Paper No. ____
Filed: February 28, 2025

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.
Petitioner

v.

AFTERWORDS, INC.
Patent Owner

Patent No. 10,430,811

PETITION FOR *INTER PARTES* REVIEW

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I. INTRODUCTION

Pursuant to the provisions of 35 U.S.C. § 311, § 6 of the Leahy-Smith America Invents Act ("AIA"), and 37 C.F.R. Part 42, GETTATTLE, INC. ("Petitioner) respectfully request *inter partes* review of claims 1-7, 10, 13, 16, and 18-19 of U.S. Patent No. 10843,811 to ("the '811 patent", Ex. 1001), currently assigned to AFTERWORDS, INC. This petition demonstrates that, by a preponderance of the evidence, there is a reasonable likelihood that claims 1-7, 10, 13, 16, and 18-19 are unpatentable over prior art. Claims 1-7, 10, 13, 16, and 18-19 of the '811 patent should be found unpatentable and cancelled.

A. Overview of the '811 patent

The '811 patent was issued on October 01, 2019 with a earliest priority date of January 15, 2015. The priority claim originates with U.S. Provisional No. 62/104,043 filed January 15, 2015. U.S. Application 14/997,434 was filed January 15, 2016, since abandoned. Continuation Application 16/279,387 was filed February 19, 2019 and the '811 Patent is a continuation-in-part thereof, filed on June 28, 2019.

The '811 Patent is attached hereto as Exhibit 1001.

The '811 Patent relates to generating context-based survey questions, the survey questions based on items purchased by a customer. The '811 patent tracks menu-level items as part of a transaction. Via a server-based system following a

campaign structure, personalized feedback questions are generated for the customer based on the data representing the menu-level items.

The ’811 patent discloses operations across three unique systems: POS Client 100, Customer Response Client 120, and a Server Engine 140. Via a point-of-sale (POS) terminal 106, the customer and the retail establishment engage in a commercial transaction.

Claim 1’s system recites these three unique systems and operations across all three systems for generating customer surveys having questions associated with the specifics of the commercial transaction. Claim 19’s method recites a broader methodology of survey generation with operations located at the server engine 140, but using multiple instances of a survey token to match a customer with a corresponding transaction.

The ‘811 patent requires two separate data communication streams. The first steam (132) is the POS client 100 communicating with the server engine 140. The second steam (134) is the customer response client 120 also communicating with the sever engine 140.

The ‘811 patent discloses a specific sequence of events for connecting a customer with a correct survey. The ‘811 Patent uses the POS Client 100 as the point of origination, generating a unique ID at the POS Client 100. This unique ID is then given to the customer via the POS Client 100, e.g. printed at the footer of a

receipt. This unique ID is also given to the Server Engine 142 via communication 132.

The ‘811 patent then allows for the customer, via the customer response client, to use this unique ID in making a survey request with the server engine 140. This matching of unique IDs both at the server engine 140 and via the incoming communication 136 matches the customer with the correct survey.

Via the customer’s personal computing device, the customer can then receive and answer survey questions.

B. Brief Overview of the Prosecution History

U.S. Application 14/997,434 (“the ‘434 App.) was filed January 15, 2016, claiming priority to Provision No. 62/104,043 filed January 15, 2015. File History for the ‘434 App is attached as Exhibit 1002.

During examination of the ‘434 App., claims 1-6 were rejected as being unpatentable under 35 U.S.C. §103(a) in view of U.S. Pub. No. 2014/0372184 (“Blumenthal”). In response, Applicant cancelled claims 1-6 and added new claims 7-25. In an Amendment and Request for Reconsideration dated September 20, 2018, Applicant stated:

> Applicant’s claims, as amended herein, recite a system that dynamically creates transaction-specific survey questions based on transaction data generated at the point-of-sale and based on vendor preferences for selecting the specific elements of the transaction data to be the subject of survey questions. The survey questions are delivered as a module that facilitates display of the questions as a secondary

element embedded within the vendor's primary interface (e.g., a subframe within a vendor website). (p. 12)

This September 20, 2018 filing was deemed non-responsive and the '434 App. went abandoned. On February 19, 2019, U.S. Application 16/279,387 was filed, listed as a Continuation of the '474 App. Without rejection of the claims, this application issued as U.S. Patent No. 10,380,611 ("the '611 Patent") on August 13, 2019.

