

IPR2025-00540
U.S. Patent No. 8,793,336

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

IPR2025-00540
U.S. Patent No. 8,793,336

**DECLARATION OF MAHDI ESLAMIMEHR, PH.D. IN SUPPORT OF
PATENT OWNER'S PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	QUALIFICATIONS	2
III.	SUMMARY OF OPINIONS.....	4
IV.	LEGAL PRINCIPLES.....	5
	A. Claim Construction.....	5
	B. My Understanding of Obviousness.....	6
	C. Relevant Level of Ordinary Skill in the Art.....	8
V.	THE CHALLENGED PATENT	9
	A. Specification.....	9
	B. Representative Claims.....	11
VI.	THE PRIOR ART.....	14
	A. Randall (EX.1005)	14
	B. Forsyth (EX.1006).....	16
	C. Pelkey (EX.1007).....	18
	D. Eck (EX.1008).....	22
VII.	DEFICIENCIES OF THE PETITION	26
	A. Obviousness Based on Ground 1 – Randall-Forsyth.....	26
	1. Improper Combination of Randall and Forsyth.....	27
	2. Lack of Motivation to Combine Randall and Forsyth.....	29
	3. Ground 1 Lacks Disclosure of Limitations of Independent Claims	31

a) Petitioners fail to identify anything in Randall or Forsyth that teaches or suggests the claimed “first web-based interface” (Limitation 1[A]/11[B]/15[B]).....	31
b) Petitioners fail to identify “generating a second web-based interface” (Limitation 1[C]/11[D]/15[D]).....	34
c) Petitioners fail to identify “generating a given mobile information channel” (Limitation 27 [A]).	36
B. Obviousness Based on Ground 2 – Pelkey-Eck.....	37
1. Lack of Motivation to Combine Pelkey and Eck	38
2. Ground 2 Lacks Disclosure of “first web-based interface” (Limitation 1[A]/11[B]/15[B]).	42
3. Ground 2 Lacks Disclosure of “generating a second web-based interface different than the first web-based interface” (Limitation 1[C]/11[D]/15[D]).	43
VIII. CONCLUSION.....	45

I, Mahdi Eslamimehr, declare as follows:

I. INTRODUCTION

1. I have been retained by Mobile Data Technologies, Inc. (“MDT”) as an independent expert consultant in petition for the *Inter Partes* Review (“IPR” or “Petition”) involving U.S. Patent No. 8,793,336 (“the ‘336 Patent”) presently assigned to MDT. I have been asked to consider the arguments raised by the Petition regarding the validity of the ‘336 Patent. In particular, I have been retained as an expert in computer science to provide analysis and opinions related to whether certain claims of the ‘336 Patent are rendered obvious by prior art asserted by Petitioners (Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.). I understand that Petitioners have asserted that claims 1-4, 8, 9, 13-15, 17-20, 22-25, and 28-30 (the “Challenged Claims”) are rendered obvious under 35 U.S.C. §103 by the combination of Randall-Forsyth (Ground 1) and of Pelkey-Eck (Ground 2).

2. I submit this Declaration as a statement of the opinions I have formed and the factual basis for the opinions. I understand that this Declaration is submitted in regard to IPR2025-00540. I am prepared to testify as to the matters discussed herein.

3. I am over 18 years of age. I have personal knowledge of the facts stated in this Declaration and could testify competently to them if asked to do so.

4. My current employer, Quandary Peak Research, is paid a consulting fee for my time working on this matter.

5. I have no personal interest in this matter, and my compensation does not depend in any way on the opinions I express or the outcome.

II. QUALIFICATIONS

6. I, Mahdi Eslamimehr, hold a Ph.D. in Computer Science from the University of California, Los Angeles (UCLA), complemented by an M.S. in Computer Science from Linköping University, Sweden, and an MBA from the London School of Economics and Political Science. Currently, I serve as Executive Vice President at Quandary Peak Research, overseeing Intellectual Property (IP) evaluations and Mergers & Acquisitions (M&A) transactions. Additionally, I am a Professor at the University of Southern California, Department of Computer Science, where I exclusively teach advanced-level courses to Master's and Ph.D. students, specifically Advanced Software Engineering and Software Economics.

7. My professional expertise closely aligns with the technological domains central to regarding mobile computing, wireless communications, network integration, and complex software architectures. My executive role at Quandary Peak involves in-depth evaluation and strategic consulting on complex IP and M&A matters, frequently involving software patents related to mobile technologies,

network functionalities, and integrated application channels similar to those described in the patent at issue.

8. In my academic role at the University of Southern California, I teach and mentor graduate students on advanced software engineering principles, including the design, implementation, and evaluation of complex software systems and their economic impacts. My research and teaching focus extensively on software system integration, concurrency, software reliability, and performance analysis, key technical areas directly applicable to the integration of mobile device functionalities with networked mobile information channels highlighted in the multi-domain solution technologies.

9. My industry experience, notably as Chief Technology and Operating Officer at Clarity Global and through senior research roles at Samsung Electronics R&D Center and Ericsson AB, provided direct involvement in developing and managing software solutions for resource-constrained, network-centric mobile environments. These roles required extensive knowledge of telecommunications protocols, mobile device integration, and distributed software architectures, closely paralleling the technical focus of the patent. For example, while a software engineer at Ericsson from 2006 to 2007, I contributed to analyzing several features related to Symbian OS (different versions) and Symbian-based mobile phones (a wide range of handheld devices). My work involved close collaboration with mobile platforms,

integrating Symbian functionalities, and enhancing the software experience for end users.

10. Furthermore, my scholarly contributions, including numerous peer-reviewed publications and conference presentations, emphasize advanced software testing, reliability engineering, concurrency analysis, and software economic valuation, thereby underscoring my deep theoretical and practical expertise relevant to assessing complex technological innovations.

III. SUMMARY OF OPINIONS

11. It is my opinion that the challenged claims are patentable and that the Petition in this proceeding has not established otherwise. The combinations of references proposed in the Petition do not disclose each limitation of the Challenged Claims, and a person of ordinary skill in the art at the time of the invention (the “skilled artisan”) would not have combined the references in the manner suggested in the Petition.

12. On the contrary, a skilled artisan would not have been motivated to combine the references. Furthermore, even assuming a skilled artisan had been motivated to combine the references in the manner suggested in the Petition, the resulting combination would not have met the claim language. This is true for each of Ground 1 and Ground 2.

13. Petitioners have created combinations that are the result of hindsight, the result of using the challenged patents as a roadmap to select various portions of prior art references and attempting to combine them without a sufficient reason outside the challenged patents for doing so.

14. In forming my opinions in this Declaration, I have considered:

- a. U.S. Patent No. 8,793,336 and its file / prosecution history before the U.S. Patent and Trademark Office, including the following references;
- b. Petitioners' Petition for Inter Partes Review and attached exhibits;
- c. the Declaration of Henry Houh, Ph.D. submitted as EX1002 in the Petition proceeding;
- d. references cited therein in support of the Petition; and
- e. my education, training, and experience in the field.

