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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

GINKO, LLC,

Patent Owner

IPR2025-01388

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 11,025,573 CHALLENGING CLAIMS 1, 3-4, 6-12, 14-15 UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104

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B. Claim 10 6

1. [10pre] A system for data sharing between devices in a network, comprising: 6

2. [10a] a processor; and 7

3. [10b] a memory, the memory comprising computer-executable instructions that, when executed by the processor, perform operations comprising: 7

4. [10c] identifying, for a user associated with a user device, a potential contact, ...9

5. [10d] the user being associated with user data, and.....11

6. [10e] the potential contact being associated with contact data; 12

7. [10f] receiving, from the user device of the user, a request for the user to become a contact with the potential contact, ...13

8. [10g] the request comprising a first permission setting, and 15

9. [10h] the first permission setting being at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user; 17

10. [10i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and 19

11. [10j] in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact, ...20

12. [10k] the subset of the user data being viewable to the potential contact in a case that the first permission setting being the first value; and 21

13. [10l] [in response to receiving an acceptance of the communication…] setting the potential contact as a contact of the user. 22

C. Claim 11 23

1. [11pre] The system of claim 10, wherein identifying the potential contact comprises:.....23

2. [11a] receiving, from the potential contact, a first location; and.....24

3. [11b] identifying the potential contact in a case that a second location of the user device matches the first location.....24

D. Claim 12.....24

1. [12pre] The system of claim 11,.....24

2. [12a] wherein the first location is an address, and.....25

3. [12b] wherein the second location is a geolocation that is proximate the first location.....26

E. Claim 14.....27

1. [14pre] The system of claim 10,.....27

2. [14a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:.....27

3. [14b] receiving a first location that is associated with the request; and.....27

4. [14c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:.....27

5. [14d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.....28

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A. Ahuja 28

B. Claim 10 29

1. [10pre] A system for data sharing between devices in a network, comprising: 29

2. [10a] a processor; and 30

3. [10b] a memory, the memory comprising computer executable instructions that, when executed by the processor, perform operations comprising: 31

4. [10c] identifying, for a user associated with a user device, a potential contact, ...31

5. [10d] the user being associated with user data, and....33

6. [10e] the potential contact being associated with contact data; 33

7. [10f] receiving, from the user device of the user, a request to become a contact with the potential contact; 33

8. [10g] the request comprising a first permission setting, and 37

9. [10h] the first permission setting being at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user; 38

10. [10i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and 39

11. [10j] in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact, ...41

12. [10k] the subset of the user data being viewable to the potential contact in a case that the first permission setting being the first value; and....43

13. [10l] [in response to receiving an acceptance of the communication…] setting the potential contact as a contact of the user. 44

C. Claim 11 45

1. [11pre] The system of claim 10, wherein identifying the potential contact comprises:....45

2. [11a] receiving, from the potential contact, a first location; and....45

3. [11b] identifying the potential contact in a case that a second location of the user device matches the first location. 46

D. Claim 12 47

1. [12pre] The system of claim 11, ...47

2. [12a] wherein the first location is an address, and....48

3. [12b] wherein the second location is a geolocation that is proximate the first location. 49

E. Claim 14 49

1. [14pre] The system of claim 10, ...49

2. [14a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:....49

3. [14b] receiving a first location that is associated with the request; and 49

4. [14c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises: 51

5. [14d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.....51

F. Claim 15 - The system of claim 14, wherein the first location being a first geolocation of the user device.....52

G. Claim 1 52

1. [1pre] A method for data sharing between devices in a network, the method comprising: 52

2. [1a] identifying, for a user associated with a user device, a potential contact, ...52

3. [1b] the user being associated with user data, and.....52

4. [1c] the potential contact being associated with contact data; 53

5. [1d] receiving, from the user device of the user, a request for the user to become a contact with the potential contact, ...53

6. [1e] the request comprises a first permission setting,.....53

7. [1f] the first permission setting being at least a first value or a second value,.....53

8. [1g] the first value indicates that a subset of user data of a permitting user is to be shared with a permitted user, and 55

9. [1h] the second value indicates that only chats are allowed from the permitted user to the permitting user;.....55

10. [1i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and 56

11. [1j] in response to receiving, from the potential contact, an acceptance of the communication: setting the user as a contact of the potential contact, ...56

12. [1k] the subset of the user data being viewable to the potential contact in a case that the first permission setting is the first value but is not the second value, ...56

13. [1l] the potential contact being able to start a chat with the user in a case that the first permission setting is the second value or the first value 57

14. [1m] [in response to receiving, from the potential contact, an acceptance of the communication…] setting the potential contact as a contact of the user. 58

H. Claim 3 58

1. [3pre] The method of claim 1, wherein identifying the potential contact comprises:.....58

2. [3a] receiving, from the potential contact, a first location; and.....58

3. [3b] identifying the potential contact in a case that a second location of the user device matches the first location.....58

I. Claim 4 58

1. [4pre] The method of claim 3, ...59

2. [4a] wherein the first location is a first geolocation, and 59

3. [4b] wherein the second location is a second geolocation that is within a predefined distance of the first geolocation.....59

J. Claim 6 60

1. [6pre] The method of claim 1, ...60

2. [6a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:....60

3. [6b] receiving a first location that is associated with the request, and 60

4. [6c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises: 60

5. [6d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact....61

K. Claim 7 - The method of claim 6, wherein the first location being a first geolocation of the user device....61

L. Claim 8 – The method of claim 6, wherein the second location being a second geolocation of a device of the potential contact.....61

M. Claim 9 - The method of claim 6, wherein the first location matching the second location comprises the first location being within a predefined distance of the second location. 61

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A. Ahuja 62

B. Claim 10 64

1. [10pre]....64

2. [10a] 65

3. [10b] 65
4. [10c] 66
5. [10d] 67
6. [10e] 67
7. [10f] 67
8. [10g] 68
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10. [10i] 69
11. [10j] 70
12. [10k] 71
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C. Claim 11 71

1. [11pre] 71
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D. Claim 14 73

1. [14pre] 74
2. [14a] 74
3. [14b] 74
4. [14c] 75
5. [14d] 75

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TABLE OF CLAIMS

[1pre] A method for data sharing between devices in a network, the method comprising:
[1a] identifying, for a user associated with a user device, a potential contact,
[1b] the user being associated with user data, and
[1c] the potential contact being associated with contact data;
[1d] receiving, from the user device of the user, a request for the user to become a contact with the potential contact,
[1e] the request comprises a first permission setting,
[1f] the first permission setting being at least a first value or a second value,
[1g] the first value indicates that a subset of user data of a permitting user is to be shared with a permitted user, and
[1h] the second value indicates that only chats are allowed from the permitted user to the permitting user;
[1i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and
[1j] in response to receiving, from the potential contact, an acceptance of the communication: setting the user as a contact of the potential contact,
[1k] the subset of the user data being viewable to the potential contact in a case that the first permission setting is the first value but is not the second value,
[1l] the potential contact being able to start a chat with the user in a case that the first permission setting is the second value or the first value
[1m] [in response to receiving, from the potential contact, an acceptance of the communication…] setting the potential contact as a contact of the user.

[3pre] The method of claim 1, wherein identifying the potential contact comprises:
[3a] receiving, from the potential contact, a first location; and
[3b] identifying the potential contact in a case that a second location of the user device matches the first location.
[4pre] The method of claim 3,
[4a] wherein the first location is a first geolocation, and
[4b] wherein the second location is a second geolocation that is within a predefined distance of the first geolocation.
[6pre] The method of claim 1,
[6a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:
[6b] receiving a first location that is associated with the request, and
[6c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:
[6d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.
[7] The method of claim 6, wherein the first location being a first geolocation of the user device.
[8] The method of claim 6, wherein the second location being a second geolocation of a device of the potential contact.
[9] The method of claim 6, wherein the first location matching the second location comprises the first location being within a predefined distance of the second location.
[10pre] A system for data sharing between devices in a network, comprising:
[10a] a processor; and
[10b] a memory, the memory comprising computer-executable instructions that, when executed by the processor, perform operations comprising:
[10c] identifying, for a user associated with a user device, a potential contact,
[10d] the user being associated with user data, and
[10e] the potential contact being associated with contact data;
[10f] receiving, from the user device of the user, a request for the user to become a contact with the potential contact,
[10g] the request comprising a first permission setting, and

[10h] the first permission setting being at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user;
[10i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and
[10j] in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact,
[10k] the subset of the user data being viewable to the potential contact in a case that the first permission setting being the first value; and
[10l] [in response to receiving an acceptance of the communication…] setting the potential contact as a contact of the user.
[11pre] The system of claim 10, wherein identifying the potential contact comprises:
[11a] receiving, from the potential contact, a first location; and
[11b] identifying the potential contact in a case that a second location of the user device matches the first location.
[12pre] The system of claim 11,
[12a] wherein the first location is an address, and
[12b] wherein the second location is a geolocation that is proximate the first location.
[14pre] The system of claim 10,
[14a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:
[14b] receiving a first location that is associated with the request; and
[14c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:
[14d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.

I. INTRODUCTION

Apple Inc. ("Apple" or "Petitioner") hereby petitions for *inter partes* review of U.S. 11,025,573 ("'573 patent") (EX1001), owned by Ginko, LLC ("PO"). As shown below, the techniques described in the '573 patent were known in the prior art.

II. MANDATORY NOTICES

A. Real Party-in-Interest

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that Apple is the real party-in-interest, and further certifies that no other party exercised control or could exercise control over the filing of this petition or Apple's participation in any proceeding instituted on this petition.

B. Related Matters

According to assignment records at the United States Patent and Trademark Office, the '573 patent is currently owned by Ginko LLC ("Ginko"). The '573 patent is asserted in the matter *Ginko, LLC v. Apple Inc.*, 1:24-cv-01279 (WDTX).

C. Counsel

Lead Counsel: Larissa S. Bifano (Reg. No. 59,051)

Backup Counsel: Brian Ho (Reg. No. 60,199)

Backup Counsel: Joseph Wolfe (Reg. No. 73,173)

D. Service Information, Email, Hand Delivery, and Postal

Apple consents to electronic service at DLA-Apple-GinkoLLCIPR@us.dlapiper.com. Petitioner can be reached at DLA Piper LLP (US), 33 Arch Street, 26th Floor, Boston, Massachusetts 02110, Phone: 617-406-6000, Fax: 617-406-6100.

III. CERTIFICATION OF GROUNDS FOR STANDING

Petitioner certifies pursuant to Rule 42.104(a) that the patent for which review is sought is available for *inter partes* review, and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

IV. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

In accordance with 35 U.S.C. § 311, Petitioner requests cancellation of the Challenged Claims in view of the following grounds:

	Grounds	References	Challenged Claims
1.	§103	Robertson	10-14
2.	§103	Ahuja	1, 3-4, 6-12, 14-15
3.	§103	Ahuja	10, 11, 14

V. OVERVIEW OF THE ’573 PATENT

A. Summary of the Alleged Invention

The ’573 patent was filed 12/7/2018, and issued on 6/1/2021. The ’573 patent

claims priority to two provisional applications, the earliest of which is US Provisional Application No. 62/195,534, filed 7/22/2015. Thus, the ’573 patent’s priority date is no earlier than 7/22/2015. EX1002, ¶52.

The ’573 patent relates to “a method for data sharing” between a user and a potential contact proximate to the user. EX1001[1], Abstract, 3:19-23. The method involves identifying a potential contact, receiving, from a user device of a user, a request for the user to become a contact of the potential contact, including a permission setting, and, in response to receiving an acceptance from the potential contact, setting the user and the potential contact as contacts of each other. EX1001, 1:33-52. EX1002, ¶¶53-56.

B. Overview of the ’573 Patent’s File History

The Office issued an Office Action rejecting the claims as being anticipated and/or obvious in view of the cited art. EX1003, 65-116. In response, applicant filed an amendment to claim 1 adding functionality related to the “second value.” EX1003, 47-62. The Office then issued a notice of allowance. EX1003, 21. EX1002, ¶57.

[1] All emphasis is added unless otherwise noted.

C. Level of Ordinary Skill in the Art

A person having ordinary skill in the art at the time of the alleged invention of the ’573 patent (7/22/2015) (“POSITA”) would have had at least a bachelor’s degree in electrical or computer engineering, computer science, or a comparable field of study, plus approximately two to three years of professional experience with data communication systems or other relevant experience. Additional education could substitute for professional experience, and industry experience could substitute for formal education. EX1002, ¶58.

D. Claim Construction Under 37 C.F.R. § 42.104(b)(3)

The Challenged Claims are interpreted using the same claim construction standard that is used in a civil action in federal court. 37 C.F.R. § 42.100(b). Unless noted otherwise, all claim terms should be given their plain and ordinary meaning to a POSITA at the time of the ’573 patent’s supposed invention.