The '811 Patent was filed on June 28, 2019 as a Continuation-in-Part of the '611 Patent. Similar to the '611 Patent, the '811 Patent was approved without any rejections of the pending claims. File History of the '811 Patent is attached hereto as Exhibit 1003.

The '811 Patent was filed with 2 separate independent claims. The first independent claim (claim 1 of the issued '811 Patent) recites "a system for implementing transaction-specific surveys" and recites at least separate processing systems: (a) point-of-sale interface; (b) survey server; and (c) a vendor survey interface. The second independent claim (claim 19 of the issued '811 Patent) recites "a computer-implemented method for providing transaction-specific surveys" without expressly reciting the point-of-sale interface.

On July 25, 2019, the Patent Office issued a Notice of Allowance outlining clear reasons for allowance of the pending patent claims:

> … the [prior art] fails to teach or suggest the limitations, of the independent claims, of implementing transaction-specific surveys comprising: (a) **a point-of-sale interface used in conducting a commercial transaction** between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token …
> [emphasis added]

Applicant paid the Issue Fee August 21, 2019 without filing a response to Notice of Allowance's stated reasons for allowance. On September 11, 2019, the '811 Patent was issued with 19 total claims. System claims 1-18 include active recitation of "a point-of-sale interface." By contrast method claim 19 does not actively recite the Patent Office's stated grounds for allowance and passively recites receipt of data "generated by point-of-sale interface."

C. Related Prosecution

There are no related prosecutions relating to the '811 Patent before the U.S. Patent Office, including the Patent Trial and Appeal Board.

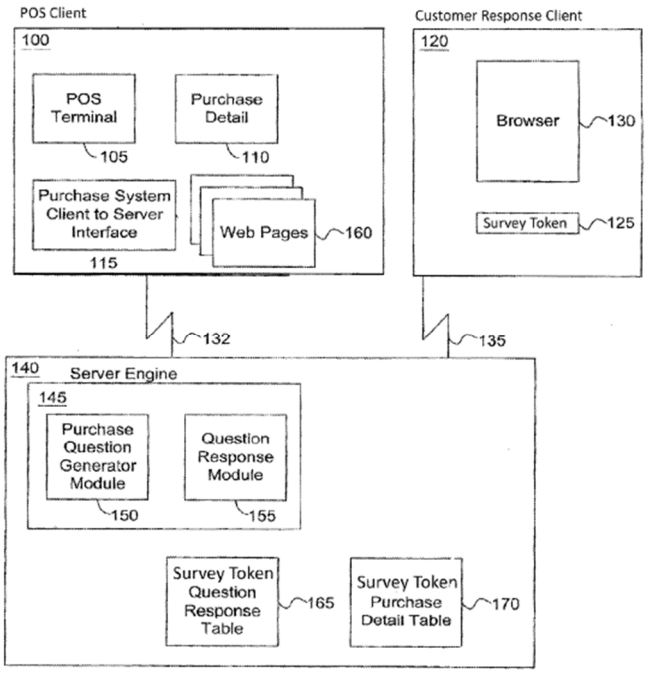
There is the on-going patent litigation in the United Stated District Court for the Middle District of Florida, Tampa Division (Civil Action No. 8:24-cv-01386-TPB-CPT), attached hereto as Exhibit 1004.

D. Brief Overview of the Scope and Content of the Prior Art

As explained here in and the accompanying declaration of Dr. Yuriy Brun (Exhibit 1005), the Independent Claims of the '811 patent's claims were well-

known prior to the ‘811 patent. Further included as Exhibit 1006 is the curriculum vitae of Dr. Brun.

During the prosecution of the ‘811 patent, the Patent Office focused its search on prior art including three distinction processing elements. These three separate processing elements are illustrated in Fig. 2, disclosing the POS Client 100 (the point-of-sale interface), the Server Engine 110 (the survey server computing device), and customer response client 120 (vendor survey interface).



