UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD. and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

MOBILE DATA TECHNOLOGIES LLC,
Patent Owner

IPR2025-00536
U.S. Patent 9,032,039

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 9,032,039

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1018	"Symbian: OS Technology," (February 2, 2002), https://web.archive.org/web/20020202090443/http://www.symbian.com/technology/technology.html
1019	"Symbian: OS Technology – Symbian OS phones and PDAs," (February 2, 2002) https://web.archive.org/web/20020202133445/http://www.symbian.com/technology/symbos-phones.html
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I. Introduction

Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. ("Petitioners") petition for *inter partes* review of claims 1-4, 8-9, 13-15, 17-19, 22-25, and 28-30 of U.S. Patent 9,032,039 ("the '039 patent"; EX-1001).

II. Grounds for Standing

Petitioners certify the '039 patent is available for IPR and Petitioners are not barred or estopped.

III. Identification of Challenge

A. Prior Art

The '039 patent, filed September 11, 2014, claims priority through 5 continuations to U.S. Patent 7,599,983[1], filed June 18, 2003, which claims priority to Provisional 60/389,430 filed June 18, 2002. Petitioners do not acquiesce the '039 patent is entitled to priority of the provisional or any listed priority patent. Regardless, each applied reference was filed or published before June 18, 2002.

1. **WO 02/17652 to Randall, et al.** ("Randall"; EX-1005), published February 28, 2002, is prior art under 35 U.S.C. §102(a).

[1] PO filed 9 continuations over 17 years from the 18-column '983 patent specification, with the last filed in October 2020.

2. **U.S. Patent 7,047,030 to Forsyth** ("Forsyth"; EX-1006) is a National Stage Entry of PCT/GB02/02046, filed May 2, 2002, and is prior art under 35 U.S.C. §102(e).

3. **U.S. Patent 7,056,317 to Pelkey** ("Pelkey"; EX-1007) is prior art under 35 U.S.C. §102(e).

4. **U.S. Patent 6,716,103 to Eck** ("Eck"; EX-1008) is prior art under 35 U.S.C. §102(e).

B. Grounds For Challenge

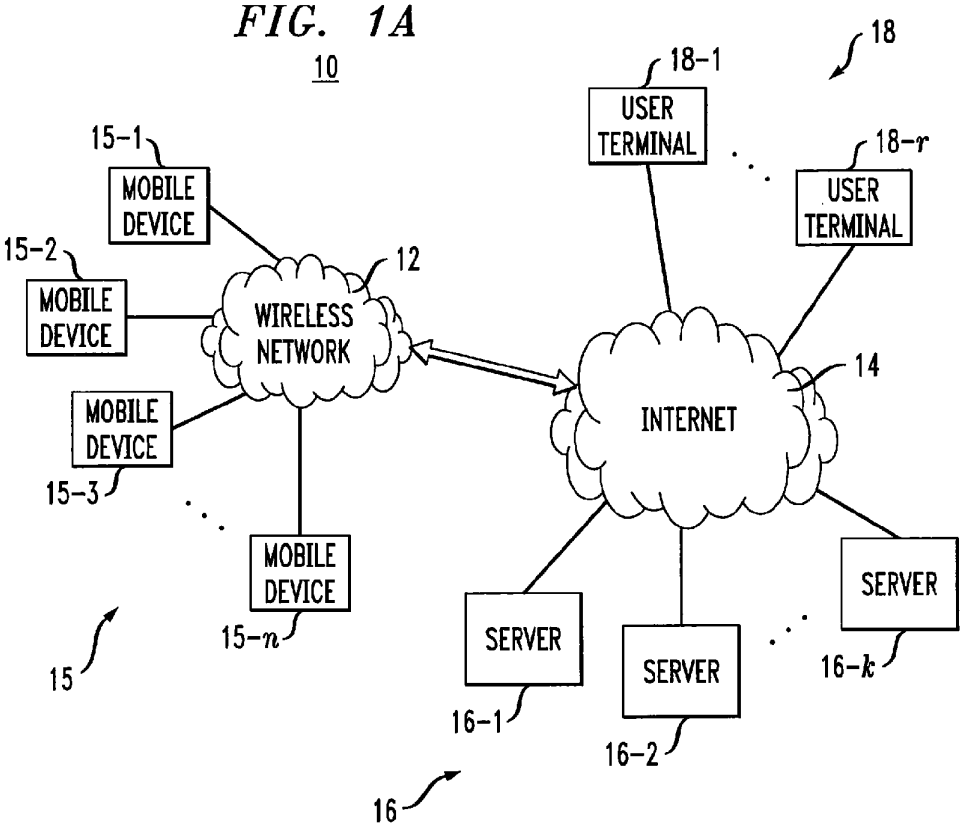
Ground		Claims	Prior Art
1	103	1-4, 8-9, 13-15, 17-19, 22-25, 28-30	Randall, Forsyth
2	103	1-4, 8-9, 13-15, 17-19, 22-25, 28-30	Pelkey, Eck

IV. The '039 Patent

A. Patent Overview

The '039 patent "relates generally to network-based communications systems, and more particularly to techniques for information content management in such systems." (EX-1001, 1:28-30.) The '039 patent identifies "accessing of information content over wireless networks via web-enabled mobile devices" as among "the most rapidly expanding aspects of wireless networking." (EX-1001, 1:34-36.)

Figure 1A (below) shows an example network-based communication system 10 including "wireless network 12 coupled to the Internet 14, a set of mobile devices 15, a set of servers 16 and a set of user terminals 18." (EX-1001, 3:42-46.)



'039 Patent, Figure 1A

System 10 "provides at least one content management site accessible to a system user" including "M-channels" which "allow unsophisticated users to easily and efficiently author message data or other types of information content to be made accessible via a collaborative workspace, a data mailbox, a collaborative community, or other type of mobile site." (EX-1001, 5:6-7, 8:5-10.) Such mobile

sites may be associated with "a group comprising multiple members having a common interest" (EX-1001, 6:18-20), "an event" (EX-1001, 6: 38-43), "a game," (EX-1001, 7:18-19), or "a user of IM, SMS, MMS, email or other type of messaging service" (EX-1001, 7:30-32), among other associations. (EX-1001, 6:18-7:67.)

B. Level of Ordinary Skill

A person of ordinary skill in the art ("POSITA") would have had a bachelor's degree in electrical engineering, computer science, or similar field, with two years of experience in developing and implementing network-based computer systems that interact with mobile devices, such as systems for storing and retrieving information over the Internet or communicating using the Web using wireless mobile devices. Additional education might compensate for less experience and vice versa.[2] (EX-1003, ¶¶32-33.)

C. Prosecution History

The '039 patent, the sixth continuation filed from the '983 patent, issued after a short prosecution involving one Office Action ("OA") where the Examiner rejected the claims as obvious over U.S. Publication 2002/0060246 to Gobburu and

[2] PO did not dispute this POSITA definition in IPR2024-00248, which also challenges the '039 patent.

U.S. Patent 6,594,347 to Calder. (EX-1002, 160-66.) Applicant traversed the rejection arguing the combination failed to disclose "providing the content and determined information to at least one server for insertion into a specified application-based information channel." (EX-1002, 233-34.) Applicant however also amended the claims to overcome the rejection, adding the "*identifying*" limitations [1B]/[18D], "*receiving*" and "*inserting … other content*" limitations [1E]/[18G]/[19D]/[23F] and amending the "*providing*" limitation [1D]/[18F] to recite "*the captured content*" is for insertion "*in association with the determined information.*" (EX-1002, 227-31.) The Examiner allowed the claims, stating the prior art "does not teach nor suggest" claim 1's "*identifying*" and "*determining*" limitations.

Petitioner demonstrates these limitations were known and disclosed in Randall, Forsyth, Pelkey and Eck.

D. Claim Construction

In *Mobile Data Techs. LLC v. Meta Platforms, Inc.,* No. 3:24-CV-00896-WHA (N.D. Cal.) (transferred from No. 7:22-cv-00244-ADA-DTG (E.D. Tex.)) ("MDT-Meta-Litigation") and *Meta Platforms, Inc. v. Mobile Data Techs. LLC*, IPR2024-00248 ("Meta-MDT-IPR"), the parties identified the following terms for construction. (EX-1009, 1-4; EX-1010, 8-17; EX-1011, 2-8.) The Board need not expressly construe any term for purposes of this proceeding because Petitioners

establish the challenged claims are unpatentable under the constructions proposed in these proceedings and claims' plain meaning, where different. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

1. Mobile Device

Petitioners dispute PO's narrow Meta-MDT-IPR construction which is contrary to the express definition in the specification. (*See, e.g.,* EX-1001, 4:26-29.) Petitioners apply the plain meaning which is consistent with Meta's Meta-MDT-IPR and MDT-Meta-Litigation constructions. (EX-1003, ¶39.)

MDT-Meta-Litigation	
PO	plain and ordinary meaning; alternatively, "a piece of handheld equipment"
Meta	"any type of portable information processing device capable of being configured for communication over a network, including but not limited to a mobile telephone, a personal digital assistant (PDA), a palmtop computer, a hand-held computer, a laptop computer, a tablet computer, a global positioning system (GPS) receiver or other GPS-based navigational device, an MP3 player or other type of audio player, a pager, a watch or other timepiece, a camera, or a portable game player"
Meta-MDT-IPR	
PO	"a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile channel via a wireless network"
Meta	construed based on express definition: "The term 'mobile device' as used herein is intended to include, without limitation, any type of portable information processing device capable of being configured for communication over a network"

2. "Application-Based Information Channel"

Meta and PO agreed to the construction "computer program-based medium for transferring information" for the purpose of the Meta-MDT-IPR. Petitioners do not believe this term requires construction in this IPR but demonstrate the prior art meets this limitation under this construction. (*See* EX-1003, ¶¶42-44.)

3. Wireless Network Limitations

In the Meta-MDT-IPR, the parties dispute the construction of two limitations primarily over whether the wireless network is "independent" or "separate" from the Internet." (IPR2024-00248, Paper 26, 15-16; Paper 33, 5-7.) While Petitioners dispute PO's constructions, constructions of these terms is not needed because the prior art discloses this term under both constructions.

a. "Wireless Networking Functionalit[y]/[ies]"

Meta-MDT-IPR	
PO	"functionality implementable by the mobile device via the wireless network independent of the Internet"
Meta	to the extent the phrase requires express construction, "functionality implementable over a wireless network"

b. "Wireless Network"

Meta-MDT-IPR	
PO	"a network separate from the internet that facilitates connection to the internet by a mobile device"
Meta	to the extent the phrase requires express construction, "a network that allows a device to communicate wirelessly over a network"

V. GROUND 1: Randall-Forsyth Combination Renders Challenged Claims Obvious

A. Combination Overview

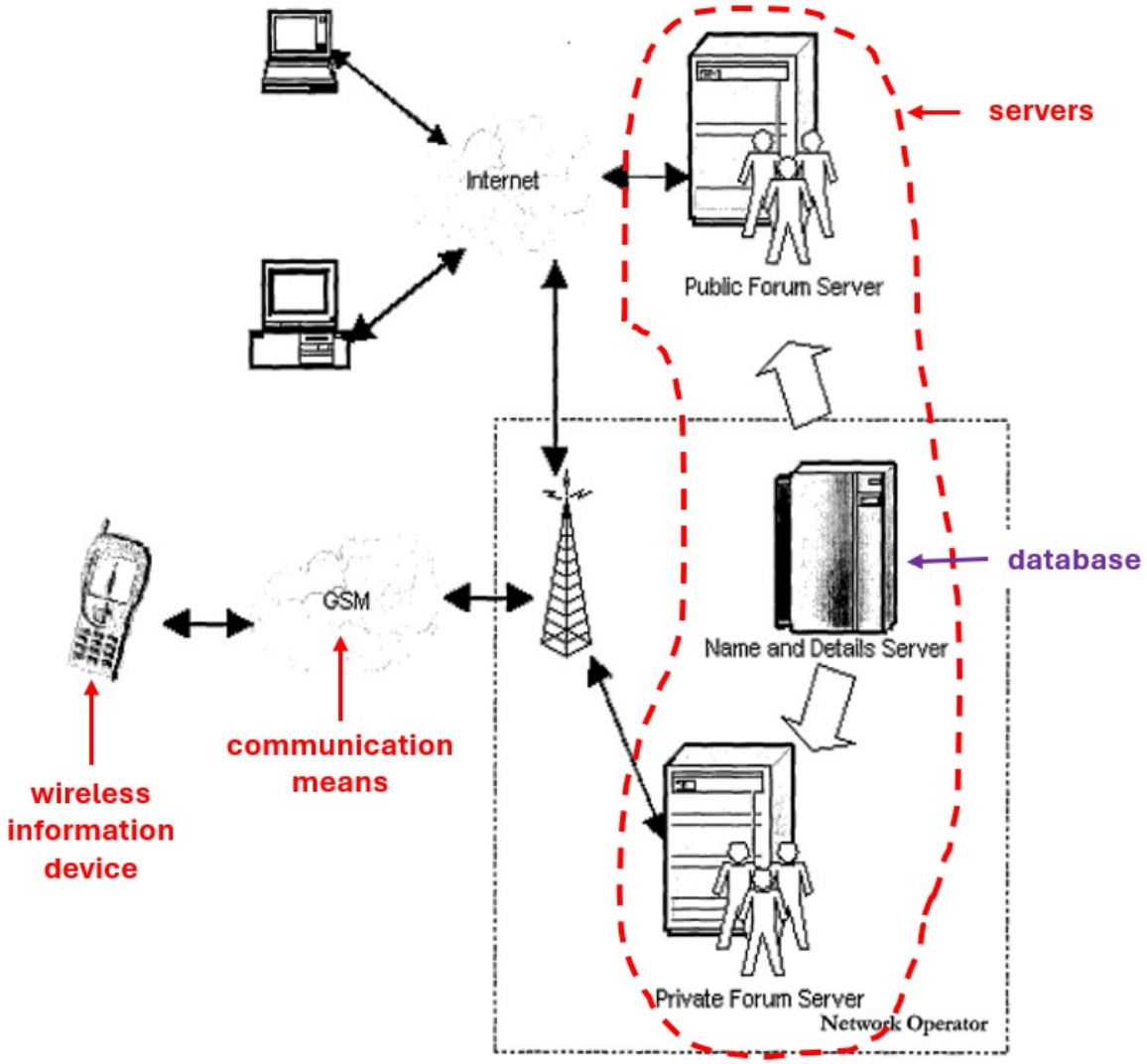
Randall and Forsyth, both originally assigned to Symbian Limited ("Symbian"), describe the Symbian Forums service and different aspects of the network infrastructure supporting Forums. (*See* EX-1003, ¶¶45-74.) Forums at its most basic provides "chat rooms", "allow[ing] several people to be part of a 'channel' or room, which is usually themed; for instance supporters of a football team may meet in a channel devoted to that team to discuss the team." (EX-1005, 40:16-19.)

1. Randall

Randall describes the Forums' network infrastructure used, illustrated below in Randall's Figure 4[3]. The network includes wireless information devices coupled to servers. (EX-1005, 7:16-19.) Forums uses a client/server model with a program

[3] All emphasis by bold and figure annotations added unless otherwise noted.

component on the wireless device and a program component on the server. Randall's servers "use standard data transports such as WAP or http for data access" within Forums; meaning wireless devices access servers via WAP, which is based on WWW protocols and content formats, and non-mobile computing devices access servers via HTTP over the Internet. (*See* EX-1003, ¶¶56-66.) Randall introduces into this network "an open, universal data infrastructure for wireless information devices" which "extend[s] the attributes of the database using a *standard protocol*." (EX-1005, 3:10-13 (italics in original).)



Symbian Forums—Randall, Figure 4

Randall's extensible database "contains information from or relating to many different entities" and "is organised into information fields which an entity can complete or have completed." (EX-1005, 8:26-28.) The database is structured so its information "can be readily shared with other entities: the database in effect represents a web page containing information specific to that entity." (EX-1005,

8:29-31.) The infrastructure allows users to view, personalize, and/or manage access rights to their shared data through a view (e.g., via a website). (*See* EX-1005, 66:19-20, 66:25-26 (associating Alice's view to www.indirect.com/Alice.) Each piece of stored data, illustrated in Table 1 for a user's (Alice) record, is associated with a tag and a listing of groups "allowed access to the data." (EX-1005, 66:3-10.)

Table 1

Alice's iData			
Field/Attribute	**Category**	**Details**	**i-Groups**
First name	personal	Alice	all
Family name	personal	Edwards	all
Title	work	European Marketing Manager	all
Company Name	work	Wireless Information Device gets R Us	all
Company Address	work	1 Science Park Rd, London, N1	all
Company E-mail	work	alice.edwards@Wireless Information Device getsrus.com	business 1
Company switchboard	work	0207 200 2000	all
Company Direct	work	0207 200 2012	business 1
Mobile Phone	work	0840 1234 567	business 1, friends
Home Phone 1	work	0208 341 1234	friends, family
Home Address	work	25 The Gables, Hampstead, London, NW3	family
My photo	photos		friends
Childhood photo	photos		family
Home note	notice	Sorry about dinner ☹	partner
Work note	notice	In a meeting with Tim till 7pm	work 1
My mood now	mood	Very tired	all
Tel Call Subject		"Dinner Tonight"	
Bluetooth	location	Bluetooth pods 1000-1020 ...Sentinel room 2…	
GPS	location	London W1, Seymour St.	partner
Hobby	preferences	Photography, travel	friends
Book	preferences	Maverick	friends
AlbumOfTheWeek	InstaPoll		friends

Randall, Table 1

Randall introduces Forums as a service utilizing its extensible data infrastructure. (EX-1005, 40:28-41:2.) Forsyth further enhances Forums, as discussed below.

2. Forsyth

Forsyth introduces application-independent group objects which provide "a group communication method for a wireless information device." (EX-1006, 1:15-16.) Forsyth's group objects, created by a first application, can be used by other, unrelated, applications running on a device. (EX-1006, 2:10-16.) Forsyth specifically describes enhancements to the Forums service achievable through the use of these group objects. (EX-1003, ¶¶71-74.) Forsyth describes several Scenarios illustrating the operation of group-object enhanced Forums: Group Based Text Messaging, (5:35-7:13), Discussion of Photos (7:18-57), Social Scheduling (7:58-9:4) and Digital Memento from a User's Birthday (9:5-35) as well as numerous features and functions that can be used within Forums to further enhance the user experience.

3. Motivation to Combine

A POSITA would have been motivated to combine Forsyth's teachings regarding use of group objects and additional features and functions to enhance the Forums service taught by Randall which uses Randall's network infrastructure with extensible database. (EX-1003, ¶¶75-81.) Randall and Forsyth are both in the

same field of the ’039 patent—“network-based communication systems.” (*See* EX-1001, 1:28-30; EX-1005, 40:16-18; EX-1006, 1:15-16; EX-1003, ¶76.) Randall and Forsyth are also reasonably pertinent to problems addressed by the ’039 patent, namely “overcom[ing] one or more of the drawbacks of” conventional techniques for content sharing for mobile devices. (*See, e.g,* EX-1001, 1:44-2:7; EX-1003, ¶76.)

A POSITA would have been motivated to make the above combination because Forsyth explicitly motivates the combination. (EX-1003, ¶¶77-81.) Forsyth stresses the benefits of group objects noting that its “invention is founded on the insight of providing an object which defines solely the identities of members of a group.” (EX-1006, 2:24-27.) As such, “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).” (EX-1006, 2:27-37.) Forsyth further describes “strengths” of a Forums application utilizing group objects “over conventional communications,” as summarized in Table 1 (below). (EX-1006, 2:54-57.)

Capability:	**Can you create a discussion between group members on your own device?** (Important since it facilitates setting up a group discussion)	**Push delivery?** (Push is more convenient to mobile users)	**Is it possible to retain a long term record of exchanges between group members?** (An important attribute for many new kinds of services)	**Can you deliver messages to all members of a group, or is it restricted to one to one?** (Clearly critical to group based messaging)	**Do all group members see the same, unitary message thread, or are there instead many separate individual messages?** (A single, unitary message entity (e.g. a thread) makes message organisation and navigation far easier.)	**If a recipient is off-line (e.g messaging app not open), are they alerted anyway?** Potentially very important for mobile useage because of the high proportion of time users may not be on-line (i.e. actively using their messaging application).
Web bulletin board	No	No	Yes	Yes	Yes	No
Chat/instant messaging	Yes	Yes	No	Yes	Awkward	No
Group e-mail	Yes	No	Awkward	Yes	No	No
SMS	Awkward	Yes	No	Awkward	No	Yes
Forums	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**

Table 1

Forsyth, Figure 1

Therefore, a POSITA would have been motivated to combine Randall and Forsyth to obtain the advanced capabilities provided by Forsyth. (EX-1003, ¶¶77-78.) Moreover, a POSITA, when considering Randall's Forums service, would have been motivated to search for references describing Forums and its enhancements, particularly those published by or associated with Symbian and

would have been led to Forsyth. (EX-1003, ¶79.) Finally, the combination is nothing more than the application of a known technique (Forsyth's group objects, features and functions) to a known method/product (Randall's Forums service implemented with extensible database infrastructure) which was ready for further improvement. (EX-1003, ¶80.)

A POSITA would have had a reasonable expectation of success in the combination and the results of the combination would have been predictable because both references are directed to the same service, Forums; are based on devices using the Symbian OS; and use features and functionality associated with Symbian. (EX-1003, ¶81.) The Symbian operating system was well-known and Symbian offered many technical developer resources prior to the earliest possible priority date of the '039 patent. (*See, e.g.,* EX-1017; EX-1012, EX-1016, EX-1018.)

B. Independent Claims

The '039 patent includes six independent claims—three directed to the client-side (claims 1, 17-18) and 3 directed to the server-side (claims 19, 22-23).