IV. LEGAL PRINCIPLES

A. Claim Construction

15. I understand that the claims of a patent are read in light of the specification of the patent as understood by a person of ordinary skill in the art at the time of the invention (a "skilled artisan"). I understand that "the time of the invention" refers to the effective filing date of the patent in question. For purposes of my analysis, I am considering the effective filing date to be June 18, 2002, the filing date of the original provisional application 60/389,430 to which the '336 Patent claims priority, but my opinions in this Declaration would not change if any

claim of the '336 Patent is not entitled to claim priority to the provisional application. I reserve the right to opine further on the question of priority if it later becomes relevant.

16. I understand that claim terms are given their ordinary and customary meaning as would be understood by a skilled artisan in the context of the entire disclosure. A claim term, however, will not receive its ordinary meaning if the patentee acted as its own lexicographer and clearly set forth a definition of the claim term in the specification. In this case, a claim term will receive the definition set forth in the patent.

17. I understand that evidence that is intrinsic to the patent and prosecution history is given more weight than extrinsic evidence. For example, if there are specific statements in the specification that define the invention, those statements are strong evidence of a definition for a term.

18. In this Declaration, unless otherwise stated, I have used what I believe to be the ordinary and customary meanings for the terms used in the claims in the context of the challenged patent.

B. My Understanding of Obviousness

19. I understand that a patent claim is invalid if the claims would have been obvious to a skilled artisan at the time of invention (which, as stated above, I am presently treating as June 18, 2002, since I understand that date is currently not in

dispute). I understand that the obviousness inquiry should not be done with hindsight, but from the perspective of a skilled artisan without knowledge of the teachings of the challenged patent.

20. I understand that a claim is obvious when the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to a skilled artisan at the time the invention was made. That is, I understand that one does not evaluate the “obviousness” of individual claim elements, but rather must compare the claimed subject matter as a whole to the prior art.

21. I understand that obviousness can be established by combining multiple prior art references to meet each and every claim element, but I also understand that when making a proposed combination of references, care must be taken to avoid hindsight bias. That is, I am informed by counsel that the determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention, effectively using the claims as a roadmap.

22. I understand that, to support a conclusion of obviousness, there must be an apparent reason for a skilled artisan to combine or modify the prior art references as recited in the claims.

23. As part of this inquiry, I have been asked to consider the level of ordinary skill in the field that someone would have had at the time the claimed invention was made. In determining the level of ordinary skill, I considered the following: (1) the levels of education and experience of persons working in the field; (2) the types of problems encountered in the field; and (3) the sophistication of the technology.

C. Relevant Level of Ordinary Skill in the Art

24. I have been asked to consider the level of ordinary skill in the art that a skilled artisan would have had as of June 2002. It is my opinion that a person of ordinary skill in the art (whom I refer to as a “POSITA”) would have been a person with a bachelor’s degree in information systems, electrical engineering, computer engineering, or computer science, as well as two or more years of relevant industry experience, which would include experience in handheld wireless devices and web site design. More academic experience would compensate for less industry experience and more industry experience would compensate for less academic experience.

25. In 2002, I had not yet obtained by bachelors degree; however, my work in that time frame in pursuit of my bachelors degree included work with mobile devices and the Symbian operating system. Furthermore, based on my review of the materials in this matter, as well as from my post-graduate educational background

and years of professional experience, I am familiar with the level of ordinary skill in the art as of 2002.

V. THE CHALLENGED PATENT

A. Specification

26. The '336 Patent describes a method that enables a mobile device user to transfer content from the mobile device to a server for insertion into a mobile information channel so that the mobile device user can interact with one or more additional users. The '336 Patent describes in col. 10, lines 14-23:

The content management site in the illustrative embodiment is designed to generate and otherwise manage dynamic, time-sensitive, task-oriented mobile sites, including wireless collaborative workspaces and communities. The content management site allows content such as data, media, multimedia, messages, news, features, events, polls, competitions and advertising to be rapidly created, entered into the system, and then subsequently syndicated, distributed, shared, collaborated with or acted upon by users of mobile devices.

By utilizing the content management site, system users can create one or more personal or business mobile sites with various sets of features, and then share such sites via the mobile Internet or other wireless network with friends, family, colleagues, or other groups of any type. The content management site makes it simple for unsophisticated users to upload, enter, create, syndicate, distribute or otherwise manage content that is important to them, in a manner that allows such content to be accessed, shared, and acted upon from a mobile device.

27. The invention also transfers information associated with at least one wireless networking functionality of the wireless network from the mobile device to the server. The '336 Patent indicates in col. 5, line 62 – col. 6, line 3:

Examples of such information include information specifying at least one messaging action implementable over the wireless network, information specifying at least one collaboration action implementable over the wireless network, and information specifying at least one location-based service action implementable over the wireless network. Other types of information associated with wireless networking functionalities may also or alternatively be used.

28. The content and the information associated with the at least one wireless networking functionality of the wireless network is integrated into the mobile information channel. This element is described in col. 5, line 62 – col. 6, line 3 and col. 10, lines 14-23 of the '336 Patent, which are set forth above.

29. The invention also enables other content from at least one of the additional users to be inserted into the mobile information channel. For example, the '336 Patent indicates in col. 18, lines 25-31:

Furthermore, the invention allows users to more efficiently communicate, collaborate and otherwise interact with their friends or colleagues instantly and seamlessly within a single system that provides a mobile web site integrating existing wireless networking functionalities, such as IM, SMS, MMS, location-based services, or email, with personally authored content.

B. Representative Claims

30. The Challenged Claims include independent claims 1, 11, 15, and 27.

Petitioners treat claims 1, 11 and 15 together as reciting substantially overlapping limitations. Accordingly, for ease of presentation, I generally treat them similarly.

31. Independent Claim 1 of the '336 patent recites:

1. A method for managing information content in a network-based communication system, the method comprising the steps of:

providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users; and

generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

32. Independent Claim 11 of the '336 patent recites:

11. An apparatus for use in managing information content in a network-based communication system, the apparatus comprising:

a processing element comprising a processor coupled to a memory;

the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;

the processing element generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

33. Independent Claim 15 of the '336 patent recites:

15. A network-based communication system, comprising:

a plurality of servers configured to communicate over a network;

at least one of the servers providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel for sharing content between the first user and one or more additional users;

wherein said at least one server generates a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to thereby facilitate interaction between the first user and the one or more additional users;

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

34. Independent Claim 27 of the '336 patent recites:

27. A method comprising:

generating a given mobile information channel for sharing content authored by a first user with one or more additional users; and

providing each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel to facilitate interaction between the first and additional users;

wherein the given mobile information channel supports messaging between the first user and the one or more additional users over a wireless network; and

wherein the mobile information channel is configured to permit the first user to send messaging content to the one or more additional users and to receive messaging content from the one or more additional users.

VI. THE PRIOR ART

A. Randall (EX.1005)

35. International Published Patent Application No. WO02/1762, to Randall et al., for “Database For Use With A Wireless Information Device” (“Randall”), published on February 28, 2002, based on an application filed August 22, 2001. It claims priority to three applications dating back to August 22, 2000. It is assigned to Symbian Limited.

36. Randall is directed to “a database for use with a wireless information device” (Randall, 1:7) and “the use of an open, universal data infrastructure for wireless information devices which can be used by application developers to write new applications by extending the attributes of the database using a standard protocol, as opposed to a closed and proprietary protocol” (Id., 3:10-13). Randall contrasts this to “the need to custom build the data sharing infrastructure for each new application.” Randall, 2: 25-27. In other words, Randall is directed to providing an infrastructure for “new applications requiring access to shared content.” Id., 3:17-19.