E. Patent Owner’s Infringement Contentions

“[P]atent owners may not, like a ‘nose of wax,’ twist the meaning of patent claims one way to avoid a finding of unpatentability and in another way so as to find infringement.” *Ericsson Inc*. v. *Intellectual Ventures II LLC*, IPR2014-00919, Paper 37 at 9 (PTAB Dec. 7, 2015). In this regard, Patent Owner’s infringement allegations are “probative” of whether Patent Owner is taking “inconsistent positions” between this proceeding and district court litigation and are “relevant of

the credibility" of Patent Owner's "characterization of the [asserted] Patent in this proceeding." *Id*., 9-10; *Square, Inc*. v. *Unwired Planet LLC*, IPR2014-01164, Paper 28 at 37-38 (PTAB Nov. 19, 2015). Accordingly, Petitioner includes Patent Owner's initial infringement contention for the '573 patent (EX1006) from the *Ginko, LLC v. Apple Inc.* case referenced above.

VI. GROUND 1: CLAIMS 10-14 ARE OBVIOUS OVER ROBERTSON

A. Robertson

U.S. 8,380,796 ("Robertson") was filed 7/20/2009 and published 2/19/2013. EX1004, cover page. Robertson is prior art under at least 35 U.S.C. §§102(a)(1)-(2) (AIA). EX1002, ¶61.

Robertson is directed to a social networking system which allows a user to locate other users and establish contact relationships with other users. EX1004, Abstract. Robertson allows the user "to specify permissions separately for each individual other user in whose personal database the [] user has chosen to be included." EX1004, 7:55-58, 7:59-63, 8:17-20, 9:10-15. EX1002, ¶62.

Robertson is analogous art to the '573 patent. Although two related applications to Robertson (US 7,606,725, US 7,194,419) were cited by the applicant during examination of the '573 patent, the Examiner erred in not applying Robertson to the '573 patent as indicated in the analysis below. EX1003, 125, 131 EX1002, ¶¶63-64.

B. Claim 10

Robertson discloses claim 10. EX1002, ¶65.

1. [10pre] A system for data sharing between devices in a network, comprising:

Robertson discloses *a system* (server (red)) *for sharing between devices* (multiple client computers (blue)) *in a network* (world wide web (green)):

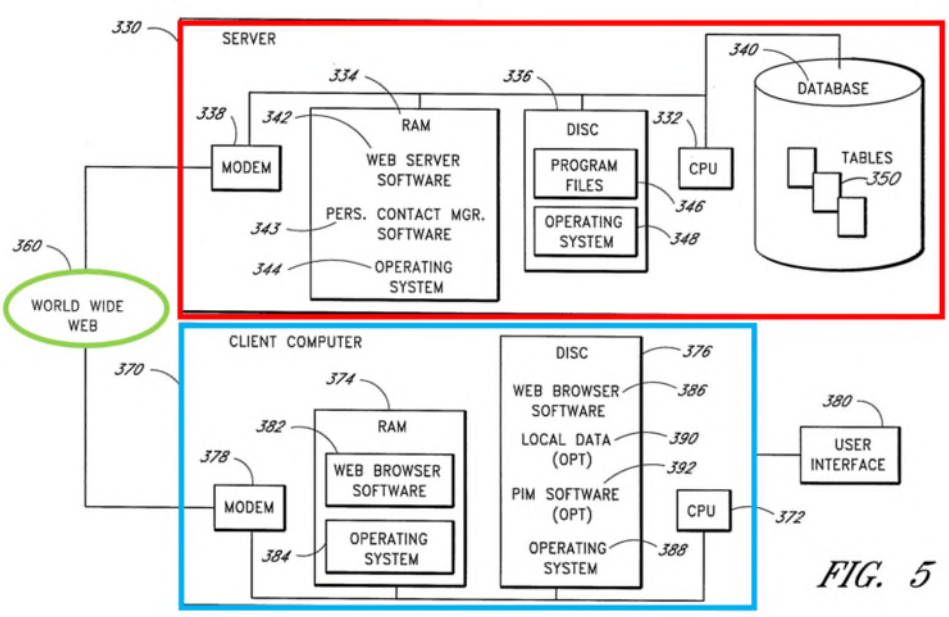


FIG. 5

EX1004, FIG. 5, 1:19-22 ("present invention relates generally to multi-user computer systems, such as contact management systems, that provide services for users to locate and share personal information with other users"), 2:56-58 ("networked computer system provides various services for assisting users in locating, and establishing contact relationships with, other users"), 3:62-65 ("As represented in FIG. 5, the preferred embodiment follows a standard Internet

architecture, in which client computers 370 and a server computer 330 are connected via the World Wide Web 360"). EX1002, ¶66.

2. [10a] a processor; and

Robertson discloses *a processor* (CPU (yellow)):

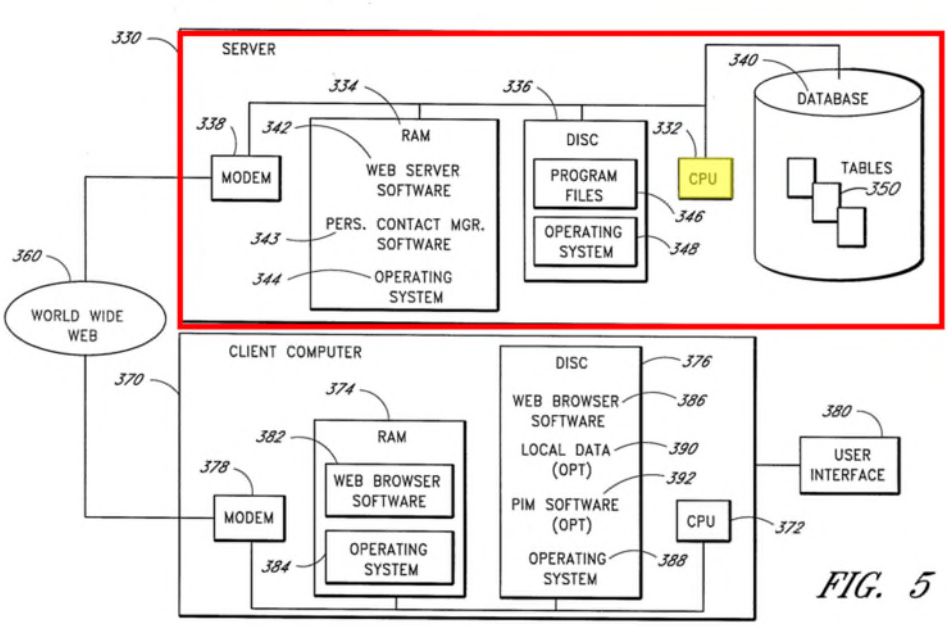


FIG. 5

EX1004, FIG. 5 (CPU 332), 4:16-19 ("server 330…operate[s] under the control of operating system[] 344…executed in RAM 334…by the CPU[s] 332"). EX1002, ¶67.

3. [10b] a memory, the memory comprising computer-executable instructions that, when executed by the processor, perform operations comprising:

Robertson discloses *a memory* (collectively, RAM (orange) and disc (purple)):

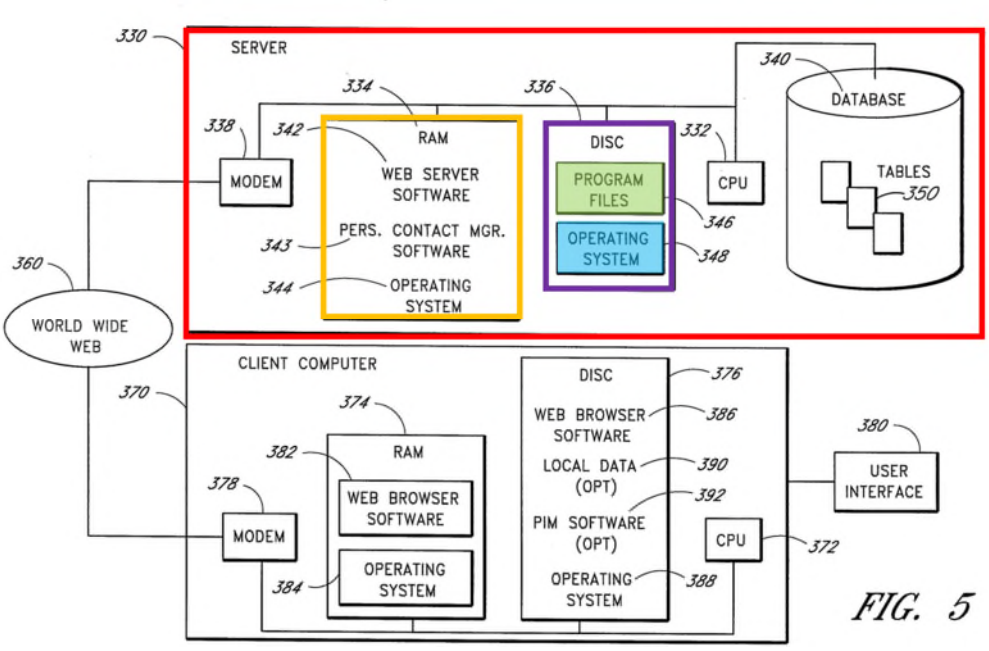


FIG. 5

EX1004, FIG. 5 (RAM 334, Disc 336), 4:16-19 ("server 330…include[s]…hard disk[] 336…and operate[s] under the control of operating system[] 344…executed in RAM 334…by the CPU[s] 332"). Robertson's memory *comprising computer-executable instructions* (program files (green), operating system (blue)) *that, when executed by the processor* (CPU) *perform operations* (operations associated with program files 346 and/or operating system 348). EX1004, FIG. 5 (program files 346, operating system 348), 4:16-19 ("server 330…include[s]…hard disk[] 336…and operate[s] under the control of operating system[] 344…executed in RAM 334…by the CPU[s] 332"), 4:19-20 ("server storage device 336 stores program files 346 and the operating system 348"). EX1002, ¶68.

4. [10c] identifying, for a user associated with a user device, a potential contact,

Robertson discloses *identifying, for a user* (first user) *associated with a user device* (client computer), *a potential contact* (second user). EX1004, 2:56-58, 6:25-28. 6:53-60. EX1002, ¶69.

Robertson's system "provides various services for assisting users in locating, and establishing contact relationships with, other users." EX1004, 2:56-58. In operation, Robertson's server 330 provides a user with a GUI 560 that allows the user to enter information about themselves:

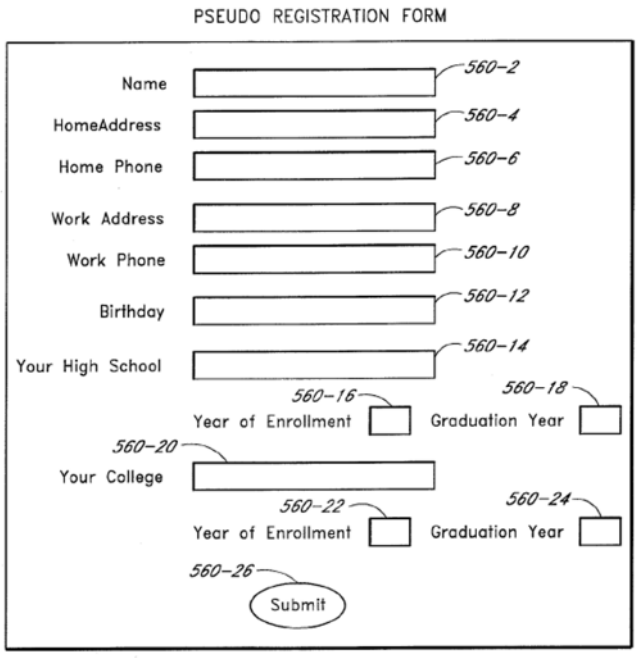


FIG. 7

EX1004, FIG. 7, 6:25-28 ("GUI 560…allows members to enter information about themselves in order to create a personal data record"), 6:53-60 ("Once the

user…enters information…in the GUI 560…he clicks the Submit button…and the information entered is transferred…to the server computer 330, where the server…stores the formation in the appropriate tables…of a database"). Based on the information provided by the user, Robertson's server 330 identifies potential contacts for a first user and presents those identified potential contacts (yellow) in GUI 580:

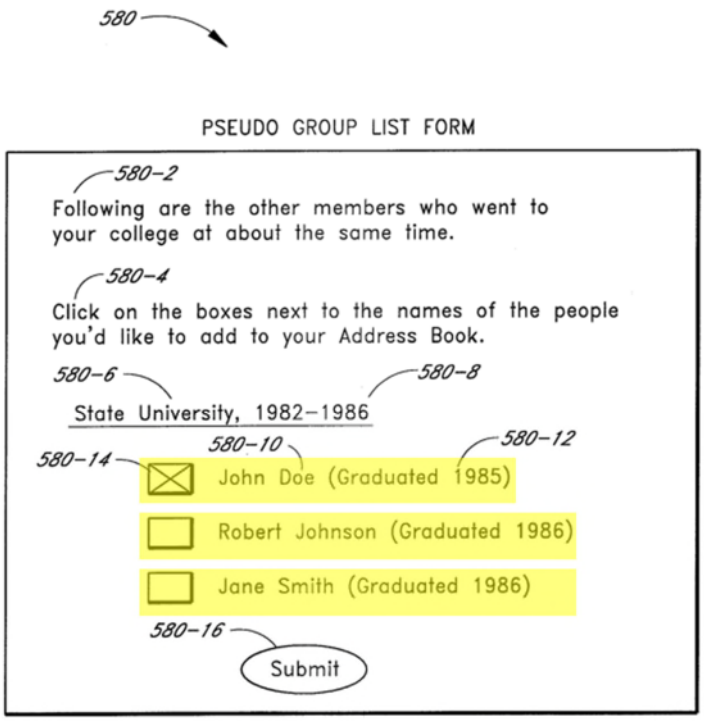


FIG. 8

EX1004, FIG. 8, 6:61-65 ("GUI 580…allows a first user to select other users they wish to add to their personal address book…based on the group affiliation information that the first user enters in the data fields" of GUI 560), 7:3-7 ("In

each version of the GUI 580 shown in FIG. 8, a text description 580-2 at the top of the GUI explains to the first user that other members have been found who had the same affiliation as the first user during the same period of time as the first user"). The example shown in FIG. 8 relates to whether the potential contacts and the target user overlapped in years attended at the same college. EX1004, 7:11-20 ("If a second user…has specified the same group affiliation as that specified by the first user in the College 560-20 data field, and that second user has specified a date range for that affiliation that intersects with the date range specified by the first user in the Year of College Enrollment 560-22 and College Graduation Year 560-24 data fields, the Name 580-10 of the second user and the ending date 580-12 of the second user's affiliation with that group are displayed"). EX1002, ¶70.