1. Client-Side Claims 1, 18

Method claim 1 and mobile device claim 18 recite substantially overlapping processing limitations ([1A]-[1E]/[18C]-[18G]). (EX-1003, ¶83.) Petitioners address these claims together.

a. Preambles [1P]/[18P] and Structural Limitations [18A]-[18B]

(1) [1P]:"Method"

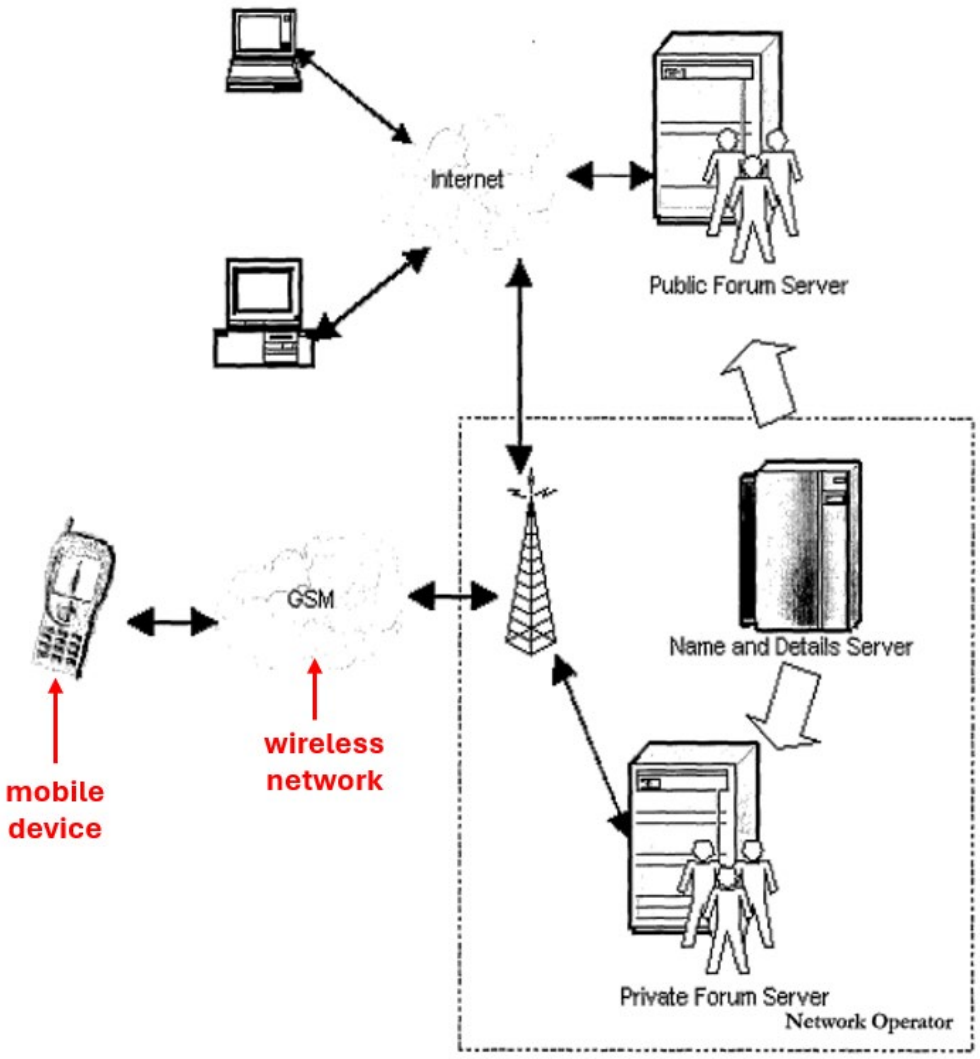
The Randall-Forsyth combination discloses a method for performing the steps of limitations [1A]-[1E] as discussed in §V.B.1.b.

(2) [18P]/[1A]:"Mobile Device"

The Randall-Forsyth combination discloses a "*mobile device*[4]" [18P]/[1A] under the MDT-Meta-Litigation and Meta-MDT-IPR constructions. (EX-1003, ¶¶85-97.)

The Randall-Forsyth combination describes a client-server network infrastructure, illustrated in Figure 4 below, used to offer the Forums service that included wireless information devices and servers. (*See, e.g.,* EX-1005, 40:28-30, 3:10-13 (Randall "relates to the use of an open, universal data infrastructure for **wireless information devices"**); EX-1006, 1:15-16 (Forsyth "relates to a group communication method for a **wireless information device**").)

[4] Claim language indicated by italics.

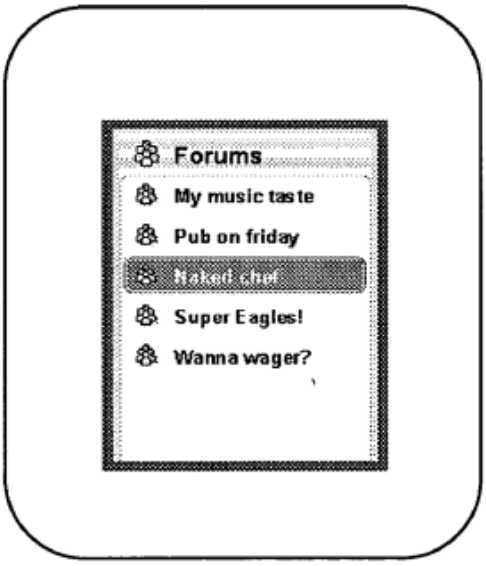


Symbian Forums—Randall, Figure 4

The wireless information devices disclosed in both Randall and Forsyth encompass "any kind of device with one or two way wireless information capabilities [including] without limitation radio telephones, smart phones, communicators, personal computers, computers and application specific devices." (EX-1005, 1:7-11; EX-1006, 1:16-22.) Each listed wireless information devices is portable, capable of being held in the hand, and configured for "communicat[ion]

in any manner over any kind of network, such as GSM or UMTS, CDMA and WCDMA mobile radio, Bluetooth", 802.11, and IrDa (infrared). (EX-1005, 1:11-13; EX-1006, 1:16-25.) That is, these portable/handheld devices process information and are configured to connect to and communicate via a wireless network and therefore meet Meta's Litigation/IPR and PO's Litigation "*mobile device*" constructions. (EX-1003, ¶¶87-89.)

Randall and Forsyth also teach wireless information devices (e.g., radio telephone and smartphone) that have limited display space and/or limited navigational capabilities. (*See* EX-1006, 4:61-62, Figures 2-11; EX-1005, 45:23-25 ("current architecture of the Internet is not well suited for the wireless device form factor … for mobile devices with small displays.").) For example, as shown in Forsyth's Figure 6 (below), the wireless information device has a small display and the interface permits the user to navigate to only the listed forums—i.e., the mobile device has limited navigational capabilities. (EX-1003, ¶90.) Thus, the Randall-Forsyth combination discloses a "*mobile device*" even under PO's overly narrow Meta-MDT-IPR construction. (*Id*.)



Symbian Forums—Forsyth, Figure 6

(3) Limitations [18A]-[18B]

The Randall-Forsyth combination, as informed by general knowledge of a POSITA, teaches or at least suggests a "*mobile device*" comprising "*at least one processing element comprising a processor coupled to a memory*" [18A] and "*at least one network interface*" [18B]. (EX-1003, ¶¶98-111); *Philips v. Google,* 948 F.3d 1330, 1337-38 (Fed. Cir. 2020) (finding claims obvious in view of a reference "in light of the general knowledge of a skilled artisan").

The wireless devices of Randall and Forsyth use the Symbian operating system ("OS"). (EX-1005, 1:17-19; EX-1006, 1:29-32.) Both Randall and Forsyth further describe applications that run on the Symbian OS, including Forums' client-side application. (EX-1006, 2:47-48; EX-1005, 5:22-24; *see also* EX-1005, claim 53 (wireless device software "run[s] on the device") ; EX-1006, claim 19

(wireless device "programmed with computer software").) A POSITA would have understood a device's OS and applications are software that execute on "*a processor*" within a "*processing element.*" (EX-1003, ¶¶99-100.)

Both Randall and Forsyth also disclose or suggest the wireless devices include "*a memory.*" (*See* EX-1003, ¶101; EX-1001, 4:60-63 (memory includes RAM, ROM, "disk-based memory, or any other type of storage device"); EX-1006, 4:49-52; EX-1005, 15:5-6, 53:5-6.) For example, Forsyth mentions "memory constraints of the handheld devices." (EX-1006, 4:49-52.) Randall describes the wireless device "caches" information; i.e., stores information in memory. (EX-1005, 15:5-6, 53:5-6; EX-1003, ¶102.) Additionally, a POSITA would have understood the Symbian OS and applications running on Symbian OS are stored in a memory. (EX-1003, ¶102.) Because software/application executing on a processor are stored in a memory and access information stored locally, a POSITA would have understood the "*processor* [is] *coupled to a memory.*" (*Id*.; §V.B.3)

The Randall-Forsyth combination also discloses or suggests a "*network interface*" within the "*processing element.*" (EX-1003, ¶103.) Both Randall and Forsyth disclose the wireless devices are "able to communicate in any manner over any kind of network, such as GSM or UMTS, CDMA and WCDMA mobile radio, Bluetooth, IrDA etc." (EX-1005, 1:11-13; EX-1006, 1:22-25.) To access these networks, the wireless device requires an interface to the network—a "*network*

interface." (EX-1003, ¶103; *see also*, EX-1001, 4:64-65 (network interface "provide[s] an interface … to the wireless network").) Indeed, Randall specifically refers to the "GSM/GPRS interface." (EX-1005, 40:1-2.)

Moreover, the general architecture of a mobile device (processor coupled to memory and a network interface) was within the general knowledge of a POSITA by June 2002. (EX-1003, ¶104-110.) For example, U.S. Patent 6,947,396 (Salmi)(14:53-65), U.S. Patent 7,031,718 (Jouppi)(7:52-61), U.S. Patent 7,092,495 (Kraft)(4:4-20), and U.S. Patent 6,788,949 (Bansal)(6:66-7:5) each discloses this arrangement. (EX-1003, ¶¶105-108.) Allin describes the memory and process specifications for numerous Symbian OS devices. (EX-1012, Appendix B, 458-59; EX-1003, ¶110.)

b. Processing Limitations [1A]-[1E]/[18C]-[18G]

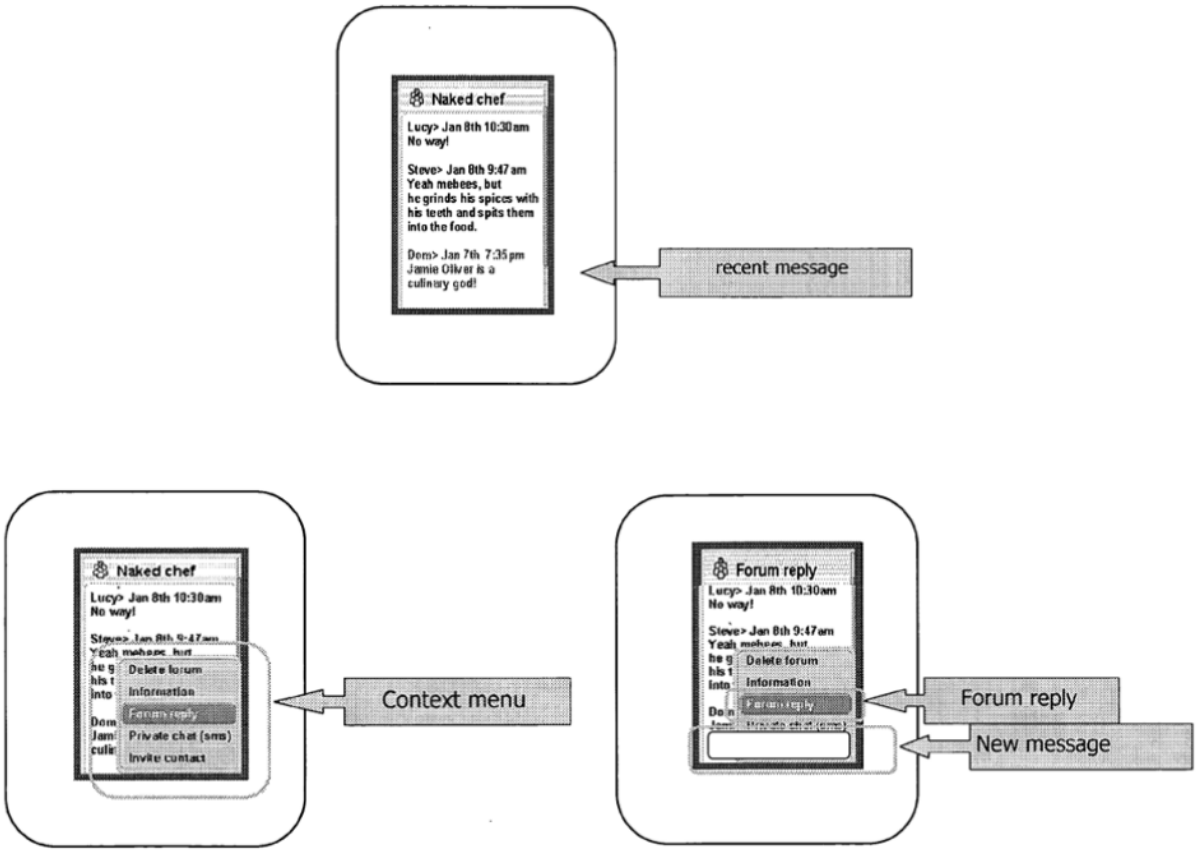
(1) "Capturing" Limitation [1A]/[18C]

The Randall-Forsyth combination discloses "*captur[ing]/[e] content at [the] mobile device*" [1A]/[18C]. (EX-1003, ¶¶112-121.)

Capturing a Photo: Randall and Forsyth each disclose capturing a photo at a wireless device. (EX-1003, ¶¶114-115.) Randall describes a function called "Take a picture" which "takes a digital picture which [a user can] send to [their friends … and chat about it." (Randall, 80.) Such functionality involves photo capture, upload, and storage, and is supported by "a special type of mobile phone,

with a photographic lens." (EX-1005, 80.) Forsyth similarly discloses an exemplary Forum for "Discussion of Photos" (Scenario 2) where a user "takes a few photographs" and sends them to the group. (EX-1006, 7:30-35.) In the exemplary Forum "Digital Memento from a User's Birthday," members post "photos" to a Forum. (*See,* EX-1006 9:5-35.)

Capturing a Message: Randall and Forsyth each discloses capturing a message at a wireless device. (EX-1003, ¶¶116-117.) Forums is a "**messaging** tool that facilitates open discussion amongst a group" including through "group based text messaging" and "group based multi-media messaging." (EX-1006, 5:27-29, 3:36-4:1.) For example, in "group based text messaging" (Scenario 1), when a Forum selects "Forum Reply" from the menu shown in Figure 8 (bottom-right), the user is provided a box to input a text message which "is posted to the Forum." (EX-1006, 6:54-56; Figure 9 (bottom-right).) The text message entered into the user interface is captured at the wireless device. (EX-1003, ¶117.)



Symbian Forums—Forsyth, Figure 7 (top); Figure 8 (bottom-left)
Figure 9 (bottom-right)

(2) "Identifying" Limitations [1B]/[18D]

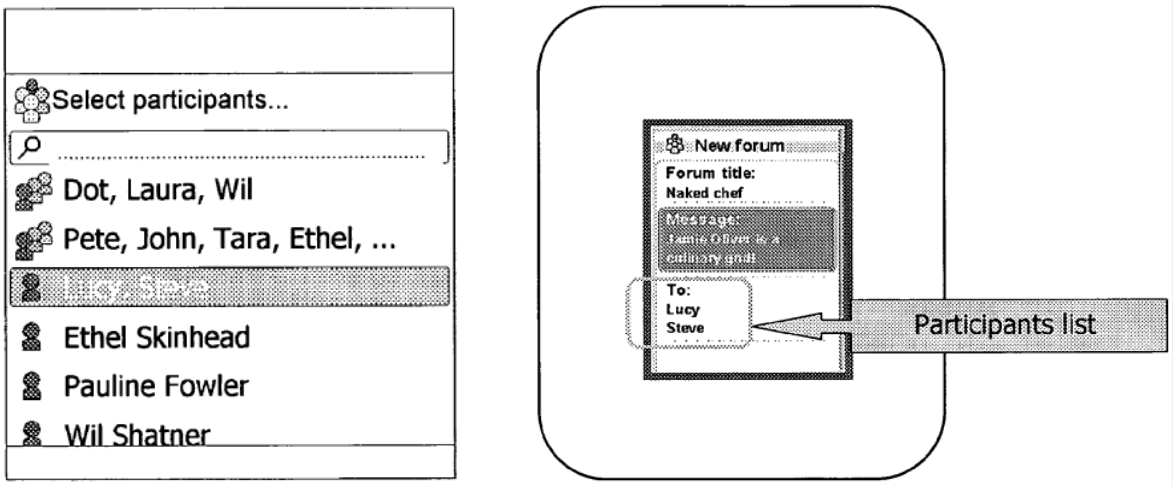
The Randall-Forsyth combination discloses "*identify[ing] a previously established application-based information channel into which the captured content is to be inserted, the identified application-based information channel permitting interaction between a user of the mobile device and one or more additional users*" [1B]/[18D]. (EX-1003, ¶¶122-151.)

(a) "previously established application-based information channel … permitting interaction"

The Randall-Forsyth combination discloses a "*application-based information channel*" under the agreed upon Meta-MDT-IPR construction. (EX-1003, ¶¶122-133; §IV.D.) Forums, described by Randall and Forsyth, is an "*application*" with a wireless device component and a server component: "FIGS. 2-11 are screen shots of the display of a wireless information device running the **Forums application**." (EX-1006, 4:62-63; *see also*, EX-1006, 4:64-65, 2:46-47, 9:11-13; EX-1005, 3:17-19, 40:15-41:14, 43:23-24 (describing Forums application).) Forums "offers many advantages to group communication since it is an easy to understand messaging tool that facilitates open discussion amongst a group and allows multiple chat-style conversations to take place simultaneously." (EX-1006, 5:27-30; *see also*, 5:35-7:13, 7:18-57, 7:58-9:35.)

Within Forums, a user has the ability to create an individual Forum opened to members of a specified group (Private Forum) or to all (Public Forum). (EX-1006, Appendix 1, 13:60-18:18; EX-1005, 24:13-17.) Randall describes that "a forum allows **several people** to be part of a '**channel**' or room." (EX-1005, 40:17-19; *see also* EX-1005, 82:5-10, 82:10-83:5.) Forsyth's "group based text messaging" Scenario 1 describes an example of creating a Forum (channel) within Forums. First, the user "has to select whom he wishes to invite." (EX-1006, 5:50-63; Figure 3 (below-left).) The new Forum, illustrated in Figure 4 (below-right),

has the title "Naked Chef" and indicates the participants to be invited. The Forum creator in this example is "*a user of the mobile device*." (EX-1006, 4:61-62 ("FIGS. 2-11 are screen shots of the display of a wireless information device running the Forums application").) The individuals agreeing to participate are "*one or more additional users*" of the Forum. (EX-1003, ¶127.)



Symbian Forums—Forsyth, Figure 3 (left), Figure 4 (right)

The Forum creator also includes an initial message ("Jamie Oliver is a culinary god") for forwarding to Forum members. (EX-1006, 5:64-67.) The initial message and the participant list are provided "to the message server" as a "message object" and "group object" respectively. (EX-1006, 6:1-8.) The server "stores these two objects and forwards a copy of the message to each of the people on the address list, along with an abstracted version of the address list." (EX-1006, 6:9-14.) Members can then send new messages within this Forum "to the server, which then forwards on the increment [i.e., the new Forum content] to all the people on

the current (server-maintained) address list." (EX-1006, 6:18-22.) An individual Forum is therefore designed to "*permit*[] *interaction between a user of the mobile device and one or more additional users*." (EX-1003, ¶¶124-125.)

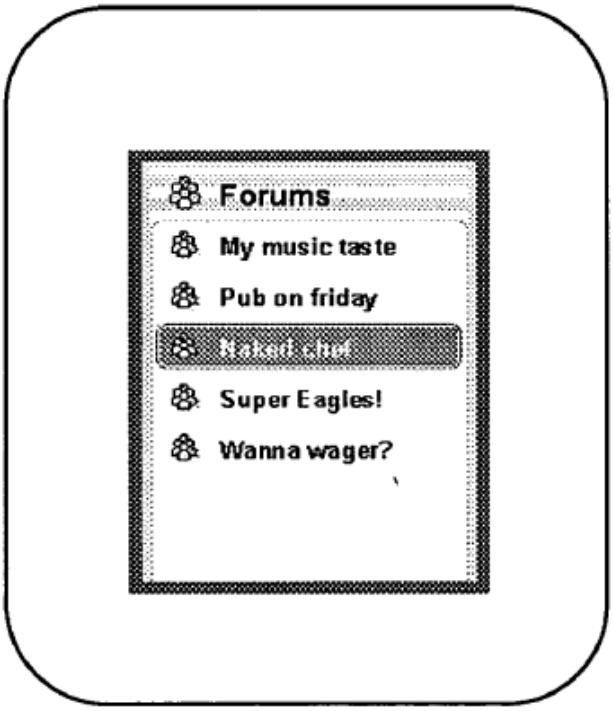
A Forum created in and available Forums (computer program) provides a means to share content (information) with identified members of the Forum—i.e., it is a mechanism through which content/information is transferred to Forum members. (EX-1003, ¶¶124-135.) Therefore, an individual Forum is "*application-based information channel*" under the Meta-MDT-IPR construction. (*Id.*)

The "*application-based information channel*" disclosed by Randall and Forsyth is also "*previously established*" because a Forum persists after its creation so that members can continue to share information/content. (EX-1003, ¶¶130-133; EX-1006, 3:6-9 ("Being able to make such groups persistent (i.e., group members can still be reached even if they are not sitting at their desks and working on their PCs) using wireless information devices again increases the importance of the group."); s*ee also* EX-1006, 9:37 (discussing creating a "permanent community" via a Forum), 9:40-45; EX-1005, 41:1-2.)

