

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

X CORP.,
Petitioner,

v.

SEARCH AND SHARE TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2026-00235
Patent 11,106,744

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Patent Owner's Amended Complaint, Dkt. 30, filed January 5, 2026 in <i>Search and Share Technologies, LLC v. X Corp.</i> , Case No. 1:25-cv-01540 (W.D. Tex.)
2002	Defendant X Corp.'s Motion to Stay Pending <i>Inter Partes</i> Review, Dkt. 37, filed February 25, 2026 in <i>Search and Share Technologies, LLC v. X Corp.</i> , Case No. 1:25-cv-01540 (W.D. Tex.)

I. INTRODUCTION

Patent Owner Search and Share Technologies, LLC (“Patent Owner”) respectfully submits this Preliminary Response pursuant to 37 C.F.R. § 42.107 and requests that the Board decline to institute inter partes review of U.S. Patent No. 11,106,744 (“the ‘744 Patent”). Petitioner X Corp. (“Petitioner”) has failed to demonstrate a reasonable likelihood of prevailing with respect to any challenged claim. 35 U.S.C. § 314(a).

The ‘744 Patent recognized a problem in conventional search engines, which relied solely on automated web crawls and opaque algorithms, without incorporating human engagement, to determine the content that users found relevant and valuable. The ‘744 Patent therefore discloses a web-search system with a specific architecture: a server receives an identification of web content—which may be transmitted together with user content—via a user interface separate from the main browser window, indexes that content, and then transmits search results to a second user with the first user’s identified content positioned relative to content from other users. In a disclosed technical implementation, human-generated input such as keywords, ratings, and comments may directly affect search results for a user.

Petitioner’s four grounds all depend on Palmon (US 2006/0059134), either alone (Grounds 1-2), in combination with Walther (US 2005/0234891) (Ground 3), or Walther and Lu (US 2005/0256866). As explained below, Petitioner’s analysis

suffers from at least two deficiencies: (1) Palmon's sub-ordinate display dedicated to illustrating search results is not used for browsing and is not a "main browser window" as claimed; and (2) none of the references discloses or suggests search results "comprising the first web content identified by the first user in a position relative to identifications of other web content received from other users," as required by the challenged claims. For at least these reasons, the Petition fails to establish a reasonable likelihood of prevailing on any ground and the Board should deny institution.

II. OVERVIEW OF THE '744 PATENT

The '744 Patent, titled systems and methods for web content search, was filed on January 14, 2019 and issued on August 31, 2021. It claims priority to Provisional Application No. 61/452,595, filed March 14, 2011.

As the '744 Patent specification explains, conventional search methods "do not accurately reflect the interest of users on the web." EX1001, 1:33-35. The disclosure addresses the problem that conventional search engines generate results through automated crawling and algorithmic ranking, but do not capture the qualitative judgments and firsthand knowledge of human users.

The '744 Patent discloses a system where a first user views web content in a web browser's main browser window. Through a user interface that is separate from the main browser window, the first user identifies web content displayed by the web

browser, such as by using keywords, tags, ratings, or comments, and transmits the identified web content to a server. The server indexes the identified web content and associates it with the user's submissions. When a second user submits a search query, the server may retrieve and transmit search results that include the content identified by the first user, "in a position relative to identifications of other web content received from other users." EX1001, Claim 1.

This innovation may provide a user with a dedicated interface, separate from the main browser window where they view web content, through which the user can identify that content, such as by submitting ratings, tags, keywords, or comments. The system can build a searchable index that can account for human engagement rather than algorithmic inference alone. When subsequent users perform a search, the system can deliver results incorporating user-identified content, positioned relative to content identified by other users. This may allow for consideration of both automated indexing and the qualitative judgment of human users.

Consistent with this disclosure, independent claim 1 of the '744 Patent recites (with emphasis added):

1. A method comprising:
receiving, by a server computer from a first client
computer operated by a first user, *an identification
of first web content displayed by a web browser of
the first client computer in a main browser*

window, the identification of the first web content transmitted by the first user to the server computer via a user interface separate from the main browser window;

indexing, by the server computer, the first web content;
and

in response to receiving a search query from a web browser of a second client computer operated by a second user, transmitting, by the server computer, search results to the web browser of the second client computer, *the search results comprising the first web content identified by the first user in a position relative to identifications of other web content received from other users.*

