

IPR2026-00248
Patent No. 10,664,141

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner,

v.

COGMEDIA LLC
Patent Owner.

Case No. IPR2026-00248
U. S. Patent No. 10,664,141

PATENT OWNER'S PRELIMINARY RESPONSE

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35 U.S.C. § 103	1
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Patent No. 10,664,141

LIST OF PATENT OWNER’S EXHIBITS

Exhibit No.	Description
2020	Patent Owner’s Opening Claim Construction Brief
2021	Meta’s Petition Challenging the ‘562 Patent
2022	Meta’s Petition Challenging the ‘371 Patent

I. INTRODUCTION

Petitioner Meta Platforms, Inc. (“Petitioner” or “Meta”) files three serial petitions for *inter partes* review (this “Petition” or the “Petitions”) together challenging the validity of all the claims of Patent Owner’s U.S. Patent Nos. 9,817,562 (the “‘562 Patent”), 10,664,141 (the “‘141 Patent”), and 11,036,371 (the “‘371 Patent”) (collectively the “Challenged Patents”) asserted against Petitioner in the pending district court litigation.

This Petition challenges claims 1-28 of Patent Owner’s ‘141 Patent under 35 U.S.C. § 103 and relies upon the base combination of U.S. Patent No. 7,310,612 (“Ex. 1005” or “McQueen”) and U.S. Patent No. 7,047,030 (“Ex. 1006” or “Forsyth”). Petitioner relies upon McQueen and Forsyth as the base combination for all three of its Petitions. And because Petitioner fails to show a reasonable likelihood of prevailing as to any of the challenged claims, Patent Owner respectfully requests that the Board deny institution as to all three Petitions (IPR Nos. 2026-00247-49).

As an initial matter, to aid the Board and Director in their review, Patent Owner notes that this brief mirrors the reasoning and conclusions presented in Patent Owner’s Preliminary Response filed concurrently in IPR No. 2026-00247, but simultaneously accounts for the differences in the Challenged Patents.

Petitioner’s challenge boils down to a modification of McQueen in light of the instant-messaged based teachings in Forsyth. But Patent Owner cited McQueen

to the examiner of the ‘141 Patent during examination of Patent Owner’s ‘371 Patent, which shares a highly similar claim structure and many limitations nearly identical to those found in the ‘141 Patent. And instant messaging was not a foreign concept during examination. The examiner of Patent Owner’s ‘371 Patent considered *nineteen* instant messaging related references in conjunction with McQueen and Petitioner’s expert has affirmed instant messaging was well-known at the time. *See* e.g. Ex. 1003 at p. 43, ¶ 74. At most, the prior art grounds set forth in the Petition are entirely cumulative of challenges which could have been presented by the examiner.

But when faced with McQueen and a host of instant messaging-based references, the examiner did not issue a single prior art-based rejection during examination of the ‘371 Patent. And similarly, the examiner did not issue a single prior art-based rejection during examination of the ‘141 Patent. Unsurprisingly, in view of Patent Owner’s previous knowledge of, and the examiner’s previous consideration of McQueen, Petitioner’s challenge leaves substantial gaps that it attempts to fill via expert testimony.

Petitioner’s challenge fails to show that the claimed “causing configuring of each of the data items into a distinct information object by extracting, from each data item, extracted data including a picture, a heading, and a link to the data item, and causing storing of data corresponding to each of the information objects in a database

system” present within each independent claim of the ‘141 Patent at limitations 1[a.i] and 17[a.i] was disclosed, taught, or suggested by its references.¹ For this reason, Petitioner has failed to meet its burden to establish a reasonable likelihood that it would prevail with respect to at least one of the claims challenged by the Petition. Institution must be denied.

II. BACKGROUND OF THE ‘141 PATENT

A. Information Objects and the Problem to be Solved

The ‘141 Patent claims priority to provisional application No. 60/566,723 filed on April 29, 2004, and Petitioner’s challenge has not contested the ‘141 Patent’s claims’ entitlement to priority as of that date. Ex. 1001 at p. 2; Paper 1 at p. 4. To help orient the Board to the state of the art at the time of Patent Owner’s invention, Patent Owner notes that the ‘141 Patent’s priority date predates the first iPhone by over three years.

The ‘141 Patent is directed to a “computer-implemented method of interacting with at least one data item [that] includes storing, in a database system, a configuration, of each of the data items as a distinct information object, in which

¹ In Patent Owner’s Discretionary Denial Brief, Patent Owner referred to these limitations as 1[b] and 17[b]. Paper 10 at p. 13. In an effort to aid the Board in its review, Patent Owner will refer to these limitations as 1[a.i] and 17[a.i] as set forth in Petitioner’s challenge. The difference in naming of these limitations has no impact on the analysis at hand.

each information object has an association with a picture, a heading, and a link to the corresponding data item.” Ex. 1001 at Abstract. “The method additionally uses the stored configurations to make available for display a representation of each of at least two of the information objects in a uniform format, wherein the format includes a card, and, within the card, the picture, the heading, a set of indicators, the set of indicators having at least one member, and a function mechanism giving graphical access to a set of functions. *Id.*

The ‘141 Patent explains that as “[i]nformation availability and accessibility is continuously increasing”, “information commonly exists in different formats, resides in different locations, is dynamically changing, and is used and modified by different people”, which “makes it difficult for users to effectively monitor, analyze and exchange information.” *Id.* at Col. 2, L. 40-45. The ‘141 Patent notes that conventional information processing systems have a variety of deficiencies. *Id.* at Col. 2-3, L. 49-2. One such “deficiency with conventional information processing systems is that information is represented in different formats and, depending on the format, is stored in different locations.” *Id.* at Col. 2-3, L. 66-2.

