

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION,

Petitioner,

v.

PROXICOM WIRELESS, LLC,

Patent Owner.

Case IPR2020-00934

U.S. Patent No. 8,385,896

PETITION FOR *INTER PARTES* REVIEW

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Ex. 1007	Reserved
Ex. 1008	U.S. Patent No. 8,121,917 (“Insolia”)
Ex. 1009	Reserved
Ex. 1010	U.S. Patent No. 7,963,441 (“Emmons”)
Ex. 1011	U.S. Patent No. 7,156,311 (“Attia”)
Ex. 1012	U.S. Patent No. 6,439,345 (“Recktenwald”)
Ex. 1013- Ex. 1015	Reserved
Ex. 1016	<i>Lighting Science Group Corp. v. Nicor, Inc. et al.</i> , No. 6:16-cv-413- Orl-37GJK, Dkt. 98 (M.D. Fl. May 9, 2017)
Ex. 1017	<i>Lighting Science Group Corp. v. Leedarsen Lighting Co. et al.</i> , No. 6:17-cv-826-Orl-37GJK, Dkt. 31 (M.D. Fl. Oct. 27, 2017)
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Ex. 1020	<i>Proxicom Wireless, LLC v. Target Corp.</i> , No. 6:19-cv-01886-RBD-LRH, Dkt. 56 (M.D. Fl. Feb. 28, 2020)
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Pursuant to §§311-319 and §42,¹ Target Corporation (“Petitioner”) petitions for *inter partes* review (“IPR”) of claims 1-3, 5-6, 8-9, 17-18, 40-41, 44, 48-53, and 56 (“Challenged Claims”) of U.S. Patent 8,374,896 (“’896”) (Ex. 1001), assigned to Proximcom Wireless (“PO”) according to USPTO records. There is a reasonable likelihood that at least one challenged claim is unpatentable as explained herein. Petitioner requests review of the Challenged Claims, and judgment finding them unpatentable under §103.

I. INTRODUCTION

The ’896’s purported invention is the use of a “server” to “broker the exchange of information between” two entities associated with two wireless devices. ’896, Abstract, 3:9-12. “Rather than directly exchanging application data flow between the two devices using [a] short range wireless capability, a second wireless capability allows for one or more of the devices to communicate with a central server via the internet” to perform the exchange. *Id.*, 3:4-9; Williams ¶39.

The ’896 admits that, prior to the alleged invention, wireless devices already were configured to use both the short-range and wide-area connections claimed in

¹ Section cites are to 35 U.S.C. or 37 C.F.R. as context indicates. All emphasis/annotations have been added unless noted. Annotations added to the figures herein generally quote the language of the Challenged Claims for reference.

the '896. *Id.*, 2:13-25 (admitting “[m]ost mobile phones on the market today support at least two wireless standards; one for the cellular wireless wide area network connection (WWAN) and one for a wireless personal or local area network” such as “Bluetooth”). The '896 also admits that prior art systems already were using wireless devices for e-commerce applications. *Id.*, 1:58-61; Williams ¶¶40-41. And as recognized during prosecution, the prior art already taught using a central server communicating with one or more devices over a wide-area network to broker the exchange of information between such devices communicating via a short-range network. *See* §VI; Williams ¶42.

The only purportedly novel elements of the '896 Challenged Claims are the specific recitations of what “information” is exchanged between the wireless devices and server. For example, independent claims 1 and 40 require “first information,” such as an e-coupon, returned by the server to the first wireless device to be based on an identifier related to the “second wireless device” and the “second information” received by the server to “indicat[e] selection of one or more goods for purchase.” But, as discussed herein, it was already well known to transmit such information over a network, including a network conforming to the claimed arrangement of two wireless devices communicating over a short-range network and a server communicating with one or both devices across a wide-area network. Williams ¶¶43-59.

For example, **Perttila** (Ex. 1006) discloses a known system for a remote server to communicate “service data” to a user in response to “electronic communications between a user communications device and a merchant-media arrangement....” *E.g.*, Perttila ¶[0008]. The merchant-media arrangement is, *e.g.*, an in-store “billboard or any other...source” conveying promotional content associated with a merchant and communicating with the user communications device over a “short-range communication link,” such as a “Bluetooth” “beacon device.” *Id.*, ¶¶[0009], [0026], [0037]. As further discussed below, the user’s communication device, such as a cellular phone, receives a “merchant-media ID code” over the short-range link from the merchant-media arrangement when the two are in proximity. *Id.*, ¶¶[0015], [0037]. The user’s device generates and sends a message that includes the merchant-media ID code to the server over “a mobile network [] and/or the Internet.” *Id.*, ¶¶[0009], [0015], [0036]-[0038]. The server responds with “merchant-based service information,” such as a “personalized” “user-redeemable electronic coupon” relating to the content promoted by the billboard, which can be “validated to facilitate merchant transactions” in an “electronic commerce arrangement.” *Id.*, ¶¶[0009], [0011], [0025], [0028], [0031], [0038], [0040].

While **Perttila** teaches the delivery of an e-coupon to a user’s device based on its proximity to a promotional object, such as a billboard, **Emmons** (Ex. 1010)

further makes explicit implementation details for a server to facilitate the purchase of goods by, and delivery of goods to, a user of a mobile communications device. **Emmons** teaches a system for “self service checkout and product delivery” in an electronic commerce application using a mobile device to scan, retrieve information about, and purchase in-store products from “an appropriate server.” *E.g.*, **Emmons**, 2:47-55, 3:18-25, 3:56-60, 4:26-44. As further discussed in §IX.A.2, a person of ordinary skill in the art (“POSITA”) would have been motivated to apply **Emmons**’ teachings of a mobile purchasing system in implementing **Perttila**’s e-commerce arrangement to advantageously improve the ability of mobile device users to purchase the items promoted by **Perttila**’s system.

And while **Perttila** (as modified by **Emmons**’ teachings) discloses a promotional e-commerce arrangement, **Insolia** (Ex. 1008) provides further details for enhancing the promotion of a good by implementing a “loyalty program” to provide “loyalty points” to customers purchasing products. As discussed in §IX.B, a POSITA would have been motivated to apply **Insolia**’s known implementation detail teachings for providing a loyalty program in implementing **Perttila**’s promotional e-commerce system (as modified by **Emmons**’ teachings).

As demonstrated herein, the prior art renders obvious the Challenged Claims, which are directed to an obvious combination of prior art elements combined according to known methods to yield predictable results. The claimed elements and

the claimed arrangement of elements are rendered obvious by **Perttila** in view of **Emmons** and also in further view of **Insolia**, and, at most, the combination amounts to nothing more than a predictable use of prior art elements according to their established functions.

The USPTO did not consider **Perttila**, **Emmons**, **Insolia** or any other reference providing analogous disclosures during prosecution of the '896. Had such references been considered previously, the Challenged Claims would have been found unpatentable.

As explained in greater detail herein, all the features of the Challenged Claims were known well before the earliest possible priority date of the '896, and the purported invention is no more than an obvious combination of prior art elements combined according to known methods to yield predictable results. Petitioner requests that the Board institute trial and find the Challenged Claims unpatentable.

II. MANDATORY NOTICES (§42.8)

A. Real Party-In-Interest

Target Corporation is the real party-in-interest. No other party had access to or control over the present Petition, and no other party funded or participated in preparation of the present Petition. Proxicom asserts in the litigation that Petitioner infringes the '896 by utilizing instrumentalities provided at least in part by Acuity

Brands (“Acuity”), but Acuity is not funding, controlling, directing, or otherwise involved in this petition or proceeding, nor has it been in the past.

B. Related Matters

Proxicom Wireless, LLC v. Target Corporation, No. 6:19-cv-1886-Orl-37LRH (M.D. Fla.) (pending).

The following table lists matters regarding related patents:

Patent No.	IPR
9,038,129	IPR2020-00903
7,936,736	IPR2020-00904
8,090,359	IPR2020-00931
8,090,359	IPR2020-00932
8,374,592	IPR2020-00933
8,369,842	IPR2020-00977
8,116,749	IPR2020-00978
9,161,164	IPR2020-00979
8,385,913	IPR2020-00980

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Petitioner consents to electronic service of documents to the email addresses of the counsel identified above.

III. PAYMENT OF FEES

The undersigned authorizes the Office to charge the fee required by §42.15(a) and any additional fees to Deposit Account No. 18-1945, under Order No. 001008-0037-654.

IV. REQUIREMENTS FOR INTER PARTES REVIEW

A. Grounds for Standing

Pursuant to §42.104(a), Petitioner certifies that the '896 is available for IPR. Petitioner is not barred or estopped from requesting IPR challenging the claims of the '896 on the grounds identified herein.

B. Identification of Challenge

Pursuant to §42.104(b), Petitioner requests IPR of claims 1-3, 5-6, 8-9, 17-18, 40-41, 44, 48-53, and 56 of the '896, and that the Board cancel the same as unpatentable. The '896 matured from U.S. Application 13/212,723 (filed 08/18/2011), and claims priority to U.S. Application 12/364,828, (filed 02/03/2009, matured into U.S. Patent 8,090,359), and U.S. Provisional Application Nos. 61/095,359 (filed 9/9/2008) and 61/095,001 (filed 9/8/2008).² Williams ¶¶77-78.

1. The Specific Art on Which the Challenge is Based

Petitioner relies upon the following prior art:

Name	Exhibit	Patent Publication	Filed	Issued / Published	Prior art under at least
Perttila	1006	U.S. 2004/0243519	6/2/2003	12/2/2004	§102(b)
Emmons	1010	U.S. 7,963,441	2/27/2008	6/21/2011	§102(e)
Insolia	1008	U.S. 8,121,917	3/3/2008	2/21/2012	§102(e)

Emmons incorporates by reference the teachings of U.S. 6,439,345 (“Recktenwald”) (Ex. 1012), which issued 8/27/2002, and U.S. 7,156,311 (“Attia”)

² Petitioner takes no position as to, and reserves its right to challenge, the propriety of the priority claims since the art presented herein predates the earliest possible filing of the '896 patent.

(Ex. 1011), which issued 1/2/2007. Emmons, 4:26-31, 5:4-8, 5:43-44. **Recktenwald** and **Attia** are prior art under §102(b).

These references were not cited in an Information Disclosure Statement or otherwise identified by the Examiner, or applied in a rejection of the claims during prosecution of the '896. The Examiner never considered the grounds presented herein or the testimony of Petitioner's expert David Williams ("Williams," Ex. 1003) regarding the scope and content of the prior art. *See* Ex. 1002. Because the presented grounds are not cumulative of any prior art previously considered, and are not the same or substantially the same as prior art or arguments previously considered, the Board should not exercise its discretion under §325(d). Applying the factors from *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 20, 2020), the Board should not exercise its discretion to deny institution under §314(a): (1) the district judge before whom this case is pending has granted every post-institution motion to stay that Petitioner has found (Exs. 1016-1019); (2) this case was filed on 10/2/2019; and while trial is currently set for 9/7/2021, it may be delayed due to a variety of factors including those relating to COVID-19; (3) the litigation is in its early stages and Petitioner did not delay in filing this Petition—the court has not ruled on Petitioner's motion to dismiss or any substantive issue relating to the '896; PO served its infringement contentions on 2/10/2020, identifying over 120 claims at issue in the litigation; PO has refused to reduce the number of asserted claims, which

would have also narrowed the number of claims challenged before the Board; and PO has not yet responded to Petitioner's invalidity contentions in the litigation; (4) in addition to the claims asserted in the litigation, the petition challenges some claim(s) not asserted in the litigation; (5) the litigation and PTAB parties are the same; and (6) as demonstrated herein, the Challenged Claims are rendered obvious by art that the USPTO never considered during prosecution, and PO has indicated that it intends to continue to assert this patent against numerous other defendants (Ex. 1020). This IPR should be instituted.

2. Statutory Grounds on Which the Challenge is Based

Ground	References	Basis	Claims
1	Perttila in view of Emmons (which incorporates Recktenwald and Attia by reference)	§103	1-3, 5-6, 8, 17-18, 40-41, 44, 48-53, 56
2	Perttila in view of Emmons (which incorporates Recktenwald and Attia by reference) and Insolia		9

3. How the Challenged Claims Are Unpatentable

Petitioner provides the information required under §§42.104(b)(4)-(5) in §IX.

V. THE '896 PATENT

The '896 describes techniques for using a server to broker the exchange of information between wireless devices. '896, Abstract. The background section of

the '896 concedes that wireless devices, such as mobile phones, had access to both “wide area” cellular connections, and local area “Bluetooth” connections that permit “peer to peer” communications. '896, 1:28-39, 1:63-66, 2:13-35. The '896 combines these two well-known communication methods, describing methods for exchanging information using “both a short range and a long range wireless capability.” '896, 2:55-59. Williams ¶¶60-61.

The '896's embodiments are directed to some variant of the same general functionality: (1) send an identifier from a second device to a first device using a short-range connection between the devices; (2) communicate the received identifier from the first device to a server; and (3) determine additional information that the server should transmit back to one or both devices to facilitate a purchase. For example, Figure 1 of the '896 shows that “a central server 100 is connected to devices 106 and 108” through a combination of the Internet, and a “cellular network 102.” '896, 5:46-55. The devices are also able to communicate directly with each other via “a short range wireless link 107 such as a Bluetooth.” *Id.*, 6:35-43.