(b) "Identifying"

The Randall-Forsyth combination discloses two techniques for "*identify[ing] a previously established application-based information channel into which the captured content is to be inserted.*" (EX-1003, ¶¶134-151.)

Identification Via User Interface: A user is presented with a list of his/her Forums on a screen generated by an application on the wireless device, as shown in Forsyth's Figure 6 (below). The user selects a Forum from this list and navigates to a screen associated with the Forum (e.g., Forsyth Figure 8) where the user has the option of posting content via the user interface. (EX-1003, ¶137.) By selecting a Forum from the list, the user "*identif[ies] a previously established application-based information channel*." (EX-1003, ¶137.) Forsyth describes several examples identifying a Forum into which content is posted. (EX-1003, ¶¶138-142.) For example, the Discussion of Photos and Digital Memento scenarios illustrate identifying a Forum into which a captured photo "*is to be inserted.*" (EX-1003, ¶139.) Similarly, the group-based messaging Scenario-1 illustrates identifying a Forum into which a captured message "*is to be inserted.*" (EX-1003, ¶140.)



Symbian Forums—Forsyth, Figure 6

Identification via Database Access Rights: A user also identifies a Forum when the user specifies one or more groups allowed access to the user's content stored in a record on the database. (EX-1003, ¶¶143-150.) As discussed in §V.A.3, the combination uses Randall's extensible database to deliver Forsyth's enhanced Forums service. Information stored in the extensible database used for Forums includes captured content. (EX-1006, 3:31-34 (central server "act[s] as a store for resources which group-members may wish to discuss and share (e.g., personal information, personal photographs, music, web sites etc.)"); EX-1005, 32:26-27, 66:10-14, Table 1 (e.g., "My Photos"/"Childhood Photos").) Each piece of stored

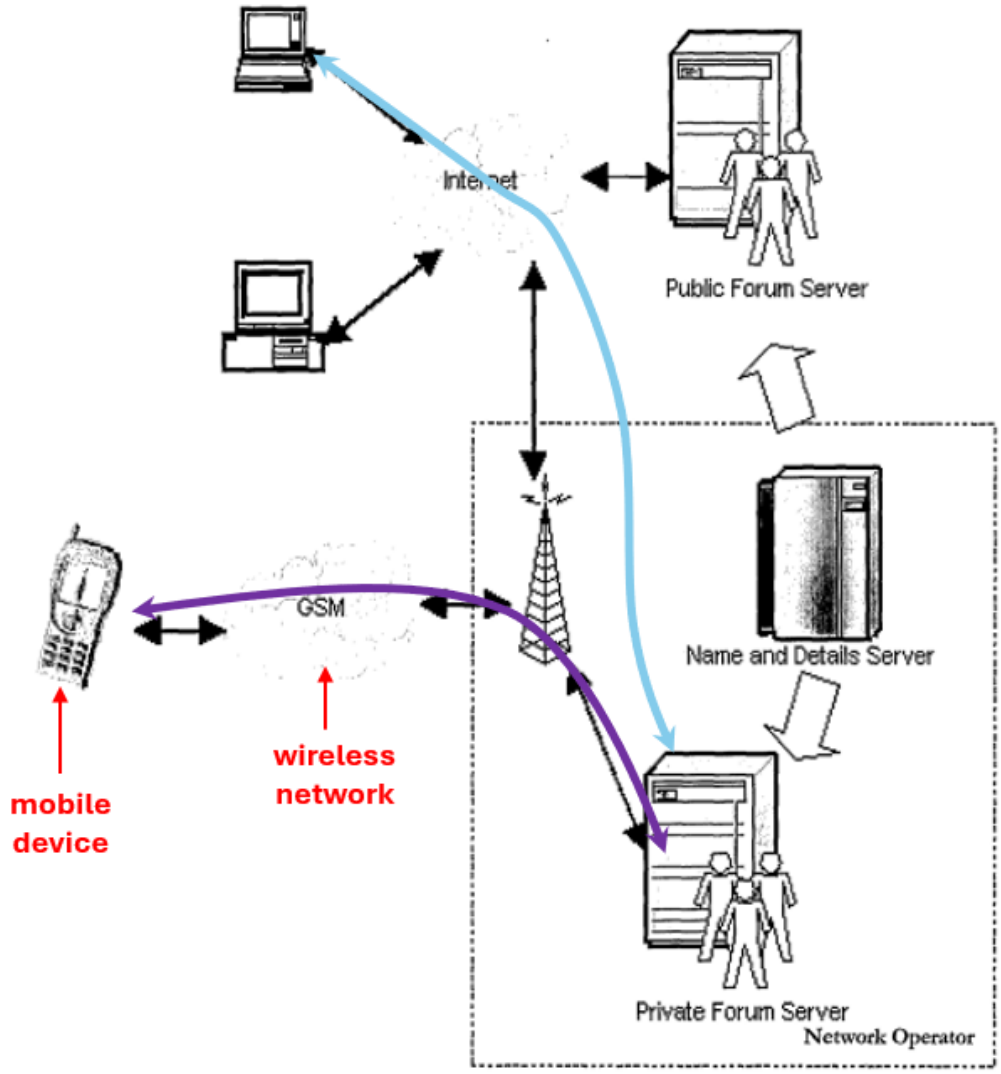
data "has an associated tag (or field/attribute) and an associated list of groups ("i-Groups") allowed to access the data." (EX-1005, 66:9-10.) By associating stored content with a group (e.g., Forum), the user identifies the Forum into which the content "*is to be inserted.*" As Randall explains, after a group is designated as having access rights, the information is provided when a group member "contacts the server" or the information "will be pushed to" a member's device "if technology allows." (EX-1005, 68:28-30; *see also* EX-1006, 7:34-38; EX-1003, ¶150.)

(3) "Determining" Limitations [1C]/[18E]

The Randall-Forsyth combination discloses "*determine[ing]/[e] information associated with at least one wireless networking functionality of the mobile device*" [1C]/[18E] under both PO's and Meta's IPR constructions. (EX-1003, ¶¶152-169.)

Forums, implemented via the infrastructure illustrated in Randall's Figure 4 (below), includes an application running on a wireless device which communicates over the wireless network to a server program component. As discussed in §V.A.1, the wireless network may be a GSM network with the communication means being either GSM-SMS or WAP. (*See, e.g.,* EX-1005, 1:11-13; EX-1006, 1:22-24.) As shown below, non-mobile computing devices access the Forums servers via the Internet. Thus, in the Randall-Forsyth combination, the wireless network allows a

device to communicate wirelessly (as required by Meta's construction) and is separate and independent from the Internet (as required under PO's construction).



Symbian Forums—Randall, Figure 4

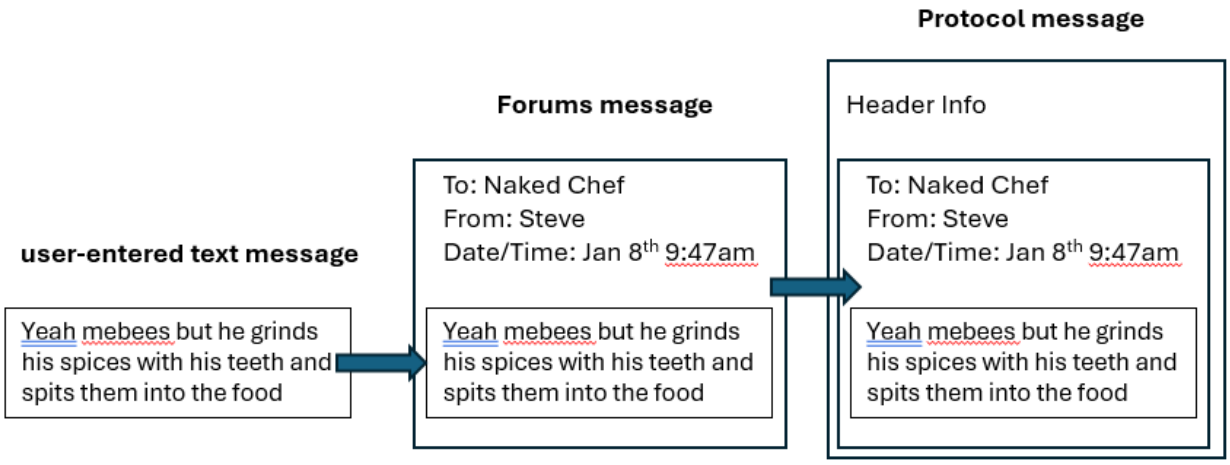
Forsyth describes that Forums supports "group based text messaging" and "group based multi-media messaging." (EX-1006, 3:35-58, 5:45-49.) Messaging is a functionality implementable by the mobile device via the wireless network,

which as discussed above is separate from the Internet. The Randall-Forsyth combination therefore describes "*at least one wireless networking functionality of the mobile device*" under both constructions. (EX-1003, ¶157; EX-1001, 1:41-43, 1:59-61, 9:37-42 (identifying messaging as a wireless network functionality).)

The scenarios/examples provided by Forsyth and Randall demonstrate the mobile device recognizes a "*messaging action*" that is "*implementable over*" the wireless network and is initiated by the user—e.g., posting/sending a message to the Forum. For example, in Scenario 1 of Forsyth, when the "Naked Chef" Forum is created, the user sends an initial message to the server. (*See* EX-1006, 6:1-9.) Subsequent responses "are of the form that the new **message is sent to the server**." (EX-1006, 6:18-22.) "Discussion of Photos" Scenario 2 describes "creat[ing] a Forum **message** based on the photograph." (EX-1006, 7:35-36.)

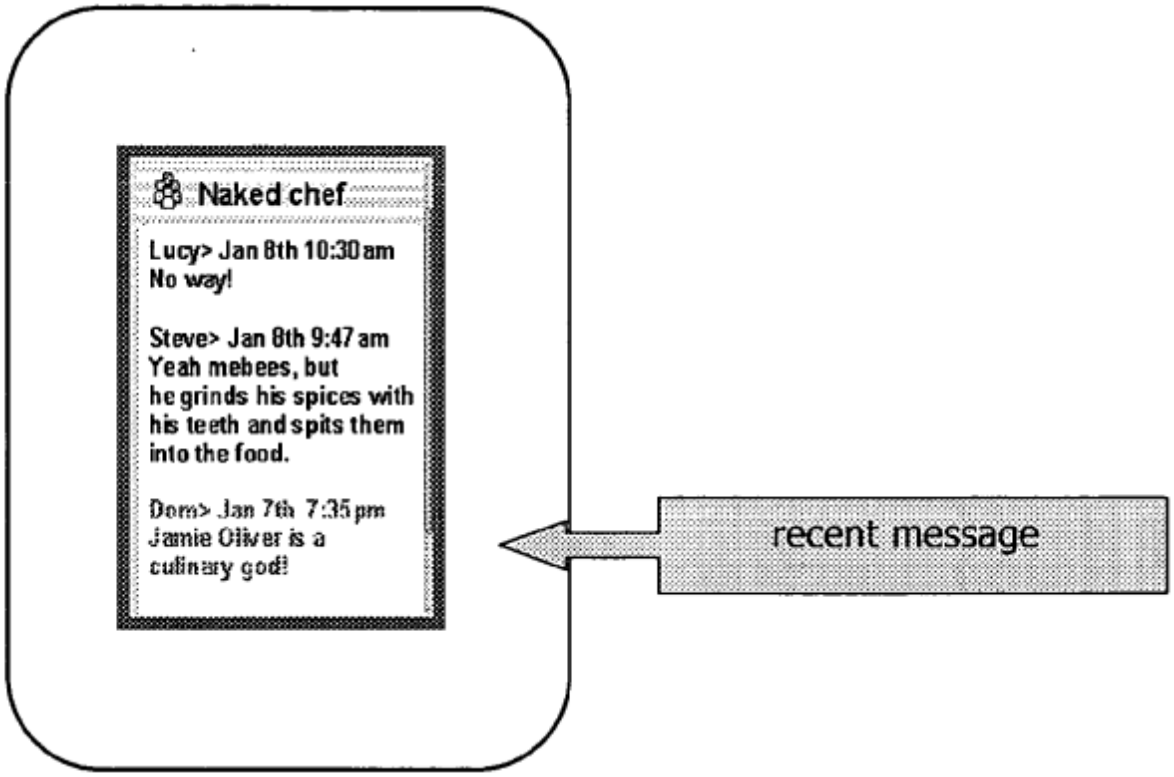
These scenarios/examples also demonstrate the mobile device "*determin[es] information specifying*" the "*messaging action*" (send a message). Specifically, the mobile device must create a Forums message by (1) determining the sender (i.e., identity of the user in the Forum (e.g., Steve)) and the Forum name (e.g., Naked Chef) and (2) combining that information with the text, image, etc. provided by the user (e.g., "Yeah mebees but he grinds his spices with his teeth and spits them into the food"). The mobile device must further encapsulate the generated Forums message into a protocol message (e.g., GSM-SMS or WAP) to be transmitted over

wireless network. (EX-1003, ¶¶160-164.) The protocol message includes information associated with the action of sending a message determined by the mobile device such as message type and content type identifier. (EX-1003, ¶¶162-163, *citing* EX-1015, 42-43, 60, 63.) This is illustrated in Houh's Figure B below. (EX-1003, ¶160.)



Houh, Figure B

The determination of the information (sender name and Forum name) and inclusion of this information with the user's text message in a message distributed to Forum members is reflected in Forsyth's Figure 7 which illustrates "messages posted to th[e] Forum." (EX-1006, 6:36-40.) As shown, each message has the user name, date/time and are associated with the Forum name ("Naked Chef").



Symbian Forums—Forsyth, Figure 7

The mobile device "*determines information*" associated with wireless messaging that specifies the sending messaging action, including information associated with the Forums message (sender identity, date/time, and Forum name) and information associated with the protocol message implemented by the wireless network (e.g., message type, content type). Thus, the Randall-Forsyth combination discloses "*determin[ing]/[e] information associated with at least one wireless networking functionality of the mobile device*" [1C]/[18E] under both Meta's and MDT's IPR construction of "*wireless networking functionality of the mobile device*." (EX-1003, ¶165.) The combination also discloses "*the information*

associated with said at least one wireless networking functionality of the mobile device comprises information specifying at least one messaging action implementable over said at least one wireless network" [8] under both constructions. (*Id*.)

Forsyth further teaches Forums may be used for "Collaborative Activity." (*See, e.g.,* EX-1006, 11:32-34.) Forsyth's "Social Scheduling" (Scenario 3) provides a specific example of a "*collaboration action*" where a user in the group poses a question ("Anyone fancy a trip to the cinema next week some time?") and members of the group collaborate to provide an answer. (EX-1006, 8:44-46.) The collaboration in Scenario 3 is through the exchange of messages which discuss the night, the cinema, and the film to see. (*See* EX-1006, 8:56-60.)

The mobile device "*determines information*" associated with wireless messaging that specifies the collaboration actions (messages exchanged among Forum members to solve, e.g., the scheduling details for a cinema visit), including information associated with each posted Forum message (sender identity, date/time, and Forum name) and information associated with the protocol message implemented by the wireless network (e.g., message type, content type) used to send the message. Thus, the Randall-Forsyth combination discloses "*determin[ing]/[e] information associated with at least one wireless networking functionality of the mobile device*" [1C]/[18E] under both Meta's and MDT's IPR

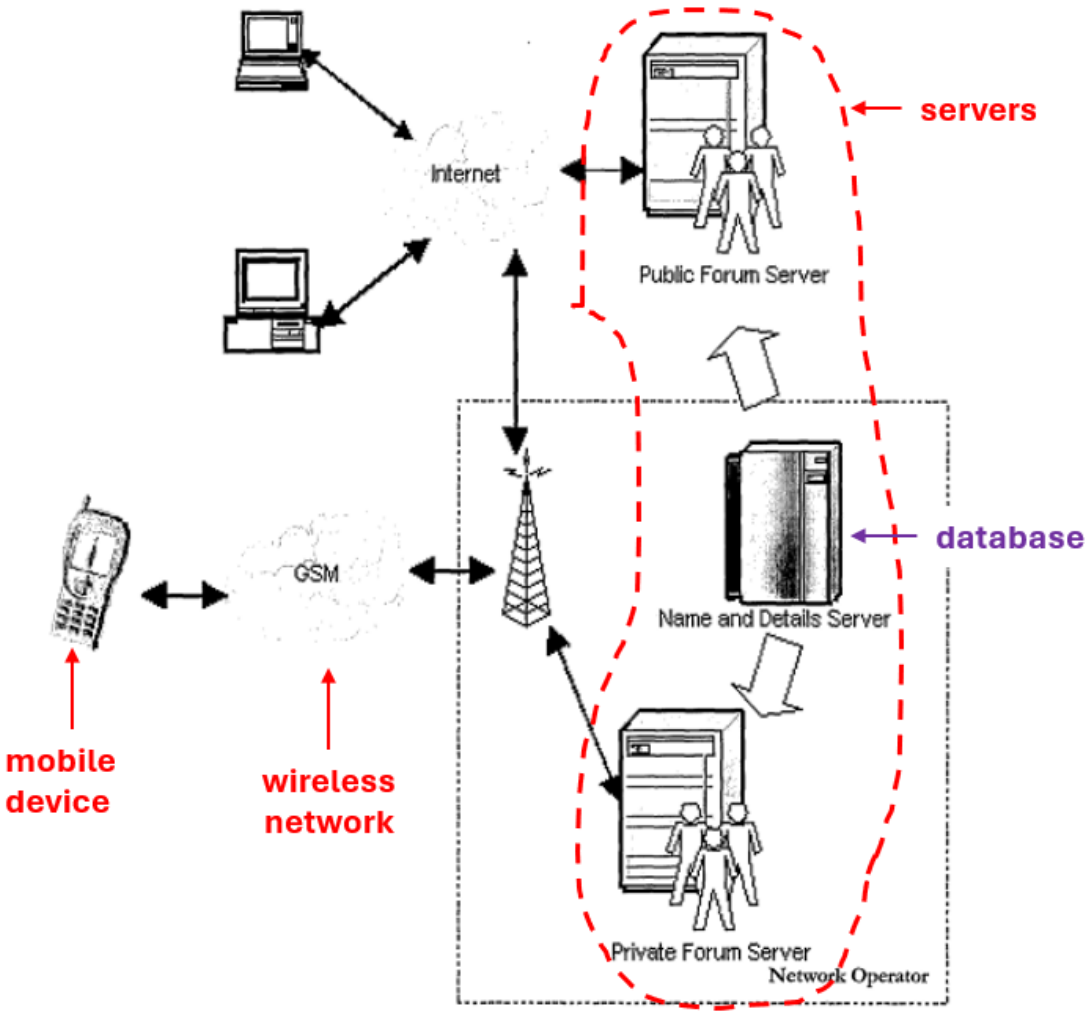
construction of "*wireless networking functionality of the mobile device.*" (EX-1003, ¶¶166-169.) The combination also discloses "*the information associated with said at least one wireless networking functionality of the mobile device comprises information specifying at least one collaboration action implementable over said at least one wireless network*" [9] under both constructions. (*Id*.)

(4) "Providing" Limitations [1D]/[18F]

The Randall-Forsyth combination discloses "*provid[ing]/[e], via said at least one network interface], the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel"* [1D]/[18F]. (EX-1003, ¶¶170-179.)

The Randall-Forsyth combination discloses that the "*captured content*" (§V.B.1.b.1) is provided "*from the mobile device to at least one server*" via the "*network interface*" for insertion into a Forum. A Forums server, illustrated below, "handles contacting each group member, storing messages, allowing message to be read, sending, receiving and distributing messages." (EX-1006, 3:28-33; EX-1005, 7:16-17, 8:25-26.) Both Randall and Forsyth describe captured content is provided from the wireless device to the server for storage in the user's record. (*See, e.g.,* EX-1006, 7:21-24 (disclosing "[s]toring personal information (contact lists, diaries, photographs etc) on a remote server").) Randall explains "[u]sers must be able to

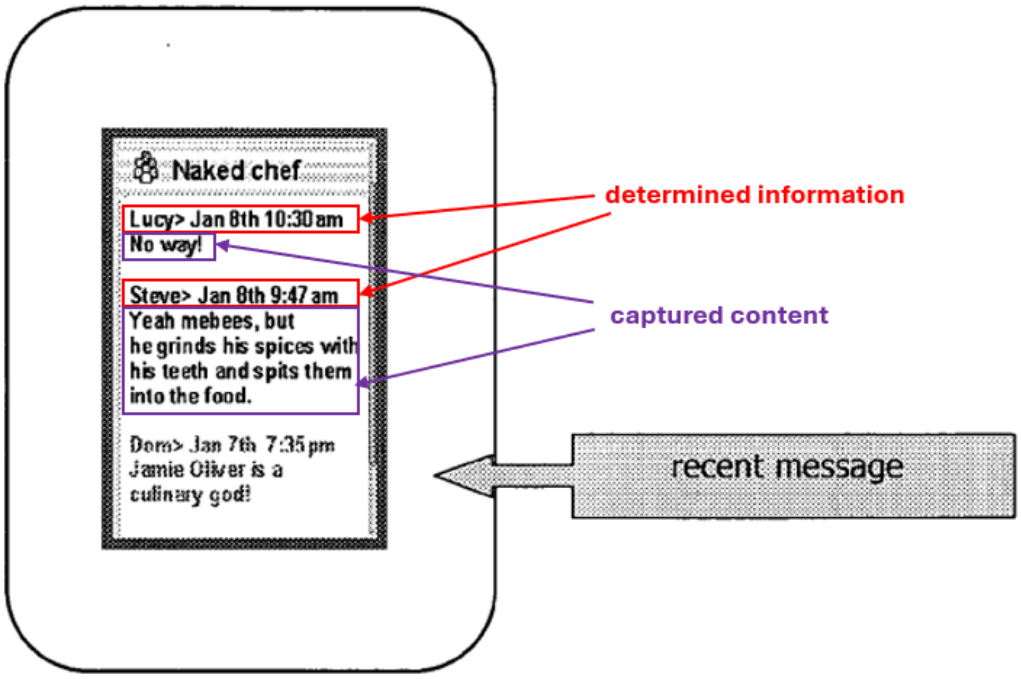
share content local to the device and have **any uploading to the server** handled automatically." (EX-1005, 32:26-27.) Randall and Forsyth also disclose captured content is sent to the server in a message posted to the Forum. (EX-1006, 3:21-24 ("**remote server** … designed to handle all aspects of **storing** and forwarding messages to the intended recipients").) Although not explicit, a POSITA would have understood the "*captured content*" is provided to the server over the wireless network and therefore is provided via a wireless device's "*network interface.*" (EX-1003, ¶174.)