The ‘141 Patent proposes its distinct “information objects” (“IOs”) which it describes as flexible data structures that can include data files as well as metadata as a potential solution. *Id.* at Col. 9, L. 6-8. The ‘141 Patent explains that its information object mechanism “solve[s] this deficiency by introducing a standardized

information format that represents a piece of information in an abstract way and links to an original piece of information and that has a standardized look thus allowing users to focus on and compare the information content and context rather than be distracted by the information format and location.” *Id.* at Col. 3, L. 7-14.

The ‘141 Patent sets forth multiple different methods of creating its information objects. One method is the creation of information objects via the active extraction of metadata from data items. *See e.g. id.* at Col. 26, L. 36-40. Another method is the creation of information objects through the passive visualization of RSS feeds. *See e.g. id.* at Col. 25, L. 46-50. According to Petitioner’s expert, RSS feeds are standardized XML files that allow users to receive updates from websites or blogs. Ex. 1003 at p. 29 ¶ 54. And as explained by Petitioner’s primary reference, McQueen, the use of RSS’s XML format to simply facilitate the re-publishing and visualization (i.e. display) of content was well known in the art at the time of the invention. Ex. 1005 at Col. 4, L. 44-64. As will be explained in detail below, this type of syndication of content through RSS visualization stands in sharp contrast to the claimed extraction found in each independent claim of the Challenged Patents.

The ‘141 Patent’s Figure 10 illustrates “a diagram of IO operations including IO creation”² showcasing the different sources from which information objects may be obtained (highlighting added):

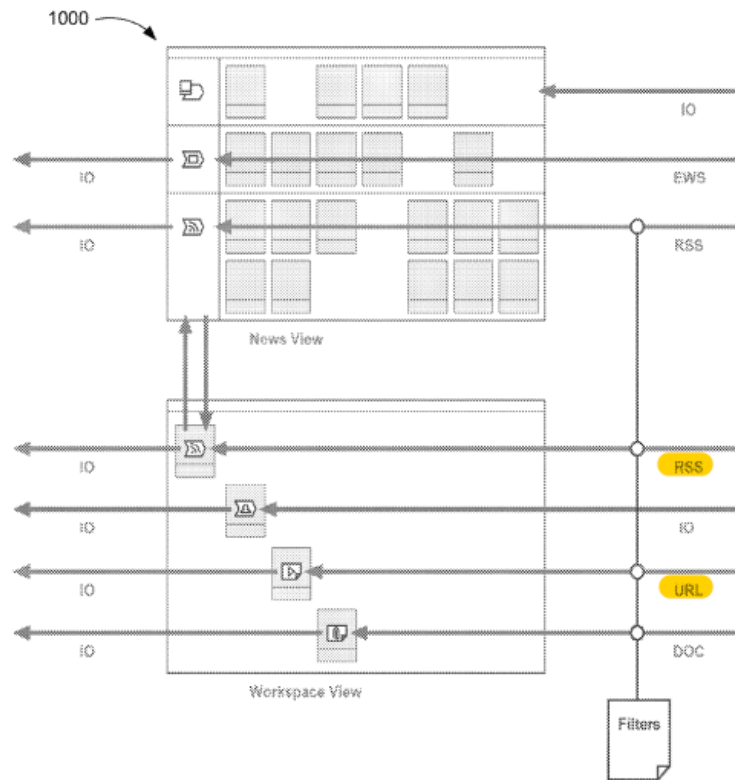


FIG. 10

B. Creation of Information Objects via Extraction

When describing its extraction embodiment, the ‘141 Patent explains that when a user drags a URL from a web browser, its invention “will create an IO that hyperlinks to that URL and *automatically extracts* (from the URL destination) a

² Ex. 1001 at Col. 25, L. 4-5.

picture and a heading that is displayed in the IO's picture and heading bar.” *Id.* at Col. 25, L. 42-47.³ The ‘141 Patent also states that “[t]he IO picture and the IO heading are added automatically if an appropriate picture and heading can be *extracted*”⁴ and that its invention “provides the information object by filtering a web page associated with a URL to create the information object by automatically *extracting meta-data including at least one of a heading, a picture, and a link to the URL.*” *Id.* at Col. 26, L. 34-38. This extraction step is explicitly required by every independent claim of the Challenged Patents. *See* Ex. 1001 at Cl. 1[a.i] and Cl. 17[a.i]; Ex. 2002 at Cl. 1[a]; and Ex. 2003 at Cl. 1[a.i] and Cl. 15[a.i].