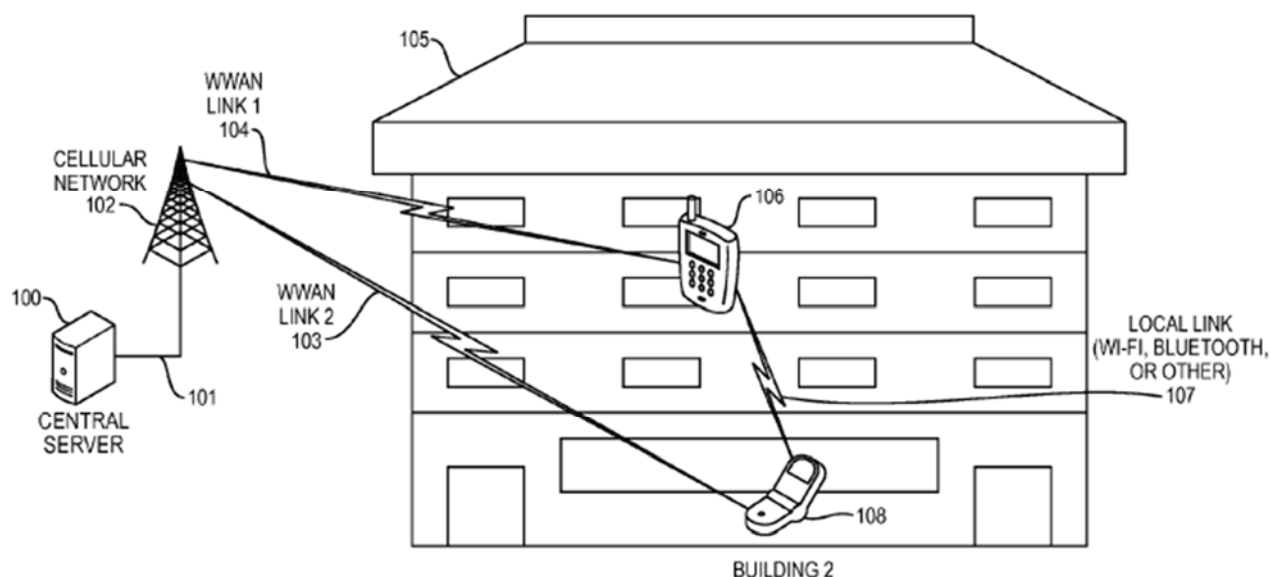


Figure 1

'896 Fig. 1. Williams ¶¶62-63.

Rather than the two devices exchanging information directly, the '896 uses a server to broker the information exchange. The '896 states that a first wireless device performs an identifier search and detects a device identifier from a second wireless device. *E.g.*, '896, 11:31-34, 14:41-52. The first wireless device transmits this received identifying information to a “central server” using a cellular or Internet connection, and the server returns “information associated with that device identifier” to facilitate the purchase. '896, 7:39-43, 7:54-58, 11:34-39, 14:48-60. Examples of such information include “electronic coupons” based on the user’s proximity to a broadcast device, a “list of items for sale from the merchant” associated with a second device identifier, and a request to “confirm the list of goods

to be purchased and the total price to be paid.” ’896, 13:21-31, 14:53-58, 17:55-18:5. The ’896 further discloses this arrangement allows the server to be used in “electronic commerce applications” to “facilitate the purchas[e] of the goods or services” between the merchant and customer. *E.g.*, ’896, 17:35-18:5. Williams ¶¶64-66.

VI. PROSECUTION HISTORY

U.S. Patent Application 13/212,723, which matured into the ’896, was filed 08/18/2011. The originally filed claims were generally directed to using “a server to exchange information between one or more wireless devices” by using the “identifier information related to the second device” “to determine information” to be delivered “to the first wireless device,” “receiving information...indicating selection of...goods for purchase;” “transmitting a request...for confirmation of said purchase;” and “transmitting a receipt....” *E.g.*, ’896 FH (Ex. 1002), 51-54; Williams ¶¶67-68.

The Examiner issued a Non-Final Office Action on 12/9/2011 rejecting independent claim 1 (issued claim 1) as anticipated by U.S. Patent No. 7,213,742 (“Birch”). *Id.*, 93-105. Following an Examiner interview on 4/4/2012, the Applicant filed a response on 4/9/2012 amending the independent claim to clarify that the identifier information of the original claim is received “from a first wireless device” and “related to the second wireless device.” *Id.*, 146-156. The Applicant argued

that the reviewed prior art does not disclose identifiers “passed to a server by a first device” and also added new independent claim 40 (issued claim 40) and several dependent claims directed to a “server apparatus” for executing the method described in claim 1. *Id.*, 146-167; Williams ¶¶69.

The Examiner issued a first Notice of Allowance on 8/16/2012 allowing all pending claims. *Id.*, 238-242. The Applicant filed a request for continued examination on 11/14/2012 amending independent claims 1 and 40 to include the added limitation of the server receiving “second” information from a wireless device that is distinct from the information transmitted by the server. *Id.*, 286-297. The Examiner issued a second Notice of Allowance on 1/16/2013 allowing all pending claims. *Id.*, 352-354. The ’896 issued 2/26/2013. Williams ¶¶70.

VII. LEVEL OF ORDINARY SKILL

A person of ordinary skill in the art (“POSITA”) on or before 9/8/2008, would have had a minimum of a Bachelor’s degree in Electrical Engineering, or a related field, and approximately 3-5 years of professional experience in the field of wireless communications. Additional graduate education could substitute for professional experience, or significant experience in the field could substitute for formal education. Williams ¶¶36-38.

VIII. CLAIM CONSTRUCTION

Terms of claims subject to IPR are to be construed using the same claim construction standard as district court. §42.100(b). Only terms necessary to resolve the controversy need to be construed. *Nidec Motor v. Zhongshan Broad Ocean Motor*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). For review purposes, Petitioner interprets the claim terms according to their plain and ordinary meaning consistent with the specification.

The parties have submitted proposed constructions in the underlying litigation, which do not impact the outcome of this IPR as the prior art meets each proposed construction. *See* Ex. 1032; Williams ¶¶71. While the Challenged Claims use terms of degree (e.g., “short range wireless communication” and “Local Area Network”), the prior art relied on herein discloses the ’896’s examples of those terms as shown in §IX.A below. *See, e.g.*, ’896, 19:46-48 (“a local, or personal area network wireless protocol such as ... Bluetooth”); 2:64-3:2 (“...short range radio communication standard capabilities such as Bluetooth...”). Williams ¶¶72-76.

A district court in another proceeding has construed terms of a related patent, but these constructions do not impact the outcome of this IPR as the prior art discussed in §IX meets the limitations under the district court’s constructions. *See* Ex. 1021. Williams ¶71.

IX. GROUNDS OF UNPATENTABILITY

The '896 is directed to a method and system for facilitating an e-commerce transaction between two wireless devices through a server. At their core, the claims recite (1) sending an identifier from a second wireless device to a first wireless device using a short-range connection; (2) communicating the identifier from the first device to a server; (3) the server determining information concerning an entity or object near the second device; (4) the server receiving information from either device indicating selection of one or more goods for purchase; and (5) the server requesting and receiving confirmation of said purchase and transmitting a receipt. The claimed features are obvious in view of the prior art, as explained below. Williams ¶¶79-80, 116.

For example, **Perttila** discloses a system for facilitating communications for an e-commerce application between a user's wireless communications device and an in-store wireless merchant media arrangement through a remote server. **Perttila** discloses the claimed arrangement of the devices and the server recited in independent claims 1 and 40, including the devices exchanging "identifiers" over a short-range communication link, and the server (i) associating identifiers received from the first wireless device with information concerning a user and/or promotional object near the second wireless device, and (ii) returning "an appropriate electronic commerce application" such as a personalized e-coupon to the user's device based

on the received device identifier[s]. **Emmons** discloses a system for self-service checkout and delivery using a mobile device, including the claimed requirements of transmitting a selection of goods for purchase, requesting and transmitting a confirmation of said purchase, and delivery of a receipt for said purchase. As further discussed below, **Perttila** in view of **Emmons** renders obvious claims 1-3, 5-6, 8, 17-18, 40-41, 44, 48-53, and 56; Williams ¶¶115-118.

As to claim 9's requirement for a "reward program," **Perttila** in view of **Emmons** and **Insolia** renders this claim obvious. **Insolia** discloses a "loyalty program" wherein customers are awarded additional "loyalty points" for purchasing products. Williams ¶¶227-230.

As shown below, the prior art renders the Challenged Claims of the '896 unpatentable. This Petition is supported by the Declaration of David Williams, which describes the scope and content of the prior art at the time of the alleged invention of the '896. Williams ¶¶39-236.

A. Ground 1: Claims 1-3, 5-6, 8, 17-18, 40-41, 44, 48-53, 56

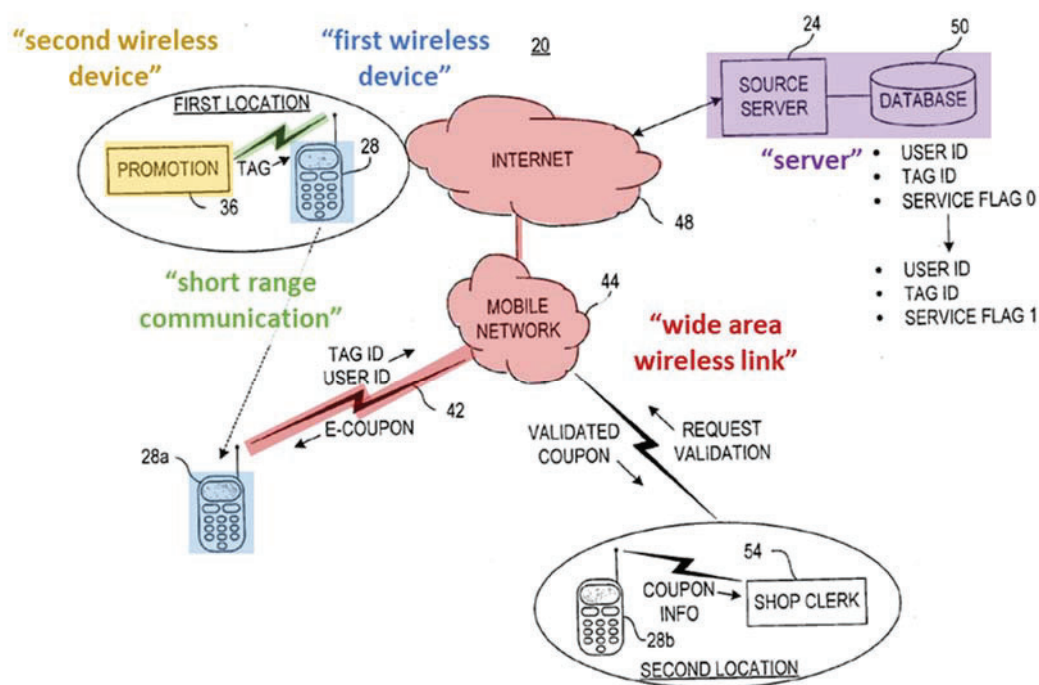
1. Overview of Perttila

Perttila teaches a system and method for a remote server to communicate data to a user in response to "electronic communications between a user communications device and a merchant-media arrangement...." *E.g.*, **Perttila** ¶[0008]. The merchant-media arrangement is a "billboard" conveying promotional content associated with

a merchant and communicating with the user communications device over a “short-range communication link.” *Id.*, ¶¶[0009], [0026], [0028]. **Perttila** discloses “co-locat[ing]” the merchant-media arrangement with a portable wireless “Bluetooth” “beacon device” or “RFID tag” to enable this communication. *Id.*, ¶¶[0037], [0060]. **Perttila** discloses locating the merchant media arrangement “at the store itself” to provide mobile users “coupon offerings” through the tags or beacons. *Id.* ¶[0039]. To the extent it is argued that further disclosure of a wireless merchant-media arrangement is required, at minimum, it would have been an obvious implementation choice to use a wireless merchant-media arrangement, such as a mobile battery-powered device, to advantageously enable easy placement of the portable device in a store (*e.g.*, without having to plug the device into an outlet). Williams ¶¶81-82.

The user communications device is a “mobile communications device,” which may be “any number of wireless devices,” *e.g.*, a “wireless/cellular telephone[.]” Perttila ¶[0064]. As illustrated below in Fig. 1a, the “user-communications device” (annotated blue) receives a “merchant-media ID code” from the “merchant-media arrangement” (annotated yellow) over the wireless short-range link (annotated green) when within range. *Id.*, ¶¶[0008], [0015], [0037]. In response to receiving the merchant media ID, the user communications device generates and sends “a merchant-information-request signal that includes the merchant-media ID code” to the server (annotated purple). *Id.*, ¶¶[0008]-[0009], [0015]. The user’s device 28a

sends the merchant-media ID (e.g., “tag ID”) to the server 24 over a link provided by “a mobile network 44 and/or the Internet 48” (annotated red). *Id.*, ¶¶[0026], [0036], [0038].



Perttila Fig. 1a; Williams ¶¶83-84.

The server is also able to communicate with the merchant-media arrangement. Perttila ¶[0054]. The mobile-arrangement reads an RFID tag carried by the user and transmits the USER ID and its own merchant-media ID to the remote server (also called “remote processing arrangement 140”), using the wide-area link. *Id.*, ¶¶[0054]-[0055]. The merchant-media arrangement also uses the wide-area link “for downloading the electronic coupon data set from the source server” and providing it

to a user “using any of a variety of mechanisms,” like a printer at the terminal. *Id.*, ¶¶[0056]-[0057]. **Perttila** discloses that “the remote server acts independent of whether the link is being establish by the user’s mobile communications device of the merchant media arrangement.” *Id.*, ¶¶[0033]-[0034], [0054]. After receiving the merchant information request signal, the server “extracts [and stores] the user/terminal ID along with the tag (merchant-media) ID from the request” in order to generate “merchant-based service information,” such as “a user-redeemable electronic coupon” and “pricing information for a particular...product, service,” to “facilitate merchant transactions,” to provide to the user. *Id.*, ¶¶[0011], [0025], [0028], [0038], [0040]. Williams ¶85.