5. [10d] the user being associated with user data, and

Robertson discloses *the user* (first user) *being associated with user data* (first user personal data record). As disclosed above, the first user enters their information into GUI 560, which results in the creation of a personal data record associated with the first user. EX1004, FIG. 7, 6:25-28 ("GUI 560…allows members to enter information about themselves in order to create a personal data record"), 6:53-60 ("Once the user…enters information…in the GUI 560…he clicks the Submit button…and the information entered is transferred…to the server

computer 330, where the server…stores the formation in the appropriate tables…of a database"); §VI(B)(4) (limitation 10c). EX1002, ¶71.

6. [10e] the potential contact being associated with contact data;

Robertson discloses *the potential contact* (second user) *being associated with contact data* (second user personal data record). In particular, Robertson discloses that each user creates a personal data record using GUI 560 that is maintained in tables of a database on the server computer 330. EX1004, FIG. 7, 6:25-28 ("GUI 560…allows members to enter information about themselves in order to create a personal data record"), 6:53-60 ("Once the user…enters information…in the GUI 560…he clicks the Submit button…and the information entered is transferred…to the server computer 330, where the server…stores the formation in the appropriate tables…of a database"). This includes potential contacts to the first user because, in order to identify potential contacts to the first user, server computer 330 references the personal information stored in each potential contacts personal data record. EX1004, 7:11-14 ("If a second user whose personal information is stored in tables 350 of the database 340 on the server computer 330 has specified the same group affiliation as that specified by the first user"). EX1002, ¶72.

7. [10f] receiving, from the user device of the user, a request for the user to become a contact with the potential contact,

Robertson discloses *receiving, from the user device* (client computer of the first user) *of the user* (first user), *a request for the user to become a contact with the potential contact* (a request to add the second user to the first user's address book). EX1004, 6:61-63, 7:24-32, 11:40-43, FIG. 8, FIG. 10. EX1002, ¶73.

Robertson discloses that the first user, via GUI 580, selects a potential user (e.g., John Doe (yellow)) from the list of potential contacts that they wish to add to their address book by clicking the checkbox (red) next to their name and pressing the submit button (blue):

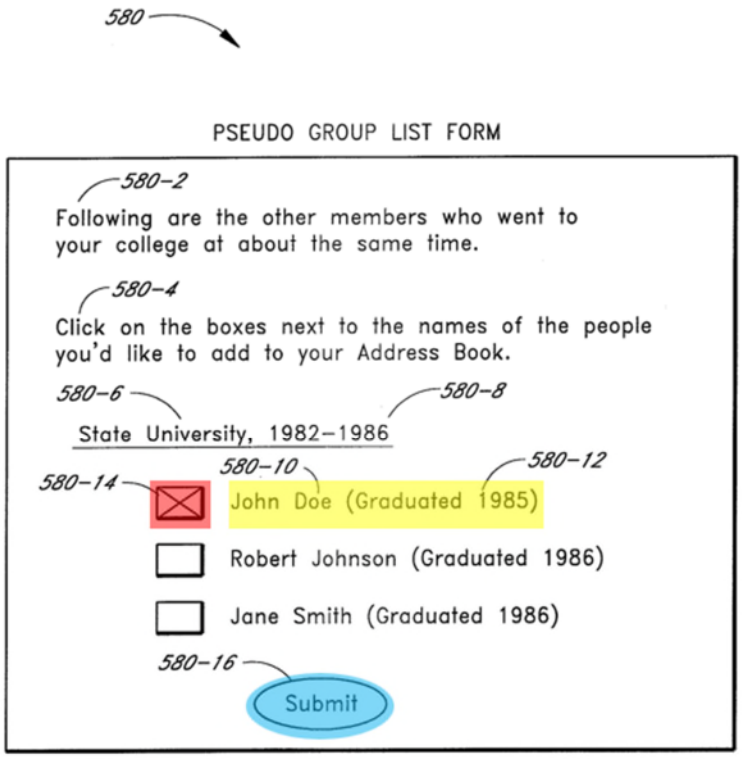


FIG. 8

EX1004, FIG. 8, 6:61-63 ("GUI 580…allows a first user to select other users they wish to add to their personal address book"), 7:24-29 ("If the first user wishes to add a second user to his personal address book, the first user clicks the checkbox 580-14 to the left of the Name 580-10…clicks the Submit button"). Robertson discloses that the server computer 330 receives the request from the first user's user device to become a contact with the second user upon the first user activating the submit button in GUI 580. EX1004, 7:27-32 ("first user…clicks the Submit button…and the information entered is transferred via the computer communications network 360 to the server computer 330 where it is stored in the

appropriate database"), 11:40-43 ("If the first user wishes to add contact information to his personal address book for any of the second users listed 650-16, the first user can do so in a GUI similar to the group list form pseudo GUI 580 shown in FIG. 8"). EX1002, ¶74.

8. [10g] the request comprising a first permission setting, and

Robertson's discloses *the request* (the request to add the potential user to the first user's address book) *comprising a first permission setting* (data field permissions). EX1004, 7:42-45, 7:55-58, FIG. 9. EX1002, ¶75.

The users are presented with GUI 600 that allows each user to set permission settings for the other user that defines the types of information each user can see about the other user:

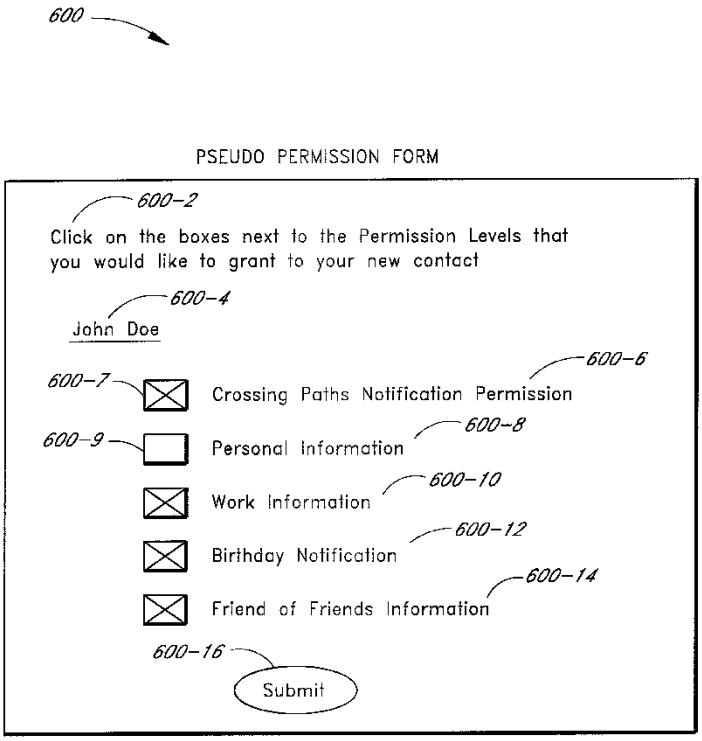


FIG. 9

EX1004, FIG. 9, 7:55-58 ("the disclosed system allows the first user to specify permissions separately for each individual other user"), 7:42-45 ("GUI is shown allowing a first user to specify which types of data fields…to grant a specific second user permission to view"). As shown above, the first user selected permission levels 600-6, 600-10, 600-12, and 600-14 for the second user John Doe. EX1004, 8:10-17. The selected permission levels define a *first permission setting* for the second user. EX1004, FIG. 9 ("Click on the boxes next to the Permission Levels that you would like to grant your new contact"), 8:23-24 ("If member A

links to member B, member A can grant any of the permissions…to member B"). EX1002, ¶76.

9. [10h] the first permission setting being at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user;

Robertson discloses *the first permission setting* (selected data settings) *being at least a first value* (selected or not selected) *indicating that a subset* (one or more selected permission levels) *of user data of a permitting user is to be shared with a permitted user*. EX1004, 7:27-32, 7:42-48, 7:53-58. EX1002, ¶77.

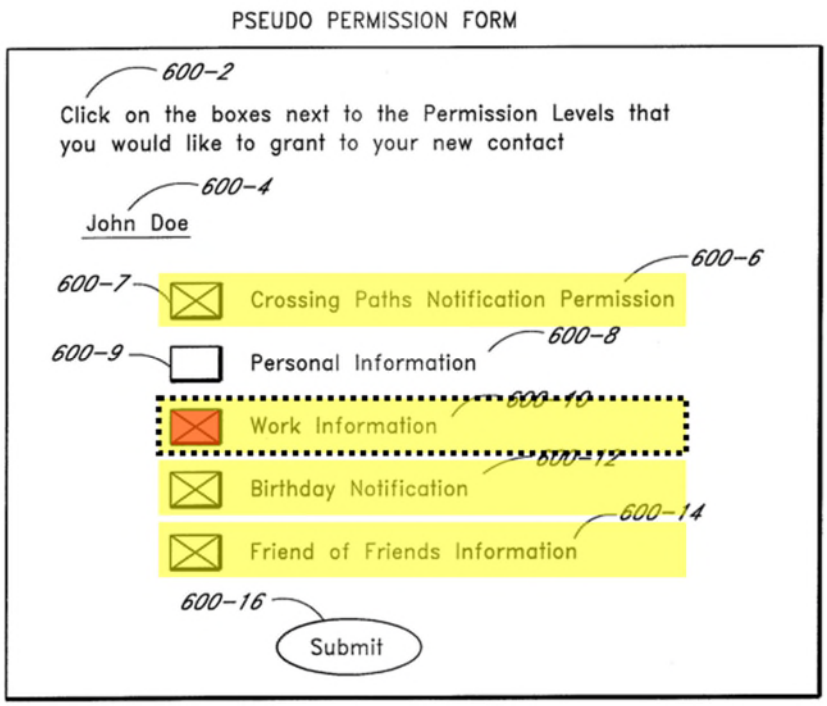
Robertson's system allows users, such as the first user (e.g., *a permitting user*), to grant or permit the second user (e.g., a *permitted user*) permission to view their contact information on a categorical basis. EX1004, 7:42-45 ("GUI 600 is shown allowing a first user to specify which types of data fields from the first user's personal data record to grant a specific second user permission to view"), 8:23-24 ("If member A links to member B, member A can grant any of the permissions discussed below to member B"), 5:53-58 ("as illustrated in FIG. 9, permission information is grouped into five categories…crossing paths notification permission 600-6, personal information 600-8, work information 600-10, birthday notification 600-12, and friends of friends information 600-14"), FIG. 9. As stated above in conjunction with limitation 10f, *the permission setting* is defined as the set of permissions that the first user grants another user by selecting the options

available in GUI 600. §§VI(B)(8)-(9) (limitations 10g-10h). In this example, the first user selected crossing paths notification permission 600-6, work information 600-10, birthday notification 600-12, and friends of friends information 600-14, which collectively define *the permission setting*. EX1004, FIG. 9. The permission setting includes at least one value that grants a second user visibility to a first user's information. For example, when work information 600-10 is selected, the first user grants the second user permission to view a subset of user data related to work information 600-10, which includes a work address and a work phone number. EX1004, 7:53-58, FIG. 10. EX1002, ¶78.

A POSITA would have understood and found obvious that the user selecting work information 600-10 will result in a value or flag being stored in database 340 that signals to server 330 whether the second user is permitted to view the first user's work information. EX1004, 7:27-32 ("Once the first user has finished specifying the data field permissions for the second user 600-4, he clicks the Submit button 600-16 and the information entered is transferred via the computer communications network 360 to the server computer 330 where it is stored in the appropriate tables 350 of the database 340"). EX1002, ¶79.

Continuing with the above example, FIG. 9 annotated below illustrates the permission setting is defined by the highlighted (yellow) permissions, which includes a first value (e.g., yes value (red)) that indicates *a subset of user data* in

the form of work information (dashed line) of the first user is permitted to be shared with the second user:



EX1004, FIG. 9. EX1002, ¶80.

10. [10i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and

Robertson discloses *sending, based on the request, a communication to the potential contact* (second user) *to initiate a data exchange*. EX1004, 7:45-53, 8:32-33. EX1002, ¶81.