Symbian Forums—Randall, Figure 4

The "*captured content*" is provided "*for insertion in association with the determined information into the identified application-based information channel*." (EX-1003, ¶¶175-179.) For example, in Scenario 1, response messages, captured at the mobile device, are "**sent to the server**, which then **forwards on** the increment to all the people on the current (server-maintained) address list." (EX-1006, 6:18-

20.) That is, the message from the user (e.g., "Yeah mebees …") is "*insert[ed] … into the identified application-based information channel.*" (EX-1003, ¶176.)



Symbian Forums—Forsyth, Figure

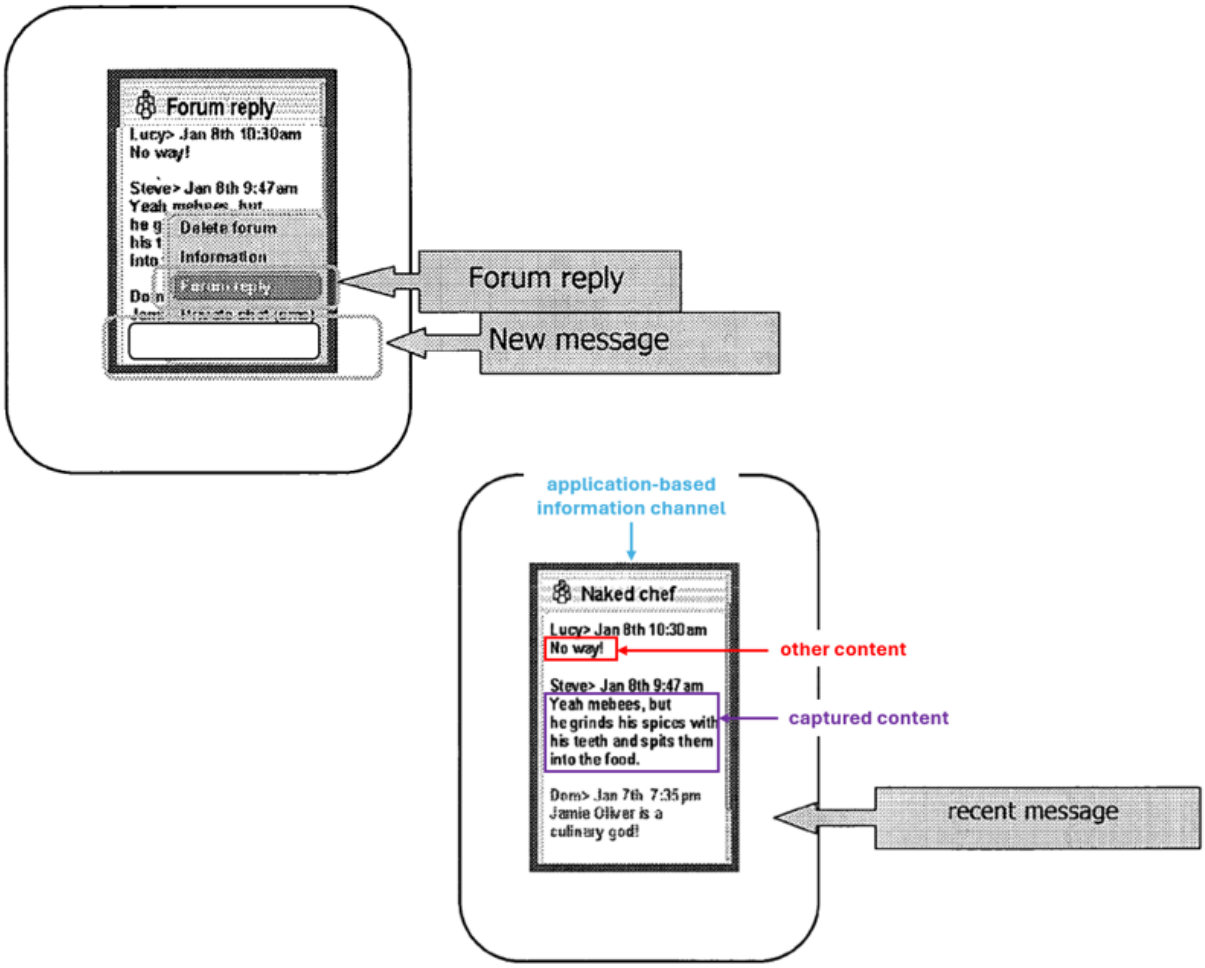
The "*determined information associated with*" the action of sending the Forums message (e.g., sender name, date/time, Forum name) is provided along with the text message entered by the user (captured content) in the protocol message sent to the server. (§V.B.1.b.3.) As shown by Forsyth's Figure 7 above, this "*determined information*" (user identity, date/time, forum name) is inserted "*into the identified application-based information channel*" with the "*captured content*" and displayed on the Forum (Naked Chef) screen for each forum member.

(EX-1003, ¶177.) The same process occurs for other captured content types (e.g., captured photos, music, graphics, etc.) posted to a Forum. (EX-1003, ¶¶178-179.)

(5) "Receiving" Limitations [1E]/[18G]

The Randall-Forsyth combination discloses "*receiv[ing]/[e] other content [at the mobile device] via the identified application-based information channel, from at least one of the additional users*" [1E] /[18G]. (EX-1003, ¶¶180-185.)

Forums is designed for interactive communication/discussion within a Forum. (EX-1006, 1:64-2:1 (Forums "enables communications to be sent and received between several wireless information devices operated by end-use[r]s that form a group of end users").) Each of Forsyth's Scenarios illustrates that a wireless device receives content (messages, photos, graphics, music files, etc.) through a Forum ("*application-based information channel*") from other Forum members, i.e., from "*at least one of the additional users.*" For example, as illustrated in Forsyth's Figure 9 (below left), when "a user clicks on 'Forum reply' … a new message is posted to the Forum." (EX-1006, 6:54-55.) The replies posted to the Forum, shown in Forsyth's Figure 7 (below right), are "*other content*" received "*at the mobile device*" "*via the identified application-based information channel* [Forum] *from at least one of the additional users.*" (EX-1003, ¶181.)



Symbian Forums—Forsyth, Figure 9 (left), Figure 7(right)

2. Server-Side Independent Claims 19 and 23

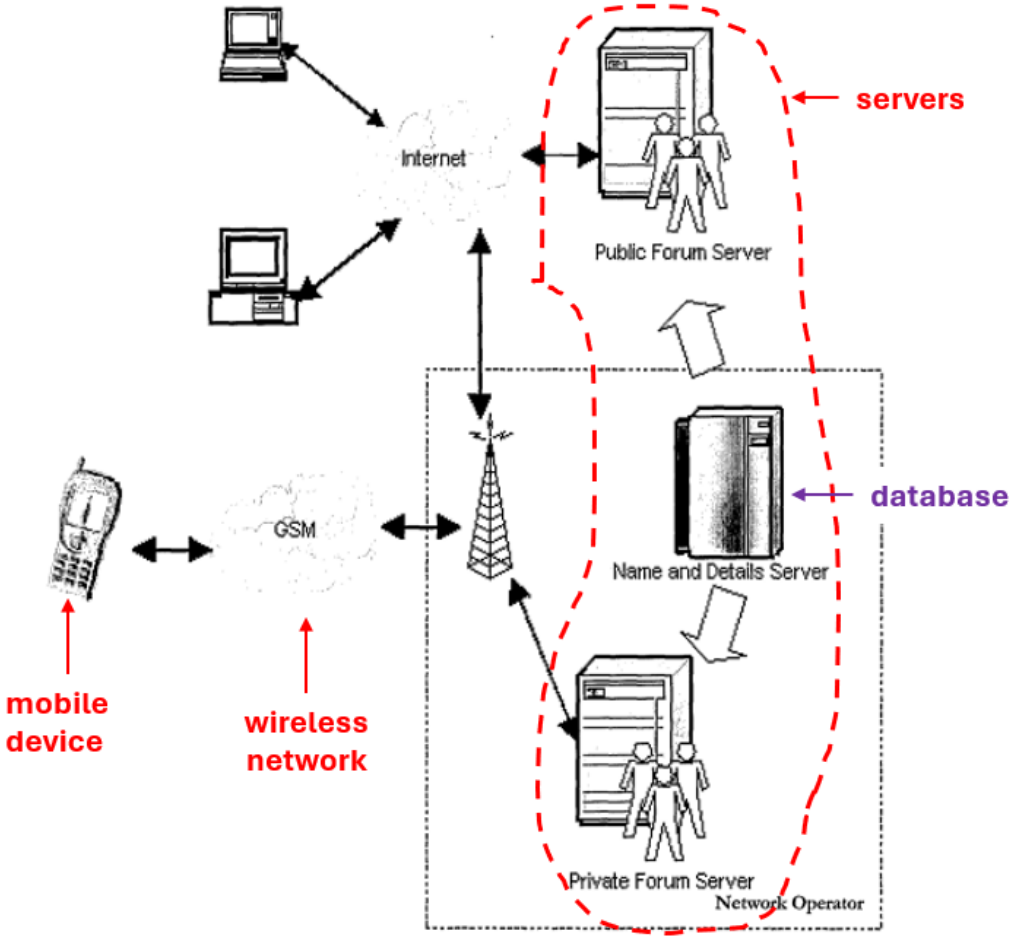
Method claim 19 and server claim 23 include substantially overlapping processing claim limitations ([19A]-[19D]/[23C]-[23F]). (EX-1003, ¶186.) Petitioners address these claims together.

a. Preamble [19P]

The Randall-Forsyth combination discloses a method for performing the actions recited in limitation [19A]-[19D] discussed in §V.B.2.d.

b. Server [23P]

The Randall-Forsyth discloses a "*server*" [23P] as discussed in §V.B.2.4 and illustrated in Randall's Figure 4 (below). (EX-1003, ¶188.) Although Randall shows three servers in this Figure, a POSITA would have understood other configurations are possible including a single server. (*Id*.)



Symbian Forums—Randall, Figure 4

c. Limitations [23A]-[23B]

The Randall-Forsyth combination, as informed by general knowledge of a POSITA, teaches or suggests a "*server*" comprising "*at least one processing element comprising a processor coupled to a memory*" [23A] and "*at least one network interface*" [23B]. (EX-1003, ¶¶189-198); *Philips,* 948 F.3d at 1337-38.

The Forums server performs processing and therefore has a "*processing element*." (EX-1003, ¶191.) Forsyth teaches the server "handles contacting each group member, storing messages, allowing message[s] to be read, sending, receiving and distributing messages." (EX-1006, 3:28-31.) Randall specifically mentions "server side **software**" (EX-1005, 57:4) and "server side message handling **applications**" (EX-1005, 38:24). A POSITA would have understood that software and applications execute on "*a processor*" within the "*processing element.*" (EX-1003, ¶191.)

Randall and Forsyth also disclose or suggest the server's "*processing element*" in the server includes "*a memory.*" (*See* EX-1003, ¶191.) Specifically, the Forums server acts as "a store for resources which group-members may wish to discuss and share (e.g., personal information, personal photographs, music, web sites, etc.)." (EX-1006, 3:31-34.) The server storage is a "*memory*." (EX-1003, ¶191.) Additionally, a POSITA would have understood the applications and

software running at the server are stored in a memory. (EX-1003, ¶192; EX-1001, 4:60-63 (memory includes "any other type of storage device");§V.B.3.)

The Randall-Forsyth combination also discloses or suggests the "*processing element*" includes a "*network interface*." (EX-1003, ¶193.) Both Randall and Forsyth disclose servers communicate with mobile devices "over any kind of network, such as GSM." (EX-1005, 1:11-13; *see* EX-1006, 1:22-25.) To access these networks, the server requires an interface to the network—a "*network interface.*" (EX-1003, ¶193; *see also*, EX-1001, 4:64-65 (network interface "provide[s] an interface … to the wireless network").) Indeed, Randall specifically refers to a "GSM/GPRS interface." (EX-1005, 40:1-2.)

Moreover, the general architecture of a server (processor coupled to memory and a network interface) was within the general knowledge of a POSITA by June 2002. (EX-1003, ¶¶194-198.) For example, U.S. Patent 7,802,207 to Agboatwalla et al. ("Agboatwalla")(5:40-55), U.S. Patent 7,574,486 to Cheng et al. ("Cheng")(23:26-51), Bansal (6:66-7:5), Pelkey (5:7-14) and Eck (3:46-47) each discloses the claimed arrangement. (EX-1003, ¶¶195-198.)

d. Processing Limitations [19A]-[19D]/[23C]-[23F]

(1) "Receiving Content" Limitations [19A]/[23C]

The Randall-Forsyth combination discloses "*receiv[ing]/[e], [at a server] from a mobile device, content for insertion into a previously established*

application-based information channel, the previously established application-based information channel permitting interaction between a user of the mobile device and one or more additional users" [19A]/[23B]. (EX-1003, ¶¶199-200.)

Limitations [19A]/[23B] correspond to limitations [1D]/[18F] and [1B]/[18D] which recite that "*content*" is provided "*from the mobile device to at least one server*" for "*insertion*" into the channel. For the same reasons, the combination discloses [19A]/ [23C]. (EX-1003, ¶200.)

(2) "Receiving Information" Limitations [19B]/[23D]

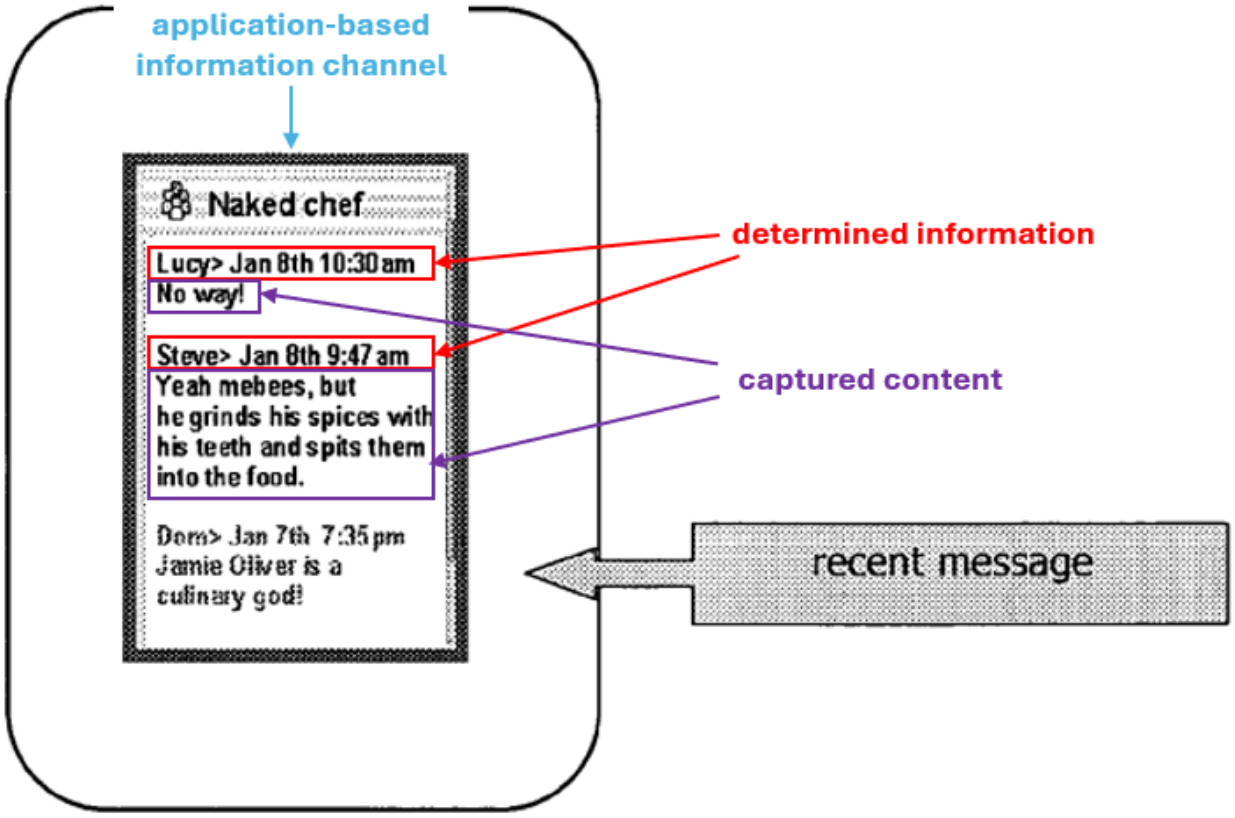
The Randall-Forsyth combination discloses "*receiv[ing]/[e], [at the server] from the mobile device, information associated with at least one wireless networking functionality of the mobile device*" [19B]/[23D]. (EX-1003, ¶202.)

As discussed in §V.B.1.b.4, the "*information*" determined by the mobile device is provided by the mobile device to the server "*for insertion*" into the Forum with the "*captured content.*" For the same reasons, the combination discloses [19B]/[23D]. (*Id*.)

(3) "Integrating" Limitations [19C]/[23E]

The Randall-Forsyth combination discloses "*integrat[ing]/[e] the content and the information associated with said at least one wireless networking functionality of the mobile device into the previously established application-based information channel*" [19C]/[23E]. (EX-1003, ¶¶204-206.)

As discussed in §V.B.1.b.4, the content and the information associated with a wireless networking functionality are provided to the server so that they can be inserted into "*application-based information channel.*" Forums achieves this integration through use of a single communication object associated with a Forum. (EX-1006, 4:19-20, 4:20-26, 7:6-8.) For example, in the group based text messaging Scenario 1, a communication object is created for the Forum which holds the initial message and all subsequent messages in the Forum. (EX-1003, ¶206.) Within the Forum (e.g., Naked Chef), "the user is shown the messages posted to that Forum." (EX-1006, 6:38-40.) "Messages appear in date order, i.e. newest messages appear at the bottom." (EX-1006, 6:40-42.) As shown in this Figure, the captured content (message; "No way!") and at least a portion of the determined information (poster identity (e.g., Lucy) and date/time (Jan 8th 10:30am) is integrated "*into the previously established application-based information channel*." (EX-1003, ¶206.)



Symbian Forums—Forsyth, Figure 7

(4) "Other Content" Limitations [19D]/[23F]

The Randall-Forsyth combination discloses "*insert[ing] other content from at least one of the additional users into the previously established application-based information channel*" [19D]/[23F]. (EX-1003, ¶207.) As discussed in §V.B.1.b.5, the combination discloses "*other content*" is communicated from the server and received "*at the mobile device.*" For the same reasons, the combination discloses limitations [19D]/[23F].

3. Client-Side/Server-Side "Computer Readable Medium" Claims 17/22

The Randall-Forsyth combination suggests "*non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs, wherein said executable program code when executed by a processing element of the [mobile device/server] causes the [mobile device/server] to perform*" the method of claim 1 (claim 17) and the method of claim 19 (claim 22). (EX-1003, ¶¶208-214 (claim 17), ¶¶215-221 (claim 22).)

As discussed in §V.B.1.a.3, both Randall and Forsyth disclose a client-side program component of Forums that executes on the wireless device. (EX-1006, 2:47-48, claim 19 (referring to wireless device "programmed with computer software"); EX-1005, 5:22-24, claim 53 (referring to "[s]oftware for a wireless information device" which "run[s] on the device").)

As discussed in §V.B.2.c, both Randall and Forsyth disclose the server performs processing and therefore has a server-side program component of Forums. (*See* EX-1006, 3:28-31; EX-1005, 57:4 ("server side software"), 38:24 ("server side message handling applications").)

Although not explicit, a POSITA would have understood from these disclosures the client-side Forums program and the server-side Forums program are each "*executable code of one or more software programs*" which "*when*

executed" by a processor cause the mobile device/server to perform the recited actions of claims 1/19 respectively. (EX-1003, ¶¶208, 215.)

Neither Randall nor Forsyth explicitly states that the client-side program or server-side program is stored in a "*non-transitory computer-readable storage medium*." Memory or another similar computer readable medium storing the software to be executed on the processor would necessarily be included in the mobile device. (EX-1003, ¶¶209, 216, *citing* EX-1026, 29-30, 37.) To the extent PO argues this is not inherent in a computing device running software, it would have been obvious to a POSITA and well within the POSITA's general knowledge as evidenced by the wireless device disclosures of Salmi (15:1-11), Kraft (4:6-7, 17:32-40), Bansal (7:23-34), and Pelkey and Eck (§VI.B.3) and the server disclosures of Agboatwalla (3:7-9, 42:1-38), Cheng (23:63-24:1), Bansal (7:23-24) and Pelkey and Eck (§VI.B.4). (EX-1003, ¶¶211-214, 218-221.)