Perttila teaches that the server associates the received merchant-media ID with a “service information data set” provided to the user visiting the merchant-media arrangement. Perttila ¶¶[0009], [0027]-[0028]. The server uses the merchant ID code to “identify the type of product conveyed by the merchant-media arrangement” and “determine the location of the merchant media arrangement.” *Id.*, ¶¶[0029], [0033]. The server sends to the user communications device an “electronic coupon” that “correspond[s] to the merchant-media’s ID code,” such as “offerings” in the store. *Id.*, ¶¶[0015], [0038]-[0039]. The offering is in the form of “an electronic data set,” or “Java Midlet[...]downloadable by the user’s mobile terminal and by the merchant-media arrangement.” *Id.*, ¶¶[0011], [0015], [0034]. Further,

the server retrieves and transmits to the user communications device, a list of items or services to which the offering may be applied. *Id.*, ¶¶[0026], [0044]-[0050]. Williams ¶¶86-87.

Perttila discloses a consumer redeeming the offering to facilitate “merchant transactions” involving the purchase of goods or services. *Id.*, ¶¶[0028], [0042], [0053]. In response to receiving a redemption or “void request,” which includes the requesting user ID and merchant ID, the server first performs “verification and credit actions” to “ensure that the user has rights to use the...offering” by checking whether its database has “a file with user ID and tag [merchant] ID” of the request, which correspond to the user’s account and the merchant’s account, respectively, and if so, “records a service flag to indicate that the coupon is valid....” *Id.*, ¶¶[0039], [0041]-[0043], [0053], Fig. 1b. In this way, the coupon is “redeemed” and “void[ed]” to complete a “merchant transaction[.]” *Id.*, ¶¶[0028], [0042]. A POSITA would have understood that the server has a processor to perform these actions, and at minimum it would have been an obvious design choice to use a processor to do so. Williams ¶¶88-89. As the ’896 admits, server processors were well known. ’896, 6:3-12.

Perttila is in the same field and is analogous art to the ’896—both are related to the exchange of information between wireless communication devices in an e-commerce application. *E.g.*, ’896, Abstract, 1:57-2:12, 2:47-51, 7:32-53, 11:20-30; Perttila Abstract ¶¶[0001], [0007]-[0008]. **Perttila** is also pertinent to the alleged

problem(s) identified in the '896 such as “not receiving sufficient signal strength” for indoor proximity-based interactions. *E.g.*, '896, 1:28-33, 1:45-56, 2:5-39. For example, just as with the '896, **Perttila** a “short-range communication link” that works indoors such as “Bluetooth” or “RFID.” *E.g.*, Perttila ¶¶[0037]-[0038]. Further, information exchange in **Perttila**'s system is mediated by a “remote server.” *E.g.*, Perttila ¶¶[0007], [0025], [0035]. Williams ¶¶90-91.

2. Overview of Emmons (incorporating by reference Recktenwald and Attia) and Motivation to Apply its Teachings to Perttila

Emmons teaches a system for “self service checkout and product delivery” in an e-commerce application using a mobile device to scan selected products while “travers[ing a] store” and to retrieve information from “an appropriate server” in order to purchase the products using the mobile phone. *E.g.*, Emmons, 2:47-55, 3:18-25, 3:56-60, Fig. 2. **Emmons** discloses that the mobile device is “a cellular telephone” equipped with a “conventional barcode scanner,” or with “convention[al] RFID reading technology...to access the information carried by the particular” product. *Id.*, 3:32-60. As illustrated below in Fig. 1, the “information extracted” from the product “may then be sent via a network 12 where it is routed to an appropriate server 14...where it is further processed as discussed further below.” *Id.*

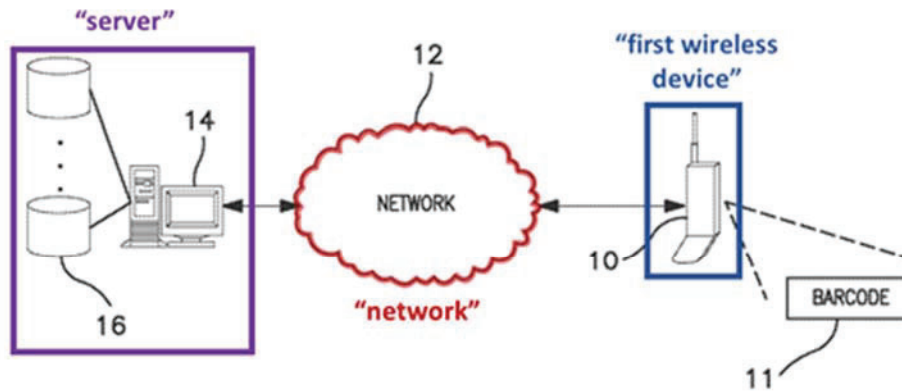


FIG. 1

Williams ¶¶92-93.

Fig. 2 of **Emmons** illustrates an exemplary process for purchasing and receiving products of interest: “[o]nce the cellular phone 10 has captured the information from the information carrying indicia 11 that is of interest to the user...the system will...redirect a browser application of the cellular phone 10 to a desired Web/WAP page...having information for the product that was associated with the information carrying indicia 11 that was scanned....” *Id.*, 4:26-35, Fig. 2 (steps 2-3).

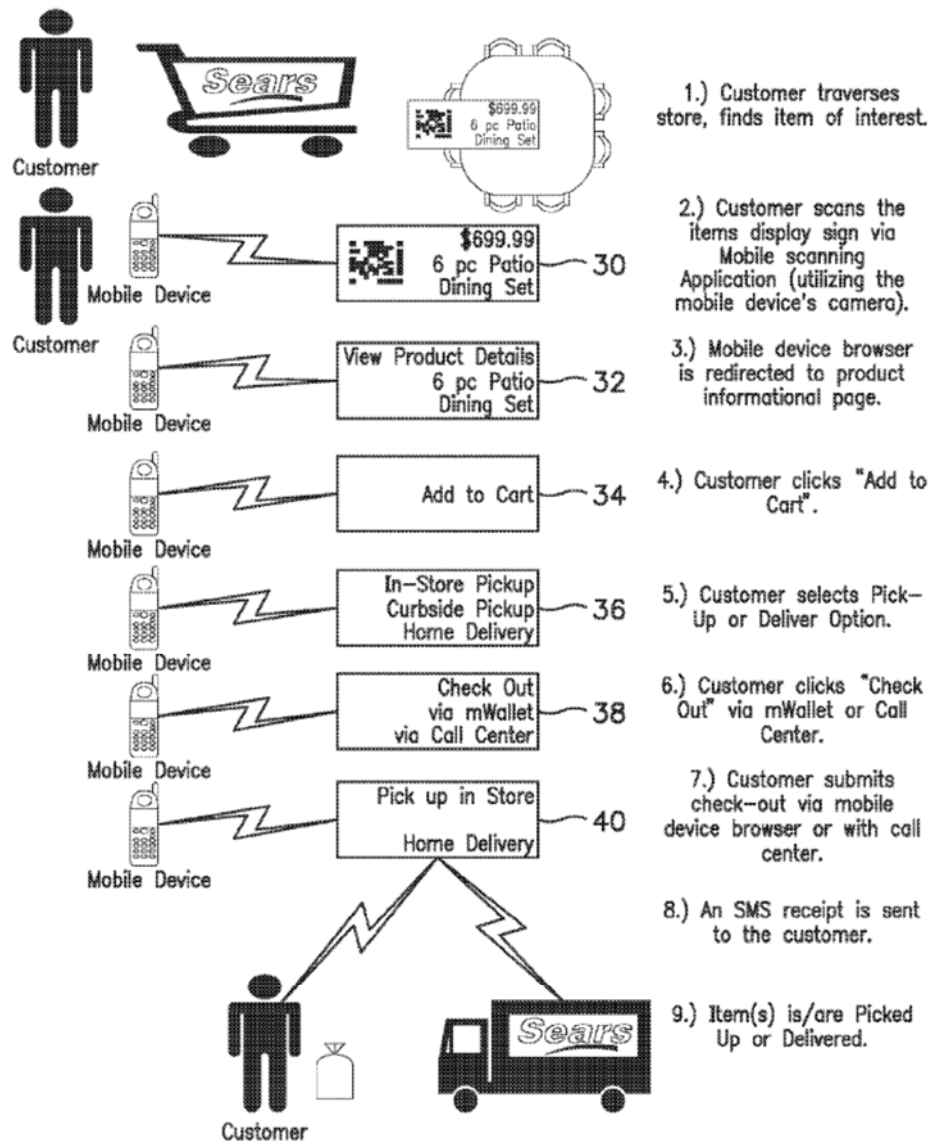


FIG. 2

Williams ¶94.

The "Web/WAP page" presented to the user includes "information for the [scanned] product," including its "image." *E.g.*, Emmons, 4:26-37. The webpage also includes "further links to allow the user to...access price comparison

information,” and “elect[] to purchase” the product by adding the product to his/her “shopping cart.” *Id.*, 4:37-51, Fig. 2 (steps 3-4). Williams ¶95.

Emmons discloses that, in response to the user clicking “add to cart,” the server redirects the phone’s browser to “a further Web/WAP page” displaying “the products that the user has indicated a desire to purchase.” *Id.*, 4:47-66. Additionally, **Emmons** teaches a “registry application,” which allows the user to populate on-line, using his/her device, a list of items for purchase. *Id.*, 5:33-38. After product selection is completed, the user confirms the purchase by “select[ing] a desired payment option” and “desired delivery option for the product, e.g., in store pick-up.” *Id.*, 4:45-61, Fig. 2 (steps 5-7). **Emmons** discloses that the server may have a “payment option already registered” for the user (for example, using an “m-Wallet”) and verifies “payment and the ability to deliver” after the “product purchase process has been completed.” *Id.*, 4:52-61, 4:63-67. Williams ¶¶96-97.

As illustrated in Fig. 3, **Emmons** further discloses a product “pick-up” system wherein the customer can choose to pick up his/her items “in store” or at a “pickup facility” associated with the store. *Id.*, 2:59-63, 4:52-57. The customer provides the server with identifying information “by which the prior purchase history of the user may be accessed, e.g., [a] cell-phone number,” and the server provides this information to a store terminal and “associate” to identify product(s) to be delivered to the customer. *Id.*, 5:22-28, Fig. 3; Williams ¶98.

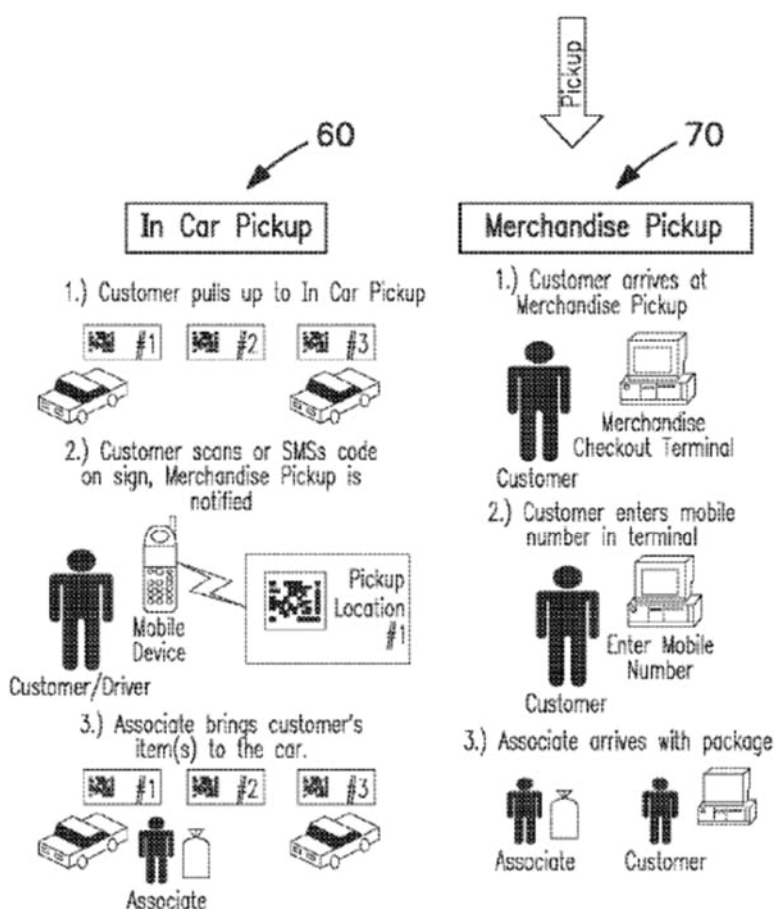


FIG. 3

Emmons incorporates **Recktenwald** by reference for further implementation details of the “product pickup procedure.” *E.g.*, Emmons, 5:4-8; Recktenwald, 5:16-19. **Recktenwald** teaches utilizing a “paging system” at the server (e.g., “in-store processor 112”) to transmit information related to the product pickup to a “portable display device worn or carried” by a stock room attendant (called an “MPU associate”). *E.g.*, Recktenwald, 5:16-26. **Recktenwald** further teaches the customer picking up his/her items by visiting a “merchandise pick up (MPU) kiosk” and

providing a telephone number. *E.g.*, Recktenwald, 4:48-55, 4:1-3, 7:38-39. The kiosk “transmits the telephone number to the in-store processor 112 which searches...for any transactions involving items which the customer has not yet picked up.” *Id.*, 7:40-53. Once the customer confirms pick-up is ready, “the in-store processor...notif[ies] the MPU associate” by sending a message to a “portable display device...worn or carried by the MPU associate,” which displays “the bar coded sales check number for the transaction involved in the pick up, the customer’s name, the item to be picked up...and where the item is to be delivered.” *Id.*, 4:54-5:3, 9:64-10:19. Williams ¶¶99-100.