Once first user selects the potential contact (limitation 10f) and sets the data permissions for second user (limitations 10f-10g), server 330 sends the potential contact (second user) a notification that initiates an exchange of contact

information between the first user and second user. EX1004, 7:47-49 ("the second user will receive a notification…that that first user has 'linked' to him"), 8:32-33 ("When member A first links to member B, member B is notified on the Web site and in an email"), 7:50-53 ("If the second user chooses to return the link to the first user, the system will display the pseudo GUI 600 shown in FIG. 9 with the name of the first user…allowing the second user to set data field permission for the first user"). EX1002, ¶82.

11. [10j] in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact,

Robertson discloses *in response to receiving an acceptance of the communication* (second user granting permission to first user)*: setting the user* (first user) *as a contact of the potential contact* (second user). EX1004, 8:32-40. EX1002, ¶83.

Robertson's server 330 receives the second user's (i.e., potential contact's) acceptance of the first user's request to establish a contact relationship with the second user. EX1004, 7:50-53 ("If the second user chooses to return the link to the first user, the system will display the pseudo GUI 600 shown in FIG.9 with the name of the first user 600-5, allowing the second user to set data field permissions for the first user"), claim 1 ("receiving a request from the first user to establish a contact relationship with a second user…notifying the second user of said

request"). When the second user accepts first user's request by granting first user permission to view second user's contact information, server 330 creates "a two-way contact relationship between the first and second users in response to the second user accepting said request." EX1004, claim 1, 8:34-36 ("If member B elects not to grant any permissions to first user, first user will not appear in member B's Virtual Address Book"), 8:37-40 ("If member B grants any permissions to member A, a listing in member B's Virtual Address Book will be created for member A"). EX1002, ¶84.

12. [10k] the subset of the user data being viewable to the potential contact in a case that the first permission setting being the first value; and

Robertson discloses *the subset of the user data* (e.g., Work information) *being viewable to the potential contact* (second user) *in a case that the first permission* (selected data settings) *setting being the first value* (yes value). EX1004, 8:37-40; §§VI(B)(8)-(9) (limitations 10g-10h). EX1002, ¶85.

After the second user accepts the request, Robertson's server allows the second user to view the personal information of the first user in accordance with the permission setting set by the first user for the second user permission. EX1004, 8:37-40 ("If member B grants any permissions to member A, a listing in member B's Virtual Address Book will be created for member A, and the listing will contain whatever information member A has given permission for member B to

see"). As described above, *the permission setting* is defined as the set of permissions that the first user grants another user by selecting the options available in GUI 600. §VI(B)(8)(limitation 10g). The permission setting includes values that indicate whether the first user granted the second user permission to certain types of personal information, such as Work Information 600-10. §VI(B)(9) (limitation 10h). EX1002, ¶86.

13. [10l] [in response to receiving an acceptance of the communication…] setting the potential contact as a contact of the user.

Robertson discloses *in response to receiving an acceptance of the communication* (second user granting permission to first user)*…setting the potential contact* (second user) *as a contact of the user* (e.g., allowing first user to see second user's contact information in first user's address book). EX1004, 8:37-40, 8:46-50, 9:26-29. EX1002, ¶87.

Once second user accepts first user's request to establish a contact relationship by granting first user permissions to view their personal information and server 300 receives this acceptance (§VI(B)(11) (limitation 10j)), server 330 allows second user's personal information to appear in first user's virtual address book. EX1004, 8:37-40 ("If member B grants any permissions to member A, a listing in second user's Virtual Address Book will be created for member A, and the listing will contain whatever information member A has given permission for

member B to see"), 8:46-50 ("If member B grants Work Information 600-10 permission to member A, member B's work address and phone number…will appear in member A's Virtual Address Book"). The act of populating second user's permitted information in first user's Virtual Address Book makes second user a contact of first user because it allows first user to view second user's permitted information and the server updates first user when second user's permitted information changes. EX1004, 8:46-50 ("If member B grants Work Information 600-10 permission to member A, member B's work address and phone number…will appear in member A's Virtual Address Book and member A will be informed when member B changes the relevant information in his/her own listing"), 9:26-29 ("Each first user's personal address book contains information about each second user who has given the first user permission to view information in the second user's personal data record"). EX1002, ¶88.

C. Claim 11

Robertson discloses this claim. EX1002, ¶89.

1. [11pre] The system of claim 10, wherein identifying the potential contact comprises:

§VI(B) (claim 10). EX1002, ¶90.

2. [11a] receiving, from the potential contact, a first location; and

Robertson discloses *receiving, from the potential contact* (second user), *a first location* (city information). EX1004, 14:7-11 ("The Friends of Friends system allows a first member to search for the names of contacts of their contacts who live in the same city as the first member or are affiliated with a group with which the first member is also affiliated"), 18:8-36. EX1002, ¶91.

3. [11b] identifying the potential contact in a case that a second location of the user device matches the first location.

Robertson discloses *identifying the potential contact in a case that a second location* (city of the first user) *of the user device matches the first location* (city of the potential contact). EX1004, 14:7-11 ("The Friends of Friends system allows a first member to search for the names of contacts of their contacts who live in the same city as the first member or are affiliated with a group with which the first member is also affiliated"), 18:8-36. EX1002, ¶92.

D. Claim 12

Robertson discloses this claim. EX1002, ¶93.

1. [12pre] The system of claim 11,

§VI(C) (claim 11). EX1002, ¶94.

2. [12a] wherein the first location is an address, and

Robertson discloses that its relational database 340 includes various tables of information with various fields. EX1004, 4:28-31 ("FIG. 6 outlines the data structure of the relational database 340 in the preferred embodiment, in which seven tables 350 are employed to enable most of the functionality of the system"). One example table includes an address table 480 (green), which includes the address information of a user:

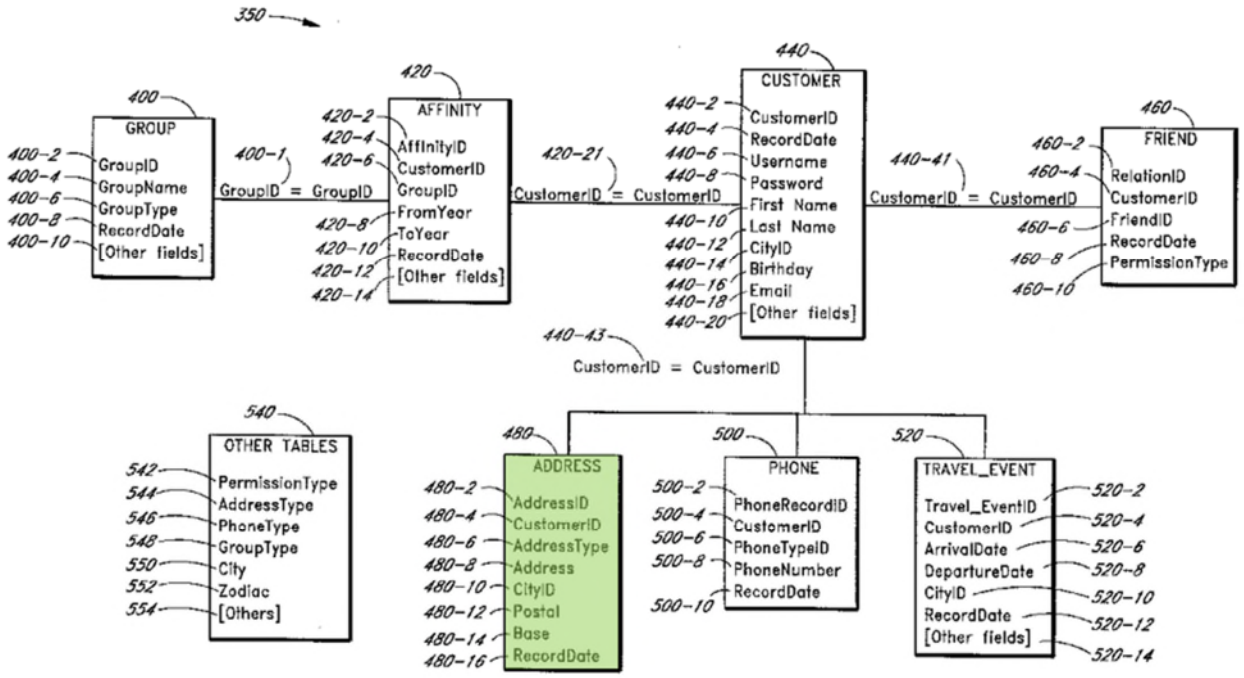


FIG. 6

EX1004, FIG. 6 (table 480). Accordingly, Robertson discloses receiving an address of the second user since Robertson stores each user's address in relational database 340. EX1002, ¶¶95-96.

3. [12b] wherein the second location is a geolocation that is proximate the first location.

Robertson discloses identifying the potential contact based on their city information. §VI(C)(3) (limitation 11b). Robertson also discloses that the city information can be converted to or associated with geolocation information:

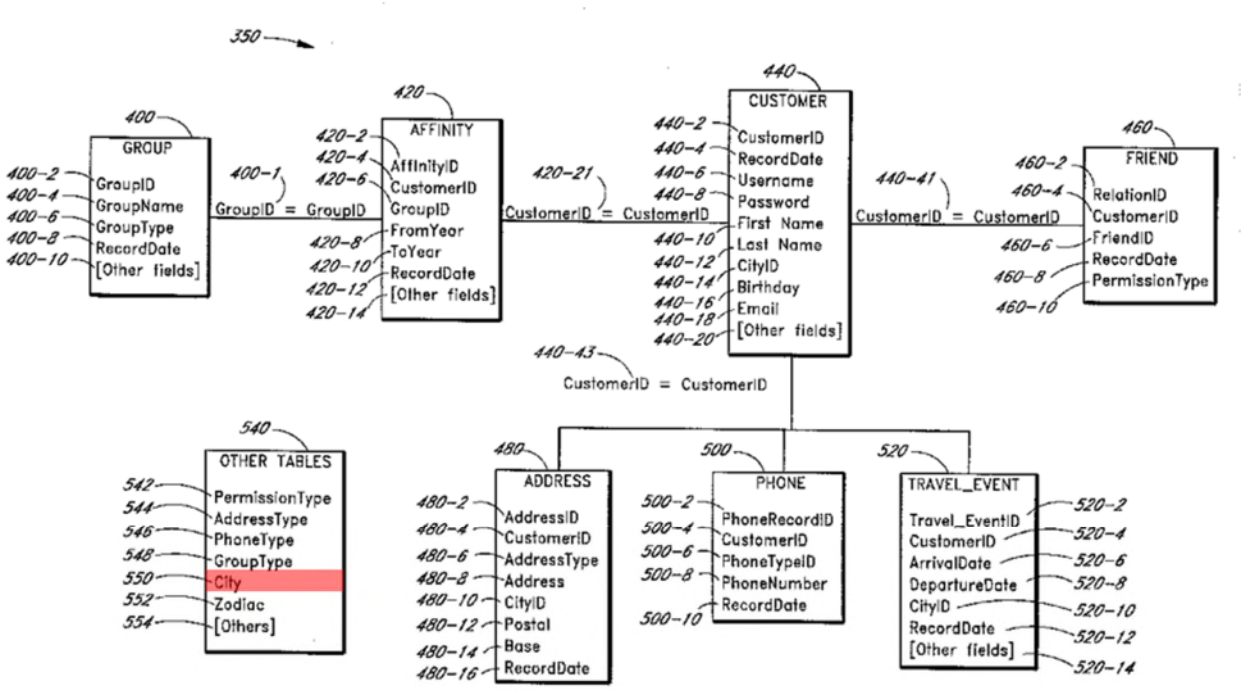


FIG. 6

EX1004, FIG. 6 (city table annotated red), 5:61-64 ("City Table 550 stores latitude and longitude information for two million cities to enable the system to notify users when their contacts travel within a defined geographical radius").

Accordingly, because Robertson discloses receiving address information from the second user (§VI(D)(2) (limitation 12a)) and using the city information of the first user and the second user in a Friends of Friend search, Robertson discloses that the city of the first user is proximate the address of the second user. EX1002, ¶¶97-98.

E. Claim 14

Robertson discloses this claim. EX1002, ¶99.

1. [14pre] The system of claim 10,

Robertson discloses this limitation. §VI(B) (claim 10). EX1002, ¶100.

2. [14a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:

Robertson discloses this limitation. §VI(B)(7) (limitation 10f). EX1002, ¶101.

3. [14b] receiving a first location that is associated with the request; and

Robertson discloses this limitation. EX1004, 14:7-11 (“Friends of Friends system allows a first member to search for the names of contacts of their contacts who live in the same city as the first member”), 18:8-36. EX1002, ¶102.

4. [14c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:

Robertson discloses this limitation. §VI(B)(10) (limitation 10i). EX1002, ¶103.

5. [14d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.

Robertson discloses this limitation. §VI(C)(3) (limitation 11b). EX1002, ¶104.

VII. GROUND 2: CLAIMS 1, 3-4, 6-12, 14-15 ARE OBVIOUS OVER AHUJA

A. Ahuja

U.S. 2010/0280904 ("Ahuja") was filed 4/30/2010 and published 11/4/2010. EX1005, cover page. Ahuja is prior art under at least 35 U.S.C. §§102(a)(1)-(2) (AIA). EX1002, ¶105.

