

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 IPR2026-00244
Patent 10,180,952

PATENT OWNER'S PRELIMINARY RESPONSE

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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. 10,180,952 (“the ‘952 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 ‘952 Patent discloses a user interface that is separate from a main browser window. In that user interface, third party content is displayed and, a portion of the third-party content is automatically selected and displayed—also in the user interface—based on user-configured settings. This user interface enables users to submit ratings and annotations that the server uses to index and rank the third-party content.

Petitioner challenges claims 1–14 across five grounds, all of which are anchored to a single prior art reference, Malla (U.S. Patent No. 7,899,829), either alone (Grounds I-II), in combination with Walther (US 2005/0216457) (Ground III), Smadja (US 2006/0069699) (Ground IV), or both Walther and Smadja (Ground V). Grounds I and II assert that Malla alone anticipates or renders obvious claims 1–3. Grounds III, IV, and V introduce Walther and Smadja in combination with Malla to challenge claims 1–14.

But every ground fails because Malla does not disclose or suggest the key features shared by each independent claim. First, Malla cannot satisfy at least claim elements [1A] and [1B] together: the first user interface in Malla does not both display third-party content and also automatically select a portion of that content based on user-configured display settings. Malla's bookmark interface captures either a full screen—which is initially displayed by the web browser, not the bookmark interface—or a selection made by the user, not one driven by automated, settings-based selection within the same interface. Second, Malla does not disclose or suggest elements [1E] and [1G]: it fails to disclose or suggest that a server computer ranks third-party content based on user-submitted ratings, or that a resulting ranking is used by the server to select a set of search results. Petitioner's expert parrots the Petition's conclusions on these points without independent analysis. These are not gaps that further argument or expert testimony can bridge; they are fundamental failures of disclosure not found in Malla.

Neither Walther nor Smadja can cure these deficiencies. Walther was introduced to address elements [1E] and [1G] only, and does not repair the [1A]/[1B] failure in Malla that persists through Grounds III, IV, and V. Smadja was introduced solely to address a search server limitation in element [7A] and leaves every other Malla deficiency untouched. Because Malla is the indispensable foundation across

all five grounds, its failures are the Petition's failures, and the Petition fails on the merits.

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 '952 PATENT

The '952 Patent is part of a family of related patents that have undergone extensive examination. The '952 Patent issued from U.S. Application No. 15/142,479 (the "'479 Application'"), which is a continuation of U.S. Application No. 13/420,503 (the "'503 Application'"), which issued as U.S. Patent No. 9,338,215 (the "'215 Patent'"). The '479 Application claims priority to U.S. Provisional Patent Application No. 61/452,595, filed March 14, 2011. A related continuation, U.S. Application No. 16/247,361 (the "'361 Application'"), issued as U.S. Patent No. 11,106,744 (the "'744 Patent'"). Across this prosecution history, the claimed invention has been examined by multiple examiners and survived multiple rounds of rejection.

The '952 Patent discloses a search system in which search results are generated based on ratings and rankings of user-provided input. When a user views web content in a main browser window, the user can submit an identification of that content together with user-generated content—such as keywords, tags, ratings, and comments—to a server through a user interface separate from the main browser

window. The server subsequently stores and indexes the submission so that when another user performs a web search, the server provides search results affected by the submitted user-generated content, including ratings and rankings related to that content.

Independent Claim 1 requires that “the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface based on settings received from the user via the user interface to display selected portions of the 3rd party content.” This limitation requires that the user interface automatically selects and displays a portion of the third-party content based on user-configured settings that control what content is displayed within the separate interface, and is not satisfied by systems that merely allow a user to manually select content to submit, or that display web content in a sidebar without automatic selection driven by user-defined display settings of content displayed in the sidebar.

This distinction matters because the ‘952 Patent addresses a specific problem with conventional search engines. As the specification explains, the “process employed by typical search engines to generate search results may not accurately reflect the interest of users on the web.” EX1001, 1:30–32. The claimed invention provides a user-driven system where users interact with third-party web content through an intelligent interface that automatically curates and displays content based

on their preferences—enabling efficient identification, indexing, and ranking that harnesses human judgment rather than algorithmic web crawling alone.