Additionally, **Emmons** incorporates **Attia** by reference to teach that “additional security” may be provided by requiring the cellular phone user “to provide a username and/or password” in order to be “granted access to server 113 in any capacity.” Emmons, 4:26-31; Attia, 6:45-50. Williams ¶110.

Like **Perttila**, **Emmons** (including **Attia** and **Recktenwald**, which **Emmons** incorporates by reference and contain similar disclosures) is in the same field and is analogous art to the ’896, namely communication between devices for e-commerce transactions. Emmons, Abstract, 3:20-31, 3:56-60; Recktenwald, 3:7-37; Attia, Abstract, 1:36-41. **Emmons** is also pertinent to the alleged problem(s) identified in the ’896 of “a need to cross validate the identities of the individuals engaged in the [e-commerce] transaction.” ’896, 2:10-11. For example, **Emmons** discloses

providing the user with an “image of the [selected] product” before purchasing the item and methods for identifying a user with a “sales check number” or “credit card” number before delivering items to them. *E.g.*, Emmons, 4:31-37; Recktenwald, 1:53-65. Williams ¶¶106-107.

A POSITA would have been motivated to apply **Emmons**’ implementation detail teachings for purchasing goods on a mobile device while “travers[ing a] store” in implementing **Perttila**’s e-commerce arrangement, which uses “tag or beacons located at the store itself” to enable a mobile device to purchase particular products after receiving e-coupon offerings. *E.g.*, Perttila ¶¶[0039], [0009], [0025]; Emmons, Fig. 2; Williams ¶102. For example, **Perttila** teaches that the in-store arrangement provides “coupon offerings” to user’s mobile device. Perttila ¶¶[0039], [0025]; Williams ¶103. A POSITA would have understood that it would have advantageously benefitted **Perttila**’s system to allow a user to easily and quickly use his/her mobile device to purchase the products for which information was received, as taught by **Emmons**. Williams ¶104. **Emmons** provides additional implementation details for purchasing goods on-line from the merchant—including identifying goods using a scanner on the phone, transmitting a selection of goods for purchase, requesting and providing confirmation of said purchase, and transmitting a receipt for said purchase. Emmons 4:16-5:3. Implementing **Perttila**’s “electronic commerce arrangement” by allowing the purchase of goods directly from a user’s

mobile device as taught by **Emmons** would have further enhanced **Perttila's** e-commerce system, which is designed to “facilitate merchant transactions,” and would have been an obvious implementation choice for the foregoing reasons. **Perttila** ¶¶[0028], [0070]; **Williams** ¶104. Similarly, **Emmons'** teachings of providing the “purchase history of the user” to the merchant’s “pick-up facility” would have enabled the customer to more easily and quickly pick-up his/her purchased goods, for example by utilizing simple identification information, such as a phone number. **Williams** ¶104. Likewise, a POSITA would have recognized that securing **Perttila's** e-commerce arrangement (as implemented in view of **Emmons'** teachings) with a username and password, as disclosed by **Emmons** (incorporating **Attia** by reference), would have advantageously improved **Perttila's** system by increasing security. **Williams** ¶105. This is especially true given **Emmons'** disclosure of storing payment information for the user in the system; by securing the server, the user is protected from unauthorized purchases using his/her m-Wallet. **Emmons**, 4:26-31; **Attia**, 6:45-40; **Williams** ¶105.

In light of the foregoing, a POSITA would have found it obvious and straightforward to apply **Emmons's** teachings of a mobile self-service checkout and delivery system in implementing **Perttila's** system for processing e-commerce transactions, and would have known that such a combination (yielding the claimed

limitations) would predictably work and provide the expected functionality.

Williams ¶108.

3. Claim Chart

Claim Element	<u>Perttila in view of Emmons</u>
[1.pre] A method for a server to exchange information with one or more wireless devices comprising the steps of:	Perttila discloses a method for a server (e.g., “server”) to exchange information with (e.g., “system for the communication”) one or more wireless devices (e.g., communicate “service information” to a wireless “user communications device” “in response to electronic communications between [the] user communications device and a merchant-media arrangement”). <u>E.g., Perttila:</u> Perttila discloses an “interactive communications system” for a remote server to communicate information to a wireless “user communications device” “in response to electronic communications between a user communications device and a merchant-media arrangement.” <i>E.g.</i>, Perttila ¶¶[0008]-[0009]. As discussed above in §IX.A.1, a POSITA would have understood that Perttila discloses a wireless merchant-media arrangement and at minimum it would have been obvious to use a wireless merchant-media arrangement, such as a mobile battery-powered device that communicates wirelessly, to advantageously enable “portability.” <i>Id.</i>, ¶[0060]; Williams ¶121. • [0019] (“FIG. 1a is <u>a system for the communication of an electronic coupon to a user via a link established with a source server by a mobile communications device</u>, according to an example embodiment of the present invention.”) • [0008] (“...a system, apparatus, and method for <u>sending service data in response to electronic communications between a user communications</u>

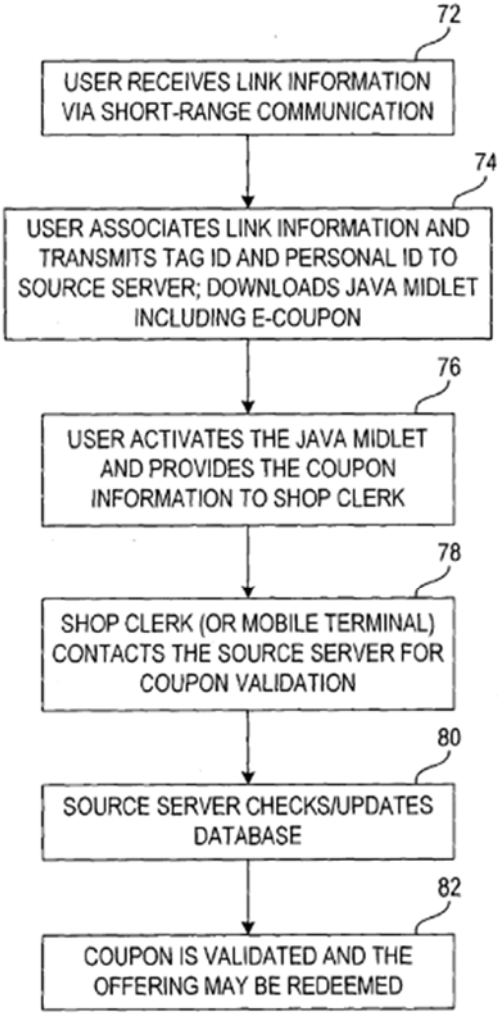
Claim Element	<u>Perttila in view of Emmons</u>
	<u>device and a merchant-media arrangement</u> (e.g., audio and/or visual advertisements).”) • Fig. 1a FIG. 1a • [0012] (“...[T]he user-communications device may be, for example, a wireless telephone....,”) See also Perttila ¶¶[0009], [0011]-[0015], [0025]-[0027], [0037], [0041], [0060]. Williams ¶¶119-121.
[1.a] receiving identifier information from a first wireless device related to a second wireless device or an entity associated with said second wireless device, said identifier information having been received by	Perttila discloses receiving identifier information from a first wireless device related to a second wireless device or an entity associated with said second wireless device (e.g. “user-communications device” is a “wireless telephone” and “sends the ID signal [from the merchant-media arrangement] (along with the user's ID code in some implementations) to the remote source server”), said identifier information having been received by the first wireless device using short range wireless communication (e.g., “user-communications device picking up a short-range ID code from the merchant-media arrangement” wirelessly using “RFID” or “Bluetooth”).

Claim Element	<u>Perttila in view of Emmons</u>
the first wireless device using short range wireless communication;	<u>E.g., Perttila:</u> See [1.pre]. In addition, Perttila discloses that the wireless user communications device receives a “merchant-media ID code” from the “merchant-media arrangement” over a “short-range communication link such as a Bluetooth link” or “RFID” and transmits to the server “a merchant-information request signal that includes the merchant-media ID code.” • [0009] (“<u>The merchant-media arrangement has a merchant-media ID code and is adapted to communicate service initiation information, including the merchant-media ID code, to requesting devices over a short-range communication link. The user-communications device is adapted to receive the service initiation information, including at least the merchant-media ID code, and in response to receiving the service initiation information, is adapted to send a merchant-information-request signal that includes the merchant-media ID code.</u>”) • [0015] (“In response to <u>the user-communications device picking up a short-range ID code from the merchant-media arrangement...</u>the user-communications device establishes a link with a remote source server and sends the ID signal (along with the user's ID code in some implementations) to the remote source server where an electronic coupon is generated.”) • [0037]-[0038] (“An <u>RFID tag 38 is co-located at the merchant-media arrangement</u> at the first location (e.g., attached to the merchant promotional article 36), and is used to communicate a merchant ID code.... <u>As an alternative to using...RFID..., the merchant ID code can be communicated through</u>

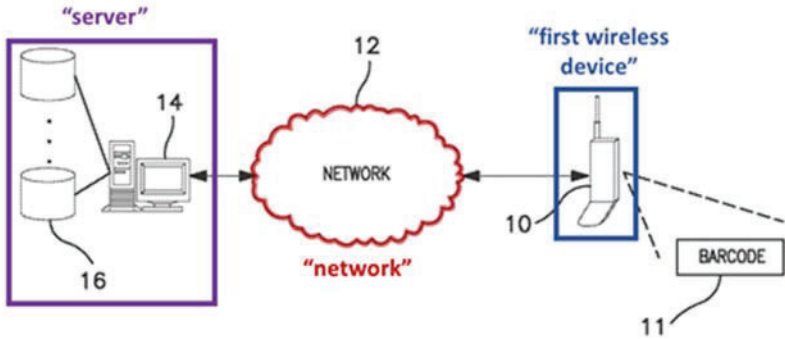
Claim Element	<u>Perttila in view of Emmons</u>
	<u>...a Bluetooth link...through a...beacon device at said first location.... After receiving the merchant ID code..., the telephone 28a establishes the link 42 with the source server 24 through a mobile network 44 and/or the Internet 48...”)</u> See also Perttila ¶¶[0012]-[0014], [0016], [0020], [0025], [0027], [0029]-[0030], [0054]-[0055]. Williams ¶¶122-123.
[1.b] said server using the identifier information to determine information concerning an entity or object located in proximity to the second wireless device;	Perttila discloses said server using the identifier information to determine information concerning an entity or object located in proximity to the second wireless device (e.g., “remote source server” generates “an electronic coupon” “in the form of an electronic data set corresponding to the merchant-media's ID code,” “electronic coupon that corresponds to the content promoted by the billboard”). <u>E.g., Perttila:</u> See [1.a]. Perttila discloses the remote source server using the “merchant-media ID” to “associate the promotional information [on the merchant arrangement] with an e-coupon...linked to this particular location.” <i>E.g.</i>, Perttila ¶¶[0027]-[0029], [0037]. The server generates an electronic coupon “in the form of an electronic data set corresponding to the merchant-media's ID code.” <i>Id.</i>, ¶[0015]. • [0037] (“An RFID <i>tag 38</i> is co-located at the <u>merchant-media arrangement at the first location (e.g., attached to the merchant promotional article 36), and is used to communicate a merchant ID code...</u>to associate the merchant promotional article...with a particular coupon to be provided to the user 28. As an alternative to using...RFID..., <u>the merchant ID code can be communicated</u>

Claim Element	<u>Perttila in view of Emmons</u>
	<i>through...a Bluetooth link...provided through a...beacon device at said first location.... [T]o receive the coupon information, the user physically visits the first location, and the mobile communications device receives <u>the merchant ID code which is ultimately received and processed by the source server 24 for generating the electronic coupon.</u>”)</i> • [0015] (“<i>The electronic coupon is sent to the user in the form of <u>an electronic data set corresponding to the merchant-media's ID code.</u></i>”) • [0027]-[0029] (“[T]he remote processing arrangement to provide...<i>a downloadable electronic coupon that corresponds to the content promoted by the billboard. The merchant-media ID code is used to associate the promotional information with an e-coupon to be provided to the user visiting this billboard location....</i> In this manner, the <i>promotion information is linked to this particular location,</i> and the user visits and views the promotional information in order to receive the coupon offering.”) <i>See also Perttila ¶[0029], Fig. 1b.</i> <i>Williams ¶¶124-126.</i>
[1.c] the server delivering first information to the first wireless device based at least in part upon the identifier information related to the second wireless device;	Perttila discloses the server delivering first information to the first wireless device (e.g., “remote server ... return[s] an...electronic commerce application” to the “user-communication device”) based at least in part upon the identifier information related to the second wireless device (e.g., “remote server ... generate[s]...an appropriate electronic commerce application, such as an electronic coupon by relying on the merchant ID code to identify the type of product conveyed by the merchant media arrangement,” see Fig. 1b).