C. Claims 2/29

Forums is a "*personalized content application*" because a user manages her profile and can personalize her Forums experience. (EX-1003, ¶¶222-225.) For example, through Forums, a user enters "basic identity data about themselves" including setting her current mood, hobbies, and preferences. (EX-1005, 23:14-17, Table 1; EX-1006, 7:20-25.) Forums further provides a user with the capability of creating a personalized Forum which is also a "*personalized content application*"

operating within Forums. (EX-1003, ¶224.) Forsyth describes the ability to create a private Forum where a user can "share, amongst a pre-defined group, **personal content** such as photographs, opinions, music playlists, music tracks etc." (EX-1006, 4:9-11.)

Thus, the Randall-Forsyth combination discloses "*the identified application-based information channel* [a Forum] *comprises a personalized content application*" [2] and "*is accessible via a personalized content application* [Forums] *particularly configured to run on the mobile device*" [29]. (EX-1003, ¶¶222-225.)

D. Claim 3

The Randall-Forsyth combination discloses "the *identified application-based information channel comprises a collaborative workspace.*" (EX-1003, ¶¶226-229.) Forums is designed with the goal of group discussion and collaboration with Forsyth stressing use for "Collaborative Activit[ies]" (11:32-39). (EX-1006, 2:59-60 (Forums is "tool for group working and communication"), 5:27-30.) For example, Forsyth's "Social Scheduling" Scenario 3 provides a example of a "*collaborative workspace*" in a Forum (channel) allowing a member to pose a question and other members to collaborate and provide an answer. (EX-1006, 8:44-66.)

E. Claim 4

The Randall-Forsyth combination discloses "*the identified application-based information channel comprises a chat channel*." (EX-1003, ¶¶230-232.) Forums "is designed specifically to allow current and very popular internet type services (e.g., **chat/instant messaging between groups**) to be handle[d] effectively between mobile devices." (EX-1006, 2:42-45, 5:10-14, Table 1 ("creat[ing] a discussion between group members on your own device"), 5:27-30 ("Forums … allows multiple **chat-style conversations** to take place simultaneously").) In addition to group chat, Forums "include[s] a **Private chat function**" between Forum members. (EX-1006, 7:9-12.)

F. Claims 8-9

The Randall-Forsyth combination discloses claims 8-9 for the reasons discussed in §V.B.1.b.3. (EX-1003, ¶¶233-235.) And the Randall-Forsyth combination likewise discloses a "wireless network" under any proposed construction for the same reasons it discloses "wireless networking functionality" under either Patent Owner's or Meta's proposed construction. (EX-1003, ¶234.)

G. Claim 13

As discussed in §V.B.1.b.1, "*captured content*" (e.g., photo/image, voice comments/music file) is "*obtained from*" a source of "*device-captured image data*" and "*device-captured audio data*" at the wireless device. (EX-1003, ¶¶236-239.)

H. Claims 14-15

Randall-Forsyth combination discloses the "*mobile device*" is a "*mobile telephone*" [14]: wireless information device encompasses "any kind of device with two way wireless information capabilities and includes without limitation radio telephones, smart phones …." (EX-1005, 1:7-10; EX-1006, 1:16-22.)

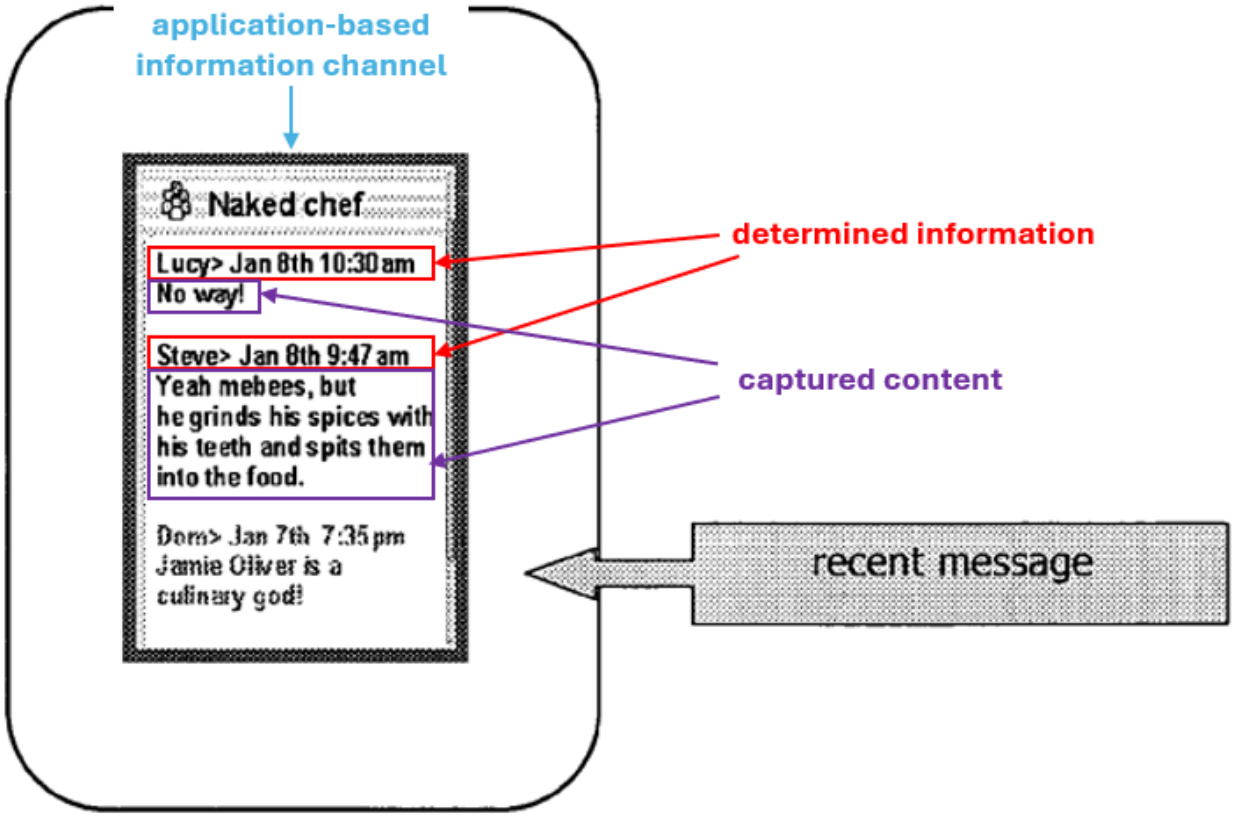
Both Forsyth and Randall teach that a mobile device includes "some onboard method" for determining location "such as **GPS**." (EX-1006, 13:45-58; EX-1005, 74, claim 7 (user location "is obtained using a GPS system"), Table 1 (listing GPS location).) Randall describes use of GPS location in navigation-like features including people tracking, your map, and rendezvous. (EX-1005, 6:1-4, 83.) Because the mobile device includes a GPS component and navigation features, the Randall-Forsyth combination discloses the "*mobile device*" is a "*global positioning system (GPS)-based navigational device*" [15]. (EX-1003, ¶¶240-245.)

I. Claims 24-25

As discussed in §V.B.1.b.4, the Randall-Forsyth combination discloses "*providing the captured content … with the determined information into the identified application-based information channel*" to the server. The "*captured content*" and its associated "*determined information*" is "*integrated content*" (e.g., Forums message). (EX-1003, ¶¶246-249.)

The "*integrated content*" is stored in a message/communication object at the server which contains the original Forum message (content + determined information) and "[a]ll linked (e.g. threaded) communications, such as replies and comments." (EX-1006, 4:19-24; 3:20-24 (server "maintain[s] m[e]ssage threads and mak[es] the[m] readable to recipients etc.").) Thus, the combination discloses "*integrated content is stored by the at least one server, the integrated content comprising a combination of at least a portion of the captured content and at least a portion of the determined information*" [25]. (EX-1003, ¶247.)

The "*integrated content*" is accessed at the mobile device via the Forum ("*application-based information channel*"). For example, in Scenario 1, the server "forwards the increment [new message(s)] to all the people on the current (server-maintained) address list." (EX-1006, 6:1-22.) Within the Forum (e.g., Naked Chef), "the user is shown the messages posted to that Forum." (EX-1006, 6:38-40, Figure 7 (below).) "Messages appear in date order, i.e. newest messages appear at the bottom." (EX-1006, 6:40-42.) As shown, captured content (message; "No way!") and at least a portion of the determined information (poster identity (e.g., Lucy) and date/time (Jan 8th 10:30 am)) is "*access[ed] … at the mobile device via the identified application-based information channel*" (Naked Chef Forum). (EX-1003, ¶248.)



Symbian Forums—Forsyth, Figure 7

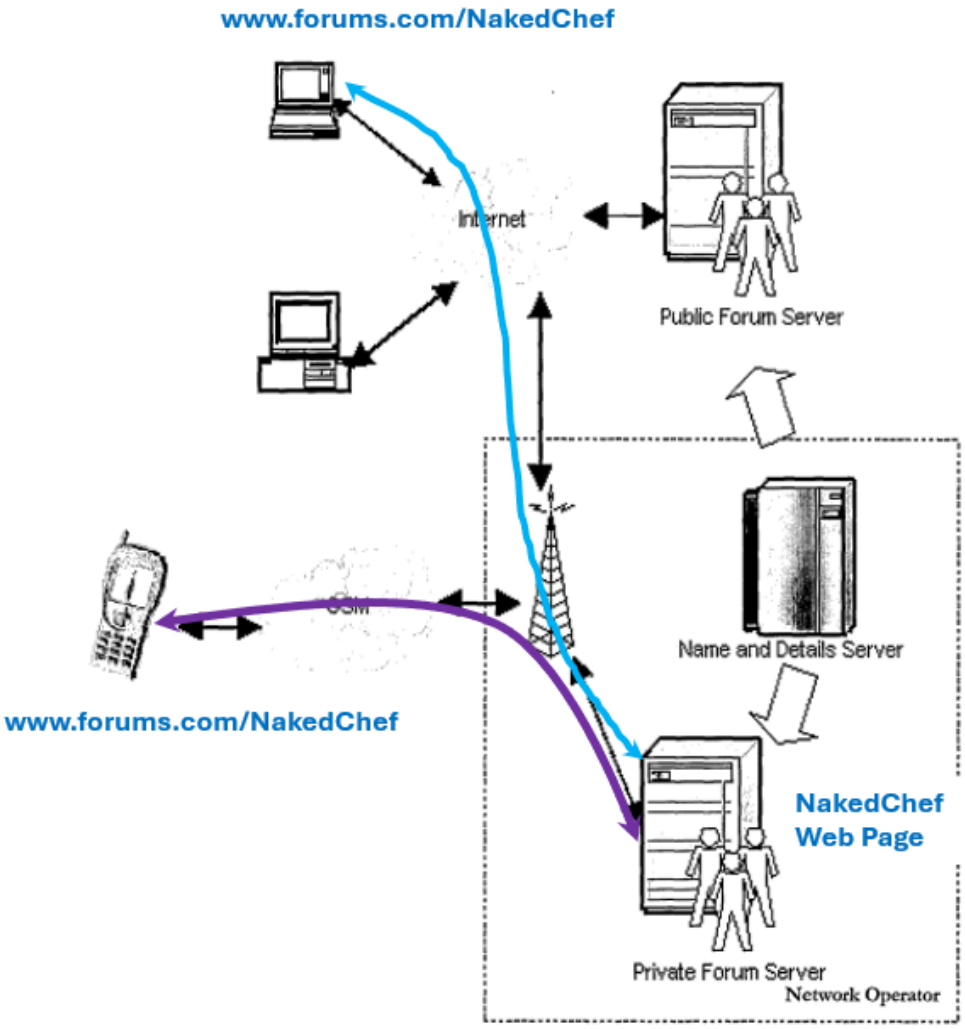
Thus, the Randall-Forsyth combination discloses "*accessing integrated content at the mobile device via the identified application-based information channel, the integrated content comprising a combination of at least a portion of the captured content and at least a portion of the determined information*" [24]. (EX-1003, ¶248.)

J. Claim 28

The Randall-Forsyth combination renders obvious "*the application-based information channel is accessible via a mobile website previously established for the user of the mobile device*." (EX-1003, ¶¶250-256.)

The Forums infrastructure, illustrated in Randall's Figure 4 below, "acts in effect like a fully personalized **web portal**, yet with the information links not consolidated in one general area, but instead distributed to the domains in which they are most likely to be relevant to a user." (EX-1005, 13:22-24.) Forums establishes "web portals" (websites) for users of wireless devices through the use of "standard data transports such as WAP or http for data access" to the server (EX-1005, 45:14-15) and through the use of Randall's ADS naming scheme which uses web server addresses. (EX-1003, ¶250.)

Use of WAP and HTTP for server access teaches or at a minimum suggests a Forum is a "*mobile website*" accessible to mobile devices over the wireless network (purple line) and to non-mobile networks over the Internet (blue line) (EX-1003, ¶251 *citing* EX-1015, 13; EX-1020, 6:63-65; EX-1027, 1:66-2:25.) Indeed, Forsyth confirms that an individual Forum "*is accessible via a mobile website*", explaining "Forums facilitates the situation where, to a degree, the other members of a group are 'always there' for a user" including "ensuring other interfaces—e.g., via the Web and PCs, and possibly via normal phones—are available." (EX-1006, 11:23-31.)



Symbian Forums—Randall, Figure 4

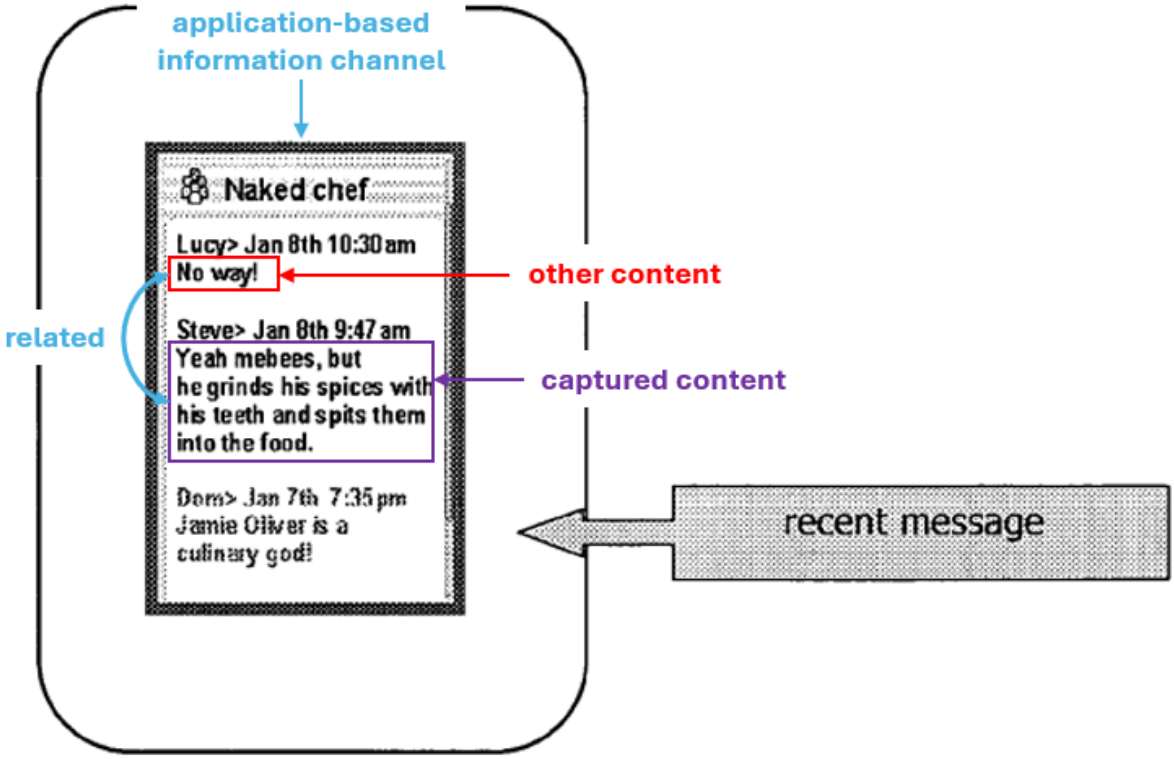
Randall's naming convention further underscores that Forums are designed to be mobile websites. (EX-1003, ¶252.) Randall teaches a "wireless information device (as well as web browsers) can access an entity's database by sending to the server an unchanging pointer or key (an 'ADS Number') which is unique to that entity." (EX-1005, 9:13-15.) An ADS is, e.g., "an **address on a web server**–for example **www.indirect.com/Alice**" acting "as a pointer to entity specific data held

on the **web server**, in this case, Alice's information." (EX-1005, 64:25-28.) Randall teaches that the webpage (view) served to a requesting user differs—that is the server dynamically creates the webpage. (*See, e.g.,* EX-1005, 66-67 (Alice's view of website), 70 (business group 1's view of Alice's website).)

K. Claim 30

The Randall-Forsyth combination discloses "*the other content comprises at least one message relating to the captured content that is received at said at least one server and inserted by said at least one server into the application-based information channel*." (EX-1003, ¶¶257-261.)

As discussed in §V.B.1.b.5, "*the other content*" includes replies (messages) posted to a Forum. (*See, e.g.,* EX-1006, 6:18-22, 7:36-43, 9:29-31, Figure 7 (below).) As discussed in §V.B.2.d.3, a Forum uses a "single communication object" to hold all communications linked to the initial message (such as replies and comments)." (EX-1006, 4:20-24, 3:19-24 (server "maintain[s] m[e]ssage threads and mak[es] them readable to recipients etc.").) Because replies are associated with the Forum, the "*other content*" (e.g., "No way!") is a "*message related to the captured content*" ("Yeah mebees, but he grinds his spices with his teeth and spits them into the food") which is "*inserted by*" the server into the Naked Chef Forum ("*application-based information channel*").



Symbian Forums—Forsyth, Figure 7

VI. GROUND 2: Pelkey-Eck Combination Renders Challenged Claims Obvious

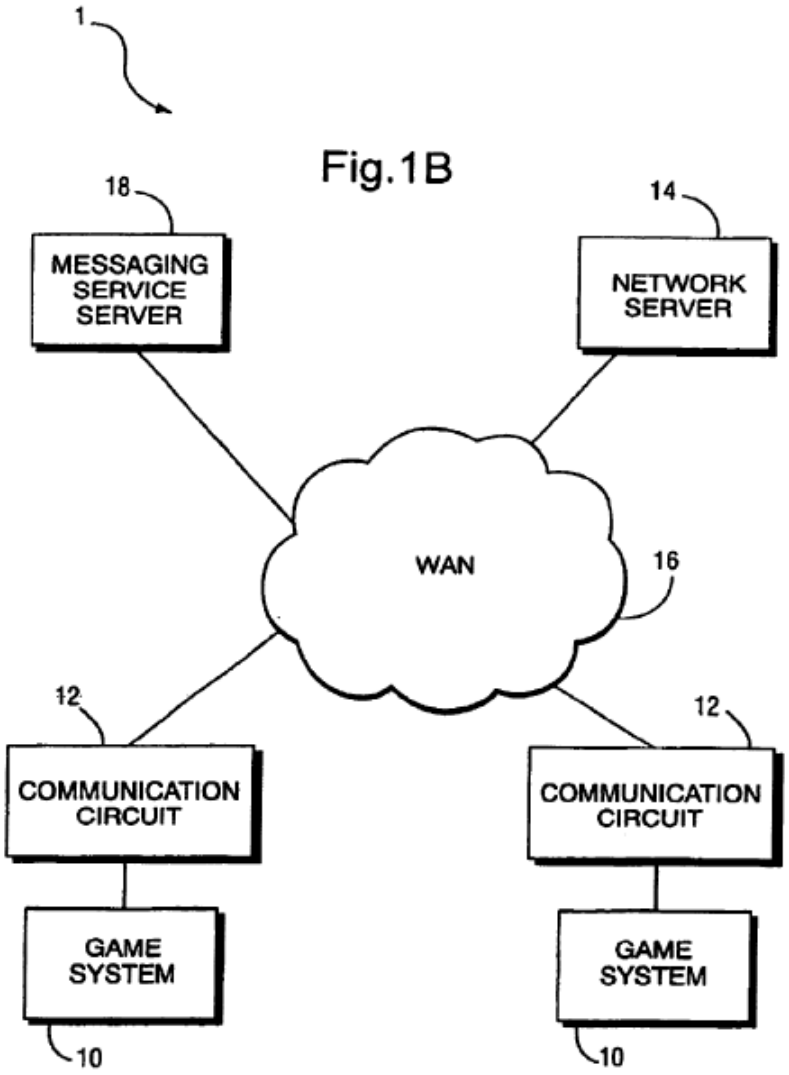
A. Combination Overview

Pelkey and Eck each disclose systems permitting users of "portable game machines," like the Ninetendo GameBoy® to share messages, photos taken with an attached digital camera, and, in the case of Eck, sound clips with other users. (EX-1007, Abstract; EX-1008, 2:15-22.)

1. Pelkey

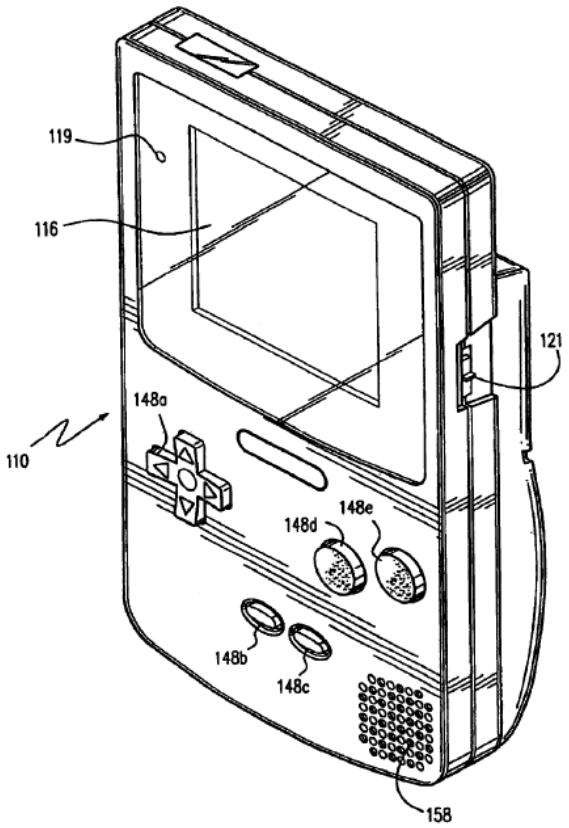
Pelkey's Figure 1B (below) illustrates a network architecture "in which the messaging service [] may be implemented." (EX-1007, 2:58-60.) The network

"includes game systems 10 connected via communications circuits (e.g., modems, network interfaces, etc.) to a wide area network." (EX-1007, 2:60-62.) Network server 14 "stores games that may be played by users of the network," including "multi-player games." (EX-1007, 3:4-6.) The depicted messaging service server may be included within the network server. (EX-1007, 3:9-31.)