Claim 1, as presented by the Patent Owner expressly recited these three separate and unique elements. The scope of prior art searching and the Examiner’s statement of reasons for notice of allowance emphasize the finding of allowability was predicated on prior art having all three components.

Claim 19 recites a method claim and based on limitations therein, has a narrower scope than claim 1. Claim 19 does not expressly recite three separate processing elements.

The prior art scope relates generally to costumer or consumer feedback operations, with feedback inquires generated in relation to the consumer's commercial transaction.

U.S. Publication 2015/0193794 ("Douglas," Exhibit 1007) has a priority date of January 08, 2014 and discloses a "system and method for generating real-time customer surveys based on trigger events." Douglass discloses a system utilizing "survey system 101," "customer device 106," and "merchant 107" / "monitoring systems 107a" for (a) tracking user transactions via a POS terminal; (b) generating customer-surveys including questions based on user transactions; and (c) interfacing with the customer regarding customer-surveys via the customer device 106.

U.S. Publication 2014/0337098 ("Ganesh," Exhibit 1008) has a priority date of May 09, 2013 and discloses a "system and method for time of purchase consumer survey." Ganesh discloses a POS 125, portable computing device 110, and a survey server 105A for tracking user commercial interactions and dynamically generating customer surveys including transaction details. Ganesh discloses the "survey content … may be dynamically selected based on factors including, but not limited to, recognition of items being scanned during the checkout process." (Ganesh at Abstract).

Dr. Brun explains that technologies such as generating a survey token, tracking transaction-specific details, and generating surveys were well known in the prior art.

For these reasons, and as explained below in Dr. Brun's declaration, the system and method for transaction-specific surveys as claimed in claims 1-7, 10, 13, 16, 18 and 19 were well known in the field as of the earliest priority date of the '811 patent.

E. Level of Ordinary Skill at the Relevant Time

As of the effective priority date of the '811 patent, a person of ordinary skill in the relevant field at the time would be familiar with the pre-existing point of sale and network-based technologies as above, for example in Section I.D. above as well as the "BACKGROUND OF THE INVENTION" portion of the '811 patent specification. Ex. 1001, col. 1, l. 21 – col. 5, l. 10.

This person would include someone who has, through education or practical experience, at least 2-3 years of experience in software engineering, such as the development of data sets, database management, and networking integration for dynamic content generation and network-based distribution.

II. STATEMENT OF MATERIAL FACTS

1. The earliest priority date of the '811 patent is January 15, 2015. Exhibit 1001 @ cover page (63).

2. Claims 1-7, 10, 13, 16, 18-19 are unpatentable under 35 U.S.C. §102 as being anticipated by Douglas.

3. Claims 1-7, 10, 13, 16, 18-19 are unpatentable under 35 U.S.C. §102 as being anticipated by Ganesh.

III. GROUNDS FOR STANDING

Petitioners certify that, under 37 C.F.R. § 42.104(a), the '811 patent is available for *inter partes* review, and Petitioners are not barred or estopped from requesting *inter partes* review of the '811 patent on the grounds identified. In July 2024, the Petitioner has been sued for infringement of one or more claims of the '811 patent. Exhibit 1004.

IV. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

Real Party-in-Interest: (37 C.F.R. § 42.8(b)(1)) : The real party in is GetTattle, Inc.[1]

Related Matters: (37 C.F.R. § 42.8(b)(2)) : None before Patent Office, Exhibit 1004.

Lead and Back-Up Counsel and Service Information: (37 C.F.R. § 42.8(b)(3)-(4) : Petitioners hereby consent to electronic service.