Claim Element	<u>Perttila in view of Emmons</u>
	<u>E.g., Perttila:</u> See [1.a]-[1.b]. In addition, Perttila discloses the remote server providing the user-communications device with an “electronic commerce application, such as, an electronic coupon,” which corresponds to the received “merchant ID code.” • [0033] (“<u>The remote server can generate and return an appropriate electronic commerce application, such as an electronic coupon by relying on the merchant ID code to identify the type of product conveyed by the merchant-media arrangement.</u>”) • [0015] (“<u>The electronic coupon is sent to the user in the form of an electronic data set corresponding to the merchant-media’s ID code.</u>”) • Fig. 1b:

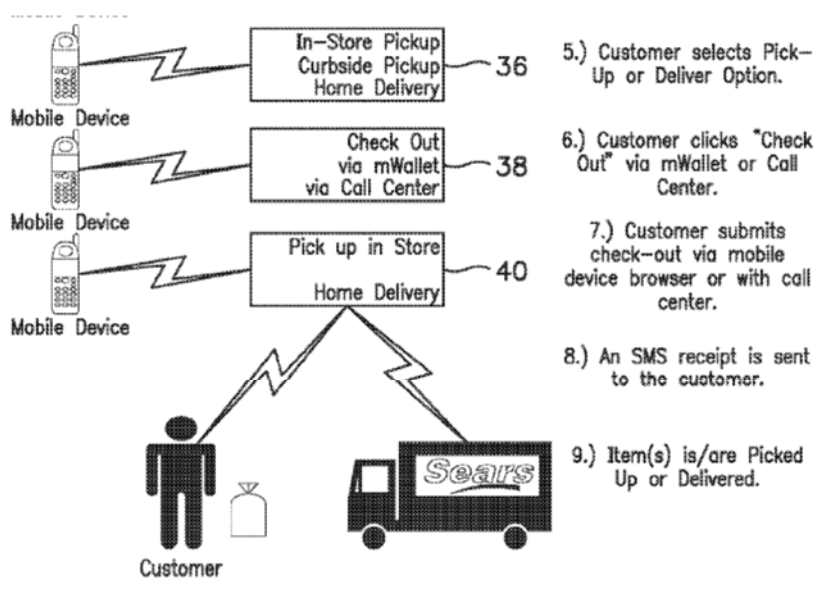
Claim Element	<u>Perttila in view of Emmons</u>
	 FIG. 1b <i>See also Perttila ¶¶[0010], [0015], [0020], [0025]-[0027], [0029], [0031], [0034]-[0040], [0042], [0044]-[0045], [0051]-[0053], [0056]-[0058].</i> <i>Williams ¶¶127-129.</i>
[1.d] the server receiving second information from	Emmons discloses the server (e.g., “server”) receiving second information from...said first wireless device (e.g., user’s “cellular phone” or “mobile device”)

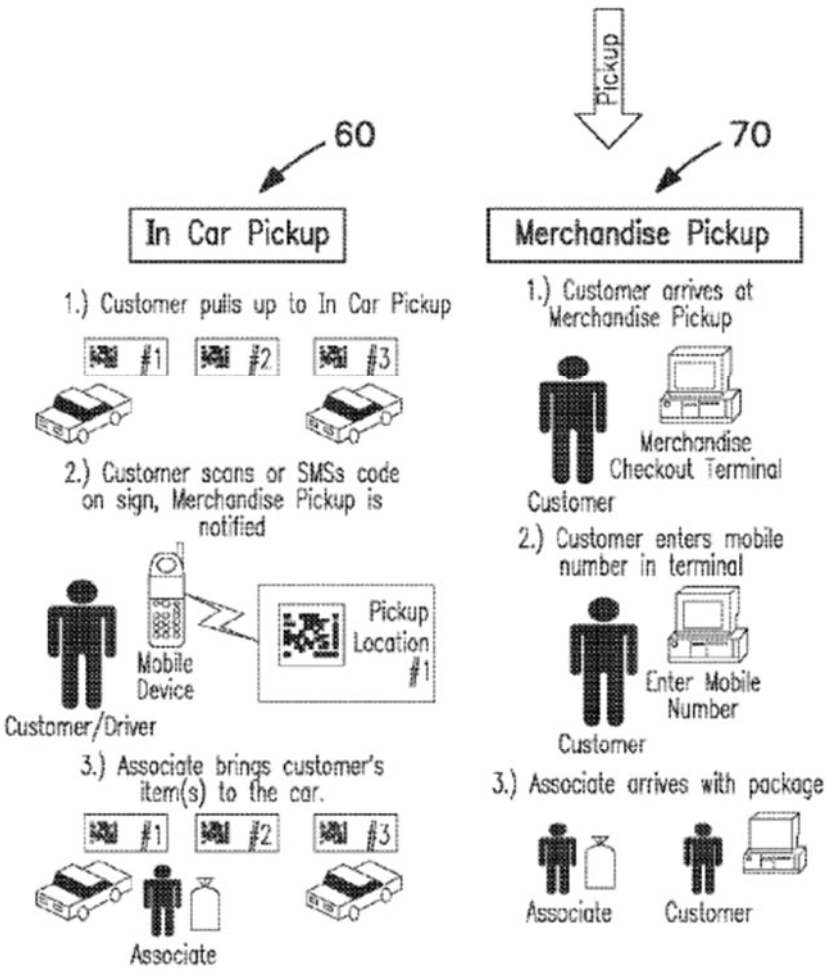
Claim Element	<u>Perttila in view of Emmons</u>
either said first wireless device or said second wireless device indicating selection of one or more goods for purchase;	...indicating selection of one or more goods for purchase (e.g., “user activating the ‘add to cart’ link” on “their cellular phone” or “mobile device,” “link that is activatable to allow for the purchase of the product,” “to purchase the product” user clicks “add to cart”). <u>E.g., Emmons:</u> Emmons discloses a system “for providing self service checkout” using a mobile device to scan barcode (or RFID) information from a product and access from “an appropriate server” “a first web/WAP page having information related to [the scanned] product” and “a link that is activatable to allow for the purchase of the product.” <i>E.g.</i>, Emmons, 2:47-55, 3:18-60, 4:45-52. The user selects the product for purchase by “activating the ‘add to cart’ link,” causing the server to re-direct the mobile phone browser to a web page showing “the contents of their shopping cart.” <i>Id.</i>, 4:45-52. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’ known implementation detail teachings of a server receiving information from a first wireless device indicating selection of one or more goods for purchase in implementing Perttila’s e-commerce system, which “facilitate[s] merchant transactions.” Perttila ¶[0028]. Williams ¶133. • 2:47-55 (“To this end, <u>the system and method involves using a mobile device, such as a cellular telephone, to extract information from an information carrying indicia</u>, such as a barcode. The information extracted from the information carrying indicia is then <u>used to redirect a browser of the mobile device to a first web/WAP page</u> having information related to a product, the first web/WAP page <u>having a link that is activatable to allow for the purchase of the product.</u>”)

Claim Element	<u>Perttila in view of Emmons</u>
	• 3:35-40 (“[T]he cellular telephone 10 may include, for example, conventional barcode scanner technology or...convention[al] RFID reading technology.”) • 3:56-60 (“<i>The information extracted from the decoded barcode may then be sent via a network 12 where it is routed to an appropriate server 14, having one or more associated data repositories 16, where it is further processed as discussed further below.</i>”) • Fig. 1 (annotated):  FIG. 1 • 4:26-52 (“...the Web/WAP page 30 presented to the user may be provided with <u>further links to allow the user to ...purchase the product, e.g., to "add to cart," etc.</u> In the event that user elects to <u>purchase a product...by the user activating the "add to cart" link 34, the system will respond by redirecting the browser application</u> of the cellular device 10 to...their <u>shopping cart, i.e., a Web/WAP that informs the user as to the products that the user has indicated a desire to purchase.</u>”) See also, Emmons, 3:18-25, 3:47-56, 4:16-26, 5:46-68. Williams ¶130-133.

Claim Element	<u>Perttila in view of Emmons</u>
[1.e] the server transmitting a request to either said first or said second wireless device for confirmation of said purchase;	Emmons discloses the server (e.g., “server”) transmitting a request to...said first...wireless device (e.g., “mobile device”; “cellular device”) for confirmation of said purchase (e.g., “shopping cart, i.e., a Web/WAP that informs the user as to the products that the user has indicated a desire to purchase”; “a web/WAP page 38 which allows the user to select a desired payment option”). <u>E.g., Emmons:</u> Emmons discloses the server asking the user to confirm his/her purchase by “redirecting the...cellular device 10 to a...Web/WAP page,” which allows “the user to select a desired delivery option” and “a desired payment option” to complete the purchase. <i>E.g.</i>, Emmons, 4:47-66, 2:55-63. As discussed in §IX.A.2 and [1.d], a POSITA would have been motivated to apply Emmons’ e-commerce teachings of the server transmitting a request to said first wireless device for confirmation of said purchase in implementing Perttila’s e-commerce system. Williams ¶136. • 2:55-63 (“[T]he mobile device is caused to display <u>a second web/WAP page that provides a means for the user to specify a method for paying for the product</u>, such as by using an e-commerce like wallet, via a customer-service representative, etc....”) • 4:45-5:3 (“[T]he system will respond by <u>redirecting the browser application of the cellular device 10 to a further Web/WAP page which</u>...presents to the user the contents of their shopping cart, i.e., a Web/WAP that <u>informs the user as to the products that the user has indicated a desire to purchase</u>. In connection with the product purchase process, the system may additionally present to the user...a Web/WAP page...which <u>allows the user to select a</u>

Claim Element	<u>Perttila in view of Emmons</u>
	<i>desired delivery option...[and] which allows the user to select a desired payment option...</i>") See also Emmons, 6:14-19. Williams ¶¶134-136.
[1.f] the server receiving confirmation that a user wishes to complete said purchase; and	Emmons discloses the server receiving confirmation that a user wishes to complete said purchase (e.g., the “server” receiving indication that the “product purchase process has been completed by the user”; “payment and the ability to deliver has been verified by the system”). <u>E.g., Emmons:</u> See [1.e]. In addition, Emmons discloses the server receiving an indication that the “product purchase process has been completed” when “payment and the ability to deliver has been verified by the system.” <i>E.g.</i>, Emmons, 4:63-66. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’ e-commerce teachings of the server receiving confirmation that a user wishes to complete said purchase in implementing Perttila’s e-commerce system. Williams ¶140. • 4:63-5:3 (“Once the <i>product purchase process has been completed</i> by the user, e.g., payment and the ability to deliver has been <i>verified by the system</i> using conventional methods...”) Williams ¶¶137-140.
[1.g] the server transmitting a receipt to either said second wireless device or to an entity associated with said second wireless device.	Emmons discloses the server transmitting a receipt to either said second wireless device or to an entity (store “Associate”) associated with said second wireless device (e.g., using “purchase history of the user” to “deliver to the” customer “the appropriate purchased products”; “Associate brings customer’s item(s) to the car”). <u>E.g., Emmons:</u>

Claim Element	<u>Perttila in view of Emmons</u>
	Emmons discloses that the customer may elect an “in-store” or “in-car pickup” of goods. <i>E.g.</i>, Emmons, 5:14-28, Figs. 2-3. The customer provides identifier information to the server—such as a phone number—either at a kiosk (for in-store pickup) or through his/her mobile device (for in-car pickup) and the server sends to the store kiosk or associate the “prior purchase history of the user” (a receipt), whereby the store associate “use[s] th[is] information...to thereby deliver to the vehicle of the user the appropriate purchased products.” <i>Id.</i> The store “Associate” thus uses the receipt for said purchase to identify and deliver the “customer’s item(s)” to the customer, and at minimum it would have been obvious to do so such that the product is delivered to the customer as discussed in §IX.A.2. <i>Id.</i>; Williams ¶142. • FIG 2:  <pre> graph TD MD1[Mobile Device] --> 36[In-Store Pickup Curbside Pickup Home Delivery] MD2[Mobile Device] --> 38[Check Out via mWallet via Call Center] MD3[Mobile Device] --> 40[Pick up in Store Home Delivery] 36 --> 40 38 --> 40 40 --> C[Customer] 40 --> S[Sears Truck] </pre> 5.) Customer selects Pick-Up or Deliver Option. 6.) Customer clicks “Check Out” via mWallet or Call Center. 7.) Customer submits check-out via mobile device browser or with call center. 8.) An SMS receipt is sent to the customer. 9.) Item(s) is/are Picked Up or Delivered. FIG. 2 • 5:14-22 (“[U]sing an in-car pickup process..., when <i>the user arrives at the pick-up facility</i>, the user may

Claim Element	<u>Perttila in view of Emmons</u>
	scan a barcode...to thereby notify the system that they are ready for product pick-up.”) FIG 3: (“Associate brings customer’s item(s) to the car.”; “Merchandise Pickup[:] ...Customer enters mobile number in terminal[,] ...Associate arrives with package”)  The diagram illustrates two pickup processes, labeled 60 and 70, under the heading 'FIG. 3'. Process 60: In Car Pickup 1.) Customer pulls up to In Car Pickup. The diagram shows three cars labeled #1, #2, and #3. 2.) Customer scans or SMSs code on sign, Merchandise Pickup is notified. A customer/driver is shown with a mobile device scanning a sign that says 'Pickup Location #1'. 3.) Associate brings customer's item(s) to the car. An associate is shown bringing a package to one of the cars. Process 70: Merchandise Pickup 1.) Customer arrives at Merchandise Pickup. A customer is shown at a 'Merchandise Checkout Terminal'. 2.) Customer enters mobile number in terminal. A customer is shown at a terminal labeled 'Enter Mobile Number'. 3.) Associate arrives with package. An associate is shown bringing a package to a customer. FIG. 3

Claim Element	<u>Perttila in view of Emmons</u>
	• 5:22-28 (“Generally, the <i>information provided to the system will include</i>...information by which <i>the prior purchase history of the user may be accessed</i>, e.g., the cell-phone number of the user. The system will then use the information that is provided from the cellular telephone 10 to thereby deliver to the vehicle of the user the appropriate purchased products.”) Emmons incorporates by reference Recktenwald’s disclosure of a “kiosk driven product pickup procedure.” E.g., Emmons, 5:4-13. Recktenwald discloses the server transmitting a receipt to the store (the claimed entity associated with the second wireless device). Specifically, “item pick up system 100” “permits a customer...to pick up an item purchased” by visiting a “merchandise pick up (MPU) kiosk.” E.g., Recktenwald, 4:48-55, 4:1-3. The customer “may enter the customer’s telephone number” into the kiosk which “transmits the telephone number to the in-store processor 112” (the claimed server), “which searches...for any transactions involving items which the customer has not yet picked up.” <i>Id.</i>, 7:38-54. Recktenwald discloses that “[t]hese transactions are returned...to the MPU kiosk 104 and are presented by the MPU kiosk 104 to the customer”—thus delivering the receipt to the store’s kiosk. <i>Id.</i>, 8:42-51. Once the customer confirms pick-up is ready, “the in-store processor...notif[ies] the MPU associate” by sending a message to a “portable display device...worn or carried by the MPU associate,” which displays “the bar coded sales check number for the transaction involved in the pick up, the customer’s name, the item to be picked up...and where the item is to be delivered”—providing the receipt from the server to the store’s associate. <i>Id.</i>, 4:48-5:4; 9:64-10:19. <i>See also</i>, Recktenwald, 5:14-26, 8:42-51, Figs. 1, 3.