Pelkey, Figure 1B

Two game systems may be used for gate system 10. (EX-1007, 3:32-33.) First, an exemplary "GameBoy® Color game system", Figure 3B (below), may be used. (EX-1007, 4:66-67.) Additionally, or alternatively, a game console such as the N64 video game system may be used. (EX-1007, 3:38-48, Figure 2.)



Pelkey, Figure 3B

While Pelkey generally discloses creating a user "persona" within the gaming arena and a user being able to "includ[e] in their profiles digital images of their own faces generated, for example, using [an attachable] digital camera," (EX-1007, 7:20-30), it does not specifically disclose sharing and viewing images amongst multiple users. Such features are explicitly disclosed in Eck.

2. Eck

Like Pelkey, Eck discloses a modified version of the Nintendo Game Boy® that "provides enhanced multi-player capabilities through communications with other game machines." (EX-1008, 1:48-51.) In an exemplary multi-user embodiment, Eck discloses inserting a "pager cartridge" and game cartridge to access "PagerWorld, a virtual community for the network of all users having pager cartridges." (EX-1008, 5:27-29, 10:20-23.)

"Players are represented in PagerWorld by a 'persona character' . . . that all other PagerWorld players will see." (EX-1008, 10:23-25.) Importantly, "image data obtained with a digital camera cartridge" can be used to "customize the persona character." (EX-1008, 12:38-40.)

In "PagerWorld," "[p]layers can find pen-pals" and "view message boards," among other activities. (EX-1008, 10:40-42.) "The system also enables bidirectional transmission of messages with images and sound bytes to other pagers in the network." (EX-1008, 16:42-45.) A user can conduct a variety of "messaging" activities within PagerWorld including "broadcasts to all pagers," "group messages," "digital camera picture transmission (with/ without sound)," "messages plus sound bites" and "messages to and from Internet." (EX-1008, 20:6-36.) Messages are read, composed and sent from the "Message Center" inside PagerWorld. (EX-1008, 11:27-29.) "Message Center" includes an "Address Book"

"provid[ing] a listing of other users by their handles" and "the persona character of the other user as it appeared on his/her last communication with the user." (EX-1008, 11:32-35; EX-1008, 12:16-19.) Eck thus specifically discloses how users can share photos taken with an attached digital camera.

3. Motivation to Combine

A POSITA would have been motivated to combine Eck's teachings regarding PagerWorld with the network and message server architecture taught in Pelkey. (EX-1003, ¶¶269-273.)

Pelkey and Eck both disclose an enhanced version of the Ninetendo GameBoy® in the same field as the '039 patent—"network-based communication systems." (EX-1001, 1:28-30; EX-1007, 1:37-42; EX-1008, Abstract.) Pelkey and Eck are also reasonably pertinent to problems addressed by the '039 patent, namely "optimizing" the sharing of information content on mobile devices. (EX-1001, 1:48-53; EX-1003, ¶270.)

Eck discloses the features of a multi-player game, PagerWorld. Eck further discloses the ability to share photos and sound clips and exchange messages with other players. In the preferred embodiment, such information is exchanged using a "pager cartridge" where "message charges are generally based on the number of characters in the message." (EX-1008, 16:57-60.) While Eck discloses its

"invention" can be applied to other technologies like WAP (EX-1008, 25:17-20), it does not specifically disclose a client-server structure as taught in Pelkey.

Pelkey discloses use of a network server and message server to facilitate game play and exchanging messages amongst users. A POSITA would be motivated to apply the network and message server architecture in Pelkey to Eck in order to avoid the charge-based system for exchanging messages and photos via pager cartridge in Eck. (EX-1003, ¶272.) In addition, a POSITA would be motivated to modify the "pager cartridge" in Eck as necessary to use PagerWorld in Pelkey given the disclosed benefits of PagerWorld including "exploration and adventure," "chat and community interaction," and "character growth." (*Id.*; EX-1008, 10:13-19.) Notably, Pelkey does not describe any game play that includes in-game messaging in conjunction with the aforementioned features. In addition, the combination is nothing more than the application of a known technique (Eck's PagerWorld game) to a known method/product (Pelkey's client-server based messaging server) which was ready for further improvement to achieve predictable results. Replacing the pager system infrastructure in Eck with the client-server architecture in Pelkey is the simple substitution of a one known element for another to achieve a predictable result (internet-based functionality). (EX-1003, ¶272.)

A POSITA would have had a reasonable expectation of success in the combination and the results of the combination would have been predictable because both references are directed to the same product and activity (game play). (EX-1003, ¶273.) Both Pelkey and Eck disclose the desirability of combining messaging capabilities with game play in a portable gaming system. (EX-1007, 2:20-23; EX-1008, 10:32-44.) As explained below, the complimentary network architecture disclosed in Pelkey and Eck further demonstrates such a modification could be made with a reasonable expectation of success. (EX-1003, ¶273.)

B. Independent Claims

1. Client-Side Claims 1, 18

a. Preambles [1P]/[18P] and Structural Limitations [18A]-[18B]

(1) [1P]:"Method"

The Pelkey-Eck combination discloses a method for performing the actions recited in limitations [1A]-[1E] as discussed in §VI.B.1.b.

(2) [18P]/[1A]:"Mobile Device"

The Pelkey-Eck combination discloses a *mobile device*. (EX-1003, ¶¶276-278.) For example, the "portable game machine" in Pelkey and Eck is "a piece of handheld equipment" under PO's MDT-Meta-Litigation construction. (EX-1003, ¶278.) Indeed, both Pelkey and Eck describe the "portable game machine" as being a "portable (handheld)" game system. (EX-1007, 4:55-57; EX-1008, 2:38-39.)

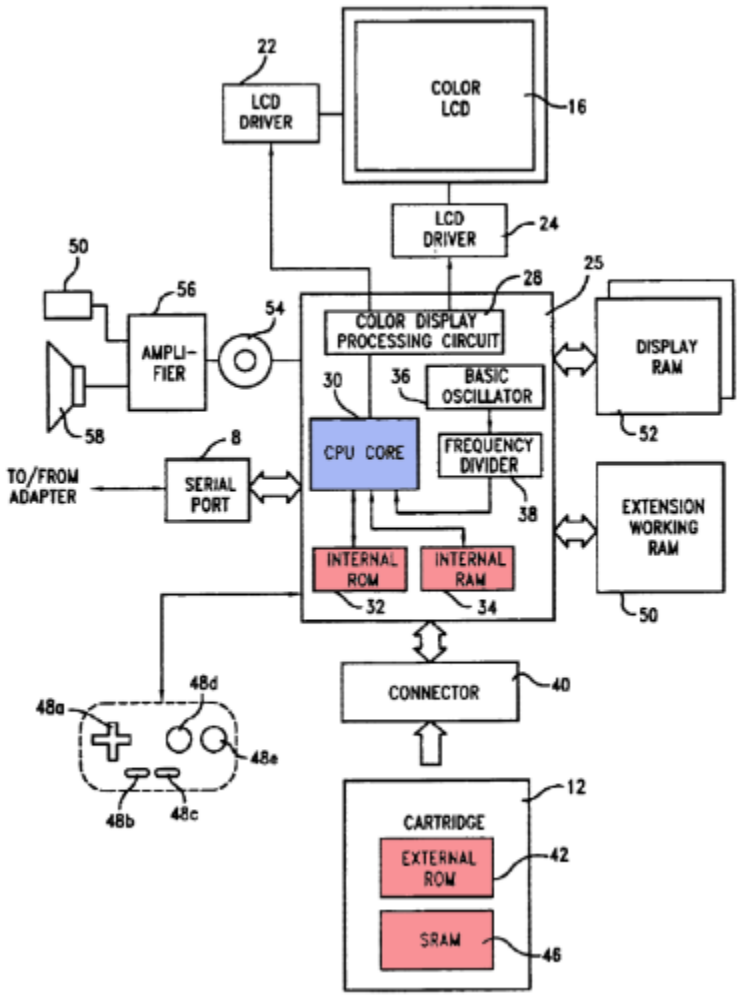
Both Pelkey and Eck disclose a "portable game machine and, more particularly, to a **portable game machine** that is selectively configurable for one or more different operations such as **wireless communications**, global positioning, image capturing and combinations thereof." (EX-1008, 1:12-16, Figure 1B (below); EX-1007, 4:55-57.) Moreover, Eck discloses a portable device that "connects to a mobile site and/or mobile channel via a wireless network," specifically, PagerWorld. (EX-1008, 13:51-54.) Accordingly, the "portable game machine" is at least a "portable game player" under Meta's MDT-Meta-Ligation and Meta-MDT-IPR constructions. (EX-1003, ¶278.)

As shown in, for example, Figure 1B, the "portable game machine" in Pelkey is a "portable device with limited display space." It has "limited navigational capabilities" in that its functionality is limited by the gaming cartridge and selected navigational capabilities. Furthermore, the "portable game machine" is "a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile channel via a wireless network" under PO's Meta-MDT-IPR construction. (*Id*.)

(3) Limitations [18A]-[18B]

The Pelkey-Eck combination discloses a "*processing element comprising a processor coupled to a memory*." (EX-1003, ¶¶279-282.) For example, in Eck, a cartridge including messaging functionality (e.g., a pager cartridge) "is provided

for use with a game machine having a game program executing processing system including a microprocessor to execute a video game program and player controls operable by a player to generate video game control signals." (EX-1008, 1:60-65; EX-1007, 6:44-46 ("program contained in cartridge 112 [] includes program code for a messaging service client").) This arrangement is illustrated in Eck's Figure 2 (below) showing the portable game machine with an inserted cartridge, which is identical to Pelkey's Figure 4.



Eck, Figure 2

"[G]ame machine 10" includes "a central processing unit (CPU) 26 [mislabeled as 25 in Figure 2]," which "further includes a CPU core 30 [shaded blue] that is connected to an internal read only memory (ROM) 32 and an internal random access memory (RAM) 34." (EX-1008, 3:42-46.) The "[i]nternal RAM 34 is used as a work memory of CPU core 30." (EX-1008, 3:46-47.) For example, when executing a game program, "character data supplied from game cartridge 12 and the controller data from operating keys 48a–48e, CPU 26 executes data processing and writes display data into a display RAM 52, using an extended RAM 50 when necessary" in accordance with the game program. (EX-1008, 4:46-50.) CPU is the "*processor*" within the "*processing element*"; ROM 50 and RAM 52 (shaded red) are "*memory*"; and as shown each of ROM and RAM is coupled to the processor. (EX-1003, ¶280.)

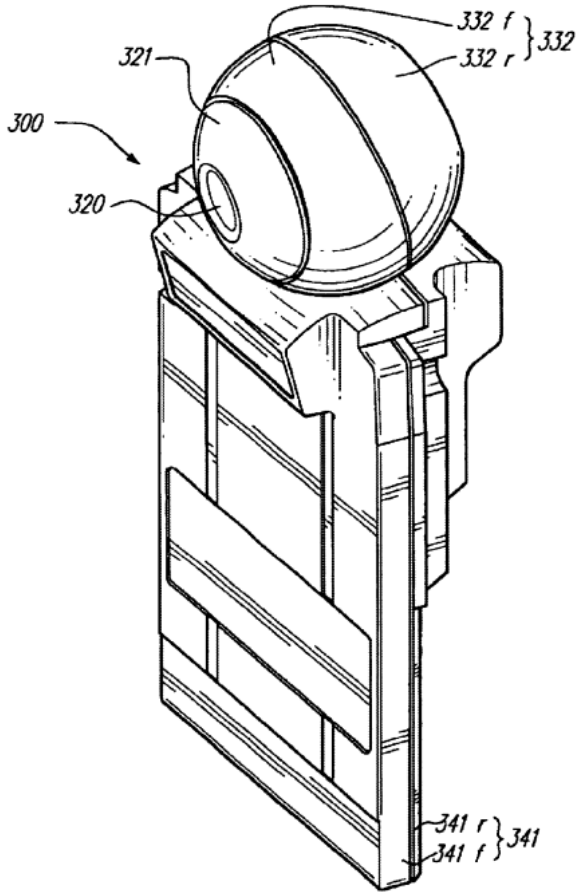
The Pelkey-Eck combination discloses the "*processing element*" includes "*at least one network interface*." (EX-1003, ¶282.) Pelkey discusses the network for implementing a "messaging service" includes a game system 10 (e.g., the portable game machine) "connected via communications circuits 12 (e.g., modems, network interfaces, etc.) to a wide area network 16 such as the Internet." (EX-1007, 2:60-62.) Pelkey explains communication circuits 12 "may be provided internally to the game system or embodied as cartridges . . . removably attachable to a port or bay of the game systems." (EX-1007, 2:65-3:2.) Eck discloses the

embodiment of a network interface in a cartridge. As shown in Eck's Figure 5A, the pager cartridge includes "antenna 130 connected to a conventional radio section 132 for receiving and sending messages." (EX-1008, 6:34-36; 7:36-53 (describing a pager cartridge includes a codec/DSP section, bandpass filter, RF mixer and dual PLL section, crystal, transmitter, receiver and antenna).) The radio section and/or antenna is a "*network interface*" within the "*processing element.*" (EX-1003, ¶282.)

b. Processing Limitations [1A]-[1E]/[18C]-[18G]

(1) "Capturing" Limitation [1A]/[18C]

The Pelkey-Eck combination also discloses "*capturing content at a mobile device*" including at least photos and sound clips at the portable game machine. (EX-1003, ¶¶283-286.) Eck discloses a messaging cartridge (e.g., pager cartridge), "is itself provided with a slot for receiving" another cartridge. (EX-1008, 5:23-25.) One example of a "piggy-backed" cartridge is a "digital camera cartridge" which includes a camera as illustrated in Figure 14 (below):



Eck, Figure 14

(EX-1008, 22:14-20, 23:36-38.) "The digital camera cartridge is usable to capture images, which images may then be transmitted to others via an operation using" the messaging cartridge into which the camera cartridge is inserted. (EX-1008, 23:38-41.) The "digital camera cartridge" may also be "configured to capture sounds [and] these captured sounds may be used by game machine 10 and/or transmitted as a message using pager cartridge." (EX-1008, 9:20-23.)

Pelkey likewise discloses that a digital camera can be attached to its portable game machine. (EX-1007, 7:26-31.) Indeed, both Pelkey and Eck incorporate by

reference the same Nintendo patent describing the camera in detail. (EX-1007, 7:25-30 *citing* U.S. Patent 6,435,969); EX-1008, 23:41-48 *citing* Application 09/430,169).)

(2) "Identifying" Limitations [1B]/[18D]

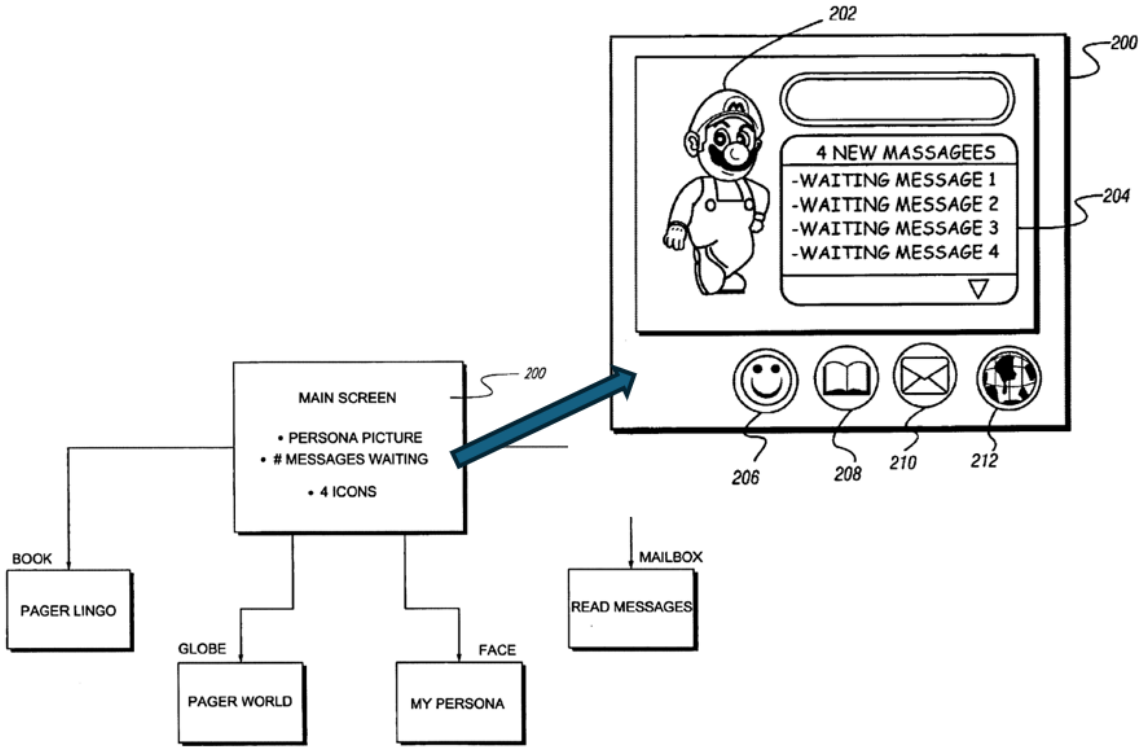
The Pelkey-Eck combination discloses "*a previously established application-based information channel.*" (EX-1003, ¶¶287-289.) The Pelkey-Eck combination discloses limitations [1B] and [18D] under PO's and Meta's agreed-upon Meta-MDT-IPR construction. (EX-1003, ¶289.)

Eck discloses the messaging cartridge includes a memory "storing software used" in the messaging (e.g., pager) operations and "one or more video game programs that are executable by CPU 26 of game machine 10." (EX-1008, 7:7-22.) In addition to messaging (e.g., paging functions), the messaging cartridge "can be used in game playing." (EX-1008, 9:60-61.) An example of a gaming application is "Multiple User Dungeon (MUD) games" which are "Internet-based on-line exploration and quest games in which an open-ended number of players simultaneously exist in the same game world, sharing experiences and adventures." (EX-1008, 10:2-7.)

An exemplary MUD game is "PagerWorld, a virtual community for the network of all users having pager cartridges." (EX-1008, 10:20-23.) Although Eck uses the word "PagerWorld" in the MUD title to reflect the communication means

is paging, a POSITA would have understood that such a MUD is equally applicable when the communication means is another messaging type such as SMS or messaging via WAP protocols. PagerWorld includes client software in the portable game machine (client program) and corresponding software in the server (server program). As such, PagerWorld is persistent—it remains in existence after individual users exit the world. PagerWorld is therefore a "*previously established application-based information channel*" under the agreed upon construction in the Meta-MDT-IPR because it is a "computer program-based medium for transferring information" among members of the PagerWorld community. (EX-1003, ¶289.)

A user "*identif[ies]*" PagerWorld through the "main PagerWorld screen 200," illustrated in Figure 7 (below-left), which is 'the starting point for every user session." (EX-1008, 10:57-60.) Figure 8A is "an illustrative, but non-limiting, implementation of the main screen 200." (EX-1008, 10:65-66.) The main screen presents the user's persona character, shown in Figure 8A as the character Mario, from the Mario Bros Nintendo game. (EX-1008, 10:60-61; Figure 8H.)



Eck, Figure 7 (left), Figure 8A (right)

PagerWorld "*permit[s] interaction between a user of the mobile device and one or more additional users*" of PagerWorld in a number of ways. (EX-1003, ¶291.) First, players "read and send messages from the main PagerWorld screen" which serves as "'communication central'." (EX-1008, 10:32-34.) Second, players can select the PagerWorld icon 212 portal from the main screen and "step into a nation-wide or world-wide community of other PagerWorld players." (EX-1008, 10:34-36.) Within the shared world, users interact by exchanging messages. PagerWorld is a communications hub, "becoming a central meeting place to find friends and share messages." (EX-1008, 10:36-42.) For example, PagerWorld includes "The Hub" which is a place to "strike up a pen-pal communication," (EX-

1008, 12:57-58), and "The Gaming Center" which "permits players to meet and play games, view high scores, etc.". (EX-1008, 12:62-63.)

In the Pelkey-Eck combination, the captured content (photos/images, sounds/audio files) "*is to be inserted*" into the "*previously established application-based information channel.*" (EX-1003, ¶292.) As noted above (*supra* §VI.A.2), a user can customize their persona character using photos taken with their digital camera. Also, PagerWorld supports transmission of messages "with images and sound bytes to other pagers in the network using, for example, a digital camera cartridge in combination with a pager cartridge." (EX-1008, 16:42-45, 24:30-36.) "The image and sound data may be compressed/decompressed in accordance with well-known compression/decompression techniques to more effectively utilize the available bandwidth." (EX-1008, 16:45-48.)