37. Randall describes an implementation called the ADS system, described as in information distribution architecture. The core structures of the ADS system include(a) Internet servers hosting extensible databases; (b) wireless information devices which can access information on these databases; and (c) applications

resident on these devices which present a common set of APIs to plug-ins from commercial service providers.” *Id.*, 7:16-19. The extensible database “is at the heart of much of the ADS system’s extensibility.” *Id.*, 66. The data is resident on a server, referred to as the “i-server”. *Id.* Table 1, for example, “is an example application view of Alice’s [a Hypothetical user] i- data.” *Randall*, 66:17-67.

38. The new services and functions *Randall* purports to allow include different types mobile call features. *See Randall*, 63 (“Section H An illustration: how the ADS system framework is used in making a telephone call”). As identified in Appendix 1, specific features include “Ring Back” (which allows a caller’s phone to ring automatically when both the caller and intended recipient phones are “clear, on and have network coverage”) and “Home Divert” (which allows user to quote divert all calls on [his/her] home phone to [their] mobile, or vice versa”). *Randall*, 80. Another example in Appendix 1 is “Take a picture,” which describes using “a special type of mobile phone with the photographic lens in it.” *Id.* Without providing specific implementation details, *Randall* explains that the user’ phone “takes a digital picture, which you can send to your friends, and “[y]ou can then call them and chat about it.” *Id.* There is no indication that such sending of a picture is part of a Forum or sent with any other information pertaining to the user or their device.

39. While *Randall* indicates the devices are able to communicate over different types of networks, such as GSM (*id.*, 11-13), it states that “devices based

on the Symbian platform, are smarter than current generation GSM phones...” (Id., 1:19-21).

B. Forsyth (EX.1006)

40. US Patent No. 7,047,030 to Forsyth, for Group Communication Method For A Wireless Communication Device, issued on May 16, 2006 based on an application filed May 2, 2002. It claims priority to an application filed May 2, 2001. The application is assigned to Symbian Limited.

41. In general, Forsyth describes a group communication method that leverages the use of a group object, which can be used across different applications. As described in the summary of the present invention, once end users that form a group are identified, “a group object [is] constructed that defines or references members of the group in a way that enables communication to take place from the device and all members of the group.” 2:6-9. The group object may be used by a first application for defining members of the group, as well as “a second application running on the device, unrelated to the first application,” to enable unrelated communication among the group. 2:10-16.

42. Clearly stated by Forsyth: “Fundamental to forums is the idea of there being an object which defines solely the identities of members of a group: as such, it is content and application independent.” 5: 15-17. This confirms that (i) the group object is the basis for communications in Forums, (ii) the object defines solely the

identities of members of a group; they are content independent, and (iii) group objects are also application independent.

43. Forsyth notes that an implementation of the present invention is called Forums. As described, “it is designed specifically to allow current and very popular Internet type services (e.g. chat/instant messaging between groups) to be handled effectively between mobile devices and to enable a new generation of group-based communications services.” 2: 40-47. Forsyth continues by describing the basis for such effective handling, namely the use of group objects. “The content and application independent group object is therefore a foundation stone for building applications which enable a huge range of new group-based communications/interaction functions.” 3:14-18.

44. Forsyth describes the group object as separate from the content. “In one implementation, the group object is used to define the **addresses** of multiple recipients for a message.” 4:17-19. Moreover, “[**t**]hat **message** can subsequently be treated as a single ‘communication object’”, namely, a separate object. 4: 17-20. There is no disclosure of a single object with addresses, names, and content.

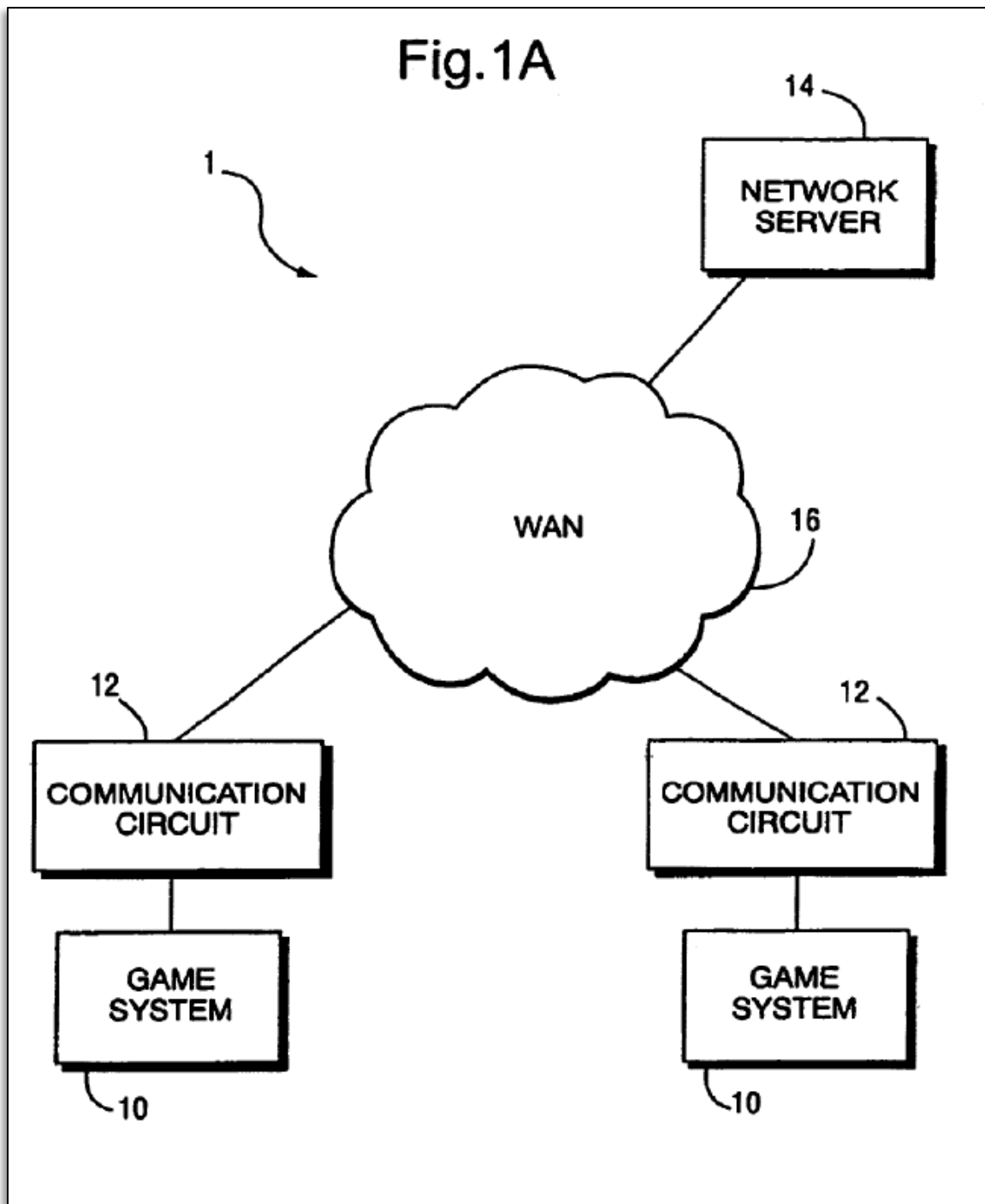
45. Forsyth describes several separate “scenarios.” In my opinion, each of these are text-based examples, although some describe the posting of, e.g., photos or MP3 files. However, when describing the photos and MP3 files, it is clear that they

are not captured by the mobile device and uploaded by the mobile device into a Forum.

