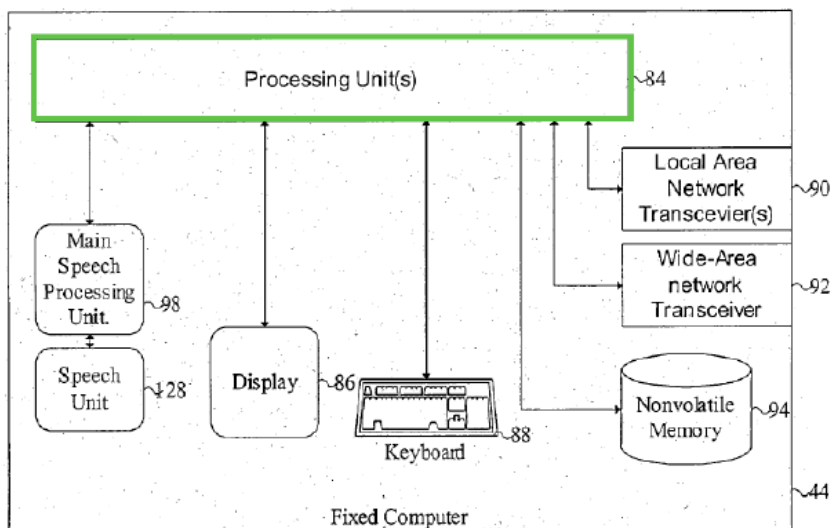
proposes combining Kennewick, Gold, and Weider using the same rationale as that advanced for Ground 1. Thus, as detailed below, the petition fails to establish that the challenged claims are rendered obvious over the applied references for substantially the same reasons that Petitioner's Ground 1 fails.

**A. The Petition Fails to Establish the Combination of Kennewick, Gold, and Weider Teaches Each and Every Limitation of Independent Claim 1**

**1. The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(i)]**

Limitation [1.b(i)] recites that *one or more processors* of the claimed system *receive a first utterance that includes a natural language utterance*. Like its analysis with respect to Weider in Ground 1, the petition contends that Kennewick discloses these limitations through a “speech unit” by relying on a similar embodiment of a speech processing system illustrated in Figure 5 of Kennewick. *See* Pet., 59-60. Like its Ground 1 analysis, the petition's mapping is inconsistent with what the petition identifies as the *one or more processors* that must receive the *first utterance* as required by limitation [1.b(i)].

Specifically, the petition asserts that Kennewick discloses a system having *one or more processors*, as recited in limitation [1.a], identifying the “processing unit(s)” shown in Figure 3 of Kennewick, as shown below.



Pet., 57 (citing annotated version of Kennewick Figure 3).

However, when addressing limitation [1.b(i)], Petitioner cites a different embodiment of Kennewick, turning to Figure 5. Pet., 59-60. Petitioner relies on speech unit 128 from Figure 5 as satisfying the claimed *receive* limitation. *Id.*, 59 (arguing Kennewick *receive[s] a first utterance* “at the speech unit 128, which includes ‘one or more microphones’”). As highlighted by the petition’s annotated version of Figure 5, speech unit 128 is physically separate from main unit 98 where the majority of Kennewick’s speech interpretation and other processing takes place:

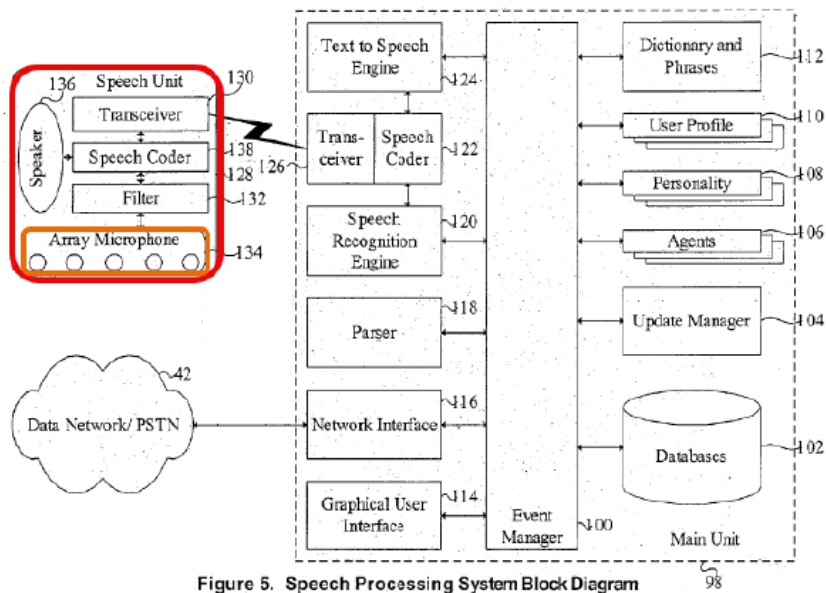


Figure 5. Speech Processing System Block Diagram

Pet., 60. Confirming that Figure 5’s speech unit 128 and main unit 98 are distinct, Weider explains that “a transceiver module 130 may transmit the coded speech to the main unit 98.” EX1004, [0121].