Independent claim 10 recites a corresponding computing device (system) claim with the same substantive limitations as claim 1. Claim 19 is directed to a “non-transitory computer-readable storage medium” that recites, in full (with emphasis again added):

19. A non-transitory computer readable storage medium storing computer program instructions configured instruct a computer processor to perform at least:

receiving, by a server computer from a first client computer operated by a first user, *an identification of first web content displayed by a web browser of the first client computer*

in a main browser window, and a user content created by the first user of the web browser;

indexing, by the server computer, the first web content based at least in part on the user content; storing, by the server computer, the user content in association with the identification of the first web content; and in response to receiving a search query from a web browser of a second client computer operated by a second user, transmitting, by the server computer, search results to the web browser of the second client computer, the search results comprising the identification of the first web content and the user content associated with the first web content.

III. CLAIM CONSTRUCTION

Petitioner asserts that “no terms require construction for the purposes of this IPR.” Pet. at 20. Patent Owner disagrees and respectfully submits that at least the interpretation of the claimed “main browser window” should be construed by the Board as discussed below.

A. “Main Browser Window”

The term “main browser window” should be construed to mean the primary display area of a web browser in which web content is rendered and viewed by a

user. This construction is supported by the specification, which describes the “main browser window” as the primary window of a “web browser” that “displays web content” from the internet. EX1001, 3:53-61, 4:16-22. Figure 1A illustrates main browser window 130 as the primary content display area of web browser 120 on client computer 105.

Unlike the allegations presented in the substantive Grounds, the “main browser window” in the challenged claims is the primary area where a user views and consumes web content, not a subordinate display panel dedicated to search results rather than browsing.

However, a display panel that exists only to preview pages selected from search results within a search application's own workflow does not qualify as the “main browser window.” Palmon's “main display area 750” is such a panel—it is a sub-component of the Topixa search interface display 700 and is not a main browser window of Palmon's browser.

B. “In a Position Relative to Identifications of Other Web Content Received from Other Users”

The term “in a position relative to identifications of other web content received from other users” should be construed to mean that the search results rank or position a first user's identified web content based on a comparison with identifications received from other users regarding other web content. The specification describes a system in which user engagement, such as ratings, tags,

comments, and identification activity, drives the ranking of content in search results. EX1001, 8:12-16, 9:67-10:4. The “position” of any given piece of identified content in the search results is determined relative to the positions of other pieces of content identified by other users, which can result in a ranking influenced by engagement of the user community.

This construction excludes systems that merely place content into predetermined, fixed structural categories without any comparative ranking or ordering that may reflect the relative engagement of the user community. A system that simply sorts content into fixed bins (e.g., “favorites” versus “general results”) based on categorization, without ranking content from one user’s identifications relative to content from other users’ identifications, does not satisfy this limitation.

IV. THE PETITION FAILS TO ESTABLISH A REASONABLE LIKELIHOOD OF PREVAILING ON ANY GROUND

A. Grounds I and II: Palmon Does Not Anticipate or Render Obvious Claims 1-3, 5-6, 8-12, 14-15, and 17-19

Petitioner relies on Palmon as the sole prior art reference for Grounds I and II, asserting that Palmon either anticipates (Ground I, under Section 102) or renders obvious (Ground II, under Section 103) claims 1-3, 5-6, 8-12, 14-15, and 17-19. Both grounds fail because Palmon does not disclose or suggest—either explicitly or inherently—at least two claimed features of the challenged claims.

1. Palmon Does Not Disclose or Suggest Claim Element [1A]

Claim element [1A] requires:

receiving, by a server computer from a first client computer operated by a first user, an identification of first web content displayed by a web browser of the first client computer in a main browser window, the identification of the first web content transmitted by the first user to the server computer via a user interface separate from the main browser window.

By this element [1A], the first web content must be “displayed by a web browser of the first client computer in a main browser window.” Petitioner maps Palmon’s “main display window 750” to the claimed “main browser window.” Pet. at 22-23. This mapping is fatally flawed.

As explained in Section IV above, the term “main browser window” should be construed to mean the primary display area of a web browser in which web content is rendered and viewed by a user. The “main browser window” is the primary area where a user views and consumes web content, not a subordinate display panel dedicated to displaying search results rather than browsing.