Claim Element	<u>Perttila in view of Emmons</u>
	As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’ e-commerce teachings of transmitting a receipt to an entity associated with a merchant by providing the “purchase history of the user” to the merchant’s “pick-up facility,” kiosk, and associate, in implementing Perttila’s e-commerce system, such that receipt is delivered to an entity associated with the in-store merchant-media arrangement (the claimed second wireless device). Williams ¶147. To the extent it is argued that Recktenwald is not incorporated into Emmons, based on its teachings (Emmons, 5:4-13), a POSITA would have been motivated to apply Recktenwald’s teachings in implementing Perttila for the same reasons. <i>Id.</i>, Perttila ¶[0028], [0042]. Williams ¶147. Williams ¶¶141-147.
[2] The method of claim 1 wherein said short range wireless communication comprises one or more near field communication technologies, including Radio Frequency Identification (RFID), Bluetooth and Local Area Network related protocols.	<i>See</i> [1]. Perttila discloses that said short range wireless communication comprises one or more near field communication technologies, including Radio Frequency Identification (RFID), Bluetooth and Local Area Network related protocols (e.g., “RFID,” “Bluetooth”). <i>See</i> [1.a]. Williams ¶¶148-149.
[3] The method of claim 1 wherein said first wireless	<i>See</i> [1]. Perttila discloses that said first wireless device initiates communication with said second wireless device (e.g.,

Claim Element	<u>Perttila in view of Emmons</u>
device initiates communication with said second wireless device to acquire said identifier information related to the second wireless device.	“User’s mobile device...emit[s] RF activation waves, and...‘tags’...are activated”) to acquire said identifier information related to the second wireless device (e.g., “when activated, the tags transmit...the merchant ID code”). <u>E.g., Perttila:</u> See [1.a]. In addition, Perttila discloses that the merchant-media ID “can be communicated” to the user’s mobile communications device using an RFID link such that the user’s device is equipped with an “RFID reader,” which sends “RF activation waves” to “activate” a “tag[]” in the merchant-media arrangement and cause the merchant-media arrangement to transmit information—including the merchant ID code—to the RFID reader. • [0030] (“The <i>user's mobile communications device is equipped with an RFID reader adapted to emit RF activation waves</i>, and transponders or “tags” brought within the range of the RFID reader are activated by the RF activation. When activated, the tags transmit information to the RFID reader. For instance, when the tag is within sufficient range of the RFID reader to enable communications therebetween, <i>the merchant ID code is transmitted by the merchant-media arrangement</i>, optionally along with the server link information, <i>from the tag to the RFID reader.</i>” Williams ¶¶150-152.
[5] The method of claim 1 wherein an entity associated with said second wireless device initiates communication	See [1]. Perttila discloses that an entity associated with said second wireless device initiates communication (e.g., “merchant ID code can be communicated through...Bluetooth...beacon device”) with said first

Claim Element	<u>Perttila in view of Emmons</u>
with said first wireless device.	wireless device (e.g., see [1.a], to the “user communications device”). <u>E.g., Perttila:</u> <i>See [1.a].</i> As discussed in relation to [1.a], Perttila discloses that the merchant-media ID code “can be communicated” to the user’s mobile communications device “through a[...]short-range communication link such as a Bluetooth link...through a ...beacon device,” such that the beacon—a broadcast-only device—initiates communication by sending out the merchant ID. <i>E.g.</i>, Perttila [0037]; Williams ¶¶153-154.
[6] The method of claim 1 wherein said receipt includes a list of goods being purchased.	<i>See [1].</i> Emmons discloses that said receipt includes a list of goods being purchased (e.g., see [1.g], “prior purchase history”). <u>E.g., Emmons:</u> <i>See [1.g].</i> As discussed in relation to [1.g], Emmons discloses that the server “access[es]” the “prior purchase history of the user,” such that the store kiosk and “Associate” are provided with a list of the “customer’s item(s)” that were purchased (the receipt) to “thereby deliver to the vehicle of the user the appropriate purchased products.” <i>E.g.</i>, Emmons, 5:14-28, Fig. 3. Recktenwald, incorporated by reference into Emmons, discloses that the “sales check information” includes “one or more items of merchandise which were purchased by the customer” (the receipt). <i>E.g.</i>, Recktenwald, 1:62-67. As discussed in §IX.A.2 and [1.g], a POSITA would have been motivated to apply Emmons’ and Recktenwald’s known implementation detail teachings of the server sending the receipt including

Claim Element	<u>Perttila in view of Emmons</u>
	a list of “items...purchased by the customer” to the store in implementing Perttila’s server. Williams ¶158. • 1:62-67 (“Assuming that the customer is identified according to the sales check number, the pick up register presents to the register attendant a screen display containing the relevant sales check information. This <u>information contains, for example, one or more items of merchandise which were purchased by the customer.</u>”) Williams ¶¶155-158.
[8] The method of claim 1 further including initiating delivery of a good or service at or near a location proximate to the second wireless device.	See [1]. Emmons discloses initiating delivery of a good or service at or near a location proximate to the second wireless device (e.g., “in store pick-up,” “in-car pickup facility”). <u>E.g., Emmons:</u> See [1.g]. In addition, Emmons discloses the store delivering a purchased product to a user “in-store” and/or “at an in-car pickup facility.” <i>E.g.</i>, Emmons, 2:59-63, 4:52-57. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’s known implementation detail teachings of initiating delivery of a good or service at a location proximate to the second wireless device by delivering purchased products by way of “in-store” pickup or “in-car pickup” in implementing Perttila’s server, which “facilitate[s] merchant transactions.” <i>Id.</i>, 2:59-63, 4:5-57, Perttila ¶[0028]. Williams ¶161. • 2:59-63 (“[A] third web/WAP page that provides a means for the user to specify a method by which the product is to be picked up/checked out/delivered to the user, such as at home, <u>in-store</u>, <u>at an in-car pickup facility</u>, etc.”)

Claim Element	Perttita in view of Emmons
	• Fig. 3: FIG. 3 <i>See also, Emmons, 4:52-61, 5:4-13, Fig. 3.</i> <i>Williams ¶¶159-161.</i>
[17] The method of claim 1 further including transmitting, from said server to said first wireless device, information to enable authentication of said second wireless device or an entity	<i>See [1].</i> Emmons discloses transmitting, from said server to said first wireless device, information to enable authentication of said second wireless device or an entity associated with said second wireless device (e.g., server sends to the customer's mobile device "a Web/WAP page 32 having information for the product that was associated with the information carrying indicia 11 that was scanned," such as "an image of the product"). <u>E.g., Emmons:</u>

Claim Element	<u>Perttila in view of Emmons</u>
associated with said second wireless device.	See [1.e]. In addition, Emmons discloses that the “Web/WAP page” provided from the server to the customer’s mobile device includes “information for the product” that was scanned, including “an image of the product..., etc.” that can be used to authenticate the merchant selling the product. <i>E.g.</i>, Emmons, 4:26-37. A POSITA would have understood that the “information for the product,” such as an image of the product scanned, would have enabled the consumer to visually authenticate that the Web/WAP page received from the merchant corresponds to the product of interest. Williams ¶164. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’ e-commerce teachings of transmitting information to enable authentication of a merchant to the user’s cellular phone in implementing communication between Perttila’s e-commerce system, such that the customer can authenticate the merchant based on the product image matching what the user had scanned. Williams ¶165. • 4:26-37 (“Once the cellular phone 10 has captured the information from the information carrying indicia 11 that is of interest to the user, e.g., display 30... the <i>user may be first presented with a Web/WAP page 32 having</i> information for the product that was associated with the information carrying indicia 11 that was scanned, e.g., <i>an image of the product</i>, availability of the product, price of the product, textual description of the product, etc.”) Williams ¶¶162-165.
[18] The method of claim 17 wherein the information transmitted to the first wireless device comprises an image	See [17]. Emmons discloses that the information transmitted to the first wireless device comprises an image of an entity or object associated with the second wireless device (e.g., “image of the product”).

Claim Element	<u>Perttila in view of Emmons</u>
of an entity or object associated with the second wireless device.	<i>See</i> [17]. In addition, in applying Emmons’s teachings to Perttila, the product image also matches the product being promoted by the in-store merchant-media arrangement where the user scans the in-store product being promoted. Williams ¶¶166-167.
[40.pre] A server apparatus for exchanging information with one or more wireless devices comprising:	Perttila discloses a server apparatus for exchanging information with one or more wireless devices (e.g., see [1.pre]). <i>See</i> [1.pre]. Williams ¶¶168-169.
[40.a] a receiver, for receiving information from a first wireless device and a second wireless device;	Perttila discloses the server comprising a receiver (e.g., “receive[r]”), for receiving information from a first wireless device (e.g., “user’s mobile communication device,” <i>see</i> [1.a]) and a second wireless device (e.g., “RFID tag is part of a user’s mobile communication device...[;] in response to detecting that such an RFID tag 102 is within a certain range... merchant-media arrangement 112 ... sends data representing the RFID tag and the merchant-media ID to the remote processing arrangement 140 using a communications link 142”). <u>E.g., Perttila:</u> <i>See</i> [1.a]. As explained in [1.a], a remote source server receives information from a user’s mobile communication device. For example, Perttila discloses that information transmitted from a wireless device, including “the merchant ID code...is ultimately received...by the source server.” <i>E.g.</i>, Perttila ¶¶[0037]-[0038]. In addition, Perttila discloses in Fig. 2 that “a merchant-media arrangement 112 establishes the initial link with the

Claim Element	<u>Perttila in view of Emmons</u>
	remote source server....” <i>E.g.</i>, Perttila ¶[0054]. Perttila further discloses that, from the “perspective at the remote server,” it is “arbitrary” whether the link is established by the user’s device or the merchant-media arrangement. <i>E.g.</i>, Perttila ¶¶[0033]. Thus, Perttila discloses a remote source server that receives information from a first wireless device and a second wireless device. Williams ¶172-173. A POSITA would have understood that the server thus has a “receiver” in order to “receive” the identifier information as expressly taught in Perttila (see [1.a]), and at minimum it would have been obvious to use a receiver to do so in order to advantageously receive the transmitted information. Williams ¶172. In addition, to the extent it is argued further disclosure is required, a POSITA would have found it obvious to implement Perttila such that the same server could advantageously communicate with both wireless devices in both of the embodiments of Figs. 1a and 2 such that the e-coupon could be distributed via either mechanism. Perttila ¶¶[0012]-[0014], [0024], [0033]-[0034], [0077]; Williams ¶173. • [0037]-[0038] (“...[T]he mobile communications device receives <u>the merchant ID code which is ultimately received and processed by the source server 24....</u> <u>When receiving the request from the terminal, the source server 24 extracts the user/terminal ID along with the tag (merchant-media) ID from the request...</u>”) • [0054] (“FIG. 2 is a block diagram illustrating another example embodiment of the present invention, in which <u>a merchant-media arrangement 112 establishes the initial link with remote source server 140</u> rather than a mobile communications device....”) • [0055] (“The merchant-media arrangement 112 further includes a communication circuit 141

Claim Element	<u>Perttila in view of Emmons</u>
	(including for example a mobile telephone transceiver) that <u>sends data representing the RFID tag and the merchant-media ID to the remote processing arrangement 140</u> using a communications link 142.”) • [0060]-[0061] (“FIG. 3 shows a <u>portable add-on media communications arrangement 300</u> adapted for implementation with fixed and mobile conventional advertising arrangements, such as a billboard.... The <u>media communications arrangement 300 includes an RF device 310</u> (a tag for an embodiment consistent with FIG. 1a or <u>an RFID reader for an embodiment consistent with FIG. 2</u>) and an identification (ID) storage device 330 that are coupled to a transceiver 320. ...[T]he transceiver 320 sends a wireless signal to a remote wireless processor arrangement 350, the wireless signal including the unique ID for the media communications arrangement 300 and the RFID tag information.”) • [0033] (“<u>[T]he remote server acts independent of whether the link is being established by the user's mobile communications device or the merchant media arrangement....</u> Accordingly, <u>from this perspective at the remote server node, the user's mobile communications device and the merchant-media arrangement can be considered,</u> collectively, as being provided by <u>an arbitrary communication node....</u>”) See also Perttila ¶¶[0012]-[0014], [0024], [0029], [0031]-[0032], [0034], [0077]. Williams ¶¶170-173.
[40.b] a transmitter, for delivering information to the	Perttila discloses the server comprising a transmitter (e.g., “transmit[ter]”), for delivering information to the first wireless device (e.g., “remote server ... return[s]

Claim Element	<u>Perttila in view of Emmons</u>
first wireless device and the second wireless device;	an...electronic commerce application” to the “user-communication device,” <i>see</i> [1.c]) and the second wireless device (e.g., “communications link 142” between the “merchant-media arrangement” and “the source server” “is also used for downloading the electronic coupon data set”). <u>E.g., Perttila:</u> See [1.c], [40.a]. As explained in [1.c], remote server provides the user-communications device (first wireless device) with an “electronic commerce application, such as, an electronic coupon” which corresponds to the received “merchant ID code...” This transmission occurs over communication link 42 between the server and the user’s mobile communications device. Perttila ¶¶[0033]-[0034], [0038]. In addition, Perttila discloses that, as shown in Fig. 2, the electronic coupon is provided to the “merchant-media arrangement” by the “source server” over “communications link 142” before being presented to the user. Perttila ¶¶[0055]-[0056]. Thus, Perttila discloses the server transmitting information to the first wireless device and to the second wireless device. Williams ¶176. A POSITA would have understood that the server thus has a “transmitter” in order to transmit the coupon to the mobile communications device and/or the merchant media arrangement as expressly taught in Perttila, and at minimum it would have been obvious to use a transmitter to do so in order to advantageously send the information. Williams ¶176. In addition, to the extent it is argued further disclosure is required, a POSITA would have found it obvious to implement Perttila such that the same server communicates with wireless devices in both of the embodiments of Figs. 1a and 2. <i>See</i> [40.a]; Williams ¶177.