In its limitation [1.b(i)] discussion, Petitioner does not provide discussion of what *processor* it asserts *receive[s]* the utterance in Kennewick. Pet., 59-60. Nor does Petitioner allege that Kennewick’s “processor unit(s)” cited earlier in the petition would *receive* the utterance. *Id.* The petition is simply silent on this aspect of the claims, despite reliance on a separate, **external** speech unit and its disclosed array of microphones when mapping to limitation [1.b(i)]. Petitioner’s mapping creates an inconsistency, given that the Figure 5 speech unit is a separate device that transmits data wirelessly to the main unit where the other speech processing components are located. Pet., 60 (citing EX1004, [0028], [0038],

[0121], Fig. 5); EX1004, [0107] (main unit and speech unit can be “independent components”), [0121]-[0124], Fig. 5. Conversely, Petitioner also does not rely on the transceiver, speech coder, or any other component in the main unit as *receiv[ing] a first utterance*, which would have entailed explaining how receipt of encoded wireless transmissions satisfies the requirement that what is received is the *natural language utterance*, as required by the claims. EX1004, [0121].

Accordingly, the petition fails to establish that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(i)].

**2. The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(ii)]**

Limitation [1.b(ii)] recites *determine, based on processing of the first utterance by a speech recognition engine, one or more words or phrases of the first utterance*. The petition asserts that Kennewick discloses the limitation, arguing that “Kennewick discloses that speech input is ‘passed to the speech coder 122 for decoding and decompression’ before being ‘fed to the speech recognition engine 120,’ which ‘recognizes words and phrases.’” Pet., 60-61. For the same reasons discussed above with respect to Ground 1, the petition fails to establish that Kennewick discloses *processing of the first utterance by a speech recognition engine* because the petition fails to show that the utterance identified as the claimed *first utterance* is received by and processed by a speech recognition engine. *Supra*, §III.A.2. Specifically, like Weider, Kennewick shows that input received by the

speech unit 128 via the microphones is processed by intervening components before being received by the speech recognition engine 120 and the input received and processed by the speech recognition engine 120 is “decoded speech” output by the speech coder 122 of the main unit 98. See EX1008, [0123] (“[t]he decoded speech may be processed by the speech recognition engine 120”), [0155] (“The output of the speech coder 122 may be fed to the speech recognition engine 120.”); see also Pet., 61 (citing same).

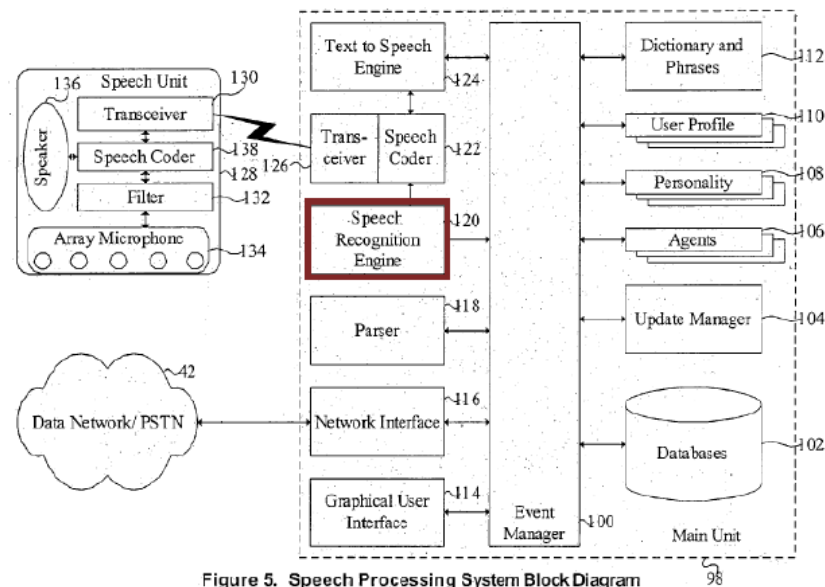


Figure 5. Speech Processing System Block Diagram

Pet., 61 (annotating Kennewick FIG. 5).

The petition does not explain how the “decoded speech” received and processed by the speech recognition engine 120 corresponds to the utterance received at the microphones of the speech unit 128 (the alleged *first utterance*). As

such, the petition fails to show that Kennewick discloses *processing of the first utterance by a speech recognition engine*.