C. The Creation of Information Objects via RSS Feed Visualization

The ‘141 Patent also explains that RSS feeds can be used to “create an IO that visualizes the most recent item in the RSS file/s and that continuously updates itself.” *Id.* at Col. 25, L. 47-50. It also notes that “user[s] can drag one or more RSS URLs onto a News View row which will add and displays the content of RSS URLs on the News View row as a sequence of IOs.” *Id.* at Col. 26, L. 7-10. The ‘141 Patent describes its News View’s purpose which is “to help users monitor large numbers of RSS feeds in a quick and easy comprehensible format” and that News View can be used as an “RSS feed generator” where “[u]sers can add RSS files by simply

³ Emphasis added throughout unless otherwise specified.

⁴ *Id.* at Col. 25, L. 25-27.

dropping an IO or an RSS URL onto a row in News View.” *Id.* at Col. 16, L. 33-49.

In doing so, the ‘141 Patent teaches a second method of creating information objects that instead of requiring the claimed active extraction step, can simply create information objects via the visualization and display of RSS feeds.

D. File History of the ‘141 Patent

The ‘141 Patent did not receive a single prior art-based rejection during examination and the examiner indicated the claims were allowable in his first office action. Ex. 1002 at p. 114.

E. Challenged Claims

Petitioner challenges the validity of all 28 claims of Patent Owner’s ‘141 Patent through this Petition. Independent claims 1 and 17, the only independent claims found in the ‘141 Patent, are reproduced below.

1. [Pre] A computer-implemented method, in which at least one computer initiates execution of software instructions to perform computer processes, the method being for interacting with at least one data item obtained from at least one source, the computer processes comprising:
[a] responsive to a user selection of the at least one data item:
[a.i] causing configuring of each of the data items into a distinct information object by extracting, from each data item, extracted data including a picture, a heading, and a link to the data item, and causing storing of data corresponding to each of the information objects in a database system;

[a.ii] displaying a representation of each of at least two of the information objects in the database system, the representation being in a uniform format, wherein the format includes a card, and, within the card, in uniform locations thereof, the picture, the heading, a set of indicators, and a set of graphically accessible functions including:

[b] a comment function, by which users having access to the card comment function can exchange comments relating to the card, such comments being associated with the information object represented by the card;

[c] a vote function, by which users having access to the card vote function can vote for the card, such votes being associated with the information object represented by the card;

[d] a copy function, by which users having access to the card copy function in a first collection of cards can cause the card to appear in a second collection of cards; and

[e] a link function, by which users having access to the card link function can invoke the link to the data item; and

[f] wherein the set of indicators includes: an indicator reflecting commenting activity associated with the card; and

[g] wherein the database system has been configured to allow (i) each user to have at least one user-selected collection of cards representing information objects in the database system and (ii) at least some content of cards, including any associated picture and heading, regardless of the collections in which they may have first appeared, to be made accessible and copyable across card collections of users.

17. [Pre] A computer-implemented method, in which at least one computer initiates execution of software instructions to perform computer processes, the method being for interacting with at least one data item obtained from at least one source, the computer processes comprising:
- [a] responsive to a user selection of the at least one data item:
 - [a.i] causing configuring of each of the data items into a distinct information object by extracting, from each data item, extracted data including a picture, a heading, and a link to the data item, and causing storing of data corresponding to each of the information objects in a database system;
 - [a.ii] displaying a representation of each of at least two of the information objects in the database system, the representation being in a uniform format, wherein the format includes a card, and, within the card, in uniform locations thereof, the picture, the heading, a set of indicators, and a set of graphically accessible functions including:
 - [b] a comment function, by which users having access to the card comment function can exchange comments relating to the card, such comments being associated with the information object represented by the card;
 - [c] a vote function, by which users having access to the card vote function can vote for the card, such votes being associated with the information object represented by the card;
 - [d] a copy function, by which users having access to the card copy function in a first collection of cards can cause the card to appear in a second collection of cards; and

[e] wherein the set of indicators includes: an indicator reflecting commenting activity associated with the card; and

[f] wherein the database system has been configured to allow (i) each user to have at least one user-selected collection of cards representing information objects in the database system and (ii) at least some content of cards, including any associated picture and heading, regardless of the collections in which they may have first appeared, to be made accessible and copyable across card collections of users.

F. Petitioner's Grounds of Challenge

Ground	Claims	Basis	References
1	1-3, 5, 12-20, and 22	Obviousness	McQueen-Forsyth
2	2 and 19	Obviousness	McQueen-Forsyth-Csaszar
3	4, 8, 9, 19, 21, 25, and 26	Obviousness	McQueen-Forsyth-Briggs
4	6, 7, 10, 11, 23, 24, 27, and 28	Obviousness	McQueen-Forsyth-Knapp
5	7 and 24	Obviousness	McQueen-Forsyth-Briggs-Knapp

Patent Owner does not purport to present all of its rebuttal arguments herein and reserves its right to present further argument and evidence related to these prior art references, the combinations thereof, and the content of the Petitions later in this proceeding, consistent with the Board's Rules and practice. No waiver is intended by any argument withheld by Patent Owner at this stage of the proceeding.

III. CLAIM CONSTRUCTION

Consistent with Patent Owner's positions in the district court proceeding, Patent Owner believes each term should be given its plain and ordinary meaning, with no further construction required. Ex. 2019 at p. 2-3.