Contrary to the Petition’s assertions, Palmon’s “main display window 750” is not a web browser’s main window. It is one panel within Palmon’s integrated Topixa search interface, and is displayed not to support a user’s browsing, but in response to a user asking for a Search page. See Palmon, FIG. 2, block 201 (“Invoke browser

and ask for Search page”). As Palmon’s own specification describes, “[t]he presented user interface display 700 includes a main display area 750 and a user-specific explorer bar (or other additional window) 760.” EX1003, [0206]. Unlike the claimed “main browser window,” the “main display area 750” in Palmon is a component of the “user interface display 700”—it is one element within a multi-panel search interface and not for browsing, thus it cannot satisfy the claimed “main browser window” as required by the challenged claim.

Palmon’s Topixa search application includes a “main display area 750” to display web pages that the user has selected from Topixa search results, but this area is not a main browser window. EX1003, [0208], [0213], [0217] (“When a user selects a Web page by clicking on one of the results 701, the main window 750 displays the selected Webpage.”). The “main display area 750” is architecturally subordinate to the Topixa search interface display 700, and is invoked via a user asking for a Search page. It exists as one component of a multi-panel search layout, alongside and at the same hierarchical level as the explorer bar 760. Thus, the main display area 750 serves the Topixa search interface — it is not the primary content display area required by the claims. The resulting Search result page is displayed within the Topixa interface, but there is no basis in Palmon’s disclosure to justify characterizing the Search result as a “main browser window,” as claimed.

Thus, Palmon's "main display area 750" fails to disclose at least a "main browser window" as claimed, and cannot be relied upon to anticipate claim 1 or otherwise render it obvious.

2. Palmon Fails to Disclose or Suggest Claim Element [1C]

Further, Palmon fails to disclose or suggest claim element [1C]:

in response to receiving a search query from a web browser of a second client computer operated by a second user, transmitting, by the server computer, search results to the web browser of the second client computer, the search results comprising the first web content identified by the first user in a position relative to identifications of other web content received from other users.

This element requires that the search results include the first user's identified web content in a position relative to identifications of other web content received from other users. The word "relative" requires that the positioning of the first user's content be determined by comparison with, or in relation to, the content identified by other users.

Palmon's search results do not satisfy this claim requirement. Palmon presents search results in three separate, segregated presentations: (1) the user's "favorites" (positively rated URLs), (2) the "overall results" (URLs in list 607), and (3) web search results. EX1003, [0208]. These are distinct lists, not a unified result set in which one user's identified first web content is positioned relative to content

identified by others. Palmon's three result categories are fixed structural divisions, not a ranking system that positions one user's content relative to content identified by others.

Moreover, the positioning in Palmon is driven by topic-based attachment and the individual user's own favorites. In Palmon's Figure 7, the user "Frank" sees his own favorites and overall results, but the system does not present content identified by a first user (e.g., "King_of_travel") in a relational position vis-à-vis content identified by other users (e.g., "Best_tours") but rather as a cohesive search result delivered to a different querying user. The categorization used by Palmon is binary (attached to a topic or not) and structural (which section it appears in), not relational.

Petitioner's expert attempts to map this limitation by opining that different users may create some of the attachments visible in the results, but the claim requires more than the incidental presence of user-contributed content in search results. The claims require a system in which the first web content is transmitted such that it is in a position relative to identifications of other web content received from other users, not merely a system in which multiple pieces of content happen to appear in the results. Palmon fails to disclose or suggest this claimed relative positioning of content.

Finally, element [1C] was relied upon to overcome the examiner's rejections during prosecution, and warrants a merits denial in this proceeding as well. *See, e.g.*, EX1008, 186-187.

a) Petitioner's Anticipation Theory Relies Upon Impermissible Gap-Filling

To establish anticipation under 35 U.S.C. Section 102, a petitioner must show that every element of a claim is found in a single prior art reference, either expressly or inherently. Petitioner cannot fill gaps in an anticipation theory with arguments about what a person of ordinary skill would have found "obvious." Yet that is what Petitioner attempts here.

Petitioner acknowledges that Palmon's Figure 7 does not "expressly show the results in the 'second list 743.'" Pet. at 30. Petitioner then argues that the results in the second list 743 would include content identified by other users. But even if that inference is correct, it does not address the positional requirement—that the content appears "in a position relative to" other user-identified content. Petitioner's theory of element [1C] requires inferring not only what content appears in the results, but also how that content is positioned relative to other content. This level of reasoning is inappropriate for an anticipation analysis and warrants denial.

b) Palmon Does Not Render Obvious the Claimed Limitations

Ground II asserts that Palmon alone renders the challenged claims obvious. But the deficiencies identified above for anticipation are equally fatal to Petitioner's obviousness theory. Petitioner does not identify any rationale for why a person of ordinary skill in the art would have modified Palmon to include the specific features required by Elements [1A] and [1C], and missing from Palmon as discussed above.

