UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

GINKO LLC,

Patent Owner.

Case IPR2025-01388

Patent 11,025,573

PATENT OWNER'S PRELIMINARY RESPONSE

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EXHIBIT LIST

Ex. No.	Brief Description
1001	U.S. 11,025,573
1002	Declaration of Thomas La Porta, Ph.D.
1004	U.S. 8,380,796 ("Robertson")
1005	U.S. 2010/0280904A1 ("Ahuja")

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.107(a) , Patent Owner Ginko, LLC ("Patent Owner") submits the following preliminary response to the Petition for *Inter Partes* Review of U.S. Patent No. 11,025,573 (IPR2025-01388, Paper 1, "Pet." or "Petition") filed by Apple Inc. ("Petitioner").

The Board should deny institution of the proposed grounds because Petitioner has failed to meet its burden of establishing a reasonable likelihood that any of the challenged claims of the '573 Patent are obvious in view of the prior art references. Petitioner's prior art references—Robertson and Ahuja—do not fully disclose or teach specific limitations in each challenged claim. Such deficiencies are detailed more fully in §VI of this preliminary response. The prior art references do not disclose specific limitations of independent claims 1 and 10, including at least that "the request compris[es] a first permission setting." The prior art references also do not disclose additional limitations set forth in the challenged dependent claims which depend on claims 1 and 10. Petitioner's arguments are inconsistent, conclusory, in some cases incomplete and unsupported, and they do not establish that the challenged claims are obvious in view of the prior art references.

Accordingly, the Board should deny institution of IPR2025-01388 because the Petitioner has not demonstrated a reasonable likelihood of prevailing on any challenged claim under any asserted ground.

II. BACKGROUND

A. Overview of the '573 Patent

The '573 Patent describes and claims methods and a system for data sharing, including receiving and sharing location and contact information.

The '573 Patent discloses a method of sharing location and contact information between user devices in a multi-step process involving (1) identifying a potential contact; (2) receiving, from a first user device, a request for the user to become a contact with the potential contact; (3) sending, based on that request, a communication to the potential contact to initiate a data exchange; and (4) setting the two users as contacts of each other (in response to receiving an acceptance of the communication of (3)). EX1001 at 17:1–30. In certain embodiments, identifying the potential contact makes use of matching the location data of the two user devices or having the user devices within a certain distance from one another. *Id.* at 17:36–67. In certain embodiments, the location may be based on geolocation. *Id.*

The '573 Patent further discloses a system for sharing data between devices in a network with the use of a processor and memory to (1) identify, for a user

device, a potential contact; (2) receive, from that user device, a request for the user to become a contact with the potential contact; (3) send, based on the request, a communication to the potential contact to initiate a data exchange; and (4) upon receiving an acceptance of the communication, setting the two users as contacts. *Id.* at 18:1–27. Certain embodiments involve the use of matching location data between the user device and potential contact to identify the potential contact. *Id.* at 18:28–32. Further embodiments include the use of an address as the first location of the potential contact and a geolocation as the second location of the user device. *Id.* at 18:33–36. Another embodiment includes a system that conditions the sending of the communication to a potential contact on whether the locations of the user device and potential contact match, with the first location possibly being a geolocation. *Id.* at 18:40–54.

The Challenged Claims include independent claims 1 and 10, as well as dependent claims 3, 4, 6, 7, 8, and 9 which depend on claim 1 and dependent claims 11, 12, 13, 14, and 15 which depend on claim 10:

Ground	Claims	Basis	Reference
1	10–14	§ 103	Robertson
2	1, 3–4, 6–12, 14–15	§ 103	Ahuja
3	10, 11, 14	§ 103	Ahuja

B. Level of Ordinary Skill in the Art

For the purposes of this preliminary response, Patent Owner does not dispute the level of skill of a person of ordinary skill in the art ("POSITA") identified in the Petition. This non-dispute is solely for the present stage of the proceedings and Patent Owner reserves the right to contest the level of skill of a POSITA in later stages of the proceedings, if necessary.

III. STATEMENT OF THE PRECISE RELIEF REQUESTED

Patent Owner requests that the Board deny institution of IPR2025-01388 with respect to all Challenged Claims and all asserted grounds. A full statement of the reasons for the relief requested is set forth in §VI of this response. Patent Owner reserves the right to develop additional arguments, present further evidence, or expand upon any ground should trial be instituted.

IV. PRIORITY DATE FOR THE '573 PATENT

The '573 Patent is a continuation-in-part of application No. 15/217,424, filed on Jul. 22, 2016, now Pat. No. 10,171,985. The parent application claims priority to provisional application No. 62/195,534, filed on Jul. 22, 2015, and provisional application No. 63/234,246, filed on Sep. 29, 2015. Each of the Challenged Claims is fully supported by the parent application. Thus, the priority date for the Challenged Claims of the '573 Patent is Jul. 22, 2015.

V. CLAIM CONSTRUCTION

The Challenged Claims are interpreted using the same claim construction standard that is used in civil action in federal court, including construing the claim in accordance with the ordinary and customary meaning of such claim, as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent. 37 C.F.R. § 42.100(b). Petitioner asserts that all claim terms should be given their plain and ordinary meaning to a POSITA at the time of the '573 Patent's invention. Pet. at 4. Patent Owner reserves the right to propose terms for construction as may become necessary in related litigation and does not waive any arguments pertaining to construction or claim scope by declining to raise them in this preliminary response.

VI. PETITIONER HAS NOT SHOWN A REASONABLE LIKELIHOOD THAT IT WOULD PREVAIL IN PROVING OBVIOUSNESS OF ANY CHALLENGED CLAIM.

A. Legal Standards Governing Institution and Obviousness

Under 35 U.S.C. § 314(a), the Director of the United States Patent and Trademark Office may not authorize an IPR unless the information in the petition shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least one of the claims challenged in the petition. The Board also has discretion under 35 U.S.C. § 325(d) to decline to institute review where the same,

or substantially the same, prior art and arguments have already been considered by the office.[1]

A patent claim is considered obvious if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. 35 U.S.C. § 103. The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; and (3) the level of skill in the art. *See Graham v. John Deere Co. of Kansas City,* 383 U.S. 1, 17 (1966). In reaching this conclusion, the Board must avoid hindsight bias and must be cautious of arguments relying on *ex post* reasoning. *See KSR Int'l Co. v. Teleflex Inc.,* 550 U.S. 398, 421 (2007).

B. Ground 1: Petitioner fails to show Robertson discloses or renders claims 10–14 obvious.

i. Overview of Robertson

For Ground 1, Petitioner relies solely on U.S. Pat. No. 8,380,796 ("Robertson") to render claims 10–14 of the '573 Patent obvious. Robertson is

[1] Patent Owner has also filed a Request for Discretionary Denial supplying additional authority for the Board to exercise its discretion to deny institution. *See Apple Inc. v. Ginko, LLC,* IPR2025-01388, Paper 8 (P.T.A.B. Nov. 10, 2025).

directed toward a networked computer system that provides various services for assisting users in locating, and establishing contact relationships with, other users. EX1004 at 2:56–58.

Petitioner asserts that the Examiner erred in not applying Robertson to the '573 Patent, despite acknowledging that two closely related Robertson patents, U.S. Pat. Nos. 7,606,725 and 7,194,419, were cited during prosecution. Pet. at 5. But Petitioner does not—and cannot—identify any materially different disclosure in Robertson '796 that would have changed the Examiner's analysis. In fact, all three Robertson patents share the same specification, figures, and priority chain, and the Petition even relies on disclosures that appear verbatim in the versions already before the Office. Petitioner's position therefore rests not on new teachings, but on a disagreement with the Examiner's prior judgment based on the same substantive disclosure. Thus, the Petition offers no new technical insight to justify revisiting the Office's prior evaluation of Robertson. Consistent with 35 U.S.C. § 325(d), the Board should therefore exercise its discretion to decline to institute review as to Ground 1 because the same, or substantially the same, prior art and arguments were previously presented to the Office, and Petitioner has not identified any material error in that prior evaluation. In any event, Robertson does not render claims 10–14 of the '573 Patent obvious for at least the following reasons.

ii. Claim 10

Claim 10 is an independent system claim. Element [10f] discloses "receiving, from the user device of the user, a request for the user to become a contact with the potential contact." Element [10g] explains that the request itself "compris[es] a first permission setting[.]"