As noted in Patent Owner's discretionary denial brief, Petitioner is engaging in inconsistent claim construction practice by "seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability" which the Director has previously cautioned against.⁵ Before the district court, Petitioner seeks construction of *eight* claim terms whereas here, Petitioner has not requested a single construction. *Compare* Ex. 2019 at p. 2-3 to Paper 1 at p. 12. Petitioner has done so under the guise of requesting plain and ordinary meaning in the district court while simultaneously proffering narrowing constructions defining what that plain and ordinary meaning should be which has required Petitioner to rely on two different experts across the forums. Ex. 2019 at p. 2-3.

As explained in Patent Owner's Opening Claim Construction Brief, Petitioner's claim construction strategy before the district court has been to "invoke[] 'plain and ordinary meaning' in name only, relying on its label but not its

⁵ See *Revvo Technologies, Inc., v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 20 at 4 (Director November 3, 2025) (precedential).

substance” by “labeling its constructions as ‘plain and ordinary meaning,’” in an attempt “to evade the scrutiny that would otherwise attach if it candidly presented only the substance of its constructions.” Ex. 2020 at p. 5-6.

Not only is Petitioner advocating for inconsistent positions in the two forums, but Petitioner is doing so in a manner incompatible with the challenge it has put before the Board. Before the district court, Petitioner has sought a narrowing construction of “instant messaging function” to mean “realtime communication function” and “comment function” to mean “function that allows a user to remark or annotate.” Ex. 2019 at p. 2. But before the Board and Director, Petitioner has stated that either function would allow for *real-time*, dynamic interaction between mobile devices. *See* Paper 1 at p. 14; Ex. 2021 at p. 26; Ex. 2022 at p. 27.

Consistent with Patent Owner’s warning to the district court, the Board “should be wary from the start of Defendant’s litigation-inspired attempts to import additional, narrowing limitations into broader claim language” while simultaneously advocating for broad claim interpretations in their Petitions to support a patentability challenge. *Id.* at p. 5.

IV. DISCUSSION OF THE ALLEGED PRIOR ART

A. McQueen

McQueen’s “invention relates to electronic catalog systems, and to personalization algorithms used to provide personalized content to users of such

systems.” Ex. 1005 at Col. 1, L. 9-11. McQueen explains that “[w]eb sites and other types of interactive systems commonly host electronic catalogs for assisting users in locating and evaluating various types of items” which may include physical products, journal articles, stock assets, and/or any other type of item that may be represented in a database. *Id.* at Col. 1, L.13-19.

“To enhance the browsing experience of users, electronic catalog systems commonly implement various types of features for assisting users in efficiently locating and evaluating catalog items” such as “recommendation algorithms for recommending specific catalog items to users” which are “commonly recommended based on the purchase histories, browsing histories, and other types of user profile data reflective of users’ interests.” *Id.* at Col. 1, L. 23-31.

McQueen explains that some electronic catalog systems “allow users to post reviews on specific catalog items” which are “typically displayed on a detail page for that item.” “In some cases, the associated user interface provides an option for users to vote on whether a particular review is helpful” and a “current tally of the votes submitted on a particular review is typically displayed to assist readers in assessing the review.” *Id.* at Col. 1, L. 32-38.

But McQueen notes that despite these features “electronic catalogs commonly *lack* the types of *compelling content* needed to attract and maintain the interests of users” because “operators of such systems typically lack the resources needed to

generate such content.” *Id.* at Col. 1, L. 44-49. McQueen’s invention seeks to address the lack of compelling content found in electronic catalog systems by disclosing “[a]n electronic catalog system [which] provides an interface for users to author and post pieces of content, referred to as ‘blurbs,’ for viewing by other users” wherein “blurbs submitted by a particular author are made available for viewing in an author-specific blog (web log) format.” Ex. 1005 at Abstract.

McQueen describes its blurbs as “short postings” authored by its users which may “be associated with specific items in the electronic catalog.” *Id.* at Col. 1, L. 54-58. McQueen explains that its system contains two types of blurbs, internal and external. Blurbs created via McQueen’s blurb authoring pipeline through which users can author and submit pieces of content are referred to as “internal blurbs” and blurbs obtained from other sources are referred to as “external blurbs”. *Id.* at Col. 5, L. 4-9. McQueen provides an exemplary internal blurb in its Figure 4 reproduced below:

