

Filed: September 24, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

COGMEDIA LLC,
Patent Owner.

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

**PETITIONER'S REQUEST FOR REHEARING
UNDER 37 C.F.R. § 42.71(d)**

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Petitioner Meta Platforms, Inc. (“Petitioner” or “Meta”) respectfully requests rehearing pursuant to 37 C.F.R. § 42.71(d) of this proceeding along with related IPR2026-00247 and IPR2026-00249 to ensure consistency with the Office’s policies and the decisions of the Director and the district court.

I. INTRODUCTION

The notice denying institution (Paper 16, “Notice”) in this proceeding should be reversed. The Petition presents compelling merits. Indeed, the POPR could only scrape together two arguments to challenge the merits of the Petition. But both arguments are demonstrably wrong, resting on incorrect law and mischaracterizations of the patent and the Petition. More importantly, both arguments are inconsistent with the Office’s guidance on expert testimony, the Director’s decision denying PO’s request for discretionary denial, and the district court’s recently-issued claim construction order¹. Thus, to the extent that the Notice’s institution denial rests on either or both of these POPR arguments, the denial reflects a misapprehension of the record that requires rehearing for correction.

First, the POPR argues that the RSS feed disclosed in McQueen cannot meet the “extract” limitation in the challenged claims. But the patent itself discloses an

¹ *Cogmedia LLC v. Meta Platforms, Inc.*, C.A. No. 1:25-cv-12127-BEM, 2026 WL 2409829, at *1 n.2 (D. Mass. August 18, 2026) (“Markman Order”).

RSS embodiment that mirrors the disclosure in McQueen. PO argues that this is a disclaimed embodiment, manufacturing a distinction between active and passive extraction and arguing that the claimed limitation only covers active extraction. Not only is this disclaimer found nowhere in the record, PO's argument runs directly afoul of the district court's claim construction order that does not apply disavowal or lexicography to any term, and in fact, confirms that "[n]either party argues that disavowal or lexicography applies." Markman Order, at 1 n.2.

Second, the POPR improperly guts the multiple motivations to combine the teachings of McQueen and Forsyth enumerated by the Petition, complaining that they are "untethered from the motivations expressed in the references themselves." But the Office specifically sanctions the application of motivations to combine outside the references, stating: "General knowledge may still be used in an IPR to support a motivation to combine." July 31 Memo, at 1. In fact, it is black-letter law that "evidence of a motivation to combine need *not* be found in the prior art references themselves, but rather may be found in the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved." . *Dystar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1366 (Fed. Cir. 2006) (quotations omitted).

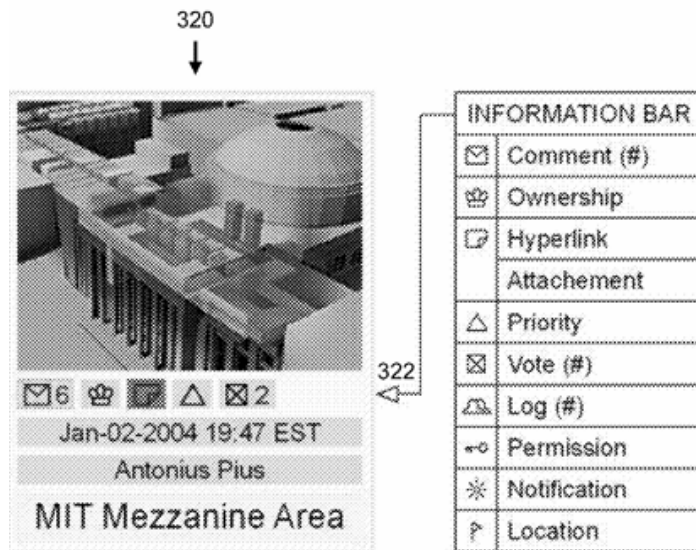
At bottom, the integrity of the Office requires consistency across its policies and decisions and vigilance to avoid contradictions with the district court. Thus, to

protect the Office’s integrity, the Notice’s misapprehension based on the POPR requires rehearing and institution of all challenged claims.

II. BACKGROUND

A. The ’141 Patent

The ’141 Patent is directed to methods for a collaborative “information collection management system.” EX1001, 4:17-18. The claimed methods extract information from external sources and organize that “information in a standardized format” presented as information objects. *Id.*, 4:53-54; *see also* Fig. 2 (excerpted below). The information objects are “associated with functions that enhance the collaborative use of information” such as a voting function and instant messaging function. *Id.*, 4:57-58.



EX1001, FIG. 2 (excerpted)

B. The Procedural History

On March 18, 2026, Meta filed the instant Petition requesting *inter partes* review of the '141 Patent relying primarily on a combination of the teachings of McQueen and Forsyth. On May 15, 2026, PO filed its Request for Discretionary Denial. In its Request, PO argued that the merits of the Petition were weak because McQueen's disclosure of RSS identified in the Petition was disclaimed from the scope of the "extract" limitation.