Petitioner contends that Robertson discloses a request for the user to become a contact with the potential contact, the request comprising a first permission setting. Pet. at 13, 15. In support, Petitioner cites GUI 600 from FIG. 9 of Robertson, which allows users to specify which types of data fields each user can see about the other:

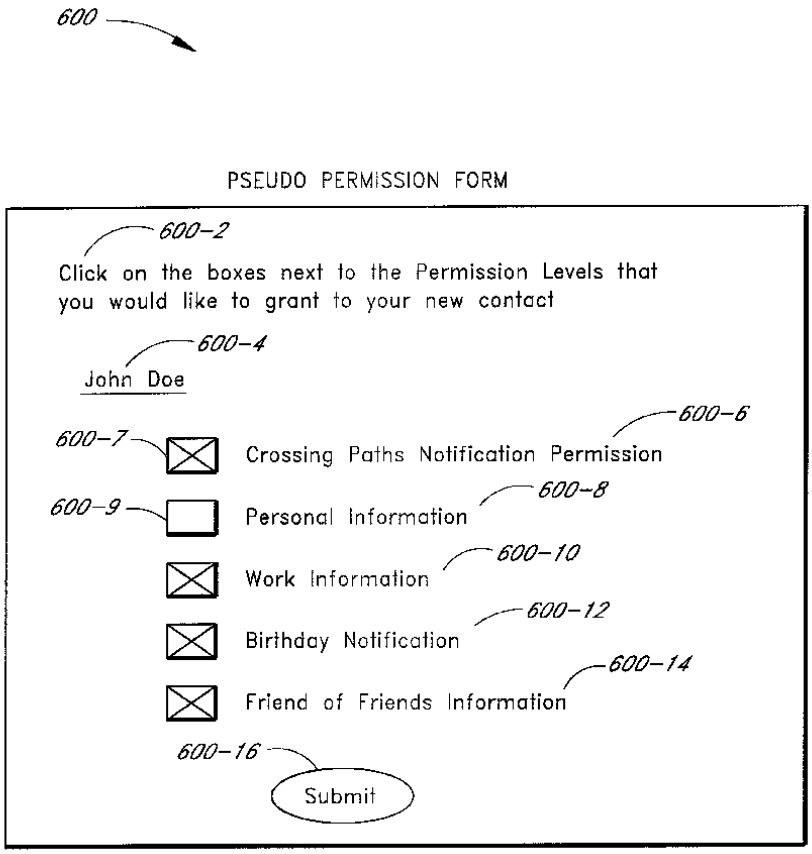


FIG. 9

Petitioner's mapping of Robertson to limitation [10g] requires that the permission settings shown in GUI 600 are comprised in the contact request itself, otherwise GUI 600 would not satisfy the limitation that "the request compris[es] a first permission setting," as claimed in limitation [10g].

But Robertson makes clear that GUI 600 is *not* comprised in the request. In fact, the display of GUI 600 is conditional on the *acceptance* of the request and may not be shown at all. EX1004, 7:45–52 ("If a first user specifies a second user whom the first user would like to add to his personal address book…the second

user will receive notification…that the first user has 'linked' to him. *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*") (emphasis added). Since GUI 600 is not displayed unless the second user chooses to return the link to the first user, it necessarily cannot be comprised in the link (request) itself.

Petitioner confirms this point in the argument for limitation [10j][2], where the Petition cites the same passage, stating that GUI 600 appears only if the second user chooses to return the link to the first user. Pet. at 20. In doing so, Petitioner acknowledges that GUI 600 is displayed only *after* the second user's acceptance of the request, thereby conceding that the data field permissions shown in GUI 600 cannot be comprised in the contact request itself.

Petitioner's reliance on Robertson's GUI 600 to meet limitation [10g] shows that permission settings are configured, if at all, only after a reciprocal link is returned. That post-acceptance timing does not enable a POSITA to implement a request that itself comprises specific permission settings at transmission, as claimed. Robertson therefore does not disclose at least element [10g], "the request comprising a first permission setting."

[2] Limitation [10j]: "in response to receiving an acceptance of the communication: setting the user as a contact of the potential contact"

Furthermore, the chronology and data flow in Robertson is fundamentally incompatible with the requirements of the challenged claims. The plain language of claim 10 requires that the "request" sent from the user device to initiate a contact relationship must itself "comprise[] a first permission setting." In other words, the permission setting must be included in the initial request, at the time the request is transmitted from the user to the potential contact.

By contrast, Robertson's system does not allow the requesting user to specify, embed, or transmit any permission setting as part of the initial request to become a contact. Instead, the permission settings (as shown in GUI 600) are only configured, if at all, after the potential contact has received the request and chosen to reciprocate by returning the link.[3] Only at this later stage does the system present the permission-setting interface, and only then are any permissions associated with the contact relationship. As a result, the "request" in Robertson is devoid of any permission information at the time of transmission.[4]

[3] *See Robertson* at col. 7, ll. 45-52 ("If a first user specifies a second user whom the first user would like to add to his personal address book, as explained in the description of FIG. 8, the second user will receive notification (issued by the contact manager program 343—FIG. 5) that the first user has 'linked' to him. 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."

[4] The Federal Circuit has held that when method or system claims require a particular order of steps, the prior art must disclose those steps in the same order. *See Mformation Techs., Inc. v. Research in Motion Ltd.*, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) ("[a]s a general rule, unless the steps of a method patent claim actually recite an order, the steps are not ordinarily construed to require one. However, a claim requires an ordering of steps when the claim language, as a

iii. Claim 11

As a threshold matter, because claim 11 depends on claim 10, the failure of Robertson to disclose the full scope of claim 10 precludes satisfaction of claim 11. In any event, the additional limitations set forth in claim 11 are also not disclosed by Robertson.

Dependent claim 11 adds additional pre-request, real-time location-based identification on top of the base functionality of independent claim 10. Claim 11 recites identifying a potential contact by "receiving, from the potential contact, a first location; and identifying the potential contact in a case that a second location of the user device matches the first location." In other words, claim 11 requires a pre-request, real-time location exchange between the potential contact and the user device to identify the potential contact only if the location of the user device matches the location received by the potential contact.

Petitioner points to Robertson's Friends of Friends system, but Robertson does not disclose such a limitation. Instead, Robertson's Friends of Friends system performs static database lookups against stored profile fields. Robertson's Friends of Friends system allows a first user to search for the names of contacts of their contacts who live in the same city or who share the same group affiliations as the

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matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps.")

first user. 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.").

The pseudo-code in Appendix G of Robertson shows that the Friends of Friends process works as follows: a first user specifies a city to search; the system gathers the first user's existing contacts and identifies contacts-of-contacts in the database; it applies preset permissions to ensure the first user is allowed to see each candidate; it removes anyone who is already a direct contact of the first user; and finally it filters the results by the specified city before showing those results to the first user. EX1004, 18:10-36. At no point in this process does Robertson's Friends of Friends system receive a location from a potential contact, query the first user's device for its current location, or perform the required comparison of the location of the user device to a first location received from the potential contact. The Friends of Friends system relies entirely on pre-existing, static profile data.

Petitioner's reliance on the Friends of Friends system to meet limitations [11a] and [11b] is therefore misleading. Petitioner asserts that "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)" (emphasis in original). Pet. at 24. Petitioner's argument conflates fundamentally

distinct concepts: the static, database-stored city of the first user cannot satisfy the claim's requirement for the "second location *of the user device*," which, in context, is a dynamic, real-time location of the user's device.