Claim Element	<u>Perttila in view of Emmons</u>
	• [0033]-[0034] (“<u>The remote server can generate and return an appropriate electronic commerce application, such as an electronic coupon In more specific embodiments, the electronic coupons (“e-coupons”) are Java Midlets that are downloadable...by the equipment that establishes the link. The remote source server is adapted to provide the electronic coupon information in this Java Midlet form.</u>”) • [0038] (“The extracted user/terminal ID and the tag ID are stored by <u>the source server and the source server provides the user terminal with an option to download for example a Java Midlet that corresponds to the request. This Midlet transmission can occur over the same communications link 42 or over another subsequently-established link</u> (not shown) involving the same terminal or another terminal designated by way of the user ID and/or other instruction data provided to the source server 24.”) • [0055] (“The <u>merchant-media arrangement 112 further includes a communication circuit 141</u> (including for example a mobile telephone transceiver) that sends data representing the RFID tag and the merchant-media ID <u>to the remote processing arrangement 140 using a communications link 142.</u>”) • [0056] (“<u>The communications link 142 is also used for downloading the electronic coupon data set from the source server 140.</u>”) See also Perttila ¶¶[0029], [0031], [0035]-[0036], [0075]. Williams ¶¶174-177.

Claim Element	<u>Perttila in view of Emmons</u>
[40.c] a server processor, for cooperating with the receiver and transmitter to	Perttila discloses the server comprising a server processor (e.g., server’s processor) for cooperating with the receiver and transmitter. <u>E.g., Perttila:</u> <i>See [40.a]-[40.b].</i> In addition, Perttila discloses that the source server is a “remote processing arrangement.” <i>E.g.</i>, Perttila ¶[0029]. Likewise, Perttila discloses that the “merchant ID code...is...processed by the source server 24 for generating the electronic coupon.” <i>Id.</i>, ¶[0037]. A POSITA would have understood that the server has a “processor” in order to “process” the IDs as expressly taught in Perttila, and, at minimum, it would have been obvious to use a processor to do so to advantageously facilitate generating electronic coupons as discussed in §IX.A.1. <i>Id.</i> ¶[0024], [0042]; Williams ¶180. • [0019] (“FIG. 1a is a system for the communication of an electronic coupon to a user via <u>a link established with a source server by a mobile communications device...</u>”) • [0029] (“<u>The link for communicating with the remote processing arrangement (or server) can be transmitted to the mobile communications device automatically...</u>”) • [0037] (“...to receive the coupon information, the user physically visits the first location, and the mobile communications device receives the merchant ID code <u>which is ultimately received and processed by the source server 24</u> for generating the electronic coupon.”) <i>See also</i> Perttila ¶¶[0012]-[0013], [0021], [0027], [0075]-[0076]. Williams ¶¶178-180.

Claim Element	<u>Perttila in view of Emmons</u>
[40.d] receive identifier information via the receiver from the first wireless device related to the second wireless device or an entity associated with said second wireless device, said identifier information having been received by the first wireless device using short range wireless communication;	Perttila discloses the server processor (e.g., see [40.c]) to receive identifier information via the receiver (e.g., see [40.a]) from the first wireless device related to the second wireless device or an entity associated with said second wireless device, said identifier information having been received by the first wireless device using short range wireless communication (e.g., see [1.a]). <u>E.g., Perttila:</u> See [1.a], [40.a], [40.c]. Williams ¶¶181-182.
[40.e] use the identifier information to determine information concerning an entity or object located in proximity to the second wireless device;	Perttila discloses the server processor (e.g., see [40.c]) to use the identifier information to determine information concerning an entity or object located in proximity to the second wireless device (e.g., see [1.b]). <u>E.g., Perttila:</u> See [1.b], [40.c]. Williams ¶¶183-184.
[40.f] deliver first information to the first wireless device via the transmitter based at least in part upon the identifier information related	Perttila discloses the server processor (e.g., see [40.c]) to deliver first information to the first wireless device via the transmitter (e.g., see [40.b]) based at least in part upon the identifier information related to the second wireless device (e.g., see [1.c]). See [1.c], [40.b]-[40.c].

Claim Element	<u>Perttila in view of Emmons</u>
to the second wireless device;	Williams ¶¶185-186.
[40.g] receive second information via the receiver from either said first wireless device or said second wireless device indicating selection of one or more goods for purchase;	Perttila discloses the server processor (e.g., see [40.c]) to receive information via the receiver (e.g., see [40.a]). <i>See [40.a], [40.c].</i> Emmons discloses the server to receive second information from either said first wireless device or said second wireless device indicating selection of one or more goods for purchase (e.g., see [1.d]). <i>See [1.d]</i> (also discussing motivation to apply Emmons's teachings to Perttila). Williams ¶¶187-189.
[40.h] transmit a request via the transmitter to either said first or said second wireless device for confirmation of said purchase;	Perttila discloses the server processor (e.g., see [40.c]) to transmit information via the transmitter (e.g., see [40.b]). <i>See [40.b]-[40.c].</i> Emmons discloses the server to transmit a request to said first wireless device for confirmation of said purchase (e.g., see [1.e]). <i>See [1.e]</i> (also discussing motivation to apply Emmons's teachings to Perttila). Williams ¶¶190-192.
[40.i] receive confirmation via the receiver that a user wishes to complete said purchase; and	Perttila discloses the server processor (e.g., see [40.c]) to receive information via the receiver (e.g., see [40.a]). <i>See [40.a], [40.c].</i>

Claim Element	<u>Perttila in view of Emmons</u>
	Emmons discloses the server to receive confirmation that a user wishes to complete said purchase (e.g., see [1.f]). See [1.f] (also discussing motivation to apply Emmons's teachings to Perttila). Williams ¶¶193-195.
[40.j] transmit a receipt via the transmitter to either said second wireless device or to the entity associated with said second wireless device.	Perttila discloses the server processor (e.g., see [40.c]) to transmit information via the transmitter (e.g., see [40.b]). See [40.b]-[40.c]. Emmons discloses the server to transmit a receipt to either said second wireless device or to the entity associated with said second wireless device (e.g., see [1.g]). See [1.g] (also discussing motivation to apply Emmons's teachings to Perttila). Williams ¶¶196-198.
[41] The apparatus of claim 40 wherein said short range wireless communication comprises one or more near field communication technologies, including Radio Frequency Identification (RFID), Bluetooth	See [40], [2]. Williams ¶¶199-200.

Claim Element	<u>Perttila in view of Emmons</u>
and Local Area Network related protocols.	
[44] The apparatus of claim 40 wherein said server further enables access to media content provided electronically to the first or the second wireless device, as a step in purchasing goods.	<i>See</i> [40], [17]. Emmons discloses said server further enables access to media content provided electronically to the first...wireless device, as a step in purchasing goods (e.g., server sends to the customer's mobile device "a Web/WAP page 32 having information for the product that was associated with the information carrying indicia 11 that was scanned," such as "an image of the product"). <i>See</i> [17]. Williams ¶¶201-202.
[48] The apparatus of claim 40 wherein said server further enabling access to an electronic coupon provided electronically to the first or the second wireless device, as a step in a multiple step process for an ongoing electronic commerce transaction.	<i>See</i> [40]. Perttila discloses said server further enabling access to an electronic coupon provided electronically to the first or the second wireless device (e.g., "server is adapted to provide the electronic coupon...in this Java Midlet form" that is "downloadable by the user's mobile terminal"), as a step in a multiple step process for an ongoing electronic commerce transaction (e.g., "remote server ... generate[s] and return[s] an appropriate electronic commerce application, such as an electronic coupon by relying on the merchant ID code to identify the type of product conveyed by the merchant media arrangement"; see Fig. 1b). <u><i>E.g., Perttila:</i></u> <i>See</i> [1.b]-[1.c]. In addition, Perttila discloses that the server "is adapted to provide the electronic coupon" to the user's mobile terminal.

Claim Element	<u>Perttila in view of Emmons</u>
	• [0033] (“<u>The remote server can generate and return an appropriate electronic commerce application, such as an electronic coupon....</u>”) • [0034] (“[T]he electronic coupons...are <u>Java Midlets that are downloadable by the user's mobile terminal...</u>or by the equipment that establishes the link. <u>The remote source server is adapted to provide the electronic coupon information in this Java Midlet form.</u>”) See also, Perttila ¶¶[0011], [0015], [0025], Fig. 1b. Williams ¶¶203-205.
[49] The apparatus of claim 40 wherein said first information includes a list of one or more goods for purchase.	See [40]. Perttila discloses that said first information includes a list of one or more goods for purchase (e.g., see [1.c], “electronic coupon information including various offerings”; “restaurant menu”; “recipe”). <u>E.g., Perttila:</u> See [1.c]. In addition, Perttila discloses the e-coupon provides “various offerings” of goods for purchase from the business in which the merchant-media device is “located.” • [0026] (“In another application, the billboard may be promoting a food product, and <u>the request to the remote server corresponds to a request for receiving electronic coupon information including, for example, a restaurant menu or a recipe involving that particular food or food type.</u>”) • [0039] (“It should be noted that the second location may also be the same as the first location, for example, in cases where the <u>coupon offerings are provided to mobile users through tag or beacons located at the store itself.</u>”)

Claim Element	<u>Perttila in view of Emmons</u>
	<i>See also</i>, Perttila ¶¶[0044], [0050], [0069]. Williams ¶¶206-208.
[50] The apparatus of claim 49 wherein said second information is based at least in part upon said first information.	<i>See</i> [49]. Perttila in view of Emmons renders obvious that said second information (e.g., Emmons’ “user elects to purchase a product that is being viewed...by the user activating the ‘add to cart’ link”) is based at least in part upon said first information (e.g. Perttila’s “electronic coupon information including various offerings”). <u>E.g., Perttila:</u> <i>See</i> [49]. <u>E.g., Emmons:</u> <i>See</i> [1.d]. While Perttila discloses the server sending “various offerings” of goods as part of an e-coupon to the user’s device and the user subsequently redeeming the coupon, Emmons discloses the user purchasing the goods from the server using his/her mobile device by adding products to purchase to the user’s “cart.” <i>E.g.</i>, Emmons, 4:45-51, 4:63-66; Perttila ¶¶[0026], [0028], [0039]. As discussed above in §IX.A.2, a POSITA would have been motivated to apply Emmons’s teachings of purchasing products from the server using the user’s mobile communications device in implementing Perttila’s teaching of the user redeeming the e-coupon containing product offerings sent to the device, such that the e-coupon is redeemed to purchase the products from the server. Williams ¶212. • 4:47-51 (“In the event that <u>user elects to purchase a product that is being viewed by the user on their cellular phone 10</u>, for example, <u>by the user activating the “add to cart” link</u> 34, the system will respond by redirecting the browser application of the cellular device 10 to a further Web/WAP page

Claim Element	<u>Perttila in view of Emmons</u>
	which, in this example, presents to the user the contents of their shopping cart...”) Williams ¶¶209-212.
[51] The apparatus of claim 50 wherein said second information includes a list of said goods to be purchased.	See [50]. Emmons discloses that said second information includes a list of said goods to be purchased (e.g., “cart,” “registry...populate[d]” with “products that the user has indicated a desire to purchase,” see [1.d], [50]). <u>E.g., Emmons:</u> See [1.d], [50]. In addition, Emmons discloses that the server receives a list of products that the user has indicated a desire to purchase in the form of items in the “shopping cart” or a “registry...populate[d]...using the mobile phone scanning device.” <i>E.g.</i>, Emmons, 4:47-52, 5:33-38. As discussed in §IX.A.2 and [50], a POSITA would have been motivated to apply Emmons’ e-commerce teachings of said second information including a list of said goods to be purchased in implementing Perttila’s e-commerce system such that the product offerings in the e-coupon are purchased via the user’s phone. Williams ¶216. • 4:47-52 (“...<u>shopping cart</u>, i.e., ...the <u>products that the user has indicated a desire to purchase.</u>”) • 5:33-38 (“For example, it will be appreciated that the subject system may be used in connection with a registry application, such as bridal or baby registry, where <u>a user would populate the registry using the mobile phone scanning device</u> and the registry would be available on-line or in-store <u>to facilitate purchasing of items.</u>”) Williams ¶¶213-216.
[52] The apparatus of claim 50,	See [50].