Ahuja is generally directed to a computer system for "proximity based social marketing" which can search a selected proximity range and broadcast messages to a specific category of users utilizing short-range or long-range wireless communication technologies. EX1005, Abstract. Ahuja's system allows users to create, modify, and set permissions for user profiles. EX1005, ¶43, ¶¶73-79. The system includes a public, business, private social, and custom profile, which allows the user to choose what data fields are included. EX1005, ¶¶75-79. The user can set any of their profiles to Active, which is the default profile to display to users in the vicinity. EX1005, ¶78. For every profile, the user can define which data fields are private, and which are public; public data fields are displayed to users in the

vicinity, and private data fields are only displayed after the user has accepted a friend request and established communication with the other user. EX1005, ¶79. Ahuja discloses that its operations can be performed by in two separate computing environments, namely, a peer-to-peer computing environment and a traditional server-client computing environment depending on the type of communication technology used. EX1005, ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"). EX1002, ¶106.

Ahuja is analogous art to the '573 patent and was not considered during prosecution of the '573 patent. EX1002, ¶¶107-108.

B. Claim 10

Ahuja discloses this claim. EX1002, ¶109.

1. [10pre] A system for data sharing between devices in a network, comprising:

Ahuja discloses *a system* (collectively, X-path server 524, mobile devices 500, 503, 509) *for data sharing between devices* (mobile devices 500, 503, 509) *in a network* (short range/long range wireless communication network). EX1005, ¶2

("The present invention relates to a system or a wireless electronic handheld communication device equipped with various wireless communication technologies that include, Bluetooth, Wi-Fi, GPS, NFC, TransferJet, 3G, 4G, etc and more particularly is directed towards the device's social marketing, social networking, broadcasting, and receiving data capability"), ¶40 ("FIG. 1 displays a wireless communication system between a wireless handheld device, mobile phone handset 100, the mobile operator tower 109, Internet cloud 112 and a web server 115"), ¶44 ("FIG. 5 explains the working environment for the said system and illustrates various essential communication technologies to perform a range of functionalities in the system"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system"). EX1002, ¶110.

2. [10a] a processor; and

Ahuja discloses *a processor* (processor of X-path server). EX1005, FIG. 5 ("X-path server 524"). To the extent that Ahuja does not explicitly disclose that the X-path server includes a processor, a POSITA would have understood and found obvious that servers, such as Ahuja's X-path server, necessarily includes a processor. EX1002, ¶111.

3. [10b] a memory, the memory comprising computer executable instructions that, when executed by the processor, perform operations comprising:

Ahuja discloses *a memory* (memory of X-path server) *comprising computer executable instructions that, when executed by the processor, performs operations*. EX1005, FIG. 5 ("X-path server 524"), ¶40 ("server 115 may…execute specific functions on behalf of the handset"). To the extent that Ahuja does not explicitly disclose that the X-path server includes a memory with executable instructions, a POSITA would have understood and found obvious that servers, such as Ahuja's X-path server, necessarily includes a memory that has program instructions executed by its processor. EX1002, ¶112.

4. [10c] identifying, for a user associated with a user device, a potential contact,

Ahuja discloses *identifying, for a user* (first user) *associated with a user device* (mobile phone), *a potential contact* (second user). EX1005, ¶40, ¶45, ¶¶52-53, ¶63. EX1002, ¶113.

Ahuja's X-path server searches for other users in physical proximity to a first user. EX1005, ¶63 ("X-path server…searches for all matching users in the selected radius based on…the current location of the users based on GPS data"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in

parallel with the XPath server"). If requested, the X-path server can further filter the search based on a comparison of search criteria (e.g., keywords) in the first user's request to stored profiles of other users in physical proximity to the first user. EX1005, ¶63 ("X-Path server…performs the user filtering and searches for all matching users in the selected radius based on the profile information of all the users stored on the server and also based on the current location of the users based on GPS data"). Ahuja's X-path server then presents the matched users, which includes at least one second user, to the first user as potential contacts of the first user. EX1005, ¶40 ("server 115 may provide content that may be shown on display 103 [of handset 100]"), ¶52 ("FIG. 7 is the GUI representation of the various users found based on the scan performed by the user….As the user selects a particular user profile from the search results, the device enlarges it to a detailed profile (public) 800 and presents various communication options"), ¶53 ("FIG. 8 is the GUI representation of a detailed public profile 800" and includes "various options to communicate with the displayed profile user that include…IM's, emails,…send friend request, add contact"), ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send…a Friend Request to communicate with the displayed user" and "[i]f User 2 accepts the friend request, both users are added in each other's friend list"). EX1002, ¶114.

5. [10d] the user being associated with user data, and

Ahuja discloses *the user* (first user) *being associated with user data* (user profiles). Each of Ahuja's users are associated with various user profiles. EX1005, ¶73, ¶74 ("User Profiles are an integral operational part of the system"), ¶¶75-77 (describing the various types of user profiles, which include public profile, business profile, private social profile), ¶43 ("Setting 421 enables the user to configure various user profiles that include social, business, public, or private profiles"), ¶9 ("A copy of all users' profile and contact information is stored on the XPath web server"), FIG. 10. EX1002, ¶115.

6. [10e] the potential contact being associated with contact data;

Ahuja discloses *the potential contact* (second user) *being associated with contact data* (personal contact information). EX1005, ¶61 ("the device exchanges personal contact information, Home phone numbers, Cell phone numbers, Office Phone Numbers, Office address, Home address, and other personal information to be added to the address books"). EX1002, ¶116.

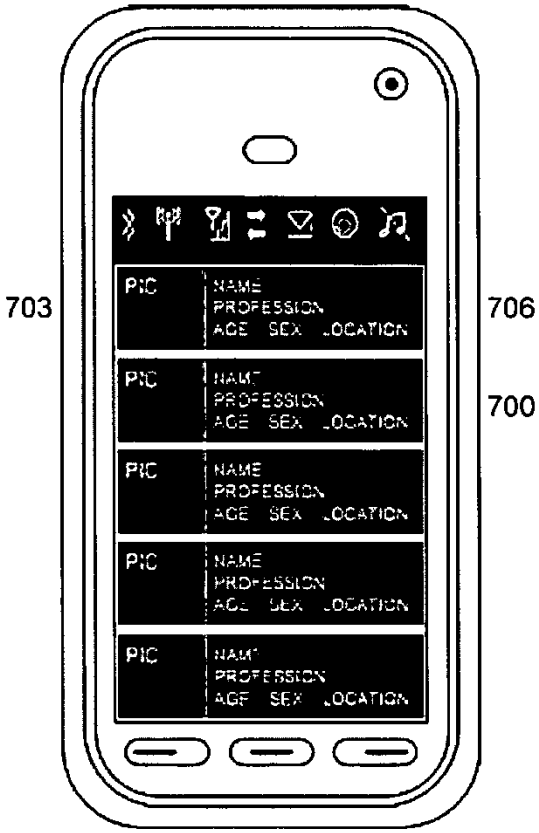
7. [10f] receiving, from the user device of the user, a request to become a contact with the potential contact;

Ahuja discloses *receiving, from the user device* (mobile phone) *of the user* (first user), *a request* (communication request) *for the user* (first user) *to become a*

contact with the potential contact (second user). EX1005, ¶40, ¶45, ¶¶47-48, ¶¶51-53, ¶60, FIG. 7. EX1002, ¶117.

After Ahuja's X-path server identifies other users in physical proximity to the first user (§VII(B)(4) (limitation 10c)), the X-path server provides the first user device with content in the form of a GUI (e.g., GUI 700) that includes the identified other users found in the scan so that the first user can add one or more of the other users as contacts:

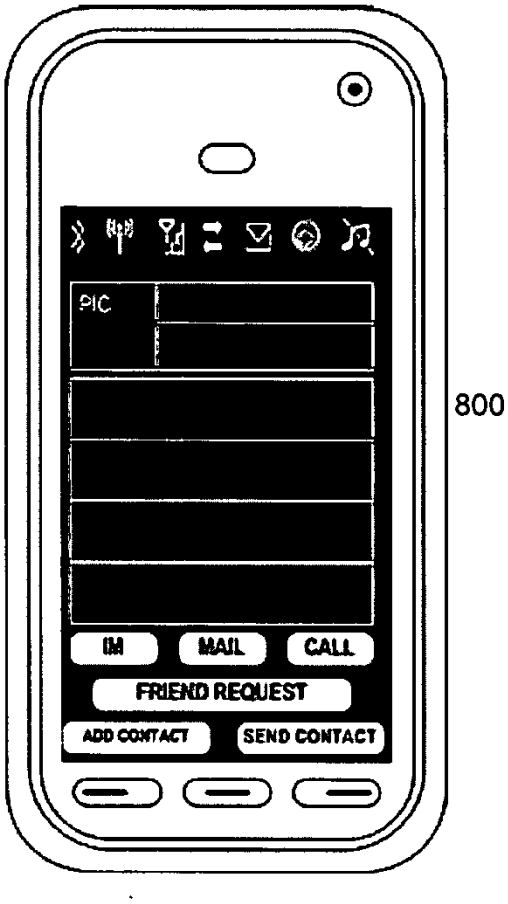
FIGURE-7



EX1005, FIG. 7, ¶¶47-48, ¶51, ¶40 ("server 115 may provide content that may be shown on display 103 [of handset 100]"), ¶52 ("FIG. 7 is the GUI representation of the various users found based on the scan performed by the user….As the user selects a particular user profile from the search results, the device enlarges it to a detailed profile (public) 800 and presents various communication options"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"). EX1002, ¶118.

Ahuja's X-path server receives "a communication request" from the first user, via a subsequent GUI (e.g., GUI 800) presented on the first user device, to communicate with one of the selected other users identified in the search results:

FIGURE-8



EX1005, FIG. 8, ¶40 ("server 115 may provide content that may be shown on display 103 [of handset 100]"), ¶45 ("Short and Long range wireless communication technologies…are used to…establish communication…between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"), ¶53 ("FIG. 8 is the GUI representation of a detailed public profile 800" and includes "various options to communicate with the displayed profile user that include…IM's, emails,…send

friend request, add contact"), ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send IM's and send a Friend Request to communicate with the displayed user"). A POSITA would have understood that the first user's selection of any of the communication options shown in GUI 800 would be sent to and received by X-path server 524 for the purpose of facilitating transfer of the communication request from the first user to the second user, such as when the first user and the second user are separated by a large radius. EX1002, ¶119.

8. [10g] the request comprising a first permission setting, and

Ahuja discloses *the request* (communication request) *comprises a first permission setting* (ability to view private data fields). EX1005, ¶43, ¶60, ¶79. EX1002, ¶120.

Ahuja's communication request can take multiple forms, including, but not limited to a friend request or an IM request. EX1005, ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send IM's and send a Friend Request to communicate with the displayed user"). Each of these communication requests includes a permission setting that dictates whether the recipient of the communication request can view the private data fields of the sending user. EX1005, ¶43 ("Profile Setting 421 enables the user to configure various user profiles that include social, business,

public, or private profiles"), ¶79 ("Every user can create their own profile from scratch by selecting or defining the profile data fields to be listed or displayed, within this profile each selected profile data field can be set to Public or Private. If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"). EX1002, ¶121.

9. [10h] the first permission setting being at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user;

Ahuja discloses *the first permission setting* (ability to view private data fields) *being at least a first value* (a first value indicating the ability to view private data fields) *indicating that a subset of user data* (private data fields) *of a permitting user* (first user) *to be shared with a permitted user* (second user). EX1005, ¶60, ¶79. EX1002, ¶122.

When the communication request is a friend request, the permission setting in the communication request is permissive in that the first user grants the second user the ability to view their private data fields. EX1005, ¶79 ("If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"), ¶60 ("If User 2 accepts the friend request, both

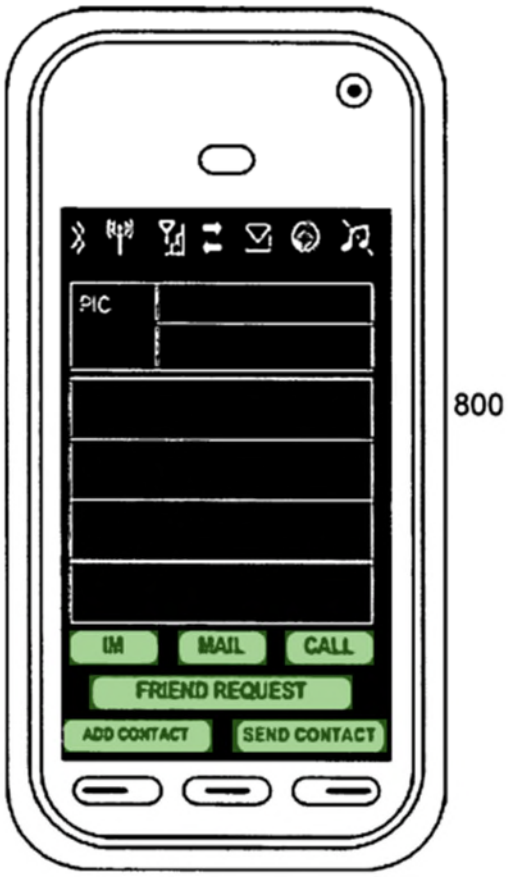
users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"). EX1002, ¶123.