Consistent with this disclosure, independent claim 1 of the '952 Patent recites (with emphasis added):

1. A method comprising:
providing, by a server computer, *a first user interface operating on the first client computer and displaying 3rd party content on the first client computer*, wherein the first user interface is separate from a main window of a web browser, and *wherein the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface* based on settings received from the user via the user interface to display selected portions of the 3rd party content;
receiving, by the server computer, a submission associated with the 3rd party content from the first user via the first user interface;
indexing, by the server computer, the 3rd party content based on the submission from the first user;
ranking, by the server computer, the 3rd party content based on a rating of the 3rd party content submitted from the first user;

receiving, by the server computer, a search query from a second client computer operated by a second user;
in response to receiving the search query, ***selecting, by the server computer and based on the indexing and the ranking of the 3rd party content, a set of search results that include an identification of the 3rd party content***; and
transmitting, by the server computer, the set of search results to the second client computer.

Independent claim 7 recites:

7. A computing device comprising:
a processor; and
memory coupled to the processor and storing instructions that, when executed by the processor, cause the computing device to:
provide a first user interface to a first client computer and display 3rd party content on the first client computer, wherein the first user interface is separate from a main window of a web browser, and wherein ***the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface*** based on settings received from the user via the user interface

to display selected portions of the 3rd party content;
receive a submission associated with the 3rd party content from the first user via the first user interface;
index the 3rd party content based on the submission from the first user;
rank the 3rd party content based on a rating of the 3rd party content submitted from the first user;
receive a search query from a second client computer operated by a second user;
in response to receiving the search query, ***select based on the indexing and ranking of the 3rd party content, a set of search results that include an identification of the 3rd party content;*** and
transmit the set of search results to the second client computer.

Independent claim 14 recites:

14. A non-transitory computer readable storage medium storing instructions that, when executed by a server computer, cause the server computer to:

provide a first user interface to a first client computer and display 3rd party content on the first client computer, wherein the first

user interface is separate from a main window of a web browser, and *wherein the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface* based on settings received from the user via the user interface to display selected portions of the 3rd party content;

receive a submission associated with the 3rd party content from the first user via the first user interface;

index the 3rd party content based on the submission from the first user;

rank the 3rd party content based on a rating of the 3rd party content submitted from the first user;

receive a search query from a second client computer operated by a second user;

in response to receiving the search query, *select based on the indexing and ranking of the 3rd party content, a set of search results that include an identification of the 3rd party content;* and

transmit the set of search results to the second client computer.

III. CLAIM CONSTRUCTION

As noted in Patent Owner's Request for Discretionary Denial at 6-7, Petitioner actively avoided setting forth any position on how the claims of the '952 patent should be construed. Instead, the Petition declares, "Petitioner submits that no terms require construction for the purposes of this IPR" (Pet., 10) and ladens the Petition with "extent" language that does not take a position on the meaning of the claims of the '952 patent. Patent Owner respectfully submits that proper claim construction underlies any validity determination, and submits its analysis of the claim language as applied to the challenged claims and disclosures in the references used in Section IV below, without waiving its right to submit supplemental positions concerning claim construction in a Patent Owner Response. Thus, Patent Owner submits that the Board need not engage in any other pre-institution claim construction of the claim terms discussed in Section IV below to find the Petition deficient. For the reasons presented in Section IV below, Petitioner's Grounds I-V include fundamental flaws and fail to establish the disclosure or suggestion of every claimed element in each independent claim.

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

A. Grounds I and II: Malla Does Not Anticipate or Render Obvious Claims 1-3

Petitioner relies on Malla as the sole prior art reference for Grounds I and II, asserting that Malla either anticipates (Ground I) or renders obvious (Ground II)

claims 1-3. Both grounds fail because Malla does not disclose or suggest—either explicitly or inherently—at least claim elements [1A], [1B], [1E], and [1G] of the challenged claims.