C. Pelkey (EX.1007)

46. US Patent No. 7,056,217 to Pelkey, for Messaging Service for Video Game Systems with Buddy List that Displays Game Being Played, issued on June 6, 2006, based on an application filed November 28, 2000. It claims priority to an application filed May 31, 2000. The application is assigned to Nintendo Co.

47. In general, Pelkey describes a messaging system that includes at least two video game systems connected to a web server computer (e.g., connected via the Internet) that purportedly communicates messages between users of the video game systems. Abstract, 1:13-16. More specifically, Pelkey describes a basic architecture of the network, in which a messaging service can be implemented, as shown in FIG. 1A:



Pelkey describes a basic implementation in which game systems are connected via communications circuits (e.g., modems, network interfaces, etc.) to a wide area network (e.g., the Internet). A network server is connected to the WAN and able to

store games that may be played by users of the network. The messaging service, which can be provided by the network server or may use the network server, is used to communicate messages between users of the video game systems. 2:58 through 3:12.

48. Pelkey describes examples of the game systems that can be used in the messaging system, which include a console system (shown in figure 2) and a portable game system (shown in figures 3A, 3B, and 3C). For each game system (console and portable), a removable video game storage device (i.e., a game cartridge) is used, wherein a given cartridge includes a printed circuit board including a read-only memory (ROM) and potentially read/write memory, wherein the ROM stores instructions and other information pertaining to a particular video game. A user will insert a game cartridge of their choosing into game cartridge slot of the game system, enabling game machine circuitry to access information contained within ROM (and read/write memory), which information controls the game system to play the appropriate video game by displaying images and reproducing sound as specified under control of the ROM game program information. 3:49 through 4:17; 5:22-54.

49. Pelkey further notes that the game cartridge includes program code for a messaging service client. 6:42-46. Pelkey notes that access to the game network

(and thus access to the messaging service) is initiated when the user uses a cartridge having program code that includes code for the messenger service client. 9:55-56.

50. Pelkey describes various features of the messaging service (each of which is stored in the network server), including user registration (i.e., initial creation of user account and/or subsequent input of account username for logging in to account), creation of a user profile or updating user profile (i.e., user profile contains user-specific information, such as name, location, and other attributes or preferences, as well as profile image depicting their appearance or preferred appearance), and creation of a “buddy list” (i.e., a user-created list of other users (“buddies”) that he/she wishes to remain in contact. 6:48 through 7:59.

51. Pelkey notes that the message service allows for a connected user and his/her buddies to communicate with each other on an individual basis and/or via private chat sessions that can be set up. Pelkey describes such communications as typically text-based, but also possible to set up voice over Internet sessions between users. 7:51-56.

52. As such, it is clear that the messaging service of Pelkey is limited to the exchange of text-based messages and, possibly, in some instances, voice-based communication.

53. This is further evidenced by the fact that Pelkey points to the specific input device(s) of a given game system that is usable by a user to create such text-

based messages and/or voice communication. For example, “In the case of a game console, an on-screen keyboard may be used, and the game controls are usable to select characters from the on-screen keyboard to create messages. In another implementation, a separate keyboard (not shown) may be connected to the game console. In still another implementation, the input device may be a microphone to enable voice over IP communications. Voice over IP may be implemented within the messaging service.” 10:65 through 11:7. “In the case of a portable game system, an on-screen keyboard may be used to create messages. If voice input is supported, a microphone may also be used.” 11:8-10.

54. As admitted by Petitioners and their expert, Houh:

(i) Pelkey does not describe integration of messaging and sharing content like photos with multiple users (Ex.1003, ¶213);

(ii) Pelkey does not describe any in-game messaging (Ex.1003, ¶213; Petition, 59-60); and

(iii) Pelkey does not disclose details of the wireless network used to provide wireless messaging from the game system to the server (Petition, 66-67; Ex.1003, ¶228).

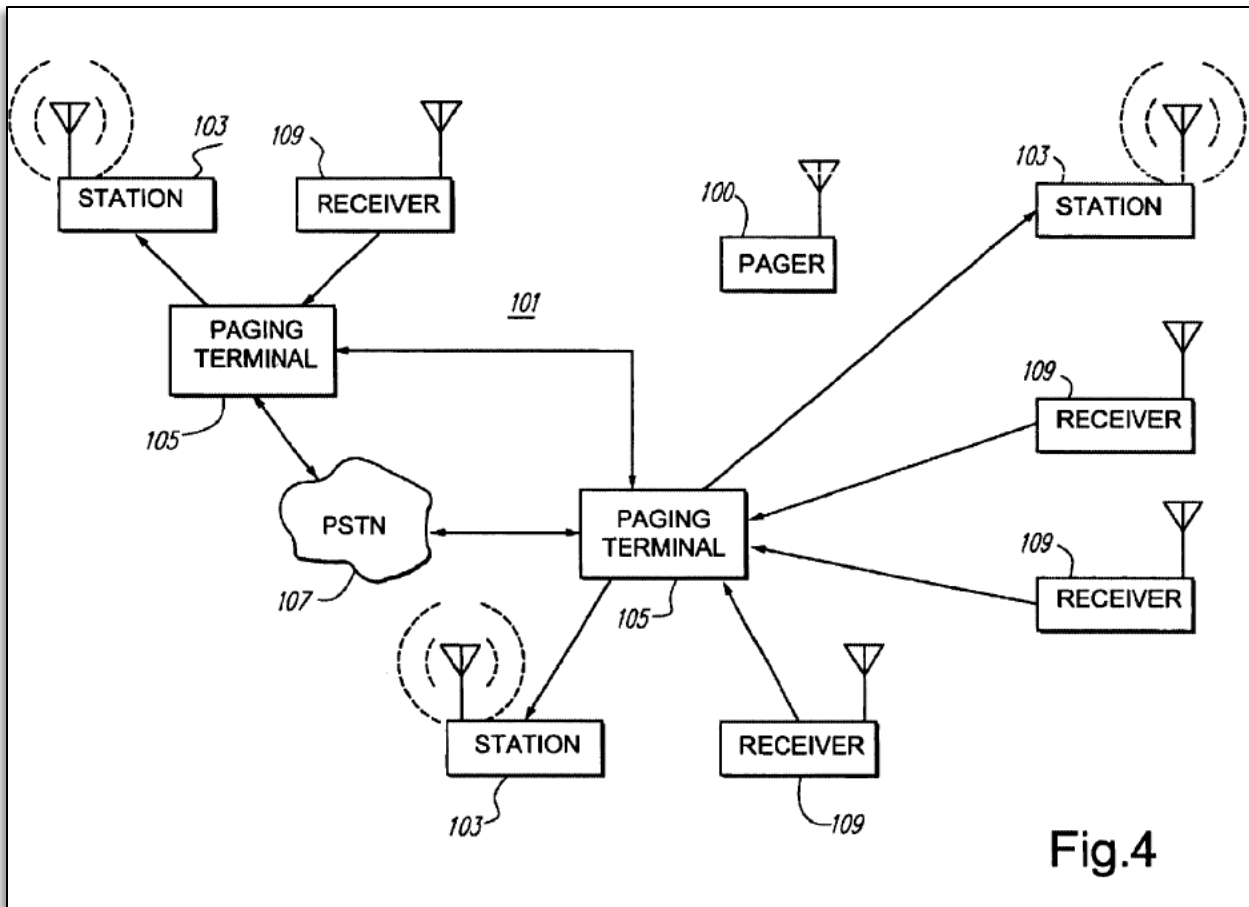
D. Eck (EX.1008)

55. US Patent No. 6,716,103 to Eck, for Portable Game Machine, issued on April 6, 2004, based on an application filed September 11, 2000. It claims priority

to an application filed October 7, 1999. The application is assigned to Nintendo Co.