With respect to Element [1A], Petitioner does not explain why a POSITA would have been motivated to restructure Palmon's integrated Topixa search interface so that the content display area functions as a "main browser window" with a separately invoked user interface for identifying content. Palmon's architecture is designed as a unified search application; there is no reason, absent hindsight, to decompose it into the architectural components required by the claims.

With respect to Element [1C], Petitioner does not explain how or why a POSITA would have modified Palmon's categorical result presentation (favorites, overall results, web results) into a system that positions user-identified content relative to other users' identified content in a unified, dynamically ranked result set. Palmon's three-category presentation is a deliberate design choice, and Petitioner fails to offer sufficient motivation for abandoning it in favor of the claimed relational positioning.

Because Petitioner's Ground II relies on the same flawed mappings as Ground I and fails to articulate any teaching, suggestion, or motivation in Palmon or the knowledge of a POSITA that would lead to the claimed invention, Ground II fails.

3. Independent System Claim 10 and Independent Storage Medium Claim 19 Present the Same Deficiencies

Claims 10-18 recite a computing device (system) with limitations that correspond to the method of claim 1 and its dependent claims. Claims 19-20 recite a non-transitory computer-readable storage medium with additional requirements including receiving "user content created by the first user," indexing "based at least in part on the user content," and storing "the user content in association with the identification of the first web content."

System claim 10 incorporates the same substantive limitations as method claim 1, and therefore fails for the same reasons discussed above. Further, dependent claims 2-9 and 11-18 are patentable for at least the same reasons as independent claims 1 and 10.

The storage medium claims (19-20) present additional deficiencies beyond those affecting claims 1 and 10. Claim 19 requires "receiving, by a server computer from a first client computer operated by a first user, an identification of first web content displayed by a web browser of the first client computer in a main browser window, and a user content created by the first user of the web browser." This

element requires that the server receive both the identification of web content and user-created content (such as a comment, tag, or rating) in conjunction.

Claim 19 further requires “indexing, by the server computer, the first web content based at least in part on the user content” and “storing, by the server computer, the user content in association with the identification of the first web content.” These limitations require that the user-created content (such as a comment, rating, tag, or keyword) inform how the web content is indexed and be persistently stored in association with the web content identification. Palmon's system associates a URL with a topic, but does not teach indexing the web content based on user-created descriptive content or storing such user content in association with the URL in the manner claimed. The topic path in Palmon is a categorical designation within a taxonomy, not “user content created by the first user” that shapes the indexing and is stored with the identification.

These additional requirements compound the deficiencies already present in Palmon's disclosure. Even accepting Petitioner's strained mapping of Palmon to the basic claim elements (which Patent Owner disputes), Palmon fails to disclose indexing web content “based at least in part on the user content” or “storing the user content in association with the identification of the first web content” in the manner claimed.

B. Ground III: The Combination of Palmon and Walther Does Not Render Obvious Claims 1-19

In Ground III, Petitioner argues that the combination of Palmon and Walther renders obvious claims 1-19. Pet., 59-69. Not so.

Petitioner introduces Walther to purportedly address limitations that Palmon alone does not satisfy. But Walther does not cure the fundamental deficiencies in Petitioner's reliance on Palmon for elements [1A] and [1C] as discussed above. Rather, Petitioner relies upon Walther to remedy a perceived shortcoming for element [1B]. *See* Pet., 59-61. As such, Walther does not remedy the defects identified above in Palmon alone, and cannot salvage Petitioner's failed Grounds 1-2.

C. Ground IV: The Combination of Palmon, Walther, and Lu Does Not Render Obvious Claims 19-20

In Ground IV, Petitioner argues that the combination of Palmon, Walther, and Lu renders obvious claims 19 and 20. Pet., 69-92. Ground IV adds Lu to the Palmon-Walther combination for claims 19 and 20. Lu teaches using annotations provided by members of a user's "trust network" to enhance search results. EX1005, [0015], [0158]. However, Lu does not cure the fundamental deficiencies present in the Palmon-Walther combination as identified above. As explained, neither Palmon nor Walther discloses or suggests elements [1A] and [1C] of the independent claims.