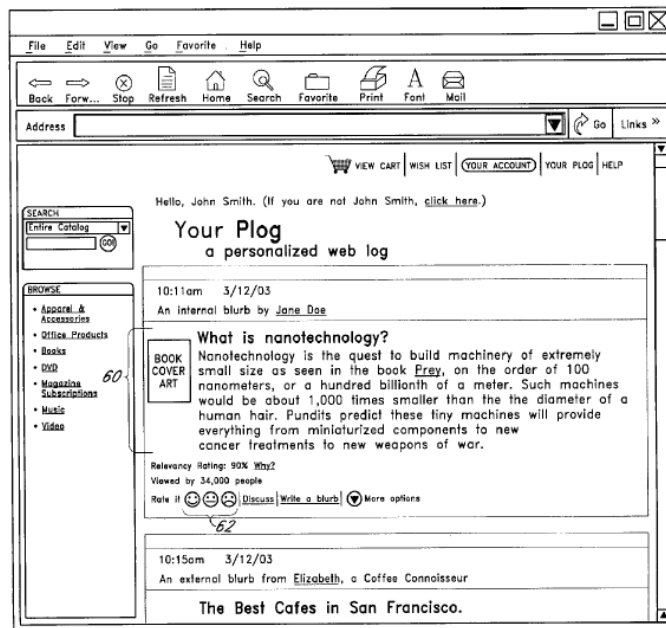


FIG. 4

McQueen explains that its external blurbs can “be obtained from other, independent sources, such as through RSS feeds from external web sites that host blogs.” *Id.* at Col. 1, L. 61-63. McQueen explains that RSS is “an XML format for syndicating web content”, that an “RSS feed is generally an RSS-format web page that is used as a recurring source of content”, and that the “use of RSS to share and license web content across web sites is well known in the art.” *Id.* at Col. 4, L. 46-60. McQueen further explains that each “RSS page may [sic] is preferably retrieved periodically, such as several times a day, to check for new items” such as blog entries, which can be added to the blurbs database as blurbs. *Id.* at Col. 4, L. 60-64. And McQueen’s system architecture can contain “[a]n RSS feed component” “for populating the blurbs database 44 with blurbs obtained from external sources” by

“locating new RSS pages, periodically checking known RSS pages for new entries, and adding new entries to the database as external blurbs.” *Id.* at Col. 11, L. 46-52.

To further its goal of providing compelling content that will attract and maintain the interests of users, McQueen discloses a blurb selection algorithm in the form of “a personalized blurb selection component [that] selects specific blurbs to present to users of the catalog” which are “preferably selected based at least in part on a history, referred to as an ‘item selection history,’ of the catalog items selected by the target user to purchase, view, review, rate, and/or perform some other type of action.” *Id.* at Col. 1-2, L. 64-3. McQueen provides users the “option to explicitly or implicitly vote on or ‘rate’ each blurb” and uses “[t]he votes cast on a particular blurb [to] affect the extent to which that blurb is thereafter selected to present to other users” by “tak[ing the votes] into consideration in selecting the frequency with which new blurbs from that author are to be displayed to specific target users.” *Id.* at Col. 2, L. 39-47. In this way, McQueen uses user interaction as input to its algorithm to “provide[] fresh, targeted content from a wide range of authors to users” that “is selected based on the item selection histories of the target users” and “tends to be highly informative and relevant.” *Id.* at Col. 2, L. 48-55.

B. Forsyth

Forsyth’s invention “relates to a ***group communication method*** for a wireless information device.” Ex. 1006 at Col. 1, L. 15-16. Forsyth explains that while there

“is a proliferation of different text based messaging systems which allow members of a group[] to communicate with one another”, “no single system fully and successfully accommodates the unique characteristics of communicating between groups of mobile users.” *Id.* at Col. 1, L. 54-60. And while “[t]he concept of the group has previously been of limited importance in telephony, other than for conference calling”, “wireless information devices have the potential to greatly enhance the importance of the group.” *Id.* at Col. 2, L. 61-64.

Forsyth seeks to provide a solution to this problem through “[a] group communication method for a wireless information device, in which the method comprises the step of using an application independent object which defines or references members of a group in a way that enables communication to take place between two or more members of the group.” *Id.* at Abstract. This solution was “founded on the insight of providing an object which ***defines solely the identities of members of a group***” and is thus application (and hence also content) independent.” *Id.* at Col. 2, L. 24-27. “This means that a group created in one application (e.g. for text based instant messaging) can immediately be used in other applications (e.g. a diary/agenda application could use that same group as the recipient list for an invitation to a meeting); a voice application could use that same group to allow a voice call to be conferenced across to all group members.” *Id.* at Col. 2, L. 27-34.

Forsyth describes an implementation of its present invention, called Forums, wherein “a new group object can be created when a user defines the recipients of a message, or (going beyond a simple messaging application) whenever the user defines the desired participants to be involved in group communication” and “can be defined independently of any specific task or application.” *Id.* at Col. 2, L. 48-52. Forsyth also discusses an embedded discussion version of Forums that facilitates the creation of a threaded discussion attached to photographs wherein group members receive an object which incorporates or references the photographs thereby allowing group members to make comments on the pictures. *Id.* at Col. 7, L. 19-39.

Forsyth discloses the creation of two types of groups, public and private. “Private groups would typically be used amongst individuals who already know each other in some way”⁶ and “[p]ublic groups are collections of people with interests in common, who do not necessarily know each other prior to their membership of a group.” *Id.* at Col. 17, L. 5-7. Regardless of whether the group is private or public, Forsyth teaches that group populations can change and as a result, “[u]sers must be able to see all the personae that are members of a given group.” *Id.* at Col. 16, L. 38-39. And Forsyth notes that private groups come with a degree of trust that does not

⁶*Id.* at Col. 13, L. 63-64.

exist in public groups and therefore, in public groups “a system of permission is required.” *Id.* at Col. 17, L. 48-50.