56. Eck generally describes a pager cartridge for use with a portable game machine, in which the pager cartridge houses elements of a two-way pager. 5:8-10. Eck purports that the pager cartridge may be configured to transfer messages received over paging system to portable game machine when coupled to the portable game machine, wherein such messages may be visually and/or aurally communicated to a user of the portable gaming machine. 6:13-24.

57. Eck provides an architecture of a paging system, over which the pager cartridge is configured to communicate and transmit messages, as shown in FIG. 4:



Eck specifically states (5:45 through 6:7):

FIG. 4...discloses a two-way paging system 101 that includes paging stations 103, paging terminals 105, public switched telephone network (PSTN) 107, paging receivers 109 and a pager 111. While only two paging terminals 105 are shown, a paging system may include many paging terminals. Likewise, the number of other components of paging system 101 is merely illustrative.

Paging stations 103 are also referred to as base stations or paging transmitters. In operation, callers who wish to page a system user use PSTN 107 to call the system user's pager telephone number. In a system including pager-equipped portable game machines, a computer of the game content provider may be connected to PSTN 107. Alternatively, pages can be originated

through a computer network directly connected to a paging terminal. The call is routed, perhaps through a plurality of paging terminals from PSTN 107 to paging terminal 105 that formulates a page. The page is distributed over a communications network to each of paging stations 103. Paging stations 103 in turn transmit the page throughout the geographic coverage area of paging system 101. For example, the page may be broadcast over radio waves on a dedicated frequency. The paging system may operate using any well-known protocol such as Flex, ReFlex (e.g., ReFlex 25) or POCSAG.

If pager cartridge 100 is within the geographic coverage area of paging system 101, pager cartridge 100 receives the page and processes the message embedded within the page.

58. As such, the pager cartridge of Eck communicates messages over a very specific communication network (i.e., a paging system) requiring specific communication protocols and hardware for the transmission of such messages.

59. Eck notes that the pager cartridge is arranged in such a manner to allow other cartridges to be “piggy-backed” onto the pager cartridge when the pager cartridge is coupled to (i.e., inserted into the slot) of the game machine. 5:38-43. In particular, Eck states (7:23-35) that:

Pager cartridge 100 is provided with first and second connectors 146 and 148. First connector 146 is configured to permit pager cartridge 100 to be selectively attached and electrically connected to game machine 10 via the connector 40 of game machine 10. In this way, the electronic components of the pager cartridge are accessible to and controllable by CPU 26 of game machine 10 and data (including messages) can be communicated between pager cartridge 100 and game machine 10.

Second connector 148 permits game cartridges, read/write memory cartridges, digital cameras cartridges. GPS cartridges and the like to be electrically connected (“piggy-backed”) to pager cartridge 100 and, via connector 146 of pager cartridge 100, to game machine 10.

60. Eck further notes that a user of a pager cartridge can become a player in a virtual community for all users having a pager cartridge (which Eck refers to as “PagerWorld”). 10:20-23. The players are represented by a “persona character as players interact with each other (e.g., by sending messages and playing games).

61. As described below, Eck describes various embodiment using the pager cartridge, including both “traditional paging functions” and “be[ing] used in game play.” 9:60-61.

VII. DEFICIENCIES OF THE PETITION

A. Obviousness Based on Ground 1 – Randall-Forsyth

62. Petitioners and Houh opine that a POSITA would be motivated to combine Randall and Forsyth. I disagree with Petitioners and Houh.

63. The references, alone or in combination, fail to teach or suggest at least the claim limitation “first web-based interface,” as generally recited in the independent claims.

64. Independent Claims 1, 11, and 15 recite, in part, “a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to activate a given mobile information channel.”

65. The references, alone or in combination, fail to teach or suggest at least the claim limitation “generating a second web-based interface,” as generally recited in the independent claims.

66. Independent Claims 1, 11, and 15 recite, in part, “generating a second web-based interface different than the first web-based interface, wherein the second web-based interface provides each of the one or more additional users access to at least a portion of the shared content via the given mobile information channel.”

67. The references, alone or in combination, fail to teach or suggest at least the claim limitation “generating a given mobile information channel,” as generally recited in the independent claims.

68. Independent Claim 27 recites, in part, “generating a given mobile information channel for sharing content authored by a first user with one or more additional users.”

1. Improper Combination of Randall and Forsyth

69. Based on my review of the petition and the expert declaration, it is my view that the petitioners and their expert are treating Randall and Forsyth as describing a singular system and application. There are numerous instances in the Petition and the Expert’s declaration that led me to this conclusion, including:

- a. Petitioners reference "Forums" in Randall and Forsyth as if they inherently represent the same underlying infrastructure and operational

context, despite Randall focusing primarily on an extensible database architecture for sharing application data and Forsyth emphasizing application-independent group objects for communication.

b. The Petition and expert declaration blend descriptions of Randall's database features, such as server-side extensibility, with Forsyth's completely separate concept of portable, application-agnostic group objects, creating a misleading impression that these distinct features naturally complement or directly integrate.

c. Petitioners assert without adequate justification that Forsyth's server-side logic for handling message forwarding (based entirely on group object data) could seamlessly merge with Randall's independent concept of data-sharing infrastructure, even though Forsyth explicitly describes its group objects as fundamentally "application independent" and "content independent," which directly conflicts with Randall's specific, extensible application-data approach.

d. The Petition conflates Randall's generic mentions of messaging pathways (e.g., GSM, WAP) with Forsyth's explicit client-server communications in "Forums," despite no clear teaching in either reference that such messaging protocols could or would integrate directly into a combined "mobile information channel" as recited in the

challenged patent claims.

70. This blending of Randall and Forsyth into a single conceptual framework lacks explicit support in either reference and improperly uses the challenged patent's claims as a hindsight-driven roadmap.

71. I see no basis for Petitioners' and their expert's approach to treating the disclosures of each of Randall and Forsyth as directed to a single Symbian infrastructure or single Forum application. The fact that each refers to "Forums" does not change my opinion. Indeed, I have worked on and am aware of applications that, despite having the same name over time, changed materially in their structure and/or operation. One that comes to mind is "Google Hangouts," which has evolved significantly from its initial text-based chat and simple video conferencing functionalities to a fully integrated collaborative platform (Google Meet and Google Chat), involving substantial changes in underlying infrastructure, operational logic, and communication protocols. This demonstrates that a shared name alone does not justify treating distinct references as a unified disclosure.