1. Malla Does Not Disclose or Suggest Claim Elements [1A] and [1B]

While the Petition addresses claim elements [1A] and [1B] separately, it is apparent when they are considered together that Malla fails to disclose or suggest these claimed features. Contrary to the Petition’s theory, Malla confirms that its disclosed system does not practice both elements [1A] and [1B], and the Petitioner not only fails to realize this shortcoming of Malla but also fails to remedy it. Claim elements [1A] and [1B] taken together, require (with emphasis added):

providing, by a server computer, *a first user interface operating on the first client computer and displaying 3rd party content on the first client computer*, wherein the first user interface is separate from a main window of a web browser, and *wherein the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface* based on settings received from the user via the user interface to display selected portions of the 3rd party content;

By this element [1A], the first user interface must display “3rd party content on the client computer,” and must also “automatically select[] a portion of the 3rd

party content and display[] the portion of the 3rd party content within the first user interface.” As a result, the first user interface must display **both** the “3rd party content” **and** the “portion of the 3rd party content” that is automatically selected. This is not how Malla operates. As shown and described with regard to Malla’s FIG. 1, the window 6 for Malla’s web browser displays a representative Internet webpage 4 that can be used to construct an intelligent bookmark. Malla, 8:20-24. But unlike the challenged claim, bookmark interface 46 of FIG. 3 of Malla **either** captures the whole screen that the user is viewing, **or** another selection set by the user, **but not both**. As Petitioner concedes in the Petition while addressing element [1B], “[b]y default, the image captured in the process of constructing the intelligent bookmark is the whole screen the user is currently viewing (although this may be **set to other selection choices** by the user in appropriate applications of the present invention).” Pet., 23 (citing Malla, 8:30-34) (emphasis in Petition). Thus, the feature of Malla relied upon to allegedly disclose the “automatically selects a **portion** of the 3rd party content” claim language eliminates the scenario where Malla’s bookmark interface 46 also displays the 3rd party content from which the portion is selected.

Not only does the Petition fail to recognize or remedy this deficiency of Malla, but the Petition fails to recognize that it is the first user interface that must display the 3rd party content from which the portion is selected in the challenged claim. Element [1A] requires, *inter alia*, “a first user interface operating on the first client

computer and displaying 3rd party content on the first client computer.” The Petition’s treatment of this claimed requirement divorces the step of “displaying 3rd party content on the first client computer” from the “first user interface,” and therefore incorrectly relies upon Malla’s web browser application, not the bookmark interface 46, for the claimed “displaying 3rd party content on the first client computer.” Pet., 19. Specifically, Petitioner relies on Malla’s FIG. 1, which is described as illustrating a “sample, representative *Internet webpage* 4, displayed in a window 6 by a web browser application,’ parts of which are captured to create an intelligent bookmark.” Pet., 19 (emphasis in original). While Petitioner cites to Malla’s disclosure of capturing the “whole screen the user is *currently viewing*,” (*id.*), Petitioner concedes that this whole screen, and associated webpage, is “displayed in a window 6 by a web browser application.” Pet., 19-20 (quoting Malla, 8:20-30).

Finally, Petitioner’s discussion of how Malla’s web browser application and bookmark interface 46 are allegedly separate does not remedy the shortcomings identified above with respect to elements [1A] and [1B]. *See* Pet., 20-22. Specifically, Petitioner makes no effort to identify how Malla’s bookmark interface 46 allegedly discloses the displaying of 3rd party content and then selecting a portion of that content based on user-settings. *Id.*

2. Malla Fails to Disclose or Suggest Claim Element [1E]

Further, Malla fails to disclose or suggest claim element [1E]:

ranking, by the server computer, the 3rd party content based on a rating of the 3rd party content submitted from the first user.

The Petition relies upon Malla's disclosure of a user's manual rating and a community rating associated with a bookmark to disclose the claimed "rating of the 3rd party content submitted from the first user" in element [1E]. Pet., 38. However, Malla fails to disclose or suggest any "ranking" of 3rd party content based on these ratings, and Petitioner cannot establish otherwise.