Claim Element	<u>Perttila in view of Emmons</u>
wherein the server further receives user input at said first wireless device providing authorization to proceed.	Emmons discloses that the server further receives user input at said first wireless device providing authorization to proceed (e.g., see [1.e], server receives user’s selection of “a desired delivery option...as well as ... a desired payment option”). <u>E.g., Emmons:</u> See [1.e]-[1.f]. As discussed in [1.e]-[1.f], Emmons discloses the customer inputting “a desired delivery option...as well as a desired payment option,” which is received by the server, to authorize the server to proceed with the purchase, and it would have been obvious to apply these teachings in implementing Perttila. Emmons, 4:47-5:3. Williams ¶¶217-218.
[53] The apparatus of claim 51 wherein said server utilizes a username and password for an account holder of the first wireless device in performing payment processing.	See [51]. Emmons, incorporating Attia by reference, discloses that said server utilizes a username and password for an account holder of the first wireless device in performing payment processing (e.g., “the system will function to use the information, for example as described in [Attia], to redirect a browser application of the cellular phone 10 to a desired Web/WAP page”; system “present[s] to the user...a Web/WAP page 38 which allows the user to select a desired payment option,” see [1.e]; Attia’s “a user of mobile device 105 may be prompted to provide a username and/or password to access server 113”). <u>E.g., Emmons:</u> Emmons discloses the server presenting to the user a “Web/WAP page...which allows the user to select a desired payment option.” E.g., Emmons, 4:47-66. See [1.e].

Claim Element	<u>Perttila in view of Emmons</u>
	<u>E.g., Attia:</u> While Emmons discloses the operation of the server in processing scanned barcode information for purchasing products, Emmons incorporates Attia by reference to disclose how “the system will function to use the [scanned] information...to redirect a browser application of the cellular phone 10 to a desired Web/WAP page.” Emmons, 4:26-31. Attia discloses the server providing additional security by requiring “a username and/or password to access [the] server...” <i>E.g., Attia</i>, 6:45-47. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’ (which incorporates Attia’s) e-commerce teachings of requiring a username and password to process the payment in implementing Perttila’s e-commerce system to advantageously enhance security. Williams ¶222. To the extent it is argued that Attia is not incorporated into Emmons, based on its teachings (Emmons, 4:26-31), a POSITA would have been motivated to apply Attia’s teachings for the same reason. <i>Id.</i>; Perttila ¶[0028], [0042]; Williams ¶222. • 6:45-50 (“To provide additional security, a <i>user of mobile device 105 may be prompted to provide a username and/or password to access server 113</i>. Server 113 would use user database 119 to properly authenticate users. <i>Users not having an account contained in user database 119 would not be granted access to server 113 in any capacity.</i>”) <i>See also</i>, Attia, 5:58-60, 6:15-18, 6:28-35. Williams ¶¶219-222.
[56] The apparatus of claim 51 wherein said server provides	See [51]. Emmons discloses that said server provides for control of the release of funds to an account associated with

Claim Element	<u>Perttila in view of Emmons</u>
for control of the release of funds to an account associated with one of the first and second wireless devices, and from an account associated with the respective other of the first and second wireless devices.	one of the first and second wireless devices, and from an account associated with the respective other of the first and second wireless devices (e.g., “the user...pay[s] via a payment option already registered with the system” “payment...has been verified by the system”). <u>E.g., Emmons:</u> Emmons discloses that the server has access to a user’s “payment option...registered with the system,” such as “an e-commerce like wallet,” and “verif[ies]” “payment and the ability to deliver.” <i>E.g.</i>, Emmons, 2:55-63, 4:52-61, 4:58-67. A POSITA would have understood that the server provides for control of the release of funds to an account associated with a retailer and from a registered account associated with the user in order to verify payment as expressly taught in Emmons (see, e.g., <i>id.</i>, 4:63-66), and at a minimum it would have been obvious to control the release of funds to and from accounts in order to advantageously facilitate a merchant transaction. Williams ¶225. As discussed in §IX.A.2, a POSITA would have been motivated to apply Emmons’s teachings of the server providing for control of the release of funds to an account associated with a retailer (<i>see e.g., id.</i>, 4:63-66) to Perttila’s e-commerce system, which “facilitate[s] merchant transactions,” such that the customer can easily purchase items of interest. Perttila ¶[0028]; Williams ¶226. • 4:52-61 (“In connection with the product purchase process, the system may additionally present to the user...a Web/WAP page 38 which allows <i>the user</i> to select a desired payment option, e.g., <i>to pay via a payment option already registered with the system</i> (e.g., using a “M-Wallet” option),...etc.”) • 4:63-67 (“Once the product purchase process has been completed by the user, e.g., <i>payment</i> and the ability to deliver <i>has been verified by the system</i>

Claim Element	<u>Perttila in view of Emmons</u>
	<i>using conventional methods</i>, the system may then provide to the cellular phone 10 of the user an order confirmation...”) • 2:55-58 (“[A] second web/WAP page...provides a means for the user to specify <i>a method for paying for the product, such as by using an e-commerce like wallet...</i>”) Williams ¶¶223-226.

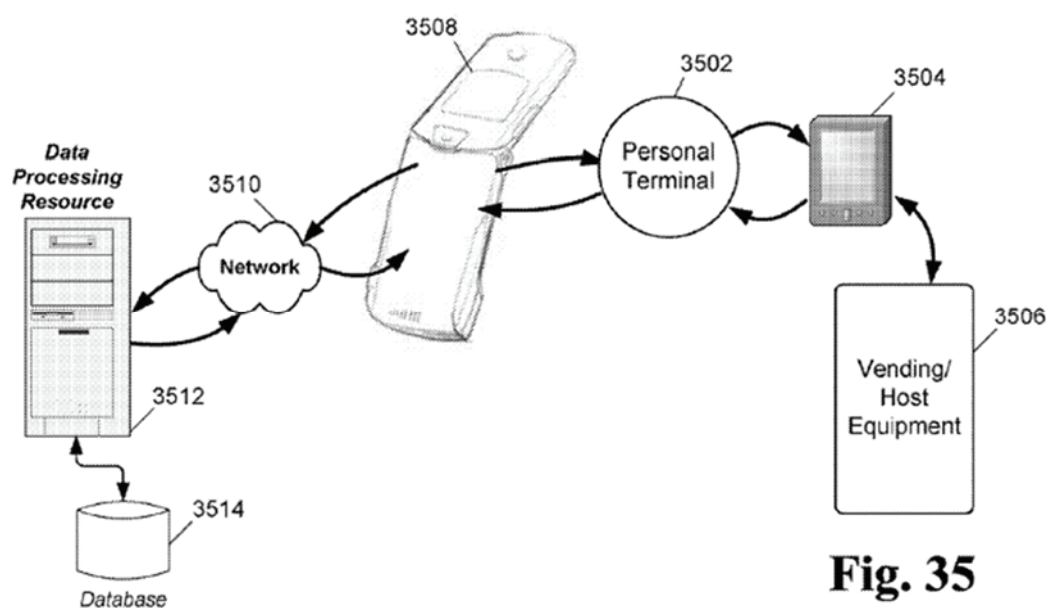
B. Ground 2: Claim 9 Is Rendered Obvious by Perttila in view of Emmons and Insolia

Claim 9 recites: **The method of claim 1 further including crediting said purchase in a reward program associated with an entity using said second wireless device.** As discussed in §IX.A, **Perttila** in view of **Emmons** (Ground 1) renders obvious claim 1. While **Perttila** and **Emmons** do not expressly teach a reward program, **Insolia** provides this teaching as recited in claim 9, which is rendered obvious by **Perttila** in view of **Emmons** and **Insolia**. Williams ¶¶227-230.

Insolia teaches a system for a “loyalty server” to “implement[] a loyalty program” for customers on behalf of a “good or service, brand, company, or other entity.” *E.g.*, *Insolia*, 2:15-23, 6:32-37, 8:44-60. When the user’s “personal terminal” comes into proximity with an “interaction terminal...associated with a product or service,” “a benefit may be provided to the user 16 as a reward for interacting with” the terminal. *Id.*, 2:15-23, 8:44-60, 9:61-64. The benefit “may

vary” based on, for example, whether the user “purchase[d]...a product.” *Id.*, 9:61-10:4; Williams ¶¶109, 228.

Insolia’s interaction terminal is associated with a “promotional object,” such as a poster, and communicates with a personal terminal brought in proximity with the interaction terminal. *Id.*, 2:32-35, 6:32-37. The personal terminal, in turn, establishes communication with the loyalty server, a “Data Processing Resource,” by way of a “network 3510, such as the internet.” *Id.*, 30:33-37, Fig. 35:



Williams ¶110.

Insolia’s loyalty server includes “a loyalty management...module 66” to “process the interaction” between the two terminals and “determine the benefit” to be provided to the personal terminal. *Id.*, 8:44-60, 11:8-30. **Insolia** teaches that the server analyzes past purchasing behavior of a user, including

“product[s]...purchased...[and] cost of the product” for “trends or other relevant information,” and “provide[s] the user...with a benefit as a result of the analysis.” *Id.*, 16:40-58. For example, **Insolia** teaches “[w]hen the consumer purchases a product, the consumer demonstrates product loyalty...[and] may receive an additional reward.” *Id.*, 35:60-36:2; *see also id.*, 9:61-10:4, 12:48-56 (“For example, the loyalty management engine...may set a relatively more valuable benefit when the loyalty management engine...can confirm that the user...actually purchased or received a product from the equipment....”). Williams ¶¶111, 229.

While **Perttila** teaches the delivery of a coupon to a user’s device based on its proximity to a promotional object, **Insolia** teaches additional details for how to encourage customer loyalty when the customer purchases a product from that promotional object. A POSITA would have been motivated, and would have found it advantageous, to apply these known loyalty-program teachings in implementing **Perttila**’s promotional e-coupon system (as modified by **Emmons**’ teachings), such that loyalty points are awarded by the merchant upon a purchase of the product (see [1.e]-[1.g]). Williams ¶¶112. Like **Perttila**, **Insolia** is in the same field and is analogous art to the ’896, namely communications with a user’s personal terminal for e-commerce purposes. *E.g.*, **Perttila** ¶¶[0026]-[0028]; **Insolia**, 5:27-64, 35:60-36:2; Williams ¶¶113.

A POSITA would have recognized **Insolia**'s teachings of a loyalty rewards program that rewards purchases would have advantageously improved **Perttila**'s promotional e-coupon system (as modified by **Emmons**' teachings). **Perttila** itself recognizes the benefit of promoting particular products by having the user "visit[] and view[] the promotional information in order to receive the coupon offering," *i.e.*, a promotional reward. **Perttila** ¶[0028]. Likewise, **Insolia** "encourage[s] loyalty to a particular brand, company, or other entity, by rewarding a user for interacting with," e.g., by visiting, "objects promoting the brand, company, or entity." **Insolia**, 5:38-46. Further, POSITA would have recognized that **Insolia**'s teachings of utilizing past purchases would have improved **Perttila**'s e-coupon system by increasing consumer confidence in the system and ensuring that businesses are maximizing the impact of the offered promotions. *E.g.*, **Insolia**, 1:56-60, 1:66-2:3. **Insolia** recognizes the benefits of "consumer confidence" and the need to offer promotions that "breeds consumer loyalty" (*id.*), and **Perttila** recognizes the benefits of offering a "more personalized offering to the user" (**Perttila** ¶[0031]). A POSITA would have recognized that **Insolia**'s teachings provide known implementation details for these personalized offerings. **Williams** ¶113.

In light of the foregoing, a POSITA would have found it obvious and straightforward to apply **Insolia**'s teachings for utilizing a loyalty rewards program in implementing **Perttila**'s e-coupon system, and would have known that such a

combination (yielding the claimed limitations) would predictably work and provide the expected functionality. Williams ¶¶114, 230.

X. SECONDARY CONSIDERATIONS

There is no evidence in the prosecution history of this or any related application that any arguments regarding secondary considerations exist, let alone that any such evidence could overcome the strong showing of obviousness above or that there is a sufficient nexus to any of the Challenged Claims. *See generally*, Ex. 1002; *see also* Williams ¶231. Indeed, as demonstrated by the prior art referenced herein, any purported problems, solutions or unexpected results in the '896 were already well known. *Id.* For example, the alleged needs in the specification do not have a nexus to the claims, which do not require, e.g., a “third trusted party,” a “convenient, electronically secure, personally secure and anonymous method,” “cross validat[ing] the identities of the individuals,” or use “indoors.” '896, 2:5-12. Nevertheless, to the extent PO argues that any of the claims satisfy unmet needs, the prior art already met these alleged needs for the reasons discussed in §IX. Williams ¶231. To the extent PO asserts the existence of any secondary considerations in its responses, Petitioner reserves the right to address any such evidence.

XI. CONCLUSION

Substantial, new, and noncumulative technical teachings have been presented for the Challenged Claims of the '896, which are rendered obvious for the reasons

set forth above. Williams ¶¶232-236. There is a reasonable likelihood that Petitioner will prevail as to each of those claims. *Inter Partes* review of claims 1-3, 5-6, 8-9, 17-18, 40-41, 44, 48-53, 56 is accordingly requested.

Dated: May 27, 2020

/James L. Davis, Jr./

James L. Davis, Jr.

CERTIFICATE OF COMPLIANCE

Pursuant to 37 CFR §42.24(a) and (d), the undersigned hereby certifies that this Petition for Inter Partes Review complies with the type-volume limitation of 37 CFR §42.24(a)(i) because, exclusive of the exempted portions, it contains 13,978 words as counted by the word processing program used to prepare the paper.

Dated: May 27, 2020

/James L. Davis, Jr./
James L. Davis, Jr.

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) on the Patent Owner by FedEx of a copy of this Petition for *Inter Partes* Review and supporting materials at the correspondence address of record for the '896 patent:

VLP Law Group LLP
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Courtesy copies of the same documents were also served at the following email addresses of record for Proxicom's litigation counsel for the subject patent in the district court litigation at the U.S. District Court for the Middle District of Florida, Case No. 6:19-cv-01886-RBD-LRH:

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