Aside from claim 11's dependency on claim 10, which Robertson does not fully disclose, Robertson's static, database-driven Friends of Friends system independently fails to disclose the interactive, real-time location-based identification mechanism set forth in claim 11 of the '573 Patent. Thus, Robertson cannot render claim 11 of the '573 Patent obvious.

iv. Claim 12

Claim 12 depends on claim 11 and introduces additional mixed-format location requirements that "the first location is an address" and "the second location is a geolocation that is proximate the first location." Read together with claim 11, claim 12 requires that the system receives, from the potential contact, an address, and identifies that potential contact based on whether a geolocation of the user device, proximate to that received address, matches the address received from the potential contact.

In other words, claim 12 expressly requires a cross-format, pre-request comparison between a textual address provided by the potential contact and a geolocation of the user device, performed as part of identifying a potential contact. Petitioner's analysis ignores that claim 12 does not merely require that address data

and geolocation information simply exist somewhere in a database; rather, claim 12 requires that the system uses those data different formats—an address received from the potential contact and a geolocation of the user device—to perform a cross-format comparison as part of identifying the potential contact during the initiation of the contact relationship.

In support of its argument that Robertson discloses limitation [12a] ("wherein the first location is an address"), Petitioner cites Robertson's relational database structure, citing FIG. 6 and specifically address table 480, asserting that, because Robertson stores users' textual addresses in relational database 340, Robertson discloses receiving an address from the potential contact. Pet. at 26.

But storing address information in database fields does not amount to "receiving, from the potential contact, a first location" as required by claim 11, on which claim 12 depends. In Robertson, address data is collected at account setup and is stored as part of a user's static profile:

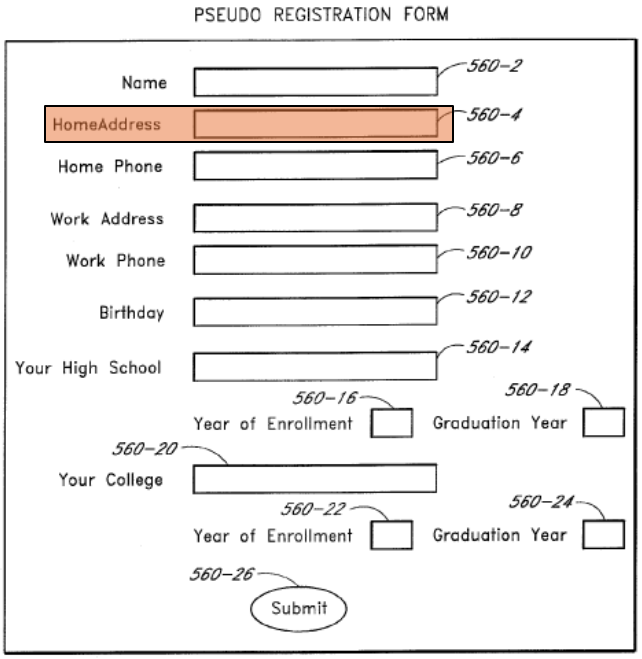


FIG. 7

EX1004, 6:53-60 ("Once the user…enters information in each data field in the GUI 560 shown in FIG. 7, he clicks the Submit button…and the information entered is transferred…to the server computer, where the server personal contact manager software 343 stores the information in the appropriate tables of a database 340.").

Robertson does not disclose receiving an address as part of identifying a potential contact. Claim 12 of the '573 Patent requires that the system receives address information from the potential contact in connection with identifying a potential contact. Petitioner does not demonstrate any workflow in which an address is dynamically provided by the potential contact prior to, or as part of,

initiating a contact exchange because Robertson does not disclose such a workflow.

With respect to limitation [12b] ("wherein the second location is a geolocation that is proximate the first location"), Petitioner points to City Table 550 in FIG. 6, citing 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"). Pet. at 26. Petitioner contends that because Robertson discloses using the city information of the first user and the second user in a Friends of Friends search, Robertson discloses the required proximity-based matching between an address and a geolocation. Pet. at 27. This argument misconstrues how Robertson uses City Table 550 and the information contained therein.

Robertson explains that the latitude and longitude data in City Table 550 serve "to enable the system to notify users when their contacts travel within a defined geographical radius." *See* EX1004 5:61-64. Those notifications are triggered *after* users are already contacts, and after travel events are logged server-side. EX1004, 12:3–23. In other words, those latitude/longitude values are used for post-link notifications among users who are already contacts, not for pre-request contact identification. Nothing in Robertson converts or compares a textual address

from one party against a geolocation of another party's device to determine whether a potential contact should be identified.

Petitioner contends that "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 Friends search, Robertson discloses that the city of the first user is proximate the address of the second user." Pet. at 27.

Aside from conflating "the city of the first user" with the geolocation of the first user's device, Petitioner does not point to any functionality in Robertson's Friends of Friends system that performs a location comparison—and certainly not to any functionality that involves an address and a geolocation for such a comparison. That is because Robertson's Friends of Friends system merely filters database entries based on static profile attributes. It does not evaluate live proximity, does not use device-based geolocation, and does not meet claim 12's cross-format comparison tied to identification of a potential contact. Accordingly, Robertson does not disclose claim 12 of the '573 Patent.

Aside from claim 12's dependency on claims 10 and 11, Robertson independently fails to disclose a cross-format, pre-request comparison between a textual address provided by the potential contact and a geolocation of the user device, performed as part of identifying a potential contact to initiate a new contact

relationship, as set forth in claim 12 of the '573 Patent. Thus, Robertson cannot render claim 12 of the '573 Patent obvious.

v. Claim 13

The title of the Petition specifically leaves out claim 13, challenging only claims 1, 3–4, 6–12, and 14–15. Later in the document, Petitioner contends that claims 10–14 are obvious over Robertson. Pet. at 2, 5. Out of an abundance of caution, Patent Owner addresses claim 13 here.

The Petition never discusses claim 13 at all, nor does it identify where each element of claim 13 is found in the prior art, as required by 37 C.F.R. § 42.104(b)(4). This omission alone means Petitioner has not made the required showing for claim 13. Additionally, claim 13 depends on claim 10, so in the event that the Board finds that Robertson does not disclose all elements of claim 10, it must find that Robertson does not disclose dependent claim 13 either.

vi. Claim 14

Claim 14 depends on claim 10 and adds additional functionality surrounding a first location associated with the request, and a post-request, location-based, conditional sending of the communication to the potential contact.

Claim 14 requires, in part, "receiving a first location that is associated with the request". Petitioner relies on Robertson's Friends of Friends system to meet this limitation. Pet. at 27. Limitation [14b] requires "receiving a first location that

is *associated with the request*" (for the user to become a contact with the potential contact) (emphasis added). But Robertson's Friends of Friends does not disclose receiving a location associated with the user's request to become a contact with the potential contact. 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."). Searching for the names of contacts-of-contacts is merely a user input to find potential contacts; it is not a location "associated with" a request to become a contact.

Limitation [14d] recites: "*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" (emphases added). Thus, [14d] explicitly requires a post-request conditional delivery of the communication to the potential contact, based on whether a second location associated with the potential contact matches a first location associated with the request.

Petitioner's only support for limitation [14d] is a back-reference to its analysis for limitation [11b] ("identifying the potential contact in a case that a second location of the user device matches the first location"). But [11b] relates to location-based contact identification during the "identifying" step of independent claim 10, which occurs *before* the request is received. In contrast, [14d] relates to

the conditional sending of the communication to the potential contact *after* the request is received, during the "sending" step of independent claim 10. This is a clear misalignment in workflow: limitation [11b] occurs in a different step in the contact exchange process than limitation [14d]. Merely citing the analysis of limitation [11b] to satisfy the newly introduced limitation of [14d] is insufficient to prove that Robertson discloses such a limitation.