The Petition alleges that "Malla discloses or at minimum renders obvious" element [1E] because users—not a server computer—"can 'search through and *sort* intelligent bookmarks based on identifier information.'" Pet., 39 (quoting Malla, 9:66-67) (emphasis in original). Petitioner also relies upon Malla's disclosure of using a community rating to search for relevant material. Pet., 40 (citing to Malla's 11:37-43). But based on Malla's disclosure of a user's direct use of ratings, Petitioner makes the unfounded and unsupported logical leap to allege that Malla's system therefore "ranks the webpages based on the associated community ratings—for example, higher rated webpages are presented higher in the search results than lower-rated webpages." Pet., 40 (citing Malla, 11:41-43). But Malla at 11:41-43 does not mention "ranking" and merely states, "In searching by keywords, metadata,

dates, ratings, etc., URLs of sites others have found relevant to a topic are more efficiently and quickly identified.” The Petition’s statement about order of presentation is thus not supported in any way by Malla, and reflects Petitioner’s improper attempt to manufacture claimed features out of thin air. This is wholly improper. *See* 35 U.S.C. § 311(b) (“only on the basis of prior art consisting of patents or printed publications”). Moreover, this unsupported conclusion is asserted without any citation to expert testimony. Pet., 40. Even the citation appearing on page 41 of the Petition, to ¶103 of Ex. 1002, does not alter the proper outcome here, because ¶103 of Dr. Terveen’s declaration simply parrots the Petition without further explanation how a POSITA would find a ranking within Malla’s disclosures. *See* Ex. 1002, ¶103. The first sentence of Ex. 1002, ¶103 and the Petition are both reproduced below, side by side, to indicate that Dr. Terveen is simply parroting unsupported assertions without actually providing any expert opinions supporting the Petition:

Petition, page 40:	Ex. 1002, ¶103:
Malla’s disclosure that ratings are used to “help users quickly narrow a search to relevant material” and to “efficiently and quickly identif[y]” webpages means that the system ranks the webpages	Malla’s disclosure that ratings are employed to “help users quickly narrow a search to relevant material” and to “efficiently and quickly identif[y]” webpages indicates that the system uses

based on the associated community ratings—for example, higher rated webpages are presented higher in the search results than lower-rated webpages.	the associated community ratings as a basis for ordering or prioritizing bookmark records in response to search operations—for example, presenting webpages associated with higher community ratings more prominently than those with lower ratings.
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Ultimately, the fact that a user can use a rating as part of a search does not mean that a server computer performs a ranking based on those ratings, and Petitioner is wrong to suggest otherwise.

Moreover, Petitioner tacitly concedes that its anticipation theory based on Malla is flawed because Petitioner alternatively argues that “it would have been obvious to modify Malla so that the server ranks bookmarks or webpages using associated ratings when producing search results.” Pet., 41. Petitioner then cherry-picks user ratings from among the disclosed searchable items in Malla to elevate the missing ranking as the key for finding “relevant material.” Pet., 41. But again this modification of Malla is unsupported by Malla’s disclosures or the disclosures of any patent or printed publication.

Further, this proposed modification is clearly hindsight-driven and fails to consider Malla for all it teaches. Malla discloses the use of a multitude of information to drive the search for relevant material and find such material more efficiently and quickly. Again, instead of ranking, Malla discloses: “In searching by keywords, metadata, dates, ratings, etc., URLs of sites others have found relevant to a topic are more efficiently and quickly identified.” Malla, 11:41-43. Thus, Malla already provides the solution for finding “URLs of sites others have found relevant to a topic are more efficiently and quickly identified.” Petitioner fails to acknowledge that Malla already discloses a solution to achieve what Petitioner’s modification attempts to achieve. This confirms that Petitioner’s proposed modification to achieve what Malla already achieves is hindsight driven than driven by a legitimate reason to improve Malla’s solution. Additionally, Petitioner’s decision to isolate community ratings from the other search items, and then to apply a ranking scheme as the key for finding relevant information, fails to consider Malla for all it teaches. Indeed, Petitioner’s decision to look solely to ratings, to the exclusion of Malla’s disclosed use of ratings alongside keywords, metadata, and dates, reflects a failure to take Malla for what it already teaches.

Finally, Petitioner’s decision to apply a ranking to Malla is not supported by any patent or printed publication. This remains a merits failure and warrants denial under 35 U.S.C. § 311(b).