2. Lack of Motivation to Combine Randall and Forsyth

72. I have reviewed Houh's declaration, Ex.1003, relating to his opinion that a POSITA would have been motivated to combine Randall and Forsyth. *See* Ex.1003, ¶¶73-79. I disagree that Houh has set forth a valid motivation.

73. He begins by arguing that a “POSITA would have been motivated to combine Forsyth’s teachings regarding the use of group objects and additional features and functions to enhance the Forums service taught by Randall.” *Id.*, ¶73. Clearly, he is relying on the notion of “enhance[ing] the Forums service” of Forsyth with Randall’s infrastructure, including its extensible database. I disagree this is a motivation as Forsyth already describes the use of “content and application independent group objects.” Forsyth, 3:14-18. Forsyth also describes group objects residing on a remote server and the use of pointers to such a central server (*id.*, 3:19-31), which indicates the use of a central database.

74. Houh also points to Randall’s network infrastructure and client-server architecture (Ex.1003, ¶73); however, Forsyth itself already acknowledges the use of a client server architecture (Forsyth, 3:24-31).

75. Houh notes that Forsyth explicitly motivates the combination by virtue of stressing the benefits of group objects, namely, because ““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)’ [and] ‘data specifically created for one group and in one application can be re-used in a different application and the data viewed appropriately for that different application.’” Ex.1003, ¶75 quoting Forsyth, 2:27-32, 2:34-37. But this “strength” has nothing to do with Houh’s premise of

“enhance[ing] the Forum service.” The benefit described by Houh relates to improving other applications and their implementations.

76. As such, I view Houh as using the ‘336 patent as a roadmap for his supposed motivation to combine Forsyth and Randall.

77. Moreover, a POSITA would have recognized a fundamental architectural conflict that would teach away from this combination. Randall’s ADS system is an application-centric framework where the database schema is explicitly designed to be extended by specific applications to store their particular data types. In contrast, Forsyth’s core inventive concept is an application-independent group object designed specifically to be portable and reusable across completely unrelated applications, without being tied to any single application’s data structure. A POSITA would understand that integrating Forsyth’s application-agnostic object into Randall’s application-specific database architecture is not a simple enhancement; it is a contradiction in design philosophy that would compromise the primary benefit of Forsyth’s invention, which is its independence from any one application’s data model.

3. Ground 1 Lacks Disclosure of Limitations of Independent Claims

a) Petitioners fail to identify anything in Randall or Forsyth that teaches or suggests the claimed “first web-based interface” (Limitation 1[A]/11[B]/15[B])

78. Petitioners explain how the Randall-Forsyth combination discloses a

computer interface, namely “a GSM/WAP interface for communicating with mobile devices over the wireless network and a different interface (e.g., SMTP or HTTP) for communicating with non-mobile devices over the Internet.” Petition, 25 citing (EX-1003, ¶103.). However, in my opinion, the interface being referred to in the claims here is not a computer interface, but a user interface. The “first web-based interface” is referring to the content management site. This is clear when reading that the system “provides at least one *content-management site* accessible *to a system user*,” and the “content management site makes it simple for unsophisticated users to upload, enter, create, syndicate, distribute or otherwise manage content that is important to them.” ‘336 5:10-12, 10:28-32. To this end, the patent also describes the “first web-based interface” as being “periodically updated or otherwise customized to *display account information or other information* that is unique to a registered user, upon login of such a user” (*Id.* 11:5-9, emphasis added), as well as “[t]he main menu page 300 provides a user interface comprising a series of display regions denoted by blocks 302 through 344, each associated with a corresponding user-activatable hypertext link or other control mechanism.” *Id.* 11:34-37.

79. The Forums as shown in Forsyth Figure 3 are not a “first web-based interface” as contemplated by the patent. The patent clearly refers to the first web-based interface as a content management *site*. However, neither Randall nor Forsyth show this capability. In fact, Petitioners rely on Forsyth’s Figures 3 and 4 to show

the activation of a “web-based interface.” However, Forsyth’s description of this activation does not describe anything web-related at all, and is certainly not *web-based*. In fact, Forysth discloses that to start a Forum, “user sends a short message to his chosen recipients. To do this, the user/Forum creator enters a SMS-style message and Forum title into the wireless communication device.” There is no mention anywhere of accessing a content management site, or directly accessing the internet in any manner. It is

80. In my opinion, the ‘336 requires that the “first web-based interface” be accessible via a specific URL. This is clearly enumerated in the specification, namely that a “user accesses the home page 100 [of the content management site] by entering a corresponding uniform resource locator (URL) in a web browser of their associated user device.” ’336, 10:50-53. However, the main reference describing “forums” does not even contain the word “URL.” This indicates that there is no direct web access available to each Forum. A such, they are not “web-based.”

81. Petitioners also refer to a table in Randall known as “Alice’s iData” as a content management user interface. Petition, 30-31. I disagree that this table is a content management user interface as disclosed in the ‘336 patent. The graphic, while showing a list of settings and personal data (e.g. contact information, calendar entries, photos, current mood) for a user named “Alice,” does not have any of the control features as described above in ‘336 Fig. 3. For example, there is no provision

whatsoever for managing M-channels, websites, or mobile sites. In fact, Randall describes the “Alice” table by concluding “a view of *this database* would be provided on Alice's mobile device to allow her to manage her *data*.” Randall, p. 66 19-20 (emphasis added). Also, since it is provided for use by a mobile device, it is not being provided for the “second web-based interface” (as explained below), and not the first web-based interface. Thus, it is not intended to be used by the “first web-based interface” as a content management site as described above, it is merely intended for viewing and managing user data by the user of a mobile device

b) Petitioners fail to identify “generating a second web-based interface” (Limitation 1[C]/11[D]/15[D]).

82. For claim limitations 1[C]/11[D]/15[D], I disagree with Petitioners and Houh that the Randall-Forsyth combination teaches or even suggests this.

83. The ‘336 Patent is clear that the “second web-based interface” is generated from actions taken from the content management site, or the “first web-based interface.” In my opinion, Petitioners have not shown that the second web-based interface is *generated* based on the first web-based interface. Petitioners merely point out that the second interface is different than the first, but provide no guidance on its generation.

84. As with the first “web-based interface,” the second web-based interface should have a specific URL, as described in the ‘336 patent. This is enumerated in the specification: “A positive determination in step 2114 results in the execution of

content and/or data device formatting step 2116, database entry creation step 2118, and site URL and redirect file creation step 2120. *The URL is used to access the mobile site that 30 is created as a result of the FIG. 21 process.* ‘336 Patent, 16:25-30, emphasis added. In my opinion, this passage clearly indicates that the second web-based interface will also have a unique URL.

85. In my opinion, the “ADS Number” does not indicate that Randall discloses a specific URL for a “second web-based interface” for a Forums discussion as shown in Forsyth Figure 7 (shown below) as put forth by Petitioners. The ADS system is described in Randall as “a general purpose architecture which can be used by many different applications which require information sharing; it is in essence a framework.” Randall, 10:4-5. It is in fact a database network, where an “application resident on the device queries and receives data from the remote, extensible database.” *Id.*, 7:21-22. The ADS number therefore merely points to a repository of data that can be used by applications, as indicated in Randall’s Table 1; it is not the application itself (e.g. Forums).