Lu is offered solely to address the additional limitations of claims 19 and 20, and therefore does not cure the deficiencies of the Palmon-Walther combination with respect to the independent claim limitations. Ground IV fails for the same reasons that Grounds I-III fail as discussed above.

V. PETITIONER'S RELIANCE ON THE PROSECUTION HISTORY OF THE '503 APPLICATION IS MISPLACED

The '744 Patent has a prosecution history that spans three related applications. Petitioner devotes significant attention to the prosecution history of the grandparent '503 Application, arguing that the '744 Patent's claims were "erroneously" allowed. As explained below, Petitioner's narrative is misleading.

The grand-parent application—U.S. Patent Application No. 13/420,503 (the "'503 Application")—was originally filed on March 14, 2012, with claims that Petitioner characterizes as "identical" to the '744 Patent's issued claims. The parent application—U.S. Patent Application No. 15/142,479 (the "'479 Application")—was filed on April 29, 2016, and issued as U.S. Patent No. 9,338,215. The '744 Patent itself was filed as U.S. Patent Application No. 16/247,361 (the "'361 Application") on January 14, 2019.

During prosecution of the '503 Application, the examiner rejected the claims as obvious. The applicant ultimately chose to amend the independent claims to add limitations relating to automatic content selection and display settings. This strategic

decision to narrow the claims in the '503 Application does not establish that the original claims were unpatentable—it reflects a pragmatic prosecution choice.

The fact that similar claims were initially rejected in the '503 Application before being narrowed and allowed proves nothing about the patentability of those claims under 35 U.S.C. §§ 102 and 103. An initial rejection does not constitute evidence of invalidity. What matters is whether the prior art actually discloses or renders obvious the claimed subject matter—and as shown above, it does not.

Moreover, Examiner Uddin examined all three applications in this family across multiple prosecution cycles. In examining the '361 Application, Examiner Uddin conducted his own independent prior-art search, selected new primary references (Verma and Cierniak), issued a substantive rejection, considered Patent Owner's arguments distinguishing the prior art, and then withdrew the rejection and allowed the claims as issued. EX1008, 120–126, 182–189, 207–213. Patent Owner expressly placed the '503 prosecution history before Examiner Uddin in a Notice of Related Applications. EX1008, 76. The Examiner's decision to base his rejection on Verma and Cierniak rather than on the Barnes/Dollard art applied during prosecution of the '503 Application thus reflects a substantive exercise of examiner judgment, not an oversight.

The applicant's successful arguments in the '361 Application centered on the claim limitation requiring “transmitting, by the server computer, search results to the

web browser of the second client computer, the search results comprising the first web content identified by the first user in a position relative to identifications of other web content received from other users.” EX1008, 186-187. The examiner found this argument persuasive and allowed the claims. This is the same limitation that Palmon fails to teach, as explained above.

Petitioner’s narrative—that it was “error” for the Examiner to allow the ’744 Patent’s claims—is self-serving advocacy, not an established fact. The Examiner conducted independent prior-art searches across multiple prosecution cycles, considered substantive arguments distinguishing the references he applied, and exercised informed judgment in allowing the claims. Petitioner’s disagreement with the Examiner’s determination—made now with the benefit of yet another, hand-picked set of references—does not establish error.

VI. DISCRETIONARY DENIAL

As set forth more fully in Patent Owner’s separately-filed Request for Discretionary Denial dated April 13, 2026, the Board should exercise its discretion to deny institution under both (or either of) 35 U.S.C. § 325(d) and 35 U.S.C. § 314(a). Should the Director refer this case to the merits panel, Patent Owner respectfully submits that the merits-based deficiencies set forth above provide additional and independent grounds for denial.

VII. CONCLUSION

For the foregoing reasons, Petitioner has failed to demonstrate a reasonable likelihood of prevailing with respect to any challenged claim. The Board should decline to institute *inter partes* review.

Dated: May 12, 2026

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CERTIFICATE OF WORD COUNT

The undersigned certifies that the foregoing PATENT OWNER'S PRELIMINARY RESPONSE complies with the type-volume limitation in 37 C.F.R. § 42.24(b)(1). According to the word-processing system's word count, the brief contains 4,160 words, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a).

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CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing document was served via email, by consent, to Petitioner by serving the correspondence email addresses of record as follows:

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