Petitioner points to no other support that Robertson discloses limitation [14d], outside of a citation to EX1002 ¶104—the expert declaration of Dr. La Porta—which merely echoes, *verbatim*, the conclusory assertion it is proffered to support. *See* EX1002 ¶104 (Dr. La Porta declaring that "In my opinion, Robertson discloses this limitation. §IV(C)(3) (limitation 11b)"). Dr. La Porta's declaration does not cite any additional supporting evidence or provide any technical reasoning to support his statement. Thus, the cited declaration testimony is conclusory and unsupported, adds little to the conclusory assertion it is proffered to support, and is entitled to little or no weight. *See* 37 C.F.R. § 42.65(a) ("Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.").

Indeed, for each limitation of claim 14 (except [14b]), Petitioner's arguments do nothing more than cite back to previously discussed limitations. Pet. at 27–28. Petitioner's reliance on these earlier analyses is insufficient to establish

that Robertson renders claim 14 obvious because those prior analyses do not address the newly claimed features of claim 14—namely, a first location associated with the request, and the post-request, conditional sending of the communication. Petitioner identifies no disclosure in Robertson of "receiving a first location that is associated with the rest," nor any subsequent comparison step that conditions sending a communication after receiving the request, as claim 14 requires.

Aside from claim 14's dependency on claim 10, Robertson independently fails to disclose a first location associated with the request or a post-request, location-based conditional sending of the communication to the potential contact as required by claim 14 of the '573 Patent. Thus, Robertson cannot render claim 14 of the '573 Patent obvious.

Furthermore, Robertson's workflow is strictly linear and does not revisit or re-evaluate location after the request is sent. In Robertson, any location-based filtering (e.g., identifying contacts who live in the same city) is performed solely during the initial identification of potential contacts, before any request is created or transmitted.[5] Once the user sends a request, there is no further conditional step based on location; the request is delivered to the selected user unconditionally, and the subsequent steps proceed without reference to location.

[5] *See Robertson* at col. 14, ll. 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.").

The claim language, by contrast, requires the system to send the communication to the potential contact only after receiving the request, and only on the condition that a location match is satisfied at that later stage. Petitioner's analysis improperly conflates pre-request filtering used to generate a list of potential contacts with the post-request, conditional sending required by the claims. The PTAB and Federal Circuit have repeatedly held that the prior art must disclose the claimed steps in the order required by the claim, and actions performed before a claimed step cannot satisfy limitations that require action after that step. *See Mformation Techs., Inc. v. Research in Motion Ltd.*, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) Accordingly, Robertson fails to disclose or suggest the required post-request, location-based conditional sending of the communication to the potential contact, as required by claim 14.

For at least the reasons mentioned in §VI(B), Petitioner has not met its burden to establish a reasonable likelihood that it would prevail in proving obviousness of claims 10–14 in view of Robertson. As such, the Board should deny institution as to Ground 1.

C. Ground 2: Petitioner fails to show Ahuja discloses or renders the Challenged Claims obvious.

For Ground 2, Petitioner relies solely on U.S. 2010/0280904 ("Ahuja") to render claims 1, 3–4, 6–12, and 14–15 obvious. Ahuja discloses a proximity based

social marketing tool/device that can be used for matching users and broadcasting messages or data to all or selected users in the proximity. EX1005, Abstract. Ahuja does not render the Challenged Claims obvious because it fails to fully teach or disclose at least the following claim limitations.

i. Claim 10

a. [10a] a processor; and

Limitation [10a] requires that the system comprise a processor. Ahuja does not disclose that the system comprises a processor. Petitioner asserts that the processor of the X-Path server satisfies this limitation, stating that, though Ahuja does not explicitly disclose that the X-Path server includes a processor, a POSITA would have understood and found obvious that servers necessarily include a processor. In support, Petitioner cites to EX1002, ¶111, which is an expert declaration again parroting the statement which it is offered to support, without adding any other facts or underlying data on which the opinion is based. Thus, Petitioner's support is entitled to little or no weight. *See* 37 C.F.R. § 42.65(a). Ahuja does not clearly disclose limitation [10a].

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

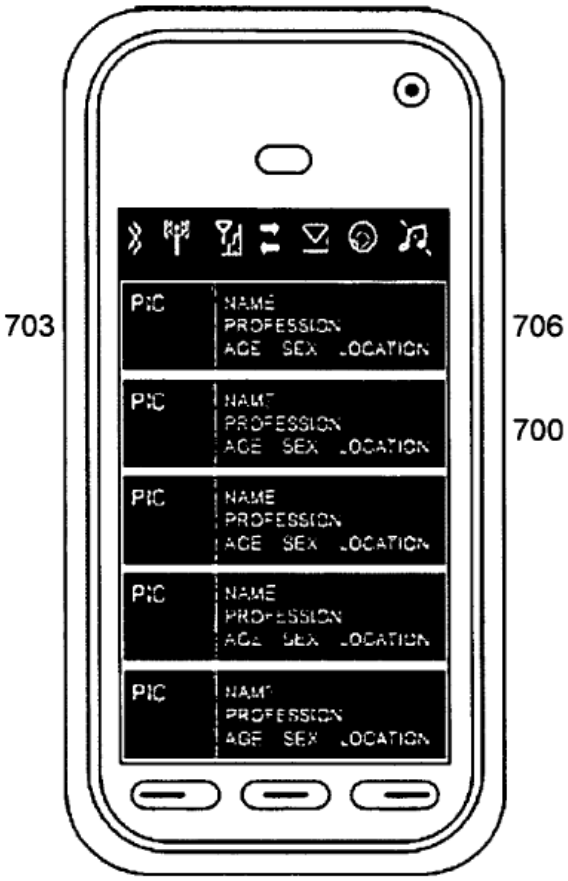
Limitation [10b] requires that the system comprise a memory, the memory comprising computer executable instructions that, when executed by the processor, perform operations. Ahuja also does not clearly disclose that the system comprises a memory comprising computer executable instructions that perform operations. Petitioner contends that the memory of the X-Path server meets this limitation, though memory is not discussed anywhere in Ahuja's disclosure of the X-Path server. In support, Petitioner cites again to EX1002, which merely repeats the assertion it purports to support. This is particularly problematic in cases where, as here, expert testimony is being offered not to simply provide a motivation to combine prior-art teachings, but rather to supply a limitation missing from the prior art. *Xerox Corp. v. Bytemark, Inc.,* IPR2022-00624, Paper 9 at 16 (P.T.A.B. Aug. 24, 2022). Ahuja does not clearly disclose limitation [10b].

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

Limitation [10f] requires "receiving, from the user device of the user, a request to become a contact with the potential contact[.]" Ahuja's system discloses the ability for a user to search for other users in a proximity scan. EX1005, ¶45 ("A GPS satellite 521 provides the information required for the device to perform

various other functions that include…location-based services such as advertising, locating users during scan for social networking, and others."). *After* Ahuja's X-Path server performs such proximity scan, it presents a first user with GUI 700, which provides the first user a list of user profiles found in the scan:

FIGURE-7



EX1005, ¶52 ("FIG. 7 is the GUI representation 700 of the various users found based on the scan performed by the user.").

After a first user is presented with the proximity scan results of GUI 700, they may select a particular user profile from the results. Selecting a particular user will pull up a detailed user profile. EX1005, ¶52 ("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 as discussed ahead.").