86. Petitioners point to the same disclosure of Alice’s iData for support of the “first web-based interface” (Petition, 26). In that instance, Petitioners attempted to argue that the “Alice” data table acts as a content management site, which was incorrect. As shown previously, the first web-based interface is not the same as the second web-based interface, for at least the reason that the second web-based

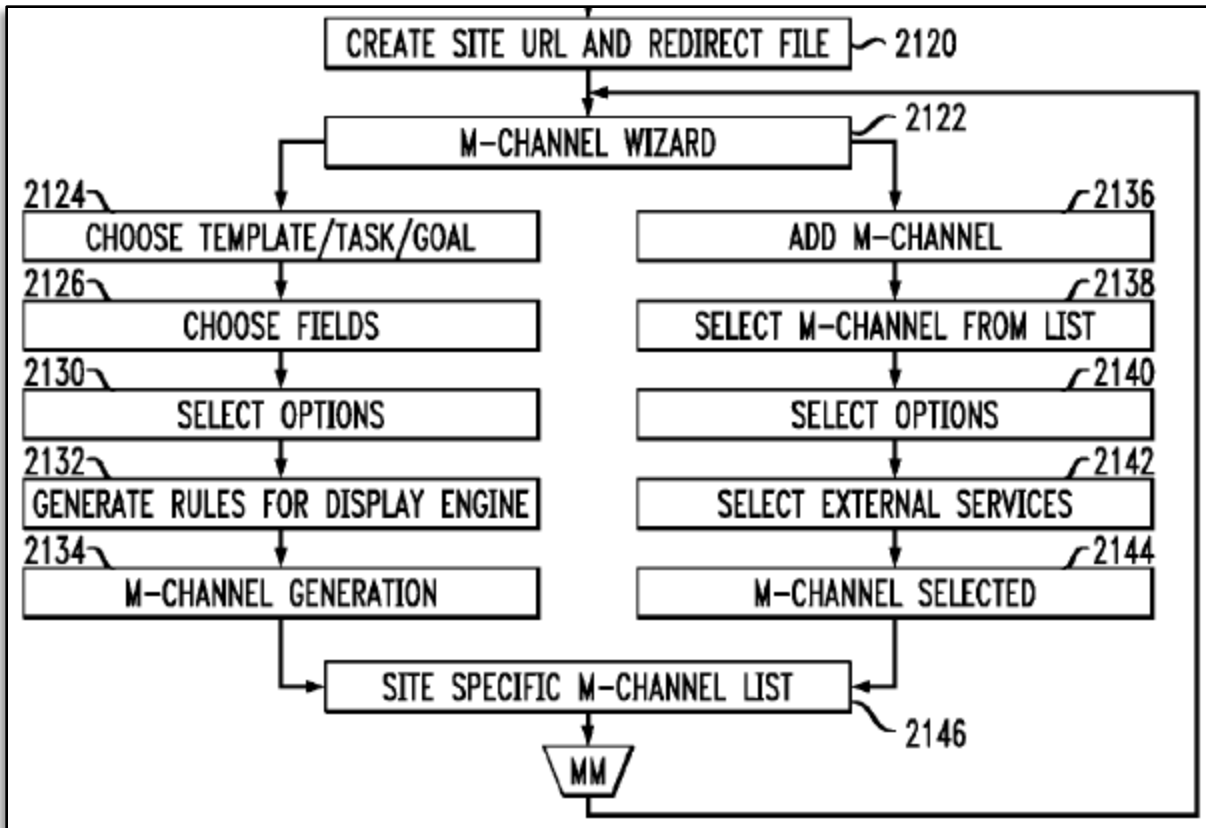
interface is generated from the first. Therefore, it is impossible to use the same evidence to disclose both of them. This inconsistency indicates that the Randall Forsyth combination never discloses a “second web-based interface” that is accessible via a URL, and there is no indication that the second interface is accessible in any way other than running the Forums application.

87. Furthermore, the concept of generating the second interface is absent from the prior art combination. The '336 patent describes a process where a user actively builds a mobile site using tools and templates, such as an M-Channel Wizard, provided in the first interface . The resulting mobile site is thus generated based on the user's specific configuration choices. In sharp contrast, the message display screen in Forsyth is simply a pre-programmed, static layout within a client-side application for rendering a linear message thread . There is no user-driven generation of this interface's structure, layout, or components from a separate management site. It is merely a data display view, not a user-generated mobile web site as claimed.

c) Petitioners fail to identify “generating a given mobile information channel” (Limitation 27 [A]).

88. There is no teaching or suggestion in Randall or Forsyth for “generating a given mobile information channel” (Limitation 27[A]).

89. Figure 21 of the '336 patent contains the below image:



90. This shows part of an exemplary process for the generation of a web-based interface, including blocks 2122-2146 that describe the “M-Channel Wizard” for generation of an M-Channel. The Randall-Forsyth combination does not disclose anything in this regard, specifically generating a discussion forum that can be accessed via a browser at a URL. Notably, step 2120 (which immediately precedes step 2122 indicates that a URL is created for the M-channel. Again, Randall-Forsyth does not disclose anything of this nature.

B. Obviousness Based on Ground 2 – Pelkey-Eck

91. Petitioners contend in Ground 2 that the combination of Pelkey and Eck render the Challenged Claims obvious. I disagree for at least the reasons that a

POSITA would not have been motivated to combine them as argued by Petitioners and, even if combined, Petitioners' argument regarding the "web-based information channel into which captured content is to be inserted" fails.

1. Lack of Motivation to Combine Pelkey and Eck

92. Petitioners state, without support, that a "POSITA would have been motivated to combine Eck's teachings regarding PagerWorld with the network and message server architecture taught in Pelkey." Petition, 62. I disagree.

93. Petitioners' apparent rationale is that 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.)" Petition, 63. I disagree that a POSITA would have been so motivated, including because Eck already addresses the supposed issue of cost in a different way, thus obviating the need Petitioners point to.

94. Specifically, Eck describes avoiding cost issues by allowing a user to use "user-generated custom libraries of words, phrases and graphics" to reduce message length. This practice is called "coding," which Eck expressly acknowledges can be used "to reduce message length" and thus "reduce message charges." Eck, 16:59-60; see also id. 16:49-63 ("It can be seen that by using 'coding', the length of the messages may be reduced.").

95. In my view, the argument is superficial. For example, neither

Petitioners nor Houh address any additional costs of the proposed modification, such as communication and bandwidth costs of the proposed network or the added costs of the network server architecture and other costs of the technical implementation of the GSM-SMS or WAP. These could include increased server-side infrastructure requirements for handling GSM or WAP traffic, licensing and subscription fees associated with GSM/WAP communication services, additional hardware and software integration costs, recurring network usage charges from mobile network operators, and higher maintenance and security expenses to support more complex network protocols.

96. Additionally, neither Petitioners nor Huh point out the specific savings that would motivate the combination or prompt a user to switch to GSM-SMS or WAP, particularly in light of Eck's disclosed "coding" approach for reducing costs, as described above.

97. The core technical flaw in Houh's analysis is that he wrongly conflates a system's communication infrastructure with its network architecture. A POSITA would readily understand this critical distinction: infrastructure refers to the physical and logical pathways for data (e.g., the Internet, a pager network, a GSM network), while architecture refers to the rules and logic of how components communicate over that infrastructure (e.g., client-server versus peer-to-peer). See, e.g., EX.1013, 4 (explaining how the WAP architecture is meant to operate on a bearer network,

i.e. the mobile network infrastructure).