Accordingly, the petition fails to establish that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(ii)].

**3. The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(v)]**

Limitation [1.b(v)] recites *identify, based on the interpretation of the first utterance, content to dedicate to a recipient*. The petition does not allege that Kennewick teaches *identify[ing] ... content to dedicate to a recipient* and instead argues that Gold teaches this limitation. Pet., 64. In particular, the petition relies on Gold in the same manner “as discussed for limitation [1.b(v)] of Ground 1.” *Id.* As such, for the same reasons discussed above with respect to Ground 1, the petition fails to show the references disclose limitation [1.b(v)] because the petition fails to adequately explain how Gold discloses *identify[ing] ... content to dedicate to a recipient* as required by the claim. *Supra*, §III.A.3.

Accordingly, the petition fails to establish that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(v)].

**4. The petition fails to show that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(vi)]**

Limitation [1.b(vi)] recites *initiate, based on the identified content, a dedication to the recipient*. The petition relies on Gold as allegedly disclosing

*initiat[ing] ... a dedication to the recipient* “as discussed for limitation [1.b(vi)] of Ground 1.” Pet., 66. Thus, for the same reasons discussed above with respect to Ground 1, the petition fails to show the references disclose limitation [1.b(v)] because the petition fails to adequately explain how Gold discloses *initiat[ing] ... a dedication to the recipient*. *Supra*, §III.A.4.

Accordingly, the petition fails to establish that the combination of Kennewick, Gold, and Weider teaches limitation [1.b(vi)].

**B. The Petition Fails to Establish a Sufficient Rationale to Combine Kennewick, Gold, and Weider**

The petition further fails to sufficiently explain why a POSITA would have been motivated to combine Kennewick, Gold, and Weider to arrive at the claimed invention. The petition presents substantially the same rationale for combining Kennewick, Gold, and Weider as that advanced for Ground 1. Specifically, the petition argues that the combination of Kennewick, Gold, and Weider renders obvious *provid[ing] the one or more words or phrases of the second utterance as textual annotations within metadata of the content* (limitation [1.b(ix)]) based on the teachings of Gold and Weider. *See* Pet., 67-71. For the same reasons discussed above, the petition fails to establish a sufficient rationale to combine Kennewick, Gold, and Weider.

Mapping the claimed *second utterance to be associated with the dedication*, the petition relies on Gold “as discussed for limitation [1.b(vii)] of Ground 1. Pet.,

67; *see also id.*, 22 (arguing “Gold’s sender [that] records a dedication voice message” corresponds to an *utterance to be associated with the dedication*). And just as it advances for Ground 1, the petition argues that a POSITA would have sought “to transcribe this utterance and store the words or phrases” *as textual annotations within metadata of the content* “because storing the second utterance as metadata (per Weider) would have provided an efficient way of conveying Gold’s dedication message to the recipient together with the content in a single message instead of multiple messages that would result in consumption of additional network resources.” *Id.*, 69-70. However, as explained above, Petitioner’s arguments find no explanation or corroboration in its expert testimony nor any basis in the references. Weider does not teach that storing utterances as textual annotations within metadata of content is “an efficient way to convey” messages with content. *Supra*, §III.B. Moreover, Gold already describes ways in which the dedication message may be conveyed with the dedicated song “in a single message” (*e.g.*, as a hypertext link or attached combined audio file). *Id.*

Furthermore, for the same reasons discussed above with respect to Ground 1, the petition’s proposed combination is also illogical and insufficiently explained. For example, the proposed combination is premised on “transcrib[ing]” Gold’s voice message and “stor[ing] the words or phrases” *as textual annotations within metadata* of the dedicated song and then “send[ing] it at the same time, enabling

the recipient to access the song and the dedication message.” Pet., 69-70.

However, as explained above in §III.B, the petition’s combination runs counter to Gold’s explanation that “song dedications can be an effective way to convey and share complex emotions and memories.” EX1005, [0006]; *see also* Pet., 68 (citing same).

Also for the reasons identified above with respect to Ground 1 (§III.B), the petition insufficiently explains how the inclusion of any dedication message as textual annotations *within metadata* comports with the ways Gold teaches sending the dedication song and message. Pet., 70-71 (stating Gold discloses limitation “as discussed for limitation [1.b(x)] of Ground 1”).