On June 22, 2026, Meta filed its Opposition. In response, PO requested authorization for the parties to submit supplemental briefing. EX3100. The Board authorized supplemental briefing, and on June 29, 2026, PO filed a supplemental brief (Paper 13), and on July 2, 2026, Meta filed its response to PO's supplemental brief (Paper 14). On August 6, 2026, the Director referred the Petition for consideration on the merits. In doing so, the Director necessarily rejected PO's RSS argument, as well as PO's claims that Meta had asserted inconsistent claim constructions in the Parallel Litigation.

But also on June 19, 2026, PO filed its POPR. The POPR repeated the RSS argument set forth in PO's Request for Discretionary Denial, and additionally included a new argument claiming that there was no motivation to combine the teachings of McQueen and Forsyth.

Concurrently, on July 24, 2026, the district court held a Markman hearing in the Parallel Litigation pending in the District of Massachusetts. And on August 18, 2026, the district court issued its claim construction order. A week later, on August 25, 2026, the Director issued the Notice denying institution on the merits.

III. LEGAL STANDARD

“A party dissatisfied with a decision may file” a request for rehearing, “identify[ing] all matters the party believes the Board misapprehended or overlooked.” 37 C.F.R. § 42.71(d).

IV. ARGUMENT

A. The PO’s RSS Theory is Inconsistent with the Director’s Referral and the District Court’s Markman Order

A merits denial that rests on PO’s RSS theory contradicts the district court’s claim construction order and the Director’s referral decision.

The Petition established that McQueen discloses the “extract” limitation of the challenged claims by teaching a “system [that] converts or saves each ‘blog,’ which may be in a different ‘RSS’ format, as one or more ‘blurbs’ or blurb posts.” Pet., 25. As Meta’s expert explains, “[a] RSS feed is generally an RSS-format web page that is used as a recurring source of content” in which new items such as blog entries “are added to the blurbs database 44 as blurbs” “and thereby configur[ed] ... into a distinct information object.” Cockburn Decl., ¶97.

In fact, McQueen’s disclosure is materially the same as that disclosed in the ’141 Patent. The specification explains that “[a] user can drag a URL from a web browser onto a Workspace View which will create an IO that hyperlinks to that URL and *automatically extracts* (from the URL destination) a picture and a heading that is displayed in the IO’s picture and heading bar.” EX1001, 25:42-47. Critically, the specification goes on *in the next sentence* to use RSS as an example of such extraction: “The user can drag an RSS URL onto a Workspace View which will create an IO that visualizes the most recent item in the RSS file/s and that continuously updates itself.” *Id.*, 25:47-50.

In a transparent attempt to engineer a hole in the Petition, PO manufactures a disclaimer for the “extract” limitation:

[T]o 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 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.

POPR, 22 (emphases added). But the record fatally contains no such evidence of an “unequivocal distinction between RSS visualization and active extraction” or “Patent Owner’s explicit decision to claim the latter.” Notably, despite such bold statements, the only parts of the intrinsic record that PO cites to are two completely

disconnected descriptions of extraction (POPR, 26, citing EX1001, 26:36-40) and RSS (POPR, 26, citing EX1001, 25:47-50):

EX1001, 26:36-44 (describing extraction)	EX1001, 25:47-50 (describe extraction and RSS)
In one embodiment, step 1210 provides the information object by filtering a web page associated with a URL to create the information object by <i>automatically extracting</i> meta-data including at least one of a heading, a picture, and link to the URL. In step 1220, the information object is shared among a plurality of participants by transferring the information object between different information views. In step 1230 , the multi-media data is linked to the information object	A user can drag a URL from a web browser onto a Workspace View which will create an IO that hyperlinks to that URL and <i>automatically extracts</i> (from the URL destination) a picture and a heading that is displayed in the IO's picture and heading bar. The user can drag an RSS URL onto a Workspace View which will create an IO that visualizes the most recent item in the RSS file/s and that continuously updates itself.

These passages in no way distinguish “passive extraction” from “active extraction,” let alone disclaims the RSS extraction from general extraction. Quite the opposite—RSS is plainly an example of the automatic extraction described in the prior sentence. EX1001, 25:42-47.

Indeed, PO’s position is inconsistent with its position in the Parallel Litigation, which was ultimately adopted in the district court’s claim construction order. In particular, during the Markman hearing, PO repeatedly emphasized that it

was not asserting that disavowal applies to any term in the patent, captured in the district court's claim construction order, which expressly recognized that "[n]either party argues that disavowal or lexicography applies." Markman Order, 1 n.2.

Importantly, the parties also devoted significant briefing regarding discretionary denial on this issue. But once again, the Director necessarily rejected this argument in referring this proceeding for consideration on the merits. Paper 15.