FIGURE-8

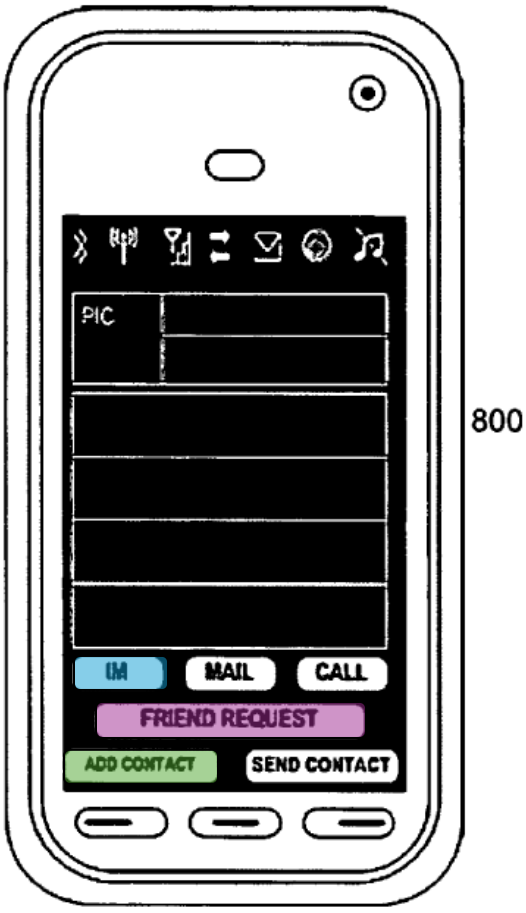


FIG. 8 shows the detailed public profile that the first user is presented with after selecting a particular user from the proximity scan results shown in GUI 700.

EX1005, ¶53 ("FIG. 8 is the GUI representation of a detailed public profile 800.") The first user is presented with various communication options to communicate with the displayed user profile, including IM, Friend Request, and Add Contact. EX1005, ¶53 ("The user is presented with various options to communicate with the displayed profile user that include but not limited to IM's, emails, phone call, send friend request, add to contact, send contact information, send profile info, and others.").

In Ahuja's system, adding a user as a friend is distinct and separate from adding that user as a contact. EX1005, ¶60 ("Accept Add Friend Request: 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. 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. If user 2 accepts the friend request, both users are added in each other's friends list. The two users can exchange their respective public or private or an active profile data fields."), ¶61 ("Add to contacts: *This device enables this feature between the two users already added as friends*. 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. Once User 2 accepts the Add to Contact request, 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.") (emphasis added).

Petitioner asserts that Ahuja discloses limitation [10f], stating "Ahuja's X-Path server receives a 'communication request' from the first user…to communicate with one of the selected other users identified in the search results." Pet. at 35. Petitioner further states that 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. Pet. at 37.

But Petitioner's analysis is procedurally deficient. Petitioner does not identify which of the "communication options" shown in GUI 800 Petitioner contends is the "request for the user to become a contact with the potential contact," as limitation [10f] requires. The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. 37 C.F.R. §42.104(b)(4). As stated above, in Ahuja, sending a user a friend request is not the same as adding that user as a contact. Those actions are not the same and cannot be treated as interchangeable.

Petitioner fails to show that Ahuja discloses limitation [10f] because Petitioner's broad reference to any "communication request" or "communication option" does not specify where limitation [10f], which requires "receiving, from the user device of the user, a request for the user to become a contact with the potential contact," is found in Ahuja's system.

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

Limitation [10g] requires that "the request [for the user to become a contact with the potential contact] compris[es] a first permission setting[.]" Petitioner asserts that "Ahuja discloses *the request* (communication request) *comprises a first permission setting* (ability to view private data fields)" (emphasis in original). Pet. at 37. Petitioner again fails to specifically identify which "communication request" in Ahuja corresponds to the claim-recited "request for the user to become a contact with the potential contact."

Petitioner states that Ahuja's communication request can take multiple forms, including a friend request or an IM request, and that 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. Pet. at 37. That is incorrect; Ahuja does not disclose an invite-level

permission setting, and it certainly does not disclose a permission setting that is comprised in the request to become a contact itself.

In support, Petitioner cites to ¶43 and ¶ 79 of Ahuja, which discuss various user profile options available to a user. The user profiles mentioned in these passages describe configurable profile types and default display behavior, not a permission value that is packaged with, and transmitted in, a request for the user to become a contact. EX1005, ¶75 ("Public Profile 1005 is the default profile and the most permissive of all profiles. The profile displays the most basic user information and contains the least amount of personal user information."), ¶76 ("Business Profile 1007 is an optional profile. The other users can only view the Public Profile by default unless the Business Profile has been set as the Active Profile. In the active state, the user can define the degree of profile information (details and picture) to be displayed to other users in a search result."), ¶77 ("Private Social Profile 1009 is similar to the Business Profile. The other users can only view the Public Profile by default unless the Private Social Profile has been set as the Active Profile. In the active state, the user can define the degree of profile information (details and picture) to be displayed to other users in a search result.").

These profile settings determine which profile fields are shown by default to anyone viewing that user's profile in a proximity search. EX1005, ¶78 ("Users can

set any one of the profiles as an Active profile, which then becomes the default profile for display to users in the vicinity."). Critically, these profile settings are account-level display settings, not individual invite-level permissions comprised in the contact request itself.

Petitioner argues that the ability to view private data fields meets the limitation requiring the request to comprise a first permission setting. Pet. at 37. Even assuming arguendo that these profile settings are permission settings (they are not), Ahuja makes clear that private data fields are revealed only *after* a user accepts a friend request and becomes a friend, not because the sender embedded such permission value in the request itself. 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*.") (emphasis added). Ahuja's disclosures address public/private profile fields but do not teach or enable tying individualized permission selections to the initial request message.

Petitioner fails to meet their burden to show that Ahuja discloses limitation [10g], which requires that the request to become a contact comprises a first permission setting.

e. [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;

Limitation [10h] requires that "the first permission setting [is] at least a first value indicating that a subset of user data of a permitting user is to be shared with a permitted user[.]" This first permission setting must be comprised in the request for the user to become a contact with the potential contact.

Petitioner argues that Ahuja discloses this limitation, stating "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). (emphasis in original). Pet. at 38.

But in support of their argument, Petitioner actually concedes that these alleged permission settings do not go into effect until *after* the request has been accepted. Pet. at 38, citing ¶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") and ¶60 ("*If User 2 accepts the friend request*, both users are added in each other's friends list and 'the two users can exchange their respective public or private or an active profile data fields.") (emphases added). Moreover, Petitioner does not

identify any particular value claimed as the "first value," nor does Petitioner point to a specific permission setting that is carried in the request itself.

Accordingly, Ahuja does not disclose limitation [10h] because the purported permission settings are post-acceptance, not embedded in the request.

For Ahuja to render claim 10 of the '573 Patent obvious, Ahuja must clearly disclose each element of the claim. For at least the foregoing reasons, Petitioner has not met its burden to establish a reasonable likelihood that that it would prevail in proving obviousness of independent claim 10 in view of Ahuja.

ii. Claim 11

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

As discussed in §VI(C)(i), Ahuja does not disclose all the elements of independent system claim 10. Thus, since claim 11 depends on 10, and because Ahuja does not disclose all the elements of claim 10, it necessarily cannot disclose claim 11.

The preamble of claim 11 reads: "The system of claim 10, wherein identifying the potential contact comprises:" It is important to consider that [11pre] specifies that [11a] and [11b] must occur as part of "identifying the potential contact." That is, before any sort of request to become a contact is sent.

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

Claim limitation [11a] recites: "receiving, from the potential contact, a first location".

As discussed in §VI(B)(iii), claim 11, in its entirety, adds additional location-based contact identification on top of the base functionality disclosed in claim 10. Claim 11 requires an interactive, two-party location exchange during the "identifying" step of claim 10, before any request is sent. In this exchange, the potential contact actively provides a first location, which is then compared to the current location of the user device. If the two locations match, the potential contact is identified.

Petitioner contends that Ahuja discloses limitation [11a], stating 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, and that accordingly, Ahuja's X-Path server receives a first location from at least the potential contact. Pet. at 45.

In support, Petitioner cites ¶100 and ¶102 of Ahuja. But a closer reading of these paragraphs shows that Ahuja describes location tracking for purposes entirely unrelated to contact identification and does not describe any motivation to use such tracking for contact identification.

Paragraph 100, in full, explains a proximity-based marketing workflow in which a business user uploads an advertisement to the X-Path server, defines a target audience based on location or demographics, and broadcasts messages to all users meeting the defined criteria. EX1005, ¶100 ("The device enables businesses to automatically broadcast messages to all available users entering the defined proximity…the business user uploads the advertisement utilizing the Internet to the X-Path server…The business user then needs to define his/her target audience based on the current or historical locations, keywords, or demographics…As soon as any of the required criteria (location, historical location, demographics, interest, keywords, etc.) are met in the defined Scan Radius; the device…broadcasts the advertisement"). The X-Path server maintains a database of current and historical locations to match users to advertisements, not to identify potential contacts.