Finally, the petition’s reliance on Kennewick further reinforces the notion that Petitioner’s analysis rests on improper hindsight. As explained above, the Board considered a combination involving the same Kennewick and Gold references, along with Bachman and Caine, with respect to a dependent claim reciting the claimed *textual annotations*. EX1003, 139-140. Faced with the same disclosure of Kennewick and Gold as Petitioner cites in its analysis, the Board found that the Examiner had erred in contending that the limitations were rendered obvious over the prior art. *Id.*; *see also supra*, §III.B. And similar to how the Examiner relied on Caine, the petition relies on Weider’s inclusion of textual annotations made by the user to objects. But, as explained above, Weider only

describes storing textual annotations as metadata for enabling the searching of objects by the system. EX1004, [0123]. Only with the benefit of the '025 patent's disclosure can the petition conclude that it would have been obvious to use Weider's techniques for other purposes not suggested by any of the references. See Pet., 69 (citing EX1001, 29:56-64); *see also supra*, §III.B.

Accordingly, the petition fails to establish a sufficient rationale to combine Kennewick, Gold, and Weider.

**C. The Petition Fails to Show that the Combination of Kennewick, Gold, and Weider Renders Obvious Independent Claim 8**

Independent claim 8 recites *[a] method for providing a natural language content dedication service*. The petition argues that “[a] POSITA would have understood that the systems described above for claim 1 perform” a method as recited in claim 8’s preamble. Pet., 73. The petition also incorporates its element-by-element analysis for claim 1. *Id.* (asserting “[t]he remaining limitations of claim 8 are substantively identical to those of claim 1” and “Kennewick in combination with Gold and Weider therefore renders claim [8] obvious”).

Accordingly, for the same reasons discussed above with respect to independent claim 1, the petition also fails to establish that the combination of Kennewick, Gold, and Weider renders obvious independent claim 8. *Supra*, §§VIII.A-B.

**D. The Petition Fails to Show that the Combination of Kennewick, Gold, and Weider Renders Obvious Dependent Claims 3, 6-7, 10, 13-14 and 19**

Dependent claims 3, 6-7, 10, 13-14, and 19 depend from either independent claim 1 or 8. The petition thus fails to establish that the combination of Kennewick, Gold, and Weider renders these claims obvious for the same reasons discussed above with respect to the independent claims.

**IX. GROUND 7: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 2, 9, 17, AND 18 ARE OBVIOUS BASED ON KENNEWICK, GOLD, WEIDER, AND MARTINEZ**

Ground 7 of the petition alleges obviousness of dependent claims 2, 9, 17 and 18 based on the combination of Kennewick, Gold, Weider, and Martinez. Pet., 3. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Kennewick, Gold, Weider and Martinez renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**X. GROUND 8: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 4 AND 11 ARE OBVIOUS BASED ON KENNEWICK, GOLD, WEIDER, AND GINTER**

Ground 8 of the petition alleges obviousness of dependent claims 4 and 11 based on the combination of Kennewick, Gold, Weider, and Ginter. Pet., 3. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Kennewick, Gold, Weider, and Ginter renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**XI. GROUND 9: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 5 AND 12 ARE OBVIOUS BASED ON KENNEWICK, GOLD, WEIDER, GINTER, AND WANG**

Ground 9 of the petition alleges obviousness of dependent claims 5 and 12 based on the combination of Kennewick, Gold, Weider, Ginter, and Wang. Pet., 3. Because these claims depend from either independent claim 1 or 8, the petition fails to establish that the combination of Kennewick, Gold, Weider, Ginter, and Wang renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**XII. GROUND 10: THE PETITION FAILS TO ESTABLISH THAT CLAIMS 15 AND 16 ARE OBVIOUS BASED ON KENNEWICK, GOLD, WEIDER, AND WANG**

Ground 5 of the petition alleges obviousness of dependent claims 15 and 16 based on the combination of Kennewick, Gold, Weider, and Wang. Pet., 3. Because these claims depend from independent claim 1, the petition fails to establish that the combination of Kennewick, Gold, Weider, and Wang renders obvious the challenged claims for the same reasons discussed above with respect to Ground 1.

**XIII. CONCLUSION**

For at least the reasons discussed above, the petition fails to demonstrate a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable. Accordingly, Patent Owner respectfully requests the Director deny the petition.

Respectfully submitted,

Date: November 12, 2025

/ Matthew A. Argenti /  
Matthew A. Argenti, Lead Counsel  
Reg. No. 61,836

### **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 7246 words.

Respectfully submitted,

Date: November 12, 2025

/ Matthew A. Argenti /  
Matthew A. Argenti, Lead Counsel  
Reg. No. 61,836

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Patent Owner's Preliminary Response was served on November 12, 2025, on the Petitioner at the electronic correspondence address of the Petitioner as follows:

J. David Hadden  
Saina S. Shamilov  
Brian M. Hoffman  
Dargaye Churnet  
Fenwick & West LLP  
VBAssets-IPR@fenwick.com

Dated: November 12, 2025

/ Matthew A. Argenti /  
Matthew A. Argenti, Lead Counsel  
Reg. No. 61,836