As such, the Petition also fails because Malla fails to disclose or suggest element [1E], “ranking, by the server computer, the 3rd party content based on a rating of the 3rd party content submitted from the first user.”

3. Malla Fails to Disclose or Suggest Claim Element [1G]

Further, Malla fails to disclose or suggest claim element [1G]:

in response to receiving the search query, selecting, by the server computer and based on the indexing and the ranking of the 3rd party content, a set of search results that include an identification of the 3rd party content.

The Petition fails as to Element [1G] for at least the same reason as it fails for Element [1E]. Indeed, the Petition offers no new theory for how Malla allegedly discloses or suggests Element [1G]’s selecting of search results “based on ... the ranking of the 3rd party content.” Pet., 47. Instead, the Petition just cites back to the flawed theory for Element [1E], and concludes without support that “Malla discloses or renders obvious that search results are produced based on ranking of the bookmarks/webpages based on ratings.” *Id.* This unsupported assertion fails once again because Malla fails to disclose or suggest any ranking of user ratings. However, this unsupported assertion *also fails* because the claim requires that the “set of search results” is selected by the server computer based (*inter alia*) on the “ranking of the 3rd party content.” Thus, it is not enough that search results are presented in a rank order, which is what the Petition appears to argue for Element

[1E]. Rather, the claim requires that ranking of the 3rd party content is used by the server computer to select the “set of search results.” Petitioner’s hindsight-based decision to rank Malla’s bookmarks based on ratings still does not explain how Malla would use the resulting rankings to select a set of search results.

Thus, the Petition also fails because Malla neither discloses nor suggests Element [1G] as claimed.

4. Petitioner’s Challenge of Independent Device Claim 7 and Independent Storage Medium Claim 14 Present the Same Deficiencies

Device claim 7 and storage claim 14 incorporate substantially similar substantive limitations as method claim 1, and therefore fails for the same reasons discussed above. Further, dependent claims 2-6 and 8-13 are patentable over Petitioner’s challenges for at least the same reasons as independent claims 1 and 7.

B. Ground III: The Combination of Malla and Walther Does Not Render Obvious Claims 1-6

In Ground III, Petitioner argues that the combination of Malla and Walther renders obvious claims 1-6. Pet., 51-76. Not so. Petitioner introduces Walther to purportedly address limitations that Malla alone does not satisfy. But Walther does not cure the fundamental deficiencies in Petitioner’s reliance on Malla for elements [1A] and [1B] as discussed above. Rather, Petitioner relies upon Walther to remedy a perceived shortcoming for elements [1E] and [1G]. *See* Pet., 64-67. As such,

Walther does not remedy all the defects identified above in Malla alone, and cannot salvage Petitioner's failed Grounds 1-2.

C. Ground IV: The Combination of Malla in view of Smadja Does Not Render Obvious Claims 7-10 and 14

In Ground IV, Petitioner argues that the combination of Malla and Smadja renders obvious claims 7-10 and 14. Pet., 76-87. Ground IV relies upon Smadja solely for the features of a search server in Element [7A]. *Id.* However, Smadja does not cure the fundamental deficiencies presented in the Malla alone, as identified above. Ground IV fails for the same reasons that Grounds I-II fail as discussed above.

D. Ground V: The Combination of Malla in view of Walther and Smadja Does Not Render Obvious Claims 7-14

In Ground V, Petitioner argues that the combination of Malla, Walther, and Smadja renders obvious claims 7-14. Pet., 87-93. Similar to Ground IV, Ground V relies upon Smadja solely for the features of a search server in Element [7A]. *Id.* However, Smadja does not cure the fundamental deficiencies presented in the Malla alone, as identified above for Grounds I-II, or even the combination of Malla and Walther, as identified above for Ground III. Ground V fails for the same reasons that Grounds I-II fail as discussed above.

V. DISCRETIONARY DENIAL

As set forth more fully in Patent Owner's separately-filed Request for Discretionary Denial dated April 27, 2026, the Board should exercise its discretion

to deny institution under 35 U.S.C. § 325(d) and/or 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.

VI. 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 26, 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 4,234 words, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a).

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CERTIFICATE OF SERVICE

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