Messages can be sent through the Message Center accessed through an icon on the main screen. (EX-1008, 11:26-28.) "When a message is selected from Message Center screen, the contents of the message appear, along with the user's persona character and 'handle' of the person that sent the message." (EX-1008, 11:53-57, 12:36-38 ("[a]ny time the user sends a message, his/her persona character appears alongside the message on the other user's screen").) The user's address book is a list of "other users by their handles" and next to the user's handle

"is the persona character of the other user as it appeared on his/her last communication with the user." (EX-1008, 12:16-19.)

The Pelkey-Eck combination therefore discloses these limitations. (EX-1003, ¶¶287-297.)

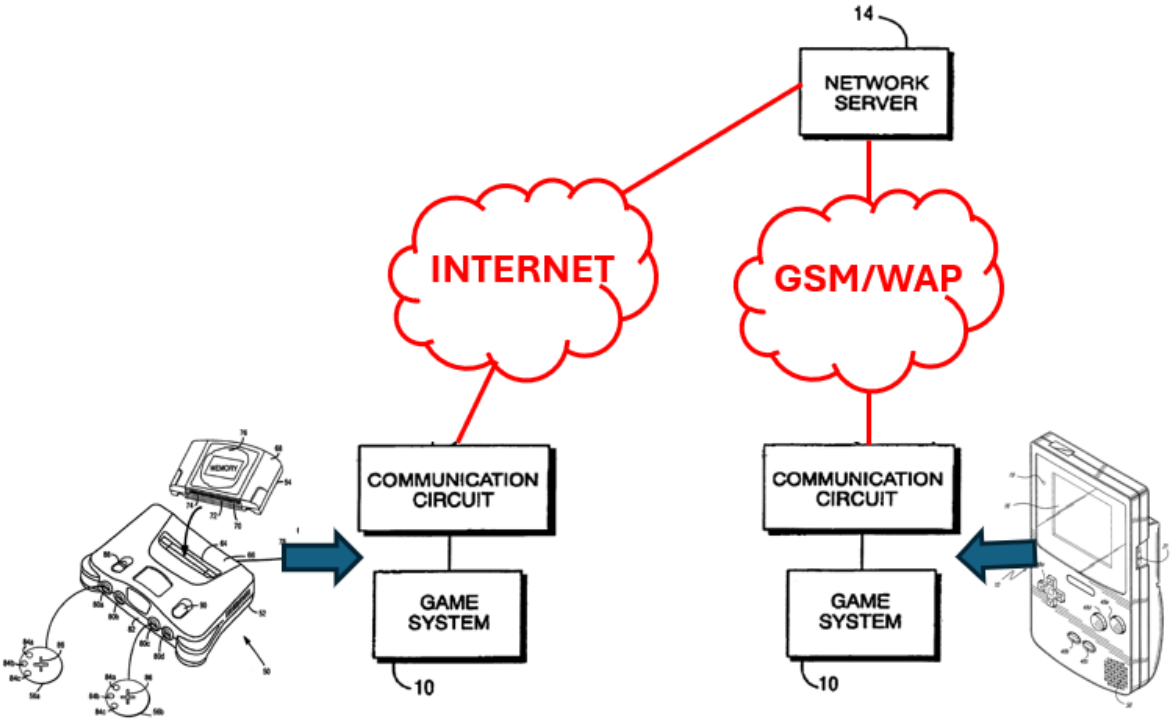
(3) "Determining" Limitations [1C]/[18E]

The Pelkey-Eck combination discloses "*determine[ing]/[e] information associated with at least one wireless networking functionality of the mobile device.*" (EX-1003, ¶¶298-303.) As discussed above, no construction of "*wireless networking functionality of the mobile device*" is required. Nonetheless, the Pelkey-Eck combination discloses this limitation under both proposed constructions. (*Id*.)

The '039 patent refers to "messaging, distributed collaboration, and location-based services" as examples of "wireless networking functionality." (EX-1001, 1:41-43, 1:59-61.) Both Pelkey and Eck are directed to a messaging service provided using a portable game machine as discussed above. Pelkey discloses a network "in which the messaging service" may be implemented. (EX-1007, 2:58-60.) The network "includes game systems 10 connected via communications circuits 12 (e.g., modems, network interfaces, etc.) to a wide area network 16 such as the Internet." (EX-1007, 2:60-62, 3:38-48.) Game system 10 may be a video

game console, such as the N64 or a portable game machine 110. (EX-1007, 4:55-57.)

Pelkey's Figure 1A is below with the game system 10 on the left, depicted as the N64 game system, (Pelkey, Figure 2), and the game system 110 on the right, depicted as the portable game machine, (EX-1008, Figure 1B). Pelkey does not disclose details of the wireless network used to provide wireless messaging from the game system to the server. However, while Eck mentions use of a paging network for this functionality, Eck also explicitly discloses that its "present invention" may be "applied to other wireless technologies such a GSM (Global System for Mobile Communications) and WAP (Wireless Application Protocol)." (EX-1008, 25:17-20.) A POSITA would have been motivated to use either GSM-SMS or WAP for the messaging service, rather than paging, to obtain the enhanced features of those protocols. (EX-1003, ¶300.) Based on Eck's disclosure, a POSITA would have understood that the portable game machine communicates with the server via messaging available via the GSM network (e.g., SMS) or messaging available via WAP. (*Id*.)



Pelkey, Modified Figure 1

GSM-SMS is "functionality implementable over a wireless network" (as required under Meta's proposed construction), and, as shown in modified Pelkey Figure 1, the GSM network is separate from the Internet connecting the N64 game system to the server (as required under Patent Owner's proposed construction). Thus, the Pelkey-Eck combination discloses "*wireless networking functionality*" under both constructions from the Meta-MDT-IPR proceeding. (EX-1003, ¶301.)

As discussed in §V.A.1, the WAP protocol stack transports data over GSM's SMS. The SMS message includes a header with data fields indicating control and content details for the message. These fields, associated with the action of sending

a message over the wireless network, are "*information associated with at least one wireless networking functionality of the mobile device.*" (EX-1003, ¶302.)

Thus, to send a message, the portable game machine "*determin[es]*" this information to construct the GSM-SMS message. Figure 8C from Eck confirms this information is determined. Specifically, Figure 8C shows an interface screen which shows a list of unread received messages with each message including the sender's name and associated persona image. (EX-1003, ¶303.)

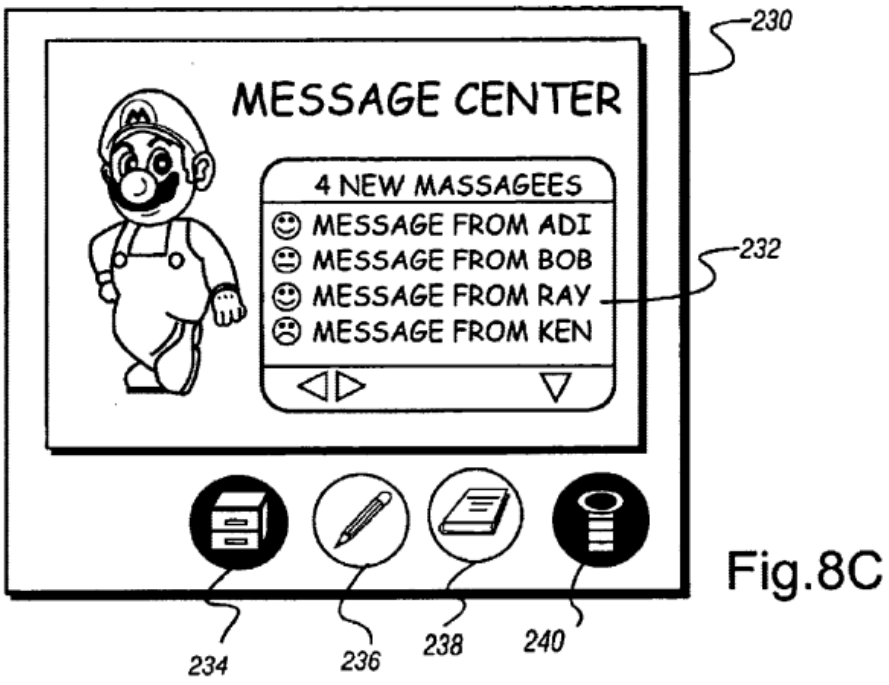


Fig.8C

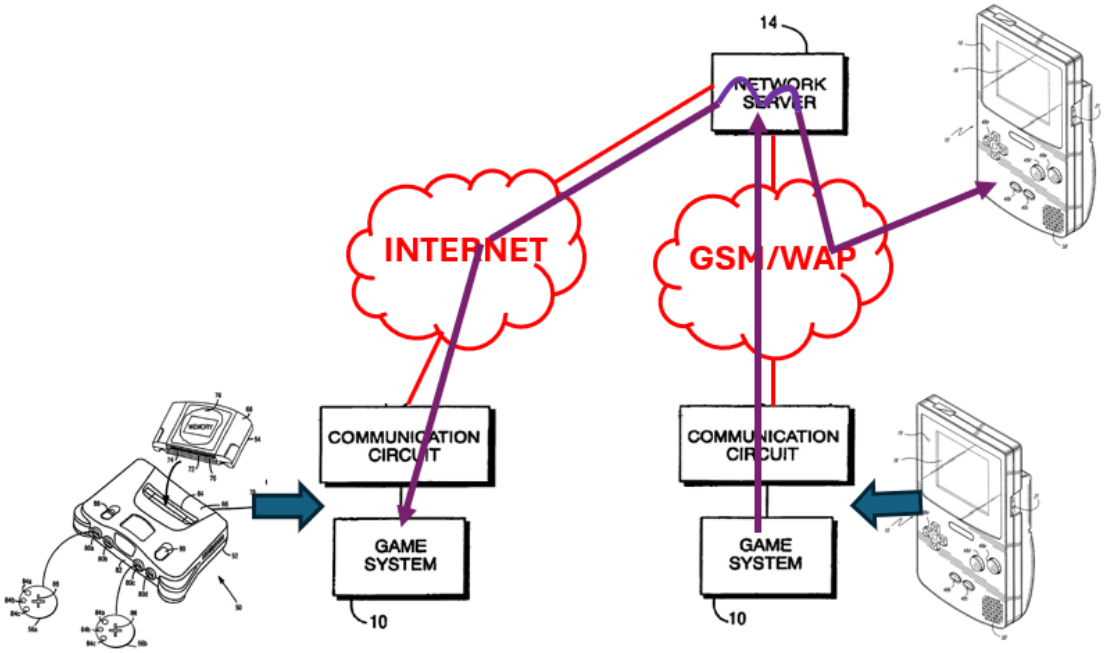
Eck, Figure 8C

(4) "Providing" Limitations [1D]/[18F]

The Pelkey-Eck combination discloses "*providing the captured content from the mobile device to at least one server.*" (EX-1003, ¶¶304-308.) The network

implementing the messaging service of Pelkey and Eck, illustrated in modified Pelkey Figure 1A, includes the game system (e.g., portable game machine) coupled via a network to a server. (EX-1007, 2:58-3:4.) The network server "provides the messaging service." (EX-1007, 3:9-10.)

Messages sent and received in Eck discussed above are provided "*via said at least one network interface*" as shown in the Figure below. (EX-1008. 2:15-18 ("a game machine is provided with radio circuitry configured to transmit messages"); EX-1003, ¶305.) This is consistent with Eck's use of GSM-SMS which requires a server to act as a message service centre for storing and forwarding messages to recipients. (*See* §V.A.1.) This message flow is reflected in Pelkey's Figure 1A below, showing a message from a portable game system being sent to the server.

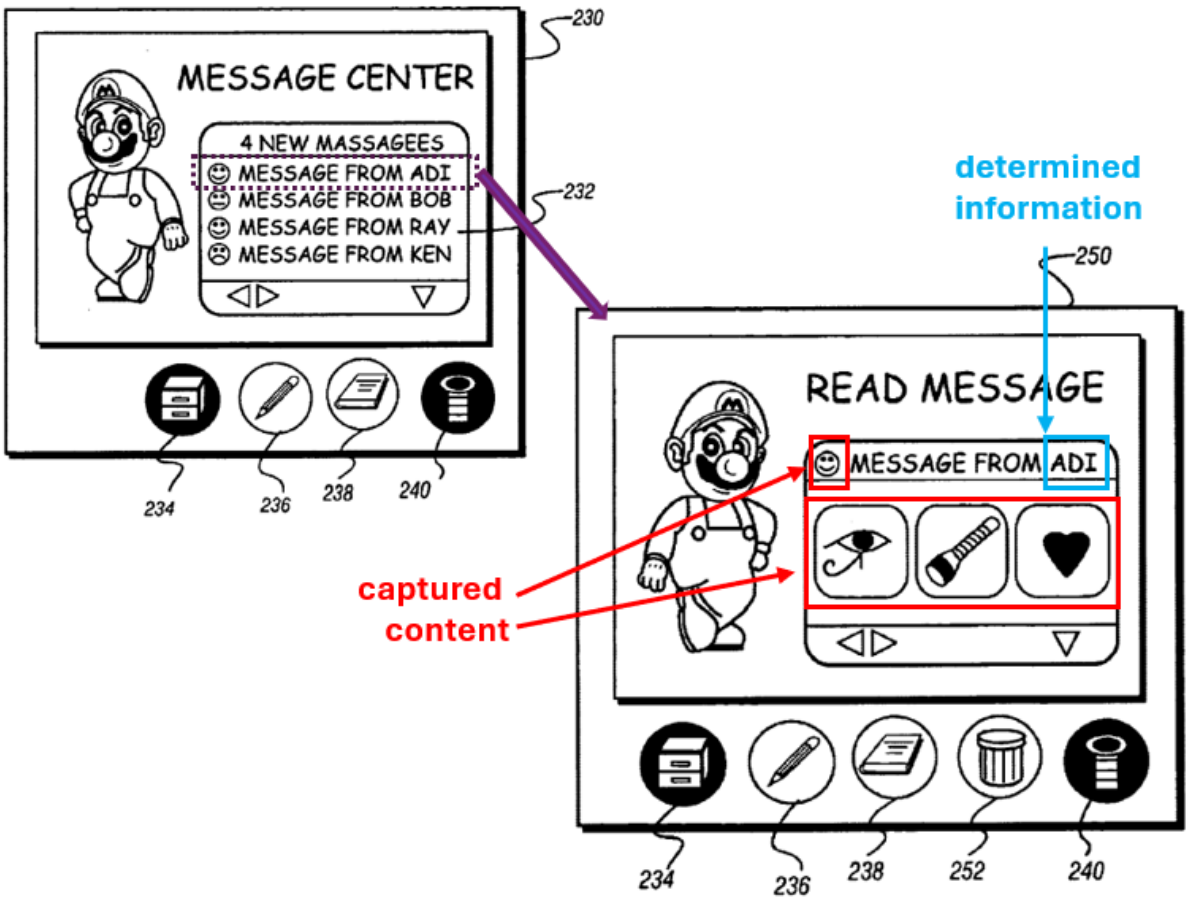


Pelkey, Modified Figure 1A

A message "may be sent to all users in the paging system, to certain groups of users in the paging system or to a particular user in the paging system." (EX-1008, 9:46-49, 20:8-9.) As noted above, the server forwards the message received from the portable game device to the intended recipients. The users of the messaging (paging) system are members of the PagerWorld community. Thus, the Pelkey-Eck combination discloses "*provid[ing] the captured content from the mobile device* [portable game machine] *to at least one server for insertion . . . into the identified application-based information channel.*"

The "*captured content*" is provided to the server "*for insertion with the determined information*" into the "*identified application-based information*

channel." (EX-1003, ¶307.) The "*determined information*," (§VI.B.1.b.3), includes the information provided in the GSM-SMS message header. When a message is forwarded to a recipient, the header information remains in the forwarded GSM-SMS message. This is again reflected in Eck's Figure 8C (below-left) and Figure 8D (below-right). Figure 8C provides a list of unopened message and "[s]electing a message takes the user to a Read Message screen" shown in Figure 8D. (EX-1008, 11:26-32.) As shown in this figure, the message received at the user's device includes the captured content and the determined information.

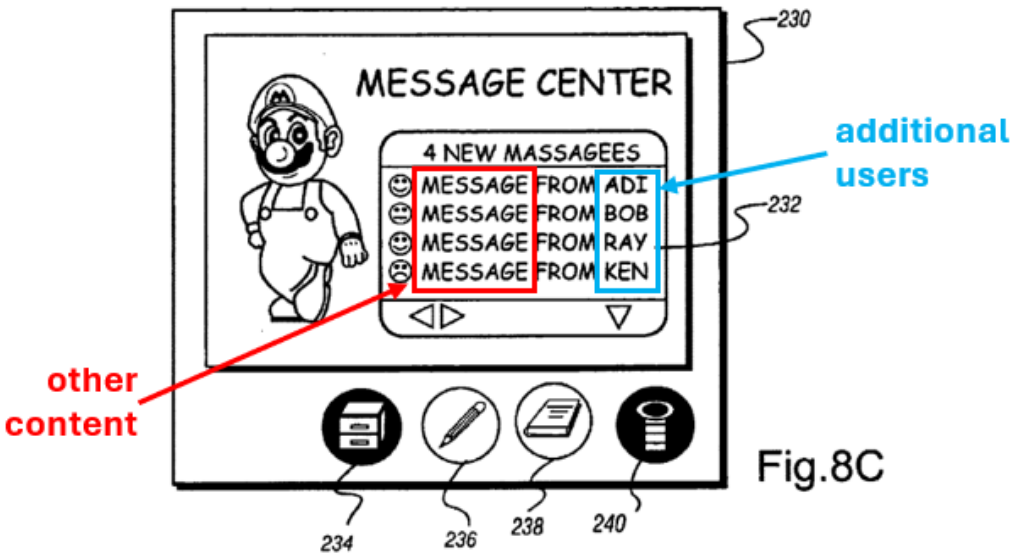


Eck, Figure 8C (left), Figure 8D (right)

The Pelkey-Eck combination discloses this limitation.

(5) "Receiving" Limitations [1E]/[18G]

This limitation adds nothing that was not already covered in the discussion of limitation [1D]. In the Pelkey-Eck combination, limitation [1E] occurs when a second PagerWorld user uses its own device (either another portable game machine or a fixed N64 console) to send a message including a photo/image or sound clip. Upon such action, a user receives content, at the portable game machine via the identified application-based information channel, from at least one of the additional users when receiving a message containing the other user's customized persona avatar or accessing an address book listing other users along with their customized persona avatars. This is reflected in Figure 8C below which depicts content received from other users within PagerWorld ("*the identified application-based information channel*").



Eck, Figure 8C

Accordingly, the Pelkey-Eck combination discloses "*receiving other content, at the mobile device via the identified application-based information channel, from at least one of the additional users*." (EX-1003, ¶¶309-310.)

2. Server-Side Independent Claims 19 and 23

a. Preamble [19P]

The Pelkey-Eck combination discloses a method for performing the actions recited in limitation [19A]-[19D] discussed in §VI.B.2.d.

b. Server [23P]

The Pelkey-Eck combination discloses a "*server*" [23P]. (EX-1003, ¶313.) As discussed above in §VI.B.1.b.4, the network implementing the messaging service of the combination includes a server. (EX-1007, 2:58-3:10.)

c. Limitations [23A]-[23B]

The Pelkey-Eck combination discloses a server having at least one "*processing element comprising a processor coupled to a memory*" and a "*network interface.*" (EX-1003, ¶314.) Pelkey recites, in its claim 18, a "server process for a game network server embodied on a storage device and comprising instructions executable by a server processing system." (EX-1007, 16:44-46.) Thus, Pelkey discloses "*a processor* [processing system] *coupled to a memory* [storage device]." (EX-1003, ¶314.)

While Pelkey does not discuss this structure, a POSITA would have understood that the hardware used for a server is a digital computing device such as a personal computer. Such a personal computer is the host 1201 shown in Pelkey's Figure 6B below. (EX-1007, 12:43-45.) The host system includes processing unit 1203, system memory 1205, and network interface 1156. Thus, the server also includes "*at least one network interface.*" (EX-1003, ¶314.)

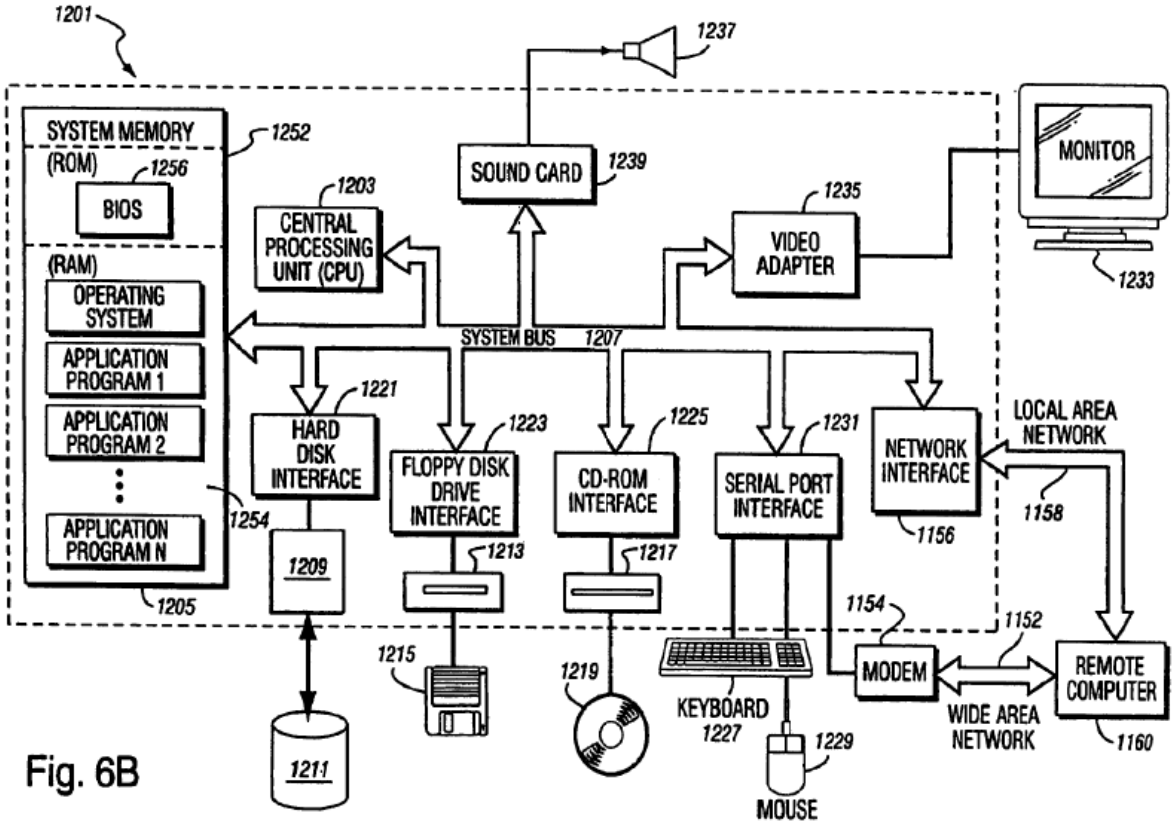


Fig. 6B

Pelkey, Figure 6B

d. Processing Limitations [19A]-[19D]/[23C]-[23F]

(1) "Receiving Content" Limitations [19A]/[23C]

As noted above, the Pelkey-Eck combination discloses a "*previously established application-based information channel permitting interaction between a user of the mobile device and one or more additional users*." (§VI.B.1.b.2; EX-1003, ¶¶315-317.) Likewise, content for insertion into the identified application-based information channel in Eck (PagerWorld) is transmitted from the mobile device to the server. (§VI.B.1.b.4.) The corollary is also true— "*content for*

insertion into a previously established application-based information channel" is received "*at a server from a mobile device*." (EX-1003, ¶316.)