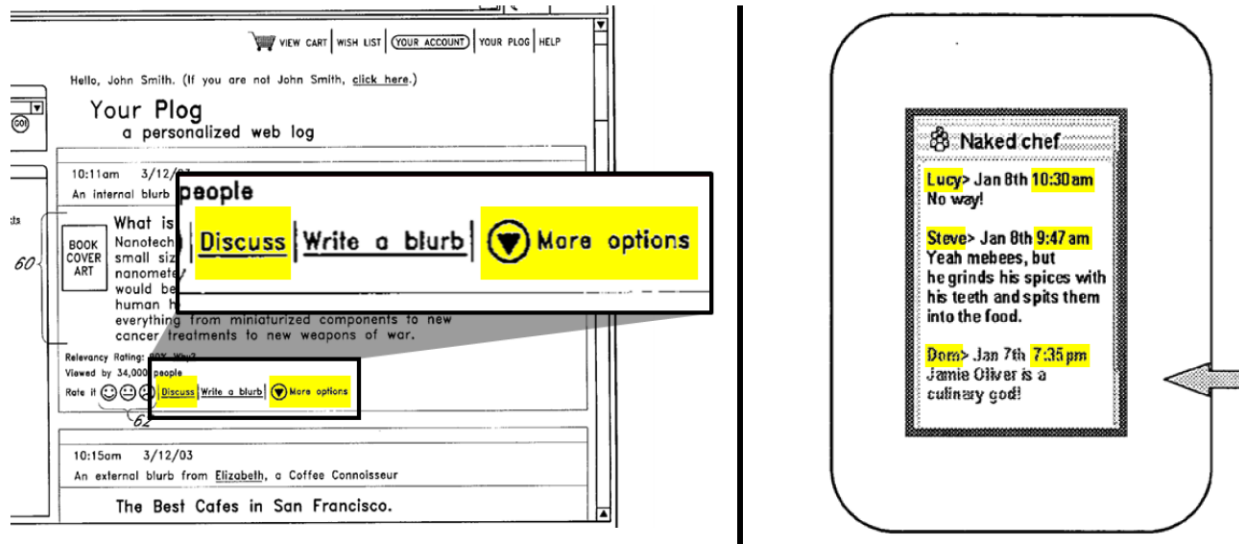
Denying institution on the merits on this basis makes no sense. PO's RSS theory is inconsistent with the district court's claim construction order and the Director's merits referral of the Petition.

B. The Office Expressly Sanctions Motivations to Combine Outside the References

Dismissing the motivations to combine the teachings of McQueen and Forsyth articulated in the Petition because they are not found in the references is contrary to the law and the July 31 Memo.

The Petition established that a POSITA would have been motivated to implement McQueen such that clicking on the "Discuss" or an option in the "More Options" drop-down menu would activate the instant messaging function taught by Forsyth as shown below in the figures. Pet., 32-34. As PO acknowledges, the Petition articulates multiple motivations for this combination: it would "(1) help McQueen '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.’” POPR, 28 (citing Pet., 13-15).



EX1005, FIG. 4 (left) (annotated); EX1006, FIG. 7 (right) (annotated).

Despite these numerous articulated motivations, PO claims that they must be rejected because they are “undoubtedly aspirational” and “wholly untethered from the motivations expressed in the references themselves.” POPR, 28. PO complains that: “At no time does Petitioner ever link the ‘improvements’ it emphasizes would be realized by McQueen’s implementation of Forsyth to any actual teaching or motivation found in the references.” POPR, 29-30. On that flawed premise, PO insists that the articulated motivations merely express “what a POSA *could* have done to ‘improve’ McQueen in the abstract, rather than tying such motivation back

to anything taught by McQueen itself.” POPR, 30 (emphasis original). But PO is wrong as a matter of law, and as captured in the July 31 Memo.

“It has long been the law that the motivation to combine need not be found in prior art references, but equally can be found ‘in the knowledge generally available to one of ordinary skill in the art.’” *Nat’l Steel Car, Ltd. v. Canadian Pac. Ry., Ltd.*, 357 F.3d 1319, 1337 (Fed. Cir. 2004) (quoting *In re Jones*, 958 F.2d 347, 351 (Fed. Cir. 1992)). With that foundation, the July 31 Memo reaffirmed that “[g]eneral knowledge [such as expert testimony, common sense, and other evidence] may still be used in an IPR to support a motivation to combine.” July 31 Memo, at 1. Thus, contrary to PO’s assertions, it is rudimentary that motivations to combine need not tie back “to any actual teaching or motivation found in the references.” POPR, 30.

PO’s argument that there is no motivation to combine McQueen and Forsyth because those articulated in the Petition are not found in the references is legally incorrect. Denial of institution cannot be premised on this erroneous argument.

V. CONCLUSION

For the reasons above, Petitioner respectfully requests that the Board grant this request for rehearing and institute trial.

Respectfully submitted,

September 24, 2026

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CERTIFICATE OF SERVICE

The undersigned certifies that a complete copy of this Petitioner's Request for Rehearing Under 37 C.F.R. § 42.71(d) was served on the official correspondence address below for the patent owner via electronic mail, as agreed to by counsel, on September 24, 2026:

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