10. [10i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and

Ahuja discloses *sending, based on the request* (communication request), *a communication* (friend request notification) *to the potential contact* (second user) *to initiate a data exchange* (exchange of information). EX1005, ¶45, ¶53, ¶60, FIG. 8. EX1002, ¶124.

When the X-path server locates the second user in the scan result (§VII(B)(4) (limitation 10c)), the first user is prompted, via a GUI delivered to their first user device (§VII(B)(7) (limitation 10f)), with options (green) "to send IM's and send a Friend Request to communicate with the displayed user:"

FIGURE-8



EX1005, FIG. 8 (illustrating communication request options), ¶53 ("FIG. 8 is the GUI representation of a detailed public profile 800" and includes "various options to communicate with the displayed profile user that include…IM's, emails,…send friend request, add contact"), ¶60. When the user selects "friend request," the X-path server sends a friend request notification to the second user. EX1005, ¶60 ("As the user 1 sends a friend request to User 2, the device alerts user 2 in form of a ringer or a vibration and displays a pending friend request notification on the screen"), ¶45 ("Short and Long range wireless communication technologies, or any

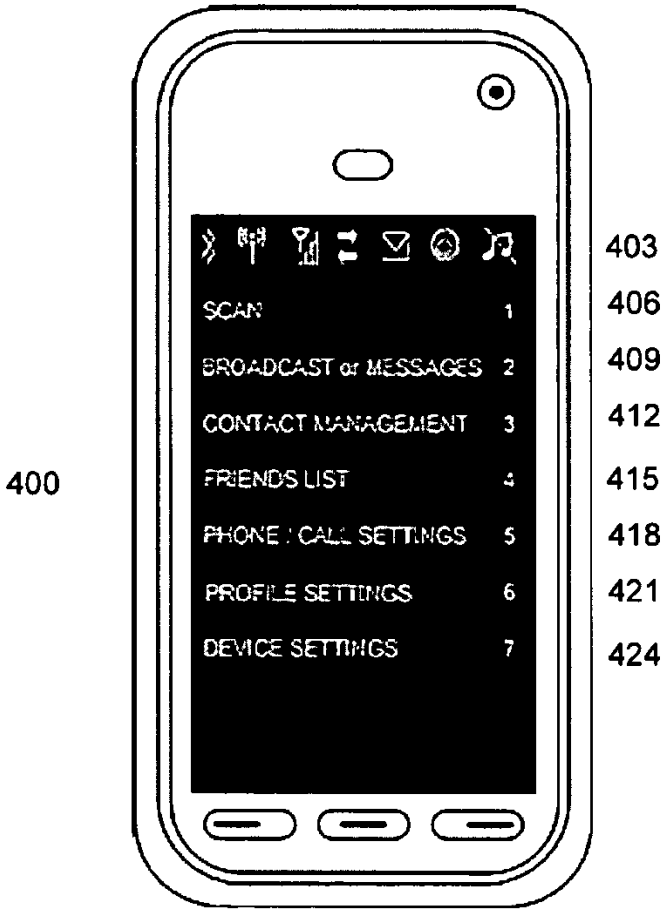
other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"). The friend request notification is a communication to initiate an exchange of information between the two users because acceptance of the friend request allows for the users' private data fields to be exchanged. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"). EX1002, ¶125.

11. [10j] in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact,

Ahuja discloses *in response to receiving, from the potential contact* (second user)*, an acceptance of the communication* (acceptance of the friend request notification)*: setting the user* (first user) *as a contact* (friend) *of the potential contact* (second user). EX1005, ¶40, ¶43, ¶45, ¶¶60-61, ¶121, FIG. 4. EX1002, ¶126.

Ahuja discloses that the X-Path server manages the user's friendship notification via GUI 400:

FIGURE-4



EX1005, FIG. 4, ¶40 ("server 115 may provide content that may be shown on display 103 [of handset 100]"), ¶43 ("FIG. 4 represents an illustration for the Graphical User Interface (GUI) of the device 100" which includes "Friends List 415 [that] enables the user to…send and accept friend requests…and synchronize the friends list on the device with the friends list on networking sites"). Once the second user accepts the friend request notification, X-path server adds the first user

as a friend of the second user. EX1005, ¶45 ("X-Path server and various social networking websites make use of the Internet cloud to communicate with various client devices for exchanging, updating, syncing, and displaying profile information"), ¶121 ("target user X-path server information…is synced to the user's social networking websites"). EX1002, ¶127.

Additionally, once two users are added as friends, the users are able to add each other as contacts via the X-path server. EX1005, ¶60 ("both users are added in each other's friend's list" and "can exchange their respective public or private…data fields"), ¶61 ("Add to contacts: This device enables this feature between the two users already added as friends"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"). Accordingly, Ahuja separately discloses this limitation through the "add to contacts" request. EX1002, ¶128.

12. [10k] the subset of the user data being viewable to the potential contact in a case that the first permission setting being the first value; and

Ahuja discloses *the subset of the user data* (private data fields) *being viewable to the potential contact* (second user) *in a case that the first permission*

setting (ability to view private data fields) *being the first value* (e.g., 0 - indicating the ability to view private data fields). EX1005, ¶¶60-61, ¶79. EX1002, ¶129.

When the communication request is a friend request, the permission setting in the friend request is a first value, *i.e.*, a value that indicates the first user's private data fields are to be displayed to the second user. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"), ¶79 ("If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"). When the communication request is an add to contact request, the permission setting is also set to the first value because the users are friends. EX1005, ¶61 ("Add to contacts: This device enables this feature between the two users already added as friends"). EX1002, ¶130.

13. [10l] [in response to receiving an acceptance of the communication…] setting the potential contact as a contact of the user.

Ahuja discloses [*in response to receiving, from the potential contact* (second user)*, an acceptance of the communication* (acceptance of the friend request notification)…] *setting the potential contact* (second user) *as a contact of the user* (first user). EX1005, ¶60, ¶45. EX1002, ¶131.

The X-path server sets the second user as a contact of the first user when the second user accepts the friend request. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"), ¶45. EX1002, ¶132.

C. Claim 11

Ahuja discloses this claim. EX1002, ¶133.

1. [11pre] The system of claim 10, wherein identifying the potential contact comprises:

Ahuja discloses this limitation. §VII(B) (claim 10). EX1002, ¶134.

2. [11a] receiving, from the potential contact, a first location; and

Ahuja discloses *receiving, from the potential contact* (second user), *a first location* (first location). The X-path server receives users current location data and stores that data in a real-time database, thereby building a list of historical locations each user has visited. EX1005, ¶100 ("x-path server actively maintains a real-time database of all the users, their current location and their historical locations (places they have visited in the past"), ¶102 ("the device's inbuilt GPS system tags the users current location, stores its details including date and time stamp and uploads it to the X-path server 2605"). Accordingly, Ahuja's X-path server receives a first location from at least the potential contact. EX1002, ¶135.

When the first user initiates a scan for other users, the user can define search criteria that includes a "current location" or "historical location." EX1005, ¶84 ("the device enables the user to perform the pro-active user search by specifying a distinct search criterion" which can include "keywords that include…current location"). Depending on the search radius, the search criterion can be sent to the X-path server for execution. EX1005, ¶50 ("Depending on the search radius, the device automatically selects the appropriate wireless communication technology; scans the available users in the defined geographical location and displays search results 502"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience in parallel with the XPath server and then establish communication between devices (peer-to-peer) or between the devices and the system (Database server, XPath Server 524, Social Networking site server 527) spread over in small or large radius"), ¶102, ¶63. EX1002, ¶136.

3. [11b] identifying the potential contact in a case that a second location of the user device matches the first location.

Ahuja discloses *identifying the potential contact* (second user) *in a case that a second location* (second location) *of the user device* (mobile device of the first user) *matches the first location* (first location). When the first user in Ahuja initiates a scan for other users, the user can define search criteria that includes a

"current location" or "historical location." EX1005, ¶¶84-86 ("the device enables the user to perform the pro-active user search by specifying a distinct search criterion" which can include "keywords that include…current location"). The X-path server uses the search criteria to identify user matches in the search radius defined by the first user. EX1005, ¶63 ("X-Path server…performs the user filtering and searches for all matching users in the selected radius based on the profile information of all the users stored on the server and also based on the current location of the users based on GPS data"). Accordingly, Ahuja discloses that the X-path server identifies the second user because the second user's current location or historical location matches the current location or the historical defined by the first user in their search criterion, and is within the predefined search radius. EX1005, ¶63, ¶84-88, ¶102 ("The device's inbuilt GPS system tags the users current location, stores its details including date and time stamp and uploads it to the X-path server"), FIG. 14. EX1002, ¶137.

D. Claim 12

Ahuja discloses this claim. EX1002, ¶138.

1. [12pre] The system of claim 11,

§VII(C) (claim 11). EX1002, ¶139.

2. [12a] wherein the first location is an address, and

Ahuja discloses *wherein the first location is an address* (GPS coordinates). Specifically, Ahuja utilizes GPS data to determine second users located within the predefined search radius. EX1005, ¶47 ("the device utilizes…GPS…to first locate and then communicate with other devices 500, 503, or 512 in close physical proximity of the user"). A POSITA would have understood and found obvious that the X-path server using GPS would utilize the locational coordinates of the second user (i.e., GPS data of the second user) in order to identify whether the second user is in close physical proximity to the user. A POSITA would have further understood and found obvious that GPS coordinates of a second user (e.g., the second user's latitude and longitude coordinates) constitutes an address of the second user. *See, e.g.,* EX1005, ¶63 (discussing targeting users at a particular address, i.e., location), Moreover, as discussed in limitation 11a, the first user can also set a search criterion based on a current location or a historical location of potential contact. §VII(C)(2) (limitation 11a); EX1005, ¶63. A POSITA would have understood and found obvious that an address is an example of a current location or a historical location. EX1005, ¶121 ("wherein said criteria is based on geo-tagging information, historical or current locations visited by target users"). EX1002, ¶140.

3. [12b] wherein the second location is a geolocation that is proximate the first location.

Ahuja disclose *wherein the second location is a geolocation* (GPS data of the first user) *that is proximate the first location* (GPS data of the second user). EX1005, ¶47 ("the device utilizes…GPS…to first locate and then communicate with other devices 500, 503, or 512 in close physical proximity of the user"). A POSITA would have understood that GPS data is a type of geolocation data. A POSITA would have further understood and found obvious that the X-path server identifies the current location of the first user in order to define the search radius for identifying second users proximate the first user. EX1002, ¶141.

E. Claim 14

Ahuja discloses this claim. EX1002, ¶142.

1. [14pre] The system of claim 10,

Ahuja discloses this limitation. §VII(B) (claim 10). EX1002, ¶143.

2. [14a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:

Ahuja discloses this limitation. §VII(B)(7) (limitation 10f). EX1002, ¶144.

3. [14b] receiving a first location that is associated with the request; and

Ahuja's X-path server scans for potential users that are within a radial distance from the first user. §VII(B)(2) (limitation 10c). In order to identify

potential users that are within a radial distance from the first user, a POSITA would have understood and found obvious that the X-path server first identifies the location of the first user and defines the search area based on a radial distance from the first user's location. EX1005, ¶63 ("X-Path server… searches for all matching users in the selected radius…based on the current location of the users based on GPS data"), ¶47 ("the device utilizes Bluetooth, WiFi, GPS, RF, Infrared and or any other satellite positioning service tool, with or without assistance from the X-Path server to…located…other devices 500, 503, or 512 in close physical proximity of the user"), ¶48 ("the device…with or without assistance from the X-Path server to first locate and then communicate with users in this proximity range"), ¶51 ("X-path device 600 scans the defined radius and searches for the presence of a user in proximity 606…and presents them with various options to communicate or ignore the found user"). EX1002, ¶¶145-146.

Separately, Ahuja discloses that when the first user initiates a scan for other users, the user can define search criteria that includes a "current location" or "historical location." EX1005, ¶¶84-86 ("the device enables the user to perform the pro-active user search by specifying a distinct search criterion" which can include "keywords that include…current location"), ¶63. The current location or the historical location specified as a search criterion also constitutes *a first location that is associated with the request*. EX1002, ¶147.

4. [14c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:

Ahuja discloses this limitation. §VII(B)(10) (limitation 10i). EX1002, ¶148.

5. [14d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.

Ahuja discloses this limitation, specifically, since Ahuja's potential contacts are identified based on their locational information, the communication to the potential contact is conditioned on their location matching the location of the first user (i.e., being with the predefined radial location). §VII(B)(4) (limitation 10c). EX1002, ¶149.

Separately, Ahuja discloses that the X-path server receives users' current location data and stores that data in a real-time database, thereby building a list of historical locations each user has visited. EX1005, ¶100 ("x-path server actively maintains a real-time database of all the users, their current location and their historical locations (places they have visited in the past"), ¶102 ("the device's inbuilt GPS system tags the users current location, stores its details including date and time stamp and uploads it to the X-path server 2605"), ¶63. Accordingly, in those embodiments in which the first user specifies a search criterion based on a current location or historical location, Ahuja's communications to those potential

users is conditioned on the second user's current or historical location (*second location*) matching the current or historical location specified in the search criterion (*first location*), ¶63, ¶121. EX1002, ¶150.