98. Petitioners continue that “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.’” Petition, 63 (citing Ex.1003, ¶272; Eck, 10:13-19). The statement makes no sense; a POSITA would not have viewed Pelkey and Eck in this way. First, the statement it admits that Eck, through its pager cartridge, already provides the benefits of ‘exploration and adventure,’ ‘chat and community interaction,’ and ‘character growth.’ Petitioners point to no actual reason Eck’s structure and operation would need to change. See Eck, 10:1-19 (explaining an application of “pager cartridge 100” is Multiple User Dungeon (MUD) games that provide these benefits).

99. The Petition’s argument for swapping Eck’s pager network with Pelkey’s internet architecture glosses over immense technical hurdles a POSITA would have immediately recognized. This is not a simple substitution. It would necessitate a complete redesign of Eck’s hardware and software. A new cartridge would be required with an entirely different radio (e.g., a Wi-Fi or cellular modem) instead of a pager transceiver. The device firmware and PagerWorld application software would need to be rewritten to support a new protocol stack (e.g., TCP/IP, HTTP) instead of paging protocols like FLEX or POCSAG. This includes handling

session management, packet loss, and latency, which are fundamentally different in an IP network versus a store-and-forward paging system. Petitioners provide no evidence or reasoning for how a POSITA would overcome these substantial, non-obvious challenges.

100. Petitioners also reiterate Houh's conclusory opinions that Eck's PagerWorld game is a known technique, Pelkey's client-server based messaging server is a known method/product, and "[r]eplacing the pager system infrastructure system in Eck with the client-server architecture in Pelkey is the simple substitution of one known element for another to achieve a predictable result (internet-based functionality)." Petition, 63 citing EX-1003, ¶272. But Houh never explains what those modifications would be given differences in operation and architecture. Indeed, the expert provides no explanation of how a pager cartridge could be replaced with a hypothetical "GSM-SMS or WAP cartridge" in the system of Eck. This would include making such GSM-SMS/WAP cartridge accept a digital camera cartridge in a piggy-back fashion. Some issues in making the alleged combination would include redesigning the cartridge interface to accommodate differing electrical and communication protocols between pager and GSM/WAP systems, addressing increased power consumption and battery management demands typical of GSM or WAP devices, implementing necessary changes in software drivers and firmware to manage GSM/WAP-specific network registration, messaging protocols,

and error-handling routines, and ensuring robust signal integrity and electromagnetic compatibility, particularly given the distinct operational frequency bands and interference concerns of GSM/WAP compared to paging systems.

2. Ground 2 Lacks Disclosure of “first web-based interface” (Limitation 1[A]/11[B]/15[B]).

101. In my opinion, Eck Figure 8 does not show a content management site as contemplated by the '336 patent. It is a user screen on a portable gaming device that allows users to choose an icon for their player, and to allow access to various other functions such as messages and the “Pager World” application. There is no indication that this screen allows customization or generation of a separate interface in any way, other than selecting a user icon. Again, this is vastly different from the requirements of the '336 specification and is therefore not equivalent.

102. Even accepting Petitioners' argument to implement Eck's system over a WAP network, the resulting interfaces would still not be web-based as required by the claims. A POSITA would know that WAP can serve as a mere transport layer for proprietary data destined for a dedicated client application. The user interfaces shown in Eck are screens within the PagerWorld application software, which is a closed, proprietary system running on a specific Nintendo device. Its screens are rendered by native application code, not by a standard browser interpreting a markup language like WML or HTML. Simply using WAP as the data bearer does not transform these proprietary application screens into the open, browser-accessible,

URL-addressable web interfaces described and claimed in the '336 patent.

103. Also, nowhere in either Pelkey or Eck is it disclosed that this “first web-based interface” corresponds to a URL. As explained previously for Randall-Forsyth, the first web-based user interface must correspond to a URL. However, both Pelkey and Eck are completely silent as to this capability. In fact, Eck (Petitioners’ reference of choice for all of the user interfaces) does not disclose the term “URL,” further highlighting that the combination does not teach this limitation.

3. Ground 2 Lacks Disclosure of “generating a second web-based interface different than the first web-based interface” (Limitation 1[C]/11[D]/15[D]).

104. Petitioners state, without support or analysis, that the “Pelkey-Eck combination also discloses “generating a second web-based interface different than the first web-based interface.” Petition, 72. I disagree.

105. Petitioners focus their discussion only on the fact that the interfaces for an address book (Eck, Figure 8G) and a file cabinet (Eck, Figure 8E) are different from the “main” interface as shown in Eck Figure 8A. Petition, 72-74. However, Petitioners are completely silent as to the *generation* of such interfaces. Again, Petitioners provide no analysis or disclosure of how the address book and file cabinet interfaces are generated using the inputs provided to the first web-based interface.

106. In my opinion, Petitioners never point to a mobile site or any user interface that is represented by a website or a URL in Pelkey or Eck. Eck states

unequivocally that “FIGS. 8A-8H show various screens that are part of the interface conceptually shown in FIG. 7,” while “FIG. 7 is a conceptual block diagram of an interface for pager cartridge 100 when it is connected to game machine 10.” Eck, 2:51-56. Thus, the Pelkey-Eck alleged forums are simply discussion groups running on a proprietary Nintendo game console with a pager accessory attached and running a specific Nintendo-authored software. These forums cannot be accessed by a particular URL; to access, a user would need to have both the proper equipment and software.


107. There is a fundamental contradiction in Petitioners' approach to this combination. To meet the claim limitations requiring a server architecture and internet connectivity, Petitioners rely on Pelkey's disclosure of a modern client-server system. However, to meet the limitations requiring the user interfaces and content sharing features, Petitioners turn exclusively to Eck's separate, self-contained, and technologically distinct pager-based system. A POSITA would not have been motivated to pick and choose such disparate elements, the network architecture of one system and the unrelated proprietary application screens of another, and combine them. This approach is a classic example of improper hindsight, using the claims of the '336 patent as a blueprint to assemble parts from unrelated systems that have no clear path for integration.

108. To this point, Petitioners contend that the “second interfaces are “web-based” for the same reasons set forth above in §VI.B.5.” Petition, 73 (citing EX-1003, ¶245.). In §VI.B.5, Petitioners state that “PagerWorld includes client software in the portable game machine (client program) and corresponding software in the server (server program).” Petition, 69 (citing EX-1008, 4:61-5:7, 9:40-59.). Thus, in my opinion, to access the Pager World forum, a device (Nintendo device only) would need to be running that specific proprietary Nintendo software on both the client and the server, as thus described. This is inconsistent with the ’336 specification, which states “it does not require users to download and install any particular client-side software;” it is also “accessible via a standard browser;” and can be used “from any type of user device running any operating system.” The Pelkey-Eck combination discloses none of these critical features and therefore teaches directly away from the open, “web-based” inventive concept of the patent.

VIII. CONCLUSION

109. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. Section 1001. I reserve the right to modify my opinions as additional information becomes available to me.

Dated: July 13th, 2025

By: 

Mahdi Eslamimehr, Ph.D.