C. McQueen and Forsyth are Cumulative of Art Considered by the Examiner, and Discussed in the Specification

Petitioner’s challenge is cumulative of art considered by the examiner and discussed in the ‘141 Patent. Petitioner’s challenge effectively jams Forsyth’s instant-messaging based teachings and “corresponding comment features” into one of either McQueen’s “Discuss” element, found solely in McQueen’s Figure 4 and for which McQueen *provides no narrative description in the specification*, or McQueen’s “More options” drop-down menu found in Figure 4 with limited narrative description provided in the specification. Paper 1 at p. 13. But if McQueen combined with an instant-messaging based reference were sufficient to support a patentability challenge, such a challenge was readily available to the examiner.

During examination of Patent Owner’s ‘371 Patent, McQueen was considered by the same examiner who examined each of the Challenged Patents. Ex. 2003 at p. 2. And during examination of the ‘371 Patent, the examiner considered *nineteen* different references related to the concept of instant messaging which Petitioner’s expert has affirmed was well known at the time. *See* e.g. Ex. 1003 at p. 43, ¶ 74. Notably, the ‘371 and ‘141 Patents share substantially similar claim structures and many nearly identical limitations, meaning that the examiner’s allowance of the ‘371

Patent over McQueen necessarily implicated claim elements challenged by Petitioner here. And neither the '371 nor '141 Patent received a prior art-based rejection during prosecution.

Simply put, in view of highly similar claims and functionally identical art, the examiner had all the necessary ingredients to put forth substantially the same challenge as Petitioner has done here yet declined to do so.

**V. THE PETITION FAILS TO DEMONSTRATE A REASONABLE
LIKELIHOOD OF PREVAILING UNDER ANY ASSERTED
GROUND**

Institution is only permissible when the Petition establishes a “reasonable likelihood that the petitioner would prevail with respect to at least one of the claims challenged in the petition.” 35 U.S.C. § 314(a). Petitioner fails to meet this threshold requirement because every prior art reference relied upon by Petitioner fails to disclose, teach, or suggest at least limitation [a.i] of each independent claim and thus, the Board must deny institution. *Par Pharm., Inc. v. TWi Pharms., Inc.*, 773 F.3d 1186, 1194 (Fed. Cir. 2014) (petitioner bears burden of proving every claim limitation is disclosed in the prior art); *Medichem, S.A. v. Rolabo, S.L.*, 437 F.3d 1157, 1164 (Fed. Cir. 2006) (consideration of any motivation to combine and reasonable expectation of success is only reached “if all the elements of an invention are found in a combination of prior art references”).

A. The Petition fails to show that the ‘141 Patent’s Claimed Extraction Step was Taught

To avoid denial of institution, Petitioner must convince the Board that McQueen's passive RSS visualization, which merely receives and displays syndicated content, is equivalent to the active extraction step recited in the ‘141 Patent’s claims. In view of the ‘141 Patent’s unequivocal distinction between RSS visualization and active extraction as well as Patent Owner’s explicit decision to claim the latter, the record simply cannot support such a conclusion. And because Petitioner has failed to show that either McQueen or Forsyth teach the extraction limitation present in each independent claim of the ‘141 Patent, their challenge must be denied.

Limitation 1[a.i] of independent claim 1 of the ‘141 Patent states:

[a.i] causing configuring of each of the data items into a distinct information object by extracting, from each data item, extracted data including a picture, a heading, and a link to the data item, and causing storing of data corresponding to each of the information objects in a database system;

Limitation 17[a.i] of independent claim 17 of the ‘141 Patent states:

[a.i] causing configuring of each of the data items into a distinct information object by extracting, from each data item, extracted data including a picture, a heading, and a link to the data item, and causing storing of data corresponding to each of the information objects in a database system;

Limitations 1[a.i] and 17[a.i] are directed towards the ‘141 Patent’s described method of creating distinct information objects through the extraction of extracted data including a picture, heading, and link to the data item, which the ‘141 Patent uses to make available for display a representation of the information objects in a uniform format. Ex. 1001 at Cl. 1 and 17. This is consistent with the ‘141 Patent’s stated desire to provide “a standardized information format that represents a piece of information in an abstract way and links to an original piece of information and that has a standardized look thus allowing users to focus on and compare the information content and context rather than be distracted by the information format and location.” *Id.* at Col. 3, L. 6-13.

Petitioner’s challenge does not cite to Forsyth as evidence that either limitation was disclosed, taught, or suggested in the art and instead relies solely on McQueen. Petitioner’s challenge provides no separate analysis for claim 17 and thus, Petitioner’s challenge as to each of the limitations is identical. Paper 1 at p. 41.

Petitioner devotes but six paragraphs of its one-hundred-eleven-page Petition to limitations 1[a.i] and 17[a.i], and in doing so relies entirely on McQueen’s passive RSS-based teachings. Paper 1 at p. 25-27. And Petitioner’s argument as to extraction rests entirely on an erroneous, *single conclusory assertion* that equates the converting or saving of blogs and blog entries as blurbs to the ‘141 Patent’s extraction step, which Patent Owner reproduces in its entirety:

The aforementioned elements are *extract[ed] from each* of the blog and blog entry *data items* because, as discussed previously (§VIII.C.1), the system converts or saves each blog and blog entry from an external source as one or more “blurbs,” EX1005, 4:44-5:3; the information is sourced from the “blogs” and blog entry *data items*, and thus *extract[ed]* therefrom. EX1005, 4:13-5:3, 5:52-6:3, 7:55-64, 8:4-16, FIG. 1; Cockburn, ¶100.⁷

Petitioner’s argument seeks to equate the alleged sourcing of information from blogs and/or blog entries and their subsequent saving as blurbs to the ‘141 Patent’s claimed extraction step. Petitioner’s challenge fails under either scenario.