F. Claim 15 - The system of claim 14, wherein the first location being a first geolocation of the user device.

Ahuja discloses this limitation. §VII(E) (claim 14); §VII(D)(3) (limitation 12b). EX1002, ¶¶151-153.

G. Claim 1

Ahuja discloses this claim. EX1002, ¶154.

1. [1pre] A method for data sharing between devices in a network, the method comprising:

Ahuja discloses *a method for data sharing between devices in a network.* EX1005, ¶4 ("It is an object of the present invention to provide a…method…that uses various inbuilt short-range or long-range wireless communication technologies to scan and search for users"), ¶45, ¶5; §VII(B)(1) (limitation 10pre). EX1002, ¶155.

2. [1a] identifying, for a user associated with a user device, a potential contact,

Ahuja discloses this limitation. §VII(B)(4) (limitation 10c). EX1002, ¶156.

3. [1b] the user being associated with user data, and

Ahuja discloses this limitation. §VII(B)(5) (limitation 10d). EX1002, ¶157.

4. [1c] the potential contact being associated with contact data;

Ahuja discloses this limitation. §VII(B)(6) (limitation 10e). EX1002, ¶158.

5. [1d] receiving, from the user device of the user, a request for the user to become a contact with the potential contact,

Ahuja discloses this limitation. §VII(B)(7) (limitation 10f). EX1002, ¶159.

6. [1e] the request comprises a first permission setting,

Ahuja discloses this limitation. §VII(B)(8) (limitation 10g). EX1002, ¶160.

7. [1f] the first permission setting being at least a first value or a second value,

Ahuja discloses *the first permission setting* (ability to view private data fields) *being at least a first value* (a first value indicating the ability to view private data fields) *or a second value* (a second value indicating the ability to only view public data fields). EX1005, ¶55, ¶60, ¶62, ¶79, EX1002, ¶161.

When the communication request indicates a friend request, the permission setting in the communication request is permissive in that the first user grants the second user the ability to view their private data fields. EX1005, ¶79 ("If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"), ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can

exchange their respective public or private or an active profile data fields"). EX1002, ¶162.

Ahuja's first and second value are based on whether the user is a friend with another user. EX1005, ¶62 ("In case, two users are strangers or not added as friends, the device restricts the exchange of contact information of other contacts and friends listed in the profile. In case, two users are accepted as friends by each other, the device enables exchange of contact information, address book entries, business card, or any data between the two users"). When the communication request indicates an IM request, the permission setting in the communication request is restrictive in that the first user does not grant the second user the ability to view their private data fields because the first user and the second user are not friends. EX1005, ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send IM's and send a Friend Request to communicate with the displayed user"), ¶55 ("When in close proximity and a direct communication link either via WiFi, Bluetooth or similar technology can be established then IM's can be sent direct without the use of a carrier network 512"), ¶62. EX1002, ¶163.

8. [1g] the first value indicates that a subset of user data of a permitting user is to be shared with a permitted user, and

Ahuja discloses *the first value* (e.g., 0 - indicating the ability to view private data fields) *indicates that a subset of user data* (private data fields) *of a permitting user* (first user) *is to be shared with a permitted user* (second user). EX1005, ¶60, ¶79. EX1002, ¶164.

As stated above, when the second user receives a communication request from the first user that is a "friend request," the permission setting in the communication request is set to a value that indicates the ability of the second user to view the private data fields of the first user. EX1005, ¶79 ("If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"), ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"). EX1002, ¶165.

9. [1h] the second value indicates that only chats are allowed from the permitted user to the permitting user;

Ahuja discloses *the second value* (e.g., 1 - indicating the ability to view private data fields) *indicates that only chats* (IMs) *are allowed from the permitted user* (first user) *to the permitting user* (second user). EX1005, ¶55, ¶60. EX1002, ¶166.

As stated above, when the second user receives a communication request from the first user that is an IM, the permission setting in the communication request is set to a value that indicates the inability or restriction of the second user to view the private data fields of the first user. §§VII(G)(5)-(8) (limitations 1d-1g); EX1005, ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send IM's and send a Friend Request to communicate with the displayed user"), ¶55 ("When in close proximity and a direct communication link either via WiFi, Bluetooth or similar technology can be established then IM's can be sent direct without the use of a carrier network 512"). EX1002, ¶167.

10. [1i] sending, based on the request, a communication to the potential contact to initiate a data exchange; and

Ahuja discloses this limitation. §VII(B)(10) (limitation 10i). EX1002, ¶168.

11. [1j] in response to receiving, from the potential contact, an acceptance of the communication: setting the user as a contact of the potential contact,

Ahuja discloses this limitation. §VII(B)(11) (limitation 10j). EX1002, ¶169.

12. [1k] the subset of the user data being viewable to the potential contact in a case that the first permission setting is the first value but is not the second value,

Ahuja discloses *the subset of the user data* (private data fields) *being viewable to the potential contact* (second user) *in a case that the first permission setting* (ability to view private data fields) *is the first value* (e.g., 0 - indicating the

ability to view private data fields) *but is not the second value* (e.g., 1 - indicating the inability to view private data fields). EX1005, ¶60, ¶79. EX1002, ¶170.

When the request indicates a friend request, the permission setting in the friend request is a first value, i.e., a value that indicates the first user's private data fields are displayed to the second user. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"), ¶79 ("If set to active, only the Public data fields are displayed to other users and only after the user has accepted the friend request and established communication with the other user is the private data fields displayed"). If, on the other hand, the request indicates an IM, the permission setting in the communication request is a second value, i.e., a value that indicates the first user's private data fields are not displayed to the second user – only the public data fields. EX1005, ¶79. EX1002, ¶171.

13. [1l] the potential contact being able to start a chat with the user in a case that the first permission setting is the second value or the first value

Ahuja discloses *the potential contact* (second user) *being able to start a chat* (IM) *with the user* (first user) *in a case that the first permission setting* (ability to view private data fields) *is the second value* (e.g., 0 - indicating the ability to view

private data fields) *or the first value* (e.g., 1 - indicating the ability to view private data fields). EX1005, ¶54. EX1002, ¶172.

The second user is able to send IMs with the first user regardless of whether the permission setting is the first value or the second value because Ahuja's system does not place restrictions on whether users can IM other users. EX1005, ¶54. EX1002, ¶173.

14. [1m] [in response to receiving, from the potential contact, an acceptance of the communication…] setting the potential contact as a contact of the user.

Ahuja discloses this limitation. §VII(B)(13) (limitation 10l). EX1002, ¶174.

H. Claim 3

Ahuja discloses this claim. EX1002, ¶175.

1. [3pre] The method of claim 1, wherein identifying the potential contact comprises:

See §VII(G) (claim 1). EX1002, ¶176.

2. [3a] receiving, from the potential contact, a first location; and

Ahuja discloses this limitation. §VII(C)(2) (limitation 11a). EX1002, ¶177.

3. [3b] identifying the potential contact in a case that a second location of the user device matches the first location.

Ahuja discloses this limitation. §VII(C)(3) (limitation 11b). EX1002, ¶178.

I. Claim 4

Ahuja discloses this claim. EX1002, ¶179.

1. [4pre] The method of claim 3,

§VII(H) (claim 3). EX1002, ¶180.

2. [4a] wherein the first location is a first geolocation, and

Ahuja discloses *wherein the first location is a first geolocation.* Ahuja discloses that the X-path server uses GPS when scanning to identify potential contacts. EX1005, ¶47 ("the device utilizes Bluetooth, WiFi, GPS, RF, Infrared and or any other satellite positioning service tool, with or without assistance from the X-Path server to first locate and then communicate with other devices 500, 503, or 512 in close physical proximity of the user"), ¶49 ("the device permits every user to define their own scan radius (Within 20 meters to xxx miles)"), ¶63. A POSITA would have understood and found obvious that GPS technology is a form of geolocation information used to identify the location of the user as well as locations of potential contacts for the user. EX1002, ¶181.

3. [4b] wherein the second location is a second geolocation that is within a predefined distance of the first geolocation.

Ahuja discloses *wherein the second location* (location of the first user) *is a second geolocation* (geographic location of the first user) *that is within a predefined distance of the first geolocation* (geographic location of the second user). The X-Path server uses GPS to identify potential contacts within a predefined radius of the first user. EX1005, ¶47 ("the device utilizes Bluetooth, WiFi, GPS, RF, Infrared and or any other satellite positioning service tool, with or

without assistance from the X-Path server to first locate and then communicate with other devices 500, 503, or 512 in close physical proximity of the user"). A POSITA would have understood and found obvious that GPS technology is a form of geolocation information used to identify the locations of potential contacts for the first user. Accordingly, Ahuja discloses the geolocation of the second user is within a predefined distance (e.g., within the predefined search radius) of the geolocation of the first user. EX1002, ¶182.

J. Claim 6

Ahuja discloses this claim. EX1002, ¶183.

1. [6pre] The method of claim 1,

§VII(G) (claim 1). EX1002, ¶184.

2. [6a] wherein receiving, from the user device of the user, the request for the user to become a contact with the potential contact, comprises:

§VII(G)(5) (limitation 1d); §VII(E)(2) (limitation 14a). EX1002, ¶185.

3. [6b] receiving a first location that is associated with the request, and

Ahuja discloses this limitation. §VII(E)(3) (limitation 14b). EX1002, ¶186.

4. [6c] wherein sending, based on the request, the communication to the potential contact to initiate the data exchange comprises:

§VII(G)(10) (limitation 1i); §VII(E)(4) (limitation 14c). EX1002, ¶187.

5. [6d] subsequent to receiving the request from the user, sending the communication to the potential contact on a condition that the first location matching a second location associated with the potential contact.

Ahuja discloses this limitation. §VII(E)(5) (limitation 14d). EX1002, ¶188.

K. Claim 7 - The method of claim 6, wherein the first location being a first geolocation of the user device.

Ahuja discloses this claim. §VII(J) (claim 6), §VII(F) (claim 15). EX1002, ¶¶189-190.

L. Claim 8 – The method of claim 6, wherein the second location being a second geolocation of a device of the potential contact.

Ahuja discloses this claim. §VII(J) (claim 6), §VII(F) (claim 15), §VII(I) (claim 4). EX1002, ¶¶191-192.

M. Claim 9 - The method of claim 6, wherein the first location matching the second location comprises the first location being within a predefined distance of the second location.

Ahuja discloses this claim. §VII(J) (claim 6), §VII(F) (claim 15), §VII(I)(3) (limitation 4b). EX1002, ¶¶193-194.

VIII. GROUND 3: CLAIMS 10, 11, AND 14 ARE OBVIOUS OVER AHUJA[2]

[2] Corresponding claim language for Ground 3 can be found in Grounds 1-2, respectively, and in the table of claims.

In the co-pending litigation, PO appears to be reading claims 10, 11 and 14 to cover a peer-to-peer communication scheme. Although Petitioner disagrees with the viability of PO's position, to the extent PO makes a similar argument in this proceeding, Petitioner presents the following peer-to-peer based ground, relying on Ahuja's peer-to-peer embodiments. EX1002, ¶195.

A. Ahuja

In addition to the overview of Ahuja discussed in Ground 2 (§VII(A)), Ahuja also discloses embodiments in which the mobile devices communicate in a peer-to-peer manner for purposes of identifying potential contacts. EX1005, ¶4 ("Based on the selected proximity radius, the device uses the appropriate short range (peer-to-peer)…communication technologies…to first perform the search and then interact with the users either directly"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience"). Ahuja discloses embodiments in which the mobile devices send communication requests in a peer-to-peer manner. EX1005, ¶60 ("As the user 1 sends a friend request to User 2, the device alerts user 2 in form of a ringer or a vibration and displays a pending friend request notification on the screen"), ¶¶54-55 ("Instant Messaging (IM)…Users in Close Proximity: When in close proximity and a direct communication link either via WiFi, Bluetooth or similar technology can be established then IM's can be sent

direct without the use of a carrier network 512”). Ahuja discloses embodiments in which the mobile devices exchange data in a peer-to-peer manner. EX1005, ¶62 (“The device could use various near field technologies such as NFC, and others, which enable data exchange by mere getting two devices in contact with each other for this purpose”). EX1002, ¶196.

Accordingly, while Ahuja discloses that the X-path server can perform these operations, Ahuja separately discloses that the operations can be performed by any of the mobile devices. EX1005, ¶121 (“A computer implemented method wherein first user and target user communication is carried over either a wireless cellular network or routed directly between the first user's device and the target user's device without the use of an external network”). In those embodiments in which the communication is long range communication, the devices utilize the X-path server to facilitate identifying potential contacts, sending communication requests, and exchanging data. §VII (Ground 2). EX1005, ¶47 (“the device utilizes Bluetooth, WiFi, GPS, RF, Infrared and or any other satellite positioning service tool, ***with or without*** assistance from the X-Path server to first locate and then communicate with other devices”), ¶56 (“When two or more users are separated by a greater physical distance, then IM's can be exchanged using a carrier network via the X-path server 524 between users”), ¶109 (“Receiving from the first user at the X-path server ***or*** user's wireless device the user profile”), ¶110 (“Creating at least

one broadcast message at the X-path server, user's wireless device, computer ***or*** web portal"). EX1002, ¶197.