Paragraph 102 describes the device tagging a user's GPS location and uploading it to the server as the user moves through venues. EX1005, ¶102 ("as user 1 visits a location or a venue (Point of Interest) 2603, the device's inbuilt GPS system tags the users current location, stores its details including data and time stamp and uploads it to the X-Path server"). That GPS location is not used for or during the contact identification process as required by the '573 Patent. EX1005, ¶102 ("It is this feature of the device that enables a user/business to define the target audience based on Current Geographical Location or Historical locations.").

Thus, while Ahuja may monitor and store location data, this does not equate to "receiving, from the potential contact, a first location" in the context of identifying a potential contact at the time of initiating a contact request. Petitioner has not shown that Ahuja discloses limitation [11a] because Ahuja does not, in the context of identifying a potential contact, receive a first location from such potential contact, nor does it teach or enable a POSITA to do so.

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

Limitation [11b] recites: "identifying the potential contact in a case that a second location of the user device matches the first location." As a threshold matter, Ahuja does not receive a first location, so it cannot perform a comparison between a first and second location. Further, the Petition improperly combines different, unrelated functionalities to argue that Ahuja discloses this limitation. Pet. at 46–47.

The Petition states "[w]hen the first user initiates a scan for other users, the user can define search criteria that includes a 'current location' or 'historical location.'" Pet. at 46. In support, Petitioner cites paragraphs 84–86 of Ahuja. But these paragraphs describe a proactive, constant-on background search in which the device is always on the lookout for a profile in the scan radius that meets the user's pre-defined search criteria. EX1005, ¶84 ("In FIG. 14, the device enables the user

to perform the pro-active user search by specifying a distinct search criterion. This is a form of a "constant-on" search, where the device is always on the lookout for a matching profile in the defined Scan Radius."). If this background proximity scan identifies a second user, the first user is alerted and presented with the user profile of that second user. 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."). This proactive search is a one-way background scan, not a two-party, initiation-time location exchange.

Paragraph 63, also cited by Petitioner in support, discloses a broadcast messaging feature, where a user can send a message to a broad group of users filtered by profile characteristics and locations. This filtering is performed by the server, based on stored location data for users within a radius. EX1005, ¶63 ("In FIG. 9, user A prepares the message to be broadcasted 903 and defines the target audience criteria 905 from various options…The next step is to define the broadcast range 907…The device then sends all this information to the X-Path server, which in turn performs the user filtering and searches for all matching users in the selected radius based on the profile information of all users stored on the server and also based on the current location of the users based on GPS data, it then forwards the broadcast message to all the matched users.").

Petitioner improperly combines these distinct, context-specific disclosures—proactive, constant-on scanning and message broadcasting to a broad group of users—and presents them as if they teach a single interactive receive-and-match exchange of locations in the context of identifying a potential contact. They do not. Ahuja relies on stored or historical location data and server-side filtering. This passive, one-sided proximity scan does not teach the claimed bilateral, real-time location-based contact identification.

Aside from claim 11's dependency on claim 10, Ahuja's system independently fails to disclose the additional interactive, location-based identification mechanism set forth in claim 11 of the '573 Patent. Thus, Ahuja cannot render claim 11 of the '573 Patent obvious.

iii. Claim 12

As described in §VI(B)(iv), claim 12 depends on claim 11 and introduces a specific mixed-format location requirement. Claim 12 recites that "the first location is an address" and that "the second location is a geolocation that is proximate the first location." Read together with claim 11, claim 12 requires that the system receive an address from the potential contact, and identify that contact based on whether a geolocation of the user's device (proximate to that address) matches the address received. In other words, claim 12 expressly requires a cross-format, pre-request comparison between a textual address provided by the potential

contact and a geolocation of the user's device, performed as part of identifying a potential contact.

With respect to limitation [12a], Petitioner states that "Ahuja discloses *wherein the first location is an address* (GPS coordinates)" (emphasis in original). Pet. at 48. With respect to limitation [12b], Petitioner states "Ahuja disclose [*sic*] *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)" (emphasis in original). Pet. at 49.

Petitioner attempts to satisfy both limitations by treating GPS data as an "address" and then using that same GPS data as the "geolocation" in the proximity comparison. In doing so, Petitioner collapses two distinct claim terms into a single meaning, effectively reading out the very distinction introduced in claim 12. This argument is contrary to basic principles of claim construction, which presume that different claim terms have different meanings. *See e-Numerate Sols., Inc. v. United States,* 165 Fed. Cl. 237, 258 (2023) ("The Federal Circuit's caselaw instructs that different claim terms are presumed to have different meanings.") If these claim terms were collapsed into a single meaning as Petitioner hopes, claim 12 would have no scope and would be meaningless. Such construction is disfavored. *See Littelfuse, Inc. v. Mersen USA EP Corp.,* 29 F.4th 1376, 1380 (Fed. Cir. 2022)

(rejecting a construction that collapses distinct claim limitations into a single meaning because doing so would render the dependent claims meaningless).

Petitioner argues that GPS coordinates, latitude/longitude, current location, and historical location all constitute an "address." Pet. at 48. But construing these terms as an "address" ignores the ordinary and customary meaning of the claim term and violates 37 C.F.R. § 42.100(b). Petitioner acknowledges that GPS data is a type of geolocation data. Pet. at 49. ("A POSITA would have understood that GPS data is a type of geolocation data."). If GPS data is construed to mean geolocation data, it cannot simultaneously satisfy the separate "address" requirement of [12a].

Petitioner's reliance on GPS data to satisfy both limitations [12a] and [12b] is improper. Ahuja does not disclose receiving an address from a potential contact, nor does it discuss doing so in the context of performing a pre-request, cross-format comparison between an address and a geolocation as part of identifying a potential contact. Petitioner's argument does not establish a reasonable likelihood that it would prevail in proving obviousness of claim 12 in view of Ahuja.

Aside from claim 12's dependency on claim 11, which Ahuja does not fully disclose, and claim 11's dependency on claim 10, which Ahuja also does not fully disclose, Ahuja's system independently fails to disclose the additional mixed-

format location comparison set forth in claim 12 of the '573 Patent. Thus, Ahuja cannot render claim 12 of the '573 Patent obvious.

iv. Claim 14

Claim 14 depends on claim 10 and adds additional functionality surrounding a first location associated with the request for a user to become a contact with a potential contact, and a post-request, location-based, conditional sending of the communication to the potential contact.

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

Petitioner contends that Ahuja discloses this limitation, and in support, cites its analysis of limitation [10f]. Pet. at 49. Claim 14 adds additional functionality on top of the base functionality of claim 10. Thus, since Petitioner's only support that Ahuja discloses [14a] is a citation to an analysis that doesn't address the additional functionality of claim 14, it is insufficient to explain how Ahuja discloses the limitations introduced in claim 14 and specifically limitation [14a].

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

Limitation [14b] requires "receiving a first location that is associated with the request [for the user to become a contact with the potential contact.]" In other words, the system must receive a contact request from the user device, and that

request must have a first location associated with it, which will later serve as part of the conditional sending mechanism in limitation [14d].

Petitioner does not identify any disclosure in Ahuja where a contact request from a first user is associated with a first location value. Instead, Petitioner points to Ahuja's pre-request proximity scan to meet this limitation. Pet. at 49–50. When discussing Ahuja's proximity scan, Petitioner states that "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." Pet. at 50. But Petitioner's reliance on ¶ 51 of Ahuja confirms the opposite of what Petitioner asserts. ¶ 51 explains that before any request to become a contact is formed, Ahuja's X-Path device scans the defined radius, detects proximate users, and only then presents the first user with options to communicate or ignore the found user. EX1005 ¶ 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."). Thus, even if Ahuja's proximity scan receives a first location, that scan is a pre-request detection step; the scan returns proximate users fitting a search criteria and only after that does any request-related interaction occur.