The first half of Petitioner’s challenge must fail because it mischaracterizes McQueen as teaching the sourcing of information from blogs to create blurbs. Not only does McQueen *never* disclose the saving or conversion of a blog as a blurb but McQueen also *never* uses any form of the word convert at all in its disclosure. Instead, McQueen simply explains that its blurbs are uploaded to its database “via RSS feeds from various external web sites that host blogs”, that each “RSS page may [sic] is preferably retrieved periodically . . . to check for (blog entries, news articles, etc.)”, and that “items located through this process are added to the blurbs database 44 as blurbs.” Ex. 1005 at Col. 4, L. 55-64 (emphasis in original). McQueen also explains that its RSS feed component is used to “locat[e] new RSS pages,

⁷ Paper 1 at p. 27 (emphasis in original).

periodically checking known RSS pages for new entries, and adding new entries to the database **44** as external blurbs.” *Id.* at Col. 11, L. 46-50 (emphasis in original).

In doing so, McQueen teaches that its RSS component simply retrieves blog entries from RSS feeds which it adds to its system as blurbs. McQueen discloses no interaction between its RSS component and the external websites or blogs themselves and discloses no sourcing of information therefrom. Because McQueen’s RSS component does not interact with the blog itself or source any information therefrom, the blogs in McQueen cannot constitute the claimed data item.

Because McQueen’s RSS component does not interact with external websites or blogs, the only issue left before the Board is whether McQueen’s adding of new blog entries to its database as external blurbs constitutes the claimed extraction step. The second half of Petitioner’s challenge fails no better.

Not only does Petitioner give its extraction challenge short shrift, but Petitioner also does not point to a single portion of McQueen’s disclosure where any form of the word extract is used or any teachings constituting Patent Owner’s extraction step exist. Instead, Petitioner invites the Board to equate two distinct concepts while simultaneously providing no rationale for doing so. The Board should decline Petitioner’s invitation.

As set forth above, the ‘141 Patent discloses and distinguishes multiple methods of creating information objects including creation via active extraction and

creation via the passive visualization of RSS feeds. The ‘141 Patent’s extraction method “provides the information object by filtering a web page associated with a URL to create the information object by automatically *extracting meta-data including at least one of a heading, a picture, and a link to the URL*”⁸ and the RSS method simply “create[s] an IO that visualizes the most recent item in the RSS file/s and that continuously updates itself.” Ex. 1001 at Col. 25, L. 47-50.

As explained above, McQueen simply teaches the addition and visualization of blog entries as blurbs through the retrieval of content from RSS feeds and McQueen’s RSS component never interacts with the external websites that host the blogs or the blogs themselves. Petitioner has identified no portion of McQueen that describes anything resembling the active extraction step recited in the ‘141 Patent’s claims but has invited the Board to equate McQueen’s passive RSS visualization with the ‘141 Patent’s active extraction step without explanation. But at a fundamental level, how could McQueen teach the claimed extraction step, which the ‘141 Patent explicitly distinguished from RSS visualization, if McQueen never interacts with the actual external website or blog itself? Instead of providing the Board with an answer to this question, Petitioner camouflaged its self-serving expansion of McQueen’s teachings by identifying both blogs and blog entries as the

⁸ Ex. 1001 at Col. 26, L. 36-40.

claimed data item and alleging that the sourcing of information therefrom must constitute extraction. Not only is Petitioner's approach inconsistent with and unsupported by the teachings in McQueen but it is also explicitly distinguished by the '141 Patent's specification.

Because Petitioner provides no rationale for how the sourcing of blog entries for McQueen's blurbs could satisfy the '141 Patent's extraction step and can point to no disclosure from either of its references showing that Patent Owner's extraction step was taught, disclosed, or suggested, Petitioner's challenge must be denied.

B. A POSA Reading McQueen would have No Motivation to Combine it with the Instant Messaging based teachings of Forsyth

While Patent Owner contends that the Petition must be denied because it fails to show that either McQueen or Forsyth teach key limitations of the '141 Patent claims, Patent Owner also contends that a POSA would have no motivation to combine McQueen and Forsyth.

Taking everything Petitioner and its expert say as true, Petitioner's motivation to combine rationale still does no more than describe the ways a POSA *could* have combined McQueen and Forsyth, rather than provide a rationale for why a POSA *would* have been motivated to do so. Because this is insufficient to support an obviousness challenge, Petitioner's challenge should be denied. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (holding that "obviousness concerns

whether a skilled artisan *not only could* have made but *would* have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention.”).