Although Ground 3 corresponding to Ahuja's peer-to-peer embodiments relies on similar portions of Ahuja that Petitioner relies upon for Ground 2 corresponding to the X-path server embodiments, Ahuja makes clear that functionality related to the peer-to-peer embodiments are substantially similar, if not the same, as the X-path server embodiments. To the extent that there are portions of Ahuja that do not clearly demonstrate this similarity, a POSITA would have understood and found obvious that techniques described in conjunction with the X-path server embodiments are applicable to techniques described in conjunction with the peer-to-peer embodiments. EX1002, ¶198.

B. Claim 10

Ahuja discloses this claim. EX1002, ¶199.

1. [10pre]

Ahuja discloses *a system* (mobile devices 500, 503, 509) *for data sharing between devices* (mobile devices 500, 503, 509) *in a network* (short range/long range wireless communication network). EX1005, ¶2 ("The present invention relates to…a wireless electronic handheld communication device equipped with various wireless communication technologies that include, Bluetooth, Wi-Fi, GPS, NFC, TransferJet, 3G, 4G, etc and more particularly is directed towards the

device's social marketing, social networking, broadcasting, and receiving data capability"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience…and then establish communication between devices (peer-to-peer)"). EX1002, ¶200.

2. [10a]

Ahuja discloses *a processor* (digital signal processor of first user device, digital signal processor of the second user device). EX1005, FIG. 1 (handset 101), FIG. 2 ("DSP 200"), ¶41 ("FIG. 2 displays the internal hardware communication system for the handset 100. The digital signal processor (DSP) 200 of the handset 100 acts as central processing unit that controls its various components"). EX1002, ¶201.

3. [10b]

Ahuja discloses *a memory* (memory 204 of first user device, memory 204 of second user device) *comprising computer executable instructions that, when executed by the processor, performs operations*. EX1005, FIG. 1 (handset 101), FIG. 2 ("DSP 200"), ¶41 ("digital signal processor (DSP) 200 of the handset 100 acts as central processing unit that controls its various components in accordance with embedded software or firmware stored in the memory 203"). EX1002, ¶202.

4. [10c]

Ahuja discloses *identifying, for a user* (first user) *associated with a user device* (first user device), *a potential contact* (second user). EX1005, ¶47, ¶50, ¶¶52-53, ¶60. EX1002, ¶203.

Ahuja's first user device scans for other users in physical proximity to a first user. EX1005, ¶47 ("the device utilizes Bluetooth, WiFi, GPS, RF, Infrared and or any other satellite positioning service tool…to…locate…other devices 500, 503, or 512 in close physical proximity of the user"), ¶50 ("Depending on the search radius, the device automatically selects the appropriate wireless communication technology; scans the available users in the defined geographical location and displays search results 5021"). Ahuja's first user device then presents the identified user (i.e., second user) to the first user as a potential contact of the first user. EX1005, ¶52 ("FIG. 7 is the GUI representation of the various users found based on the scan performed by the user….As the user selects a particular user profile from the search results, the device enlarges it to a detailed profile (public) 800 and presents various communication options"), ¶53 ("FIG. 8 is the GUI representation of a detailed public profile 800" and includes "various options to communicate with the displayed profile user that include…IM's, emails,…send friend request, add contact"), ¶60 ("As a user locates another active user in the scan result, the device presents the user with a public profile and limited options to send…a Friend

Request to communicate with the displayed user" and "[i]f User 2 accepts the friend request, both users are added in each other's friend list"). EX1002, ¶204.

5. [10d]

Ahuja still discloses this limitation under its peer-to-peer embodiments as the user being associated with user data is the same in both the X-path server-based approach and the peer-to-peer approach. §VII(B)(5) (limitation 10d). EX1002, ¶205.

6. [10e]

Ahuja still discloses this limitation under its peer-to-peer embodiments as the potential contact being associated with contact data is the same in both the X-path server-based approach and the peer-to-peer approach. §VII(B)(6) (limitation 10e). EX1002, ¶206.

7. [10f]

Ahuja discloses *receiving, from the user device* (first user device) *of the user* (first user), *a request* (communication request) *for the user* (first user) *to become a contact with the potential contact* (second user). EX1005, ¶¶47-48, ¶50, ¶¶60-61, ¶93. EX1002, ¶207.

Ahuja's potential user (i.e., the second user) receives from the first user device a request for the first user to become a contact with the second user in the form of a communication request. EX1005, ¶47 ("the device utilizes Bluetooth,

WiFi, GPS, RF, Infrared and or any other satellite positioning service tool, with or without assistance from the X-Path server to…locate…other devices 500, 503, or 512 in close physical proximity of the user"), ¶48 ("the device…with or without assistance from the X-Path server to first locate and then communicate with users in this proximity range"), ¶50 ("Depending on the search radius, the device automatically selects the appropriate wireless communication technology; scans the available users in the defined geographical location and displays search results 5021"), ¶60 ("As the user 1 sends a friend request to User 2, the device alerts user 2 in form of a ringer or a vibration and displays a pending friend request notification on the screen" and "[i]f User 2 accepts the friend request, both users are added in each other's friend list" and "[t]he two users can exchange their respective public or private or an active profile data field"), ¶61 ("As User 1 sends an Add to Contact request to User 2, the device notifies user 2 in the way of a ring or vibrating alert" and "[o]nce User 2 accepts the Add to Contact request, the device exchanges…personal information to be added to the address books"), ¶93. EX1002, ¶208.

8. [10g]

Ahuja still discloses this limitation under its peer-to-peer embodiments as the first permission setting functionality is that same in both the X-path server-

based approach and the peer-to-peer approach. §VII(B)(8) (limitation 10g). EX1002, ¶209.

9. [10h]

Ahuja still discloses this limitation under its peer-to-peer embodiments as the first permission setting functionality is that same in both the X-path server-based approach and the peer-to-peer approach. §VII(B)(9) (limitation 10h). EX1002, ¶210.

10. [10i]

Ahuja discloses *sending, based on the request* (communication request), *a communication* (friend request notification) *to the potential contact* (second user) *to initiate a data exchange* (exchange of information). EX1005, ¶51, ¶60. EX1002, ¶211.

When the first user device locates the second user in the scan result, the user is prompted, via the user device, with options "to send IM's and send a Friend Request to communicate with the displayed user." EX1005, ¶60, ¶51 ("device 600 scans the defined radius and searches for the presence of a user in proximity 606" and "presents them with various options to communicate or ignore the found user"). When the first user selects "friend request," the first user device sends a friend request notification to the second user. EX1005, ¶60 ("As the user 1 sends a friend request to User 2, the device alerts user 2 in form of a ringer or a vibration

and displays a pending friend request notification on the screen"). The friend request notification is a communication to initiate an exchange of information between the two users because acceptance of the friend request allows for the users' private data fields to be exchanged. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"). EX1002, ¶212.

11. [10j]

Ahuja discloses *in response to receiving, from the potential contact* (second user)*, an acceptance of the communication* (acceptance of the "friend request" request notification)*: setting the user* (first user) *as a contact of the potential contact* (second user). EX1005, ¶97. EX1002, ¶213.

Ahuja discloses that once the second user accepts the first user's friend request, the first user device sets the first user as a friend of the second user. EX1005, ¶97 ("the user syncs the contacts and friends list with various social networking websites" which "helps the user to establish and maintain contact with other users he/she has met in the real world by adding them as 'friends' by sending them a friend request on the popular social networking websites via the emails addresses gathered from the user profile information"). EX1002, ¶214.

12. [10k]

Ahuja still discloses this limitation under its peer-to-peer embodiments as the same subset of data is viewable in both the X-path server-based approach and the peer-to-peer approach. §VII(B)(12) (limitation 10k). EX1002, ¶215.

13. [10l]

Once the second user accepts the first user's friend request, the first user device sets the second user as a contact of the first user by adding the second user to the friend list of the first user. EX1005, ¶60 ("If User 2 accepts the friend request, both users are added in each other's friend's list" and "[t]he two users can exchange their respective public or private or an active profile data fields"), ¶97 ("the user syncs the contacts and friends list with various social networking websites"). EX1002, ¶216.

C. Claim 11

Ahuja discloses this claim. EX1002, ¶217.

1. [11pre]

Ahuja discloses this limitation. §VIII(B) (claim 10). EX1002, ¶218.

2. [11a]

Ahuja discloses *receiving, from the potential contact* (second user), *a first location* (first location). When the first user in Ahuja initiates a scan for other users, the user can define search criteria that includes a "current location."

EX1005, ¶84 ("the device enables the user to perform the pro-active user search by specifying a distinct search criterion" which can include "keywords that include…current location"). Thus, when the first user device initiates a scan for other users based on a search criteria, the first user device would need to receive the current locations of each potential contact in the search radius. EX1005, ¶88 ("As a user that matches the specified criteria, the device alerts the user 1411 and displays public or private profile data of the search results in a graphical manner and also various communication options to initiate a conversation 1413"). Additionally, when the first user device initiates a scan for other users, the first user device receives location information from other users within the vicinity defined by the first user. EX1005, ¶50 ("Depending on the search radius, the device automatically selects the appropriate wireless communication technology; scans the available users in the defined geographical location and displays search results 502"), ¶45 ("Short and Long range wireless communication technologies, or any other communication network 512 are used to first search for the target audience…and then establish communication between devices (peer-to-peer)"). EX1002, ¶219.

3. [11b]

Ahuja discloses *identifying the potential contact* (second user) *in a case that a second location* (second location) *of the user device* (mobile device of the first

user) *matches the first location* (first location). As described above, the first user device scans a geographic location to identify other users in that area. §VIII(B)(4) (limitation 10c). During the scanning process, the first user sets a search criterion based on the current location of the potential contacts, which the device uses to identify or match potential contacts. EX1005, ¶¶84-86 ("the device enables the user to perform the pro-active user search by specifying a distinct search criterion" which can include "keywords that include…current location"), ¶88 ("As a user that matches the specified criteria, the device alerts the user 1411 and displays public or private profile data of the search results in a graphical manner and also various communication options to initiate a conversation 1413"). EX1002, ¶220.

Separately, during this scanning process, the first user sets a desired search radius on the first user device for identifying potential matches. EX1005, ¶49 ("device permits every user to define their own scan radius"). Accordingly, the first user device identifies the second user because the second user's location matches the first user's location, i.e., the second user has a first location that is within the defined radius of the first user's location. EX1005, ¶50, ¶45, ¶102. EX1002, ¶221.

D. Claim 14

Ahuja discloses this claim. EX1002, ¶222.

1. [14pre]

Ahuja discloses this limitation. §VIII(B) (claim 10). EX1002, ¶223.

2. [14a]

§VIII(B)(7) (limitation 10f). EX1002, ¶224.

3. [14b]

Ahuja discloses that its potential contacts can be selective about incoming friend requests by setting their own scan criteria to control the incoming requests by defining scan criteria. EX1005, ¶93 ("the device enables the user to be selective about any incoming friend requests from other users" and "enables every user to define incoming request scan criteria from the Scan Settings option"). One of the Scan Setting options includes "Geo-Tag" information. EX1005, ¶¶84-86 ("In the Scan Settings menu 1403, the user can select the proactive search option 1405 and mention the all or one of the following search criteria…[which includes] current location"). Accordingly, a POSITA would have understood and found obvious that because the receiving user can define settings for incoming friend requests, and those settings include the current location of the user sending the incoming friend request, when the second user receives a communication request from the first user that is a friend request, that request would need to include the first user's current location in order for this search field to be valid. The first user's location is a location associated with the request. EX1002, ¶225.

4. [14c]

Ahuja discloses this limitation. §VIII(B)(10) (limitation 10i). EX1002, ¶226.

5. [14d]

Ahuja discloses this limitation because the first user devices identifies potential contacts based on their locational information, and the communication sent from the first user device to the potential contact is conditioned on the second user's location matching the location of the first user (i.e., being with the predefined radial location). §VIII(B)(4) (limitation 10c). EX1002, ¶227.

IX. CONCLUSION

For the foregoing reasons, Petitioner requests *inter partes* review of claims 1, 3-4, 6-12, 14-15 of the '573 patent.

Dated: August 28, 2025

Respectfully Submitted,

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TABLE OF EXHIBITS FOR U.S. PATENT 11,025,573
PETITION FOR *INTER PARTES* REVIEW

Exhibit	Description
1001	U.S. Patent No. 11,025,573.
1002	Declaration of Dr. Thomas La Porta .
1003	Prosecution History of U.S. Patent No. 11,025,573.
1004	U.S. Patent No. 8,380,796 ("**Robertson**").
1005	U.S. Patent Pub. No. 2010/0280904 ("**Ahuja**").
1006	Patent Owner's Initial Infringement Contentions

CERTIFICATION UNDER 37 CFR § 42.24(d)

Under the provisions of 37 CFR §42.24(d), the undersigned hereby certifies that the word count for the foregoing Petition for *Inter Partes* Review totals 13,997 words, which is less than the 14,000 allowed under 37 CFR §42.24(a)(1)(i).

Dated: August 28, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) and 42.105 that on August 28, 2025, a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent No. 11,025,573 was served by emailing a copy of the same (by agreement) to the following attorneys for the Patent Owner:

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