(2) "Receiving Information" Limitations [19B]/[23D]

As noted above, the Pelkey-Eck combination discloses "*determining information associated with at least one wireless networking functionality of the mobile device.*" (§VI.B.1.b.3; EX-1003, ¶318.) Likewise, information associated with a wireless networking functionality (e.g., GSM-SMS) is transmitted from the mobile device to the server. (§VI.B.1.b.4.) The corollary is also true for this limitation—the "*information associated with at least one wireless networking functionality of the mobile device*" is received "*at the server from the mobile device*." (EX-1003, ¶318.)

(3) "Integrating" Limitations [19C]/[23E]

As noted above, the Pelkey-Eck combination discloses "*providing the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel.*" (§VI.B.1.b.4.) That is, the content and the information associated with a wireless networking functionality are provided to the server so that they can be inserted into "*application-based information channel.*" The Pelkey-Eck combination thus satisfies these limitations. (EX-1003, ¶320.)

(4) "Other Content" Limitations [19D]/[23F]

As noted above, the Pelkey-Eck combination discloses "*other content*" is

received "*at the mobile device via the identified application-based information channel, from at least one of the additional users.*" (§IV.B.1.b.5.) For the same reasons, the Pelkey-Eck combination discloses "*insert[ing] other content from at least one of the additional users into the previously established application-based information channel*." (EX-1003, ¶321.)

3. Claim 17

Eck explains that a cartridge including messaging functionality (e.g., a pager cartridge) "is provided for use with a game machine having a game program executing processing system including a microprocessor." (EX-1008, 1:60-65.) The messaging cartridge "includes a memory 145 for storing software used in the pager operations." (EX-1008, 7:7-9.) Pelkey similarly discloses "[a] messaging service client is implemented by program code contained in an application (e.g., a video game, a web browser) executed by the game system." (EX-1007, 1:42-44.)

As discussed in §VI.B.1.a.3, the inserted messaging cartridge includes ROM 42 which "contain[s] instructions" pertaining to, e.g., the messaging function. (EX-1008, 4:5-6, 7:7-12 ("[p]ager cartridge 100 includes a memory 145 for storing software used in the pager operations . . . [i]t is of course possible to store the software for implementing at least some of these operations in the memory of game machine 10").) When inserted, the "game machine circuitry [] access[es] information contained with ROM 42 (and read/write memory 46), which

information controls the game machine . . . under control of the ROM game program information." (EX-1008, 4:9-20.) Game machine 10 then "automatically activates a display of messages on the display thereof in accordance with the operating software stored in the memory of the pager." (EX-1008 22:10-14.)

Therefore, the Pelkey-Eck combination discloses "*non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs, wherein said executable program code when executed by a processing element of the mobile device causes the mobile device to perform the method of claim 1*." (EX-1003, ¶¶322-324.)

4. Claim 22

Pelkey discloses the server includes a storage medium storing executable code that when executed performs the server-side actions of the messaging service. Specifically, Pelkey discloses, in its claim 18, a "server process for a game network server embodied on a storage device and comprising instructions executable by the server processing system" for providing steps of a messaging service method. (EX-1007, 16:44-18:8.)

Thus, the Pelkey-Eck combination discloses a "*non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs, wherein said executable program code when executed by a*

processing element of the server causes the server to perform the method of claim 19." (EX-1003, ¶¶325-326.)

C. Claims 2/29

The Pelkey-Eck combination discloses these limitation because PagerWorld, i.e., the "*application-based information channel*" discussed above in connection with claim 1, is a "*personalized content application.*" By allowing a user to access personalized content, PagerWorld "*comprises a personalized content application.*" For example, Eck discloses "[t]he Newscenter—This building permits a player to view news from the Service provider and to customize the amount and/or type of news downloaded to the pager cartridge by the System operator for example, each night." (EX-1008, 12:52-56.)

Both Pelkey and Eck disclose that the user may personalize its messaging (e.g., PagerWorld) account. For example, Pelkey teaches that the "messaging service client provides the user with an opportunity to create a user profile." (EX-1007, 7:9-11.) The user can specify, e.g., the user's alias, "favorite game, favorite food, favorite sport, [and] hobbies." (EX-1007, 7:12-16.) Users are also provided with the capability of customizing their persona. (EX-1007, 7:20-30.) Eck explains that a Player's "persona character" is the character all other PagerWorld players will see, for example when messages are received." (EX-1008, 10:20-31, 12:20-23

("user may customize his/her persona character to his/her liking" via PagerWorld's "My Persona" screen).)

As noted with respect to claim 17, the "*application-based information channel . . . is configured to run on the mobile device.*" Because the "*personalized content application*" contains the "*application-based information channel*," it is also "*configured to run on the mobile device.*" (EX-1003, ¶¶327-329.)

D. Claim 3

PagerWorld "*comprises a collaborative workspace*," as claimed because these features allow Forum group members to communicate and collaborate on topics of interest, *e.g.*, by allowing each group member to post or send messages and/or photos, and respond to the messages and/or photos posted or sent by other group members. For example, Eck discloses that "[a]s players interact with other players in PagerWorld (e.g., by sending messages and playing games), players will share the fun and excitement of discovering new items, skills and appearances as their persona characters gain experience." (EX-1008, 10:27-31.)

In addition, among the types of games that can be played in PagerWorld are "[t]eamwork-based adventures requiring input from multiple players with complementary skills." (EX-1008, 13:40-45.) For example, a user can solicit an intervention from another user by sending a message "requesting help from a friend playing the same game. A player could, for example, request a ladder to

climb a wall to gain a prize or level or request more ammunition to fight enemies." (EX-1008, 14:11-26.)

The Pelkey-Eck combination discloses "*identified application-based information channel* [PagerWorld] *comprises a collaborative workspace*." (EX-1003, ¶¶330-332.)

E. Claim 4

The Pelkey-Eck combination discloses "*the identified application-based information channel comprises a chat channel.*" (EX-1003, ¶¶333-334.) Eck discloses that multiple user games, such as PagerWorld, include the feature of "Chat and community interaction." (EX-1008, 10:15-19, *see also* EX-1008, 16:55-63, Figs. 11A-B (disclosing chat codes to "reduce[] the number of characters in a message, thereby reducing message charges").) Pelkey similarly discloses that the server "set[s] up text-based chat sessions between two or more logged-in players." (EX-1007, 17:6-10.) One feature provided within PagerWorld is the ability to "view message boards." (EX-1007, 10:40-42.) A POSITA would have understood that message boards provide another avenue for members of the PagerWorld community to chat. (EX-1003, ¶334.)

F. Claims 8-9

Independent claim 1 recites "*determining information associated with at least one wireless networking functionality of the mobile device*" [1C]. Claims 8-9

further narrow this limitation by specifying what "*the information*" comprises. The Pelkey-Eck combination discloses each of these claims for the reasons discussed in limitation 1[C] above. And the Pelkey-Eck combination likewise discloses a "wireless network" under any proposed construction for the same reasons it discloses "wireless networking functionality" under either Patent Owner's or Meta's proposed construction. (EX-1003, ¶337.)

G. Claim 13

For the reasons discussed in §VI.B.1.b.1, the Pelkey-Eck combination discloses at least "*device-captured image data* [and] *device-captured audio data*", rendering claim 13 obvious.

H. Claims 14-15

As discussed above in §VI.B.1.b.1, the Pelkey-Eck combination discloses the "*mobile device*" is a "*camera*."

The Pelkey-Eck combination also discloses that the "*mobile device comprises a global positioning system (GPS)-based navigational device*." (EX-1003, ¶¶343-344.) Eck discloses that "a global positioning system (GPS) cartridge is also selectively insertable into the slot of game machine 10 or into the slot of pager cartridge 100." (EX-1008, 22:28-30, 5:39-43.) Eck explains that "GPS is a satellite-based radio navigation system [that] … permits users to determine their three-dimensional position velocity, and time." (EX-1008, 22:30-34.) The GPS

cartridge "is provided for use with a game machine having a game program executing processing system including a microprocessor to execute a video game program." (EX-1008, 2:3-8.)

Eck discloses that GPS capability, the ability to send and receive messages (pages), and the ability to send and receive photos and audio files can be integrated into the portable gaming system without the need for cartridges. (EX-1008, 25:35-40 ("In addition, while the pager cartridge, GPS cartridge, and digital camera cartridge are shown as add-on devices to an existing game machine, it is possible to incorporate some or all of the circuitry needed to implement the above-described operations in the game machine itself (portable or otherwise)").)

I. Claims 24-25

As explained above in §§VI.B.1.b.4-5, the Pelkey-Eck combination discloses "*providing the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel*" and "*receiving other content, at the mobile device via the application-based information channel*." For these same reasons, the Pelkey-Eck combination discloses that "*accessing integrated content at the mobile device via the identified application-based information channel, the integrated content comprising a combination of a least a portion of the captured*

content and at least a portion of the determined information" is "*stored by the at least one server*," recited in claim 24.

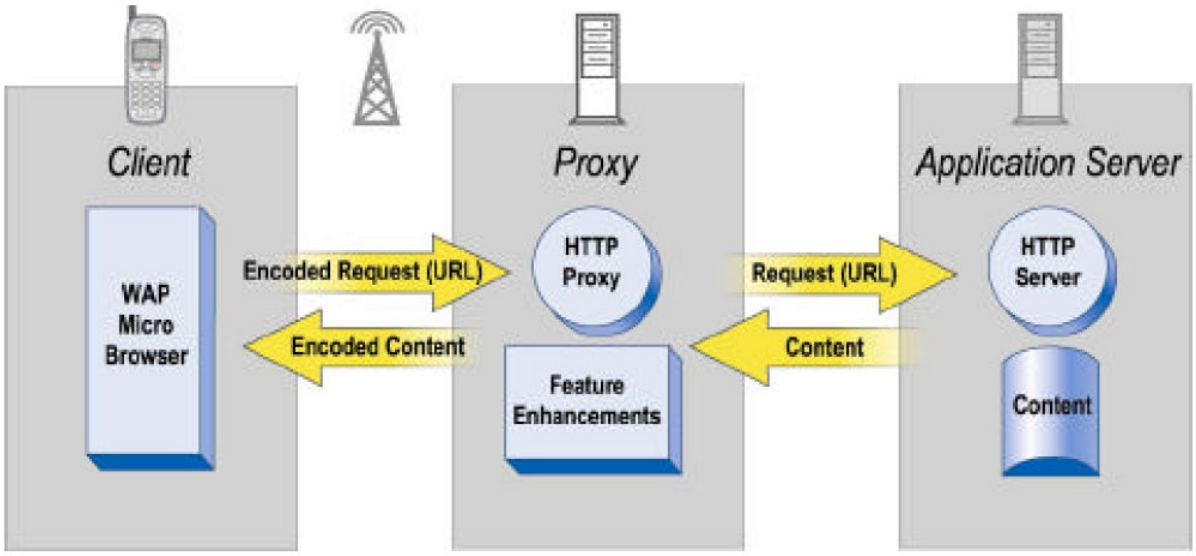
As explained above in §VI.B.1.b.4, the Pelkey-Eck combination discloses "*providing the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel*." For these same reasons, the Pelkey-Eck combination discloses that "*integrated content comprising a combination of a least a portion of the captured content and at least a portion of the determined information*" is "*stored by the at least one server*."

J. Claim 28

The Pelkey-Eck combination discloses an "*application-based information channel [that] is accessible via a mobile website previously established for the user of the mobile device*." (EX-1003, ¶347.)

Pelkey teaches that a "messaging system includes a web server computer and at least two video game systems." (EX-1007, Abstract.) For example, the video game console system (N64 system) "is configured to connect to the web server computer via the Internet." (EX-1007, Abstract.) Eck meanwhile discloses the use of WAP for messaging via the portable game machine. (cross reference above) WAP makes it possible to access the Internet via wireless devices. The figure below illustrates a WAP-enabled client accessing a web server through a

WAP gateway. In the Pelkey-Eck combination, the messaging server is a mobile website accessible via the WAP gateway.



WAP Architecture, Figure 3

K. Claim 30

The Pelkey-Eck combination discloses "*the other content comprises at least one message relating to the captured content that is received at said at least one server and inserted by said at least one server into the application-based information channel*." (EX-1003, ¶348.) When a user sends a message, their persona character, which may be customized using photos taken with the attached digital camera, is part of the message along with the sender's "handle." (*See,* Eck, 10:23-26 11:53-57.)

VII. Discretionary Denial is Not Appropriate

A. 35 U.S.C. §314(a)

The Board should reach the merits because the Petition presents a compelling unpatentability challenge. (*See* Interim Procedure, 4-5.) The evidence presented in this Petition, "if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence." (Interim Procedure, 4.)

The median time to trial in the Eastern District of Texas is 21.9 months and the case is scheduled for trial on April 20, 2026. Nonetheless, the district court case is in its early stages and little fact discovery has taken place. For example, no depositions have taken place. In addition, because a claim construction hearing is not scheduled until October 30, 2025, no claim construction order will issue prior to institution. And any trial will involve fewer claims than challenged here.

B. 35 U.S.C. §325(d)

Advanced Bionics Part 1 is not satisfied because none of the asserted references were cited or applied during prosecution and no asserted reference is substantially the same as any art previously presented. The Board need not reach Part 2.

C. *General Plastics*

The petition should not be denied as an improper serial petition because there is no relationship, such as a joint defense arrangement, much less a

"significant relationship" between Petitioners and Meta. Moreover, the functionality of the accused products in the Meta and Samsung district court cases differ. *See Videndum Production Solutions, Inc. v. Rotolight Ltd.*, IPR2023-01218 (Paper 12).

VIII. Mandatory Notices

A. Real Party In Interest

The real parties-in-interest are Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.

B. Related Matters

To the best of Samsung's knowledge, the '039 Patent has been involved in the following matters:

- *Mobile Data Technologies LLC v. Samsung Electronics Co. Ltd. et al.*, 2:24-cv-00435-JRG-RSP (E.D. Tex.)
- *Mobile Data Technologies LLC v. Meta Platforms, Inc.*, Case No. 24-cv-00896-WHA (N.D. Cal.)
- *Meta Platforms, Inc. v. Mobile Data Technologies, Inc.*, IPR2024-00248 (PTAB)

C. Notice of Counsel and Service Information

Pursuant to 37 C.F.R. §§ 42.8(b)(3), 42.8(b)(4) and 42.10(a), Petitioner designates the following lead and backup counsel:

Lead Counsel	Back Up Counsel
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	Srikanth Reddy (*pro hac vice* application to be filed) GOODWIN PROCTER LLP 100 Northern Avenue Boston, MA 02210 Tel: (617) 570 1000 Fax: (617) 523-1231 sreddy@goodwinlaw.com

Petitioner consents to electronic service by email at the addresses: Gordon-ptab@goodwinlaw.com, dkline@goodwinlaw.com, nbirbach@goodwinlaw.com, and sreddy@goodwinlaw.com.

IX. Conclusion

Based on the foregoing, IPR is respectfully requested.

Date: January 31, 2025

Respectfully submitted,

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APPENDIX A – LIST OF INDEPENDENT AND DEPENDENT CLAIMS

[1P] A method comprising:

[1A] capturing content at a mobile device;

[1B] identifying a previously established application-based information channel into which the captured content is to be inserted, the identified application-based information channel permitting interaction between a user of the mobile device and one or more additional users;

[1C] determining information associated with at least one wireless networking functionality of the mobile device;

[1D] providing the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel; and

[1E] receiving other content, at the mobile device via the identified application-based information channel, from at least one of the additional users.

[2] The method of claim 1 wherein the identified application-based information channel comprises a personalized content application.

[3] The method of claim 1 wherein the identified application-based information channel comprises a collaborative workspace.

[4] The method of claim 1 wherein the identified application-based information channel comprises a chat channel.

[8] The method of claim 1 wherein the information associated with said at least one wireless networking functionality of the mobile device comprises information

specifying at least one messaging action implementable over said at least one wireless network.

[9] The method of claim 1 wherein the information associated with said at least one wireless networking functionality of the mobile device comprises information specifying at least one collaboration action implementable over said at least one wireless network.

[13] The method of claim 1 wherein the captured content is obtained from a device-captured data source of the mobile device, the device-captured data source comprising a source of at least one of device-captured video data, device-captured image data, device-captured audio data and device-captured location coordinates.

[14] The method of claim 1 wherein the mobile device comprises at least one of a mobile telephone, a tablet computer and a camera.

[15] The method of claim 1 wherein the mobile device comprises a global positioning system (GPS)-based navigational device.

[17] A non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs, wherein said executable program code when executed by a processing element of the mobile device causes the mobile device to perform the method of claim 1.

[18P] A mobile device comprising:

[18A] at least one processing element comprising a processor coupled to a memory; and

[18B] at least one network interface;

said at least one processing element being configured to:

[18C] capture content at the mobile device;

[18D] identify a previously established application-based information channel into which the captured content is to be inserted, the identified application-based information channel permitting interaction between a user of the mobile device and one or more additional users;

[18E] determine information associated with at least one wireless networking functionality of the mobile device;

[18F] provide, via said at least one network interface, the captured content from the mobile device to at least one server for insertion in association with the determined information into the identified application-based information channel; and

[18G] receive other content, via the identified application based information channel, from at least one of the additional users.

[19P] A method comprising:

[19A] receiving, at a server from a mobile device, content for insertion into a previously established application-based information channel, the previously established application-based information channel permitting interaction between a user of the mobile device and one or more additional users;

[19B] receiving, at the server from the mobile device, information associated with at least one wireless networking functionality of the mobile device:

[19C] integrating the content and the information associated with said at least one wireless networking functionality of the mobile device into the previously established application-based information channel; and

[19D] inserting other content from at least one of the additional users into the previously established application-based information channel.

[22] A non-transitory computer-readable storage medium having embodied therein executable code of one or more software programs, wherein said executable program code when executed by a processing element of the server causes the server to perform the method of claim 19.

[23P] A server comprising:

[23A] at least one processing element comprising a processor coupled to a memory; and

[23B] at least one network interface;

[23C] said at least one processing element being configured to:

[23D] receive, from a mobile device, content for insertion into a previously established application-based information channel, the previously established application-based information channel permitting interaction between a user of the mobile device and one or more additional users;

[23E] receive, from the mobile device, information associated with at least one wireless networking functionality of the mobile device;

[23F] integrate the content and the information associated with said at least one wireless networking functionality of the mobile device into the previously established application-based information channel; and

[23G] insert other content from at least one of the additional users into the previously established application-based information channel.

[24] The method of claim 1 further comprising accessing integrated content at the mobile device via the identified application-based information channel, the integrated content comprising a combination of at least a portion of the captured content and at least a portion of the determined information.

[25] The method of claim 1 wherein integrated content is stored by the at least one server, the integrated content comprising a combination of at least a portion of the captured content and at least a portion of the determined information.

[28] The method of claim 1 wherein the application-based information channel is accessible via a mobile website previously established for the user of the mobile device.

[29] The method of claim 1 wherein the application-based information channel is accessible via a personalized content application particularly configured to run on the mobile device.

[30] The method of claim 1 wherein the other content comprises at least one message relating to the captured content that is received at said at least one server and inserted by said at least one server into the application-based information channel.

CERTIFICATE OF WORD COUNT UNDER 37 CFR §42.24(d)

Pursuant to 37 C.F.R. §42.24(a), Samsung hereby certifies that portions of the above-captioned Petition for *Inter Partes* Review of U.S. Patent No. 9,032,039, in accordance with and reliance on the word count provided by the word-processing system used to prepare this Petition, that the number of words in this paper is 13,991. Pursuant to 37 C.F.R. §42.24(a), this word count is in compliance and excludes the table of contents, table of authorities, mandatory notices under §42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing. This word count was prepared using Microsoft Word.

Date: January 31, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Petition for *Inter Partes* Review of U.S. Patent No. 9,032,039 together with all exhibits identified in the above Table of Exhibits and Petitioners' Power of Attorney, have been served on the Patent Owner via Federal Express Next Business Day Delivery on the below date, at the correspondence address of record as listed on the Patent Center:

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