By contrast, [14b] of the '573 Patent requires "a first location that is associated with the request," meaning that the location information is tied to or

included with the request at the time of receiving the request. In Ahuja, the location information is used before such request even exists to determine whether there is even a user to communicate with.

Ahuja, therefore, does not disclose limitation [14b], receiving a first location that is associated with the request.

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

Much like limitation [14a], Petitioner contends this limitation is disclosed and cites only its analysis of limitation [10i] in support. Just as in limitation [14a], simply citing an analysis of an earlier limitation which does not address the newly introduced functionality is insufficient to establish that the limitation is present in the prior art reference. Ahuja does not disclose limitation [14c].

d. [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.

Limitation [14d] requires, "*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" (emphasis added). Limitation [14d] requires, in order: (1) identifying a potential contact; (2) receiving the request for the user to become a contact with the

potential contact; (3) comparing the first location of the user device (associated with the request) with a second location associated with the potential contact; and (4) sending the communication to the potential contact to initiate the data exchange only on the condition that the first and second locations match.

Petitioner's argument disregards this required chronology. Rather than identifying any *post-request* comparison that conditions the sending of the communication to the potential contact to initiate a data exchange, Petitioner relies on pre-request filtering in which Ahuja's system identifies nearby users *before* any request is initiated. *See* EX1005, ¶ 63 (scanning for proximate users and presenting them to the initiating user as options to communicate with or ignore). That disclosure speaks only to how potential contacts may be discovered before a request is sent, not to whether the system—after receiving the request—withholds or conditions delivery of communication to that potential contact based on a location match.

Petitioner argues that Ahuja discloses that the X-Path server receives users' location data and that communications to those potential users is conditioned on the second user's current or historical location matching the current or historical location specified in the search criterion, citing ¶¶ 100 and 102 in support. Pet. at 51–52. As discussed in §VI(C)(ii), paragraphs 100 and 102 describe the X-Path server building a database of users' current and historical locations to support

proximity-based advertising, not to govern the transmission of contact communications or to evaluate location after receiving a contact request to condition whether that communication is sent. Nothing in Ahuja describes, teaches, or suggests the claimed post-request location comparison used as a condition to send the communication to the potential contact.

Aside from claim 14's dependency on claim 10, which Ahuja does not fully disclose, Ahuja independently fails to disclose a first location associated with the request to become a contact and a post-request, location-based conditional sending of the communication to the potential contact as required by claim 14 of the '573 Patent. Thus, Ahuja cannot render claim 14 of the '573 Patent obvious.

v. Claim 15

Claim 15 recites: "The system of claim 14, wherein the first location being a first geolocation of the user device." For at least the reasons in §VI(C)(iv), Ahuja does not fully disclose the limitations of claim 14. Since claim 15 depends on claim 14, and since Ahuja does not fully disclose the limitations of claim 14, Ahuja necessarily cannot fully disclose the limitations of claim 15.

vi. Claim 1

Independent claim 1 is the method claim counterpart to independent system claim 10.

In §VII(G)(6) of the Petition, Petitioner contends that Ahuja discloses limitation [1e] ("the request comprises a first permission setting"), while citing the analysis of limitation [10g] in support. As discussed earlier, Ahuja's user profiles and public/private data fields are account-level display controls, not permissions transmitted with a contact request as required by claims 1 and 10. EX1005, ¶¶ 75–78. Even if these profiles could be construed as permission settings, they are not comprised in the request to become a contact itself. EX1005, ¶79.

Petitioner further contends that "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)" (emphasis in original). Pet. at 53. In the analysis, Petitioner equates a friend request with the first value and an IM request with the second value. Pet. at 53–54 ("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."), ("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.").

Petitioner cannot pick and choose which communication option from FIG. 8 it contends is the "request for the user to become a contact with the potential contact." And if any of the contact options in FIG. 8 is equivalent to the claimed request, it would be the "Add to Contacts" option, as this is the option that most aligns with the claimed functionality of the request. EX1005, ¶61 ("Add to contacts: This device enables this feature between the two users already added as friends. 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. Once User 2 accepts the Add to Contact request, 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.").

Even if either of the communication options identified by Petitioner could be considered a "request for the user to become a contact with the potential contact," the ability to view private data is only available after the friend request is accepted. EX1005, ¶¶ 60, 79.

For at least the foregoing reasons, Ahuja does not fully disclose the elements of claim 1 and cannot render claim 1 obvious.

vii. Claim 3

Claim 3 is the method claim counterpart of claim 11. Claim 3 depends on claim 1 and adds the same limitations to claim 1 that claim 11 adds to claim 10.

Specifically, claim 3 adds additional pre-request, real-time, location-based identification to the base functionality of independent claim 1.

For the same reasons set forth in §VI(C)(ii) (Ahuja claim 11 analysis), Ahuja does not disclose any of the limitations of claim 11 and similarly does not disclose any of the limitations of claim 3. To recap, while Ahuja may monitor and store location data, this does not equate to "receiving, from the potential contact, a first location" in the context of identifying such potential contact at the time of initiating a contact request. Ahuja does not teach an interactive receive-and-match exchange of locations in the context of identifying a potential contact.

Ahuja does not disclose all of the limitations of independent claim 1, on which claim 3 depends, and Ahuja independently does not disclose the limitations added in dependent claim 3, and thus cannot render claim 3 obvious.

viii. Claim 4

Claim 4 describes "the method of claim 3, wherein the first location is a first geolocation, and wherein the second location is a second geolocation that is within a predefined distance of the first geolocation." Read together with claim 3, claim 4 requires (1) receiving, from the potential contact, a first geolocation; and (2) identifying the potential contact in a case that a second geolocation that is within a predefined distance of the first geolocation of the user device matches the first geolocation received from the potential contact. Such receiving and identifying

must be done in the context of identifying the potential contact; that is, before any request has been sent or any communication has been made.

Because (1) claim 4 depends on claim 3; (2) claim 3 depends on claim 1; and (3) Ahuja does not fully disclose claims 1 and 3, Ahuja necessarily cannot fully disclose claim 4, and thus, cannot render claim 4 obvious. As such, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 4 in view of Ahuja.

ix. Claim 6

Claim 6 is the method claim counterpart of claim 14. Claim 6 depends on claim 1 and adds the same limitations to claim 1 that claim 14 adds to claim 10. Specifically, claim 6 adds additional functionality surrounding a first location associated with the request, and a post-request, location-based, conditional sending of the communication to the potential contact.

For the same reasons set forth in §VI(C)(iv) (Ahuja claim 14 analysis), Ahuja does not disclose all limitations of claim 6.

Ahuja does not disclose all of the limitations of independent claim 1 and independently does not disclose the limitations added in dependent claim 6. As such, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 6 in view of Ahuja.

x. Claim 7

Claim 7 recites: "The method of claim 6, wherein the first location being a first location of the user device."

For the same reasons set forth in §VI(C)(ix) (Ahuja claim 6 analysis) and §VI(C)(v) (Ahuja claim 15 analysis), Ahuja does not disclose the limitation of claim 7.

Ahuja does not disclose all the limitations of independent claim 1, nor does it disclose the additional limitations of dependent claim 6. Because claim 7 depends on claim 6, which itself is not disclosed by Ahuja, and because claim 6 depends on claim 1, which is also not fully disclosed by Ahuja, Ahuja cannot disclose claim 7. As such, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 7 in view of Ahuja.

xi. Claim 8

Claim 8 recites: "The method of claim 6, wherein the second location being a second geolocation of a device of the potential contact."

For the same reasons set forth in §VI(C)(ix) (Ahuja claim 6 analysis), §VI(C)(v) (Ahuja claim 15 analysis), and §VI(C)(viii) (Ahuja claim 4 analysis), Ahuja does not disclose the limitation of claim 8.