Petitioner’s articulated motivation to combine rationale seeks to jam Forsyth’s instant messaging based teachings and “corresponding comment features” into McQueen’s “Discuss” element or as a part of its “More options” drop-down menu because doing so would allegedly (1) help McQueen “to facilitate user interaction” with its blurbs; (2) “have been an obvious and predictable combination of known elements for known improvements”; (3) “enhance[] user experience with the blurbs by allowing for real-time, dynamic interaction between mobile devices”; and (4) “have made it ‘far easier for people to reach similar individuals than ever before’” thereby “increasing user social engagement and collaboration.” Paper 1 at p. 13-15 (internal citations omitted throughout).

While Petitioner’s motivation to combine section is undoubtedly aspirational, it is wholly untethered from the motivations expressed in the references themselves and infected with hindsight bias. As set forth above, both references unequivocally describe the problems they are trying to solve.

McQueen aims to provide the “*compelling content* needed to attract and maintain the interests of users” typically lacking in electronic catalog systems due to the “operators of such systems typically lack[ing] the resources needed to generate

such content.” Ex. 1005 at Col. 1, L. 44-49. McQueen provides this content through its blurbs and “personalized blurb selection component [that] selects specific blurbs to present to users”⁹ to provide content that is “highly informative and relevant.” *Id.* at Col. 2, L. 53-55.

Forsyth aims to provide the first “single system [that] fully and successfully accommodates the unique characteristics of communicating between groups of mobile users.” Ex. 1006 at Col. 1, L. 54-60. Forsyth teaches that it provides a system for group communication that is “founded on the insight of providing an object which *defines solely the identities of members of a group*” and is thus application (and hence also content) independent.” Ex. 1006 at Col. 2, L. 24-27. Forsyth also requires that “[u]sers must be able to see all the personae that are members of a given group.” *Id.* at Col. 16, L. 38-39. Forsyth notes that private groups come with a degree of trust that does not exist in public groups and therefore, in public groups “a system of permission is required.” *Id.* at Col. 17, L. 48-50.

But Petitioner’s motivation to combine rationale is agnostic to the drastically different problems and motivations set forth by the two references. At no time does Petitioner ever link the “improvements” it emphasizes would be realized by

⁹ *Id.* at Col. 1, L. 64-66.

McQueen's implementation of Forsyth to any actual teaching or motivation found in the references.

A POSA reading McQueen is focused on one thing and one thing only: generating the most compelling content possible for electronic catalog systems by providing high quality blurbs through McQueen's personalized blurb selection component. Nowhere in McQueen is there any discussion of a need or desire to increase peer-to-peer communication regarding blurbs. And at no point does Petitioner explain how incorporating Forsyth's instant messaging-based teachings or comment related features would provide for more compelling blurbs, refine McQueen's personalized blurb selection component to improve the quality of the blurbs presented to a given user, or further any goal set forth by McQueen. Instead, Petitioner relies on hindsight to describe what a POSA *could* have done to "improve" McQueen in the abstract, rather than tying such a motivation back to anything taught by McQueen itself.

Petitioner's motivation to combine rationale is also silent to the differences in social architecture present in McQueen and Forsyth. McQueen aims to provide its electronic catalog systems with the most compelling content possible to capture the attention of an undefined number of individuals not limited in time, scope or by any other characteristic. Forsyth on the other hand teaches a distinct form of group

communication that is solely defined by one characteristic, the members of the group.

Simply integrating Forsyth's group-limited instant messaging-based teachings into McQueen's unbounded system is in direct contradiction to Forsyth's purpose. The style of communication taught by Forsyth is not meant to be open to an undefined number of individuals who have no relation to one another, no identified commonalities, and no way of determining the number or identity of users who are able to view their content. Instead, Forsyth's teachings are directed towards a distinct and specified group whose members are identified and consistent no matter the form of communication or content involved. Taking Forsyth and implementing it in McQueen's unbounded system strips away the sole defining characteristic of Forsyth's group object. Rather than grapple with the specific characteristics of Forsyth's teachings and why a POSA would see its group object as a natural fit with McQueen's system, Petitioner has simplified Forsyth to be a generic instant messaging-based reference in order to fit its combination.

Because Petitioner has failed to articulate why a POSA *would* have been motivated to combine McQueen and Forsyth, institution should be denied.

VI. CONCLUSION

Petitioner's challenge does no more than repackage the already considered McQueen with a "new" instant messaging reference in order to present substantially the same obviousness challenge that was available to the examiner.

And as detailed above, Petitioner's challenge fails to show that either of its references disclose, teach, or suggest critical elements of the challenged claims found in at least limitation [a.i] of independent claims 1 and 17, the only independent claims of the '141 Patent, or that a POSA would be motivated to combine McQueen and Forsyth. Because Petitioner's challenge fails to establish a reasonable likelihood that it would prevail with respect to at least one of the claims challenged in their Petition, Patent Owner respectfully requests that the Board deny institution of Meta's Petition with respect to all grounds asserted and all challenged claims.

Dated: June 19, 2026.

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. §42.24(d)

I hereby certify that the word count for the foregoing Patent Owner's Preliminary Response is 7,198 words, which is within the limit set in 37 C.F.R. §42.24(b)(1).

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of June, 2026, a true and correct copy of the foregoing PATENT OWNER'S PRELIMINARY RESPONSE was served via electronic mail upon counsel of record for Petitioner at the following address:

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