Ahuja does not disclose all the limitations of independent claim 1, nor does it disclose the additional limitations of dependent claim 6. Because claim 8

depends on claim 6, which itself is not disclosed by Ahuja, and because claim 6 depends on claim 1, which is also not fully disclosed by Ahuja, Ahuja cannot disclose claim 8. As such, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 8 in view of Ahuja.

xii. Claim 9

Claim 9 recites: "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."

For the same reasons set forth in §VI(C)(ix) (Ahuja claim 6 analysis), §VI(C)(v) (Ahuja claim 15 analysis), and §VI(C)(viii) (Ahuja claim 4 analysis), Ahuja does not disclose the limitation of claim 9.

Ahuja does not disclose all the limitations of independent claim 1, nor does it disclose the additional limitations of dependent claim 6. Because claim 9 depends on claim 6, which itself is not disclosed by Ahuja, and because claim 6 depends on claim 1, which is also not fully disclosed by Ahuja, Ahuja cannot disclose claim 9. As such, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 9 in view of Ahuja.

For at least the reasons mentioned in §VI(C), Petitioner has not met its burden to establish a reasonable likelihood that it would prevail in proving

obviousness of claims 1, 3–4, 6–12, 14–15 in view of Ahuja. As such, the Board should deny institution as to Ground 2.

D. Ground 3: Petitioner fails to show Ahuja discloses or renders claims 10, 11, and 14 obvious.

For Ground 3, Petitioner again relies solely on Ahuja to render claims 10, 11, and 14 as obvious. Petitioner presents Ground 3 as a peer-to-peer based ground, relying on Ahuja's alleged peer-to-peer embodiments. Pet. at 62. But Petitioner does not identify any additional peer-to-peer functionality that cures the deficiencies discussed in §VI(C) (Ground 2). While Petitioner may point to additional disclosures regarding wireless communication technologies such as Bluetooth, Wi-Fi, and NFC, Petitioner does not, and cannot, point to any disclosures in Ahuja that satisfy the missing limitations previously discussed. Ahuja does not render claim 10, 11, or 14 obvious because it fails to fully teach or disclose at least the following claim limitations.

i. Claim 10

Claim 10 requires, in part, "receiving, from the user device of the user, a request for the user to become a contact with the potential contact, the request comprising a first permission setting, and 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" (limitations [10f], [10g], [10h]). As discussed in more detail

in §VI(C)(i) (Ahuja claim 10 analysis), Ahuja does not disclose a permission setting, nor does it disclose a permission setting that is comprised in the request itself.

As in Ground 2, Petitioner again contends that Ahuja's user profiles (Public Profile, Business Profile, Private Social Profile) meet the "first permission setting" limitation ([10g]). But these user profiles are not permission settings; they are default profile behaviors. EX1005 ¶¶ 75-78

Even if these user profiles could be considered "permission settings," they are still not comprised in the request itself. In fact, a user is unable to view private data fields of another user unless those users are already friends. 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*.") (emphasis added).

Petitioner's analysis of claim 10 in Ground 3 points to no new peer-to-peer functionality disclosed in Ahuja that fills the disclosure gaps identified in Ground 2. As such, Ground 3 fails to cure the same missing limitations. Accordingly, Petitioner has not established a reasonable likelihood that it would prevail in proving obviousness of claim 10 in view of Ahuja with respect to Ahuja's alleged peer-to-peer embodiments.

ii. Claim 11

Claim 11 is a dependent claim of independent system claim 10, adding additional location-based identification during the "identifying" step of claim 10 on top of the base functionality described therein. Claim 11 requires, in the context of identifying a potential contact for a user, receiving a first location from a potential contact, and identifying that potential contact if the received first location matches a second location of the user device. This is a two-party contact relationship-initiation location exchange.

The functionality Petitioner points to as disclosing this claim is an always-on proactive user search. EX1005, ¶ 84 ("This is a form of a "constant-on" search, where the device is always on the lookout for a matching profile in the defined Scan Radius."). This one-way background proximity scan is not the two-way initiation-time location exchange taught by claim 11. Nothing in Ahuja describes receiving a location from the potential contact and comparing it to the requester's (first user's) current location during the contact-request workflow.

Claim 11 depends on claim 10. Since Ahuja does not fully disclose all the elements of claim 10, it necessarily cannot disclose claim 11. Ahuja also independently fails to disclose the additional limitation introduced in claim 11, namely the location-based identification of a potential contact during the contact-request workflow. Petitioner has failed to establish a reasonable likelihood that it

would prevail in proving obviousness of claim 11 in view of Ahuja with respect to Ahuja's alleged peer-to-peer embodiments.

iii. Claim 14

Claim 14 depends on claim 10 and adds a request-associated first location, and a post-request, send-time conditional location match before sending the communication to initiate the data exchange to the potential contact. Claim 14 requires, in order: (1) identifying a potential contact; (2) receiving, from the user device of the user, a request for the user to become a contact with that potential contact, the request associated with a first location; (3) sending a communication to the potential contact to initiate a data exchange on the condition that a second location associated with the potential contact matches the first location associated with the request; and (4) setting the users as contacts of each other in response to receiving an acceptance of the communication.

Ahuja does not disclose receiving a location *after* a potential contact has been identified, nor does it disclose a conditional sending of the communication to the potential contact based on a location comparison.

In Ahuja, any location data that may be "received" is received during a proximity scan to discover potential contacts, not after a potential contact has already been identified. EX1005, ¶ 50 ("The user initiates the scan 5011 and… the device…scans the available users in the defined geographical location and displays

search results 5021. The displayed search result enables the user to select required profiles for further communication."). This does not meet the chronology established in claim 14, which requires identifying a potential contact, *then* receiving a first location associated with the request to become a contact with such potential contact.

Ahuja also does not disclose a conditional sending of the communication to the potential contact on a condition that a second location associated with the potential contact matches the first location associated with the request because Ahuja never discloses receiving a first location associated with the request. Nothing in Ahuja describes, teaches, or suggests the claimed post-request location comparison used as a condition to send the communication to the potential contact.

Claim 14 depends on claim 10. Since Ahuja does not fully disclose all the elements of claim 10, it necessarily cannot disclose claim 14. Ahuja also independently fails to disclose the additional limitations introduced in claim 14, namely the first location associated with the request and the post-request conditional sending of the communication to the potential contact. Petitioner has failed to establish a reasonable likelihood that it would prevail in proving obviousness of claim 14 in view of Ahuja with respect to Ahuja's alleged peer-to-peer embodiments.

E. CONCLUSION

Because Petitioner has not shown a reasonable likelihood that it would prevail in proving obviousness on any Challenged Claim under any asserted ground, Patent Owner respectfully asks the Board to deny institution of IPR2025-01388 on all Challenged Claims and all asserted grounds.

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Respectfully submitted,

/s/ Anthony G. Simon

Anthony G. Simon, Reg. No. 40,813
THE SIMON LAW FIRM, P.C.
1001 Highlands Plaza Dr., Suite 300
St. Louis, Missouri 63110
(314) 241-2929 Phone
asimon@simonlawpc.com
IPTeam@simonlawpc.com

Rudolph A. Telscher, Jr., Reg. No. 36,032
HUSCH BLACKWELL LLP
8001 Forsyth Blvd., Suite 1500
St. Louis, MO 63105
(314) 480-1500
rudy.telscher@huschblackwell.com
PTAB-RTelscher@huschblackwell.com

Counsel for Patent Owner Ginko LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via email on the following:

Larissa S. Bifano, Reg. No. 59,051
Brian Ho, Reg No. 60,199
Joseph W. Wolfe, Reg. No. 73,173
DLA Piper LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110
larissa.bifano@us.dlapiper.com
DLA-Apple-GinkoLLCIPR@us.dlapiper.com

Date: December 10, 2025

/s/ Anthony G. Simon
Anthony G. Simon, Reg. No. 40,813
Lead Counsel for Patent Owner
Ginko LLC