Lead Counsel : Timothy J. Bechen, timothy.bechen@woodsrogers.com, Reg. 48,126

[1] Power of Attorney is attached as Exhibit 1009

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V. STATEMENT OF THE PRECISE RELIEF REQUESTED FOR EACH CLAIM CHALLENGED

Petitioner requests review of Claims 1-7, 10, 13, 16, 18-19 of the '811 patent under 35 U.S.C. §311 and AIA §6. The grounds of challenge are that each of claims 1-7, 10, 13, 16, 18-19 of the '811 patent should be cancelled as invalid and unpatentable as follows:

Ground	Claim(s)	Description
1	19	Anticipated under 35 U.S.C. §102 in view of Douglass
2	1-7, 10, 13, 16, 18	Anticipated under 35 U.S.C. §102 in view of Douglass
3	19	Anticipated under 35 U.S.C. §102 in view of Ganesh
4	1-7, 10, 13, 16, 18	Anticipated under 35 U.S.C. §102 in view of Ganesh

VI. CLAIM CONSTRUCTION

Claims subject to *inter partes* review receive the broadest reasonable construction in light of the patent's specifications. 37 C.F.R. §42.100(b). Claim

terms are given their ordinary and accustomed meaning as would be understood by one of ordinary skill in the art. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*).

Point of Sale Interface

The term "Point of Sale Interface" should be construed as an "executable software component embedded within a point-of-sale terminal." Exhibit 1005, ¶20.

This construction is based on the '811 Patent disclosing the term interface is computer executable instructions. Ex. 1001, col. 4, ll. 32-37. The general term point-of-sale has its ordinary meaning of a terminal for conducting a point-of-sale transaction.

Survey token

The term "survey token" is defined by the combination of both term terms, token and survey. The term should be construed as "a data field generated by the point-of-sale system and provided to the customer by the point-of-sale system in response to a commercial transaction for pairing a customer with a survey." Ex. 1005, ¶23.

The '811 Patent defines the term token and notes a survey token is a data field "given to the customer at the time of sale and associated with the customer's purchase in the purchase detail table. 170." Ex. 1001, col. 6, ll. 56-59.

Purchase Detail Identifier

The term "purchase detail identifier" is "a data category that identifies elements of a commercial transaction as generated by the POS terminal." Ex. 1005, ¶29.

While this term is not expressly defined by the '811 Patent, the meaning is inferred by the ordinary meaning of "purchase detail" and usage of the term "data category" in Ex. 1001, col. 5, ll. 13-14.

VII. STATEMENT OF NON-REDUNDANCY

Each ground raised in this Petition is meaningfully distinct:

Ground 1 presents anticipation of all elements of the method claim 19 in a single reference (Douglas).

Ground 2 presents anticipation of all elements of the apparatus claims 1-7, 10, 13, 16, and 18 in a single reference (Douglas).

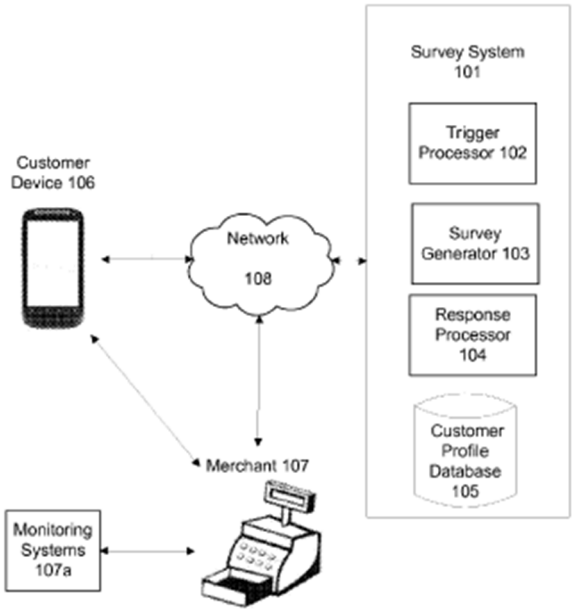
Ground 3 presents anticipation of all elements of the method claim 19 in another single reference (Ganesh).

Ground 4 presents anticipation of all elements of the apparatus claims 1-7, 10, 13, 16, and 18 in another single reference (Ganesh).

VIII. EXPLANATION OF GROUNDS FOR UNPATENTABILITY

A. [Ground 1] Claim 19 is anticipated under 35 U.S.C. §102 by Douglas

Douglas, Exhibit 1007, is a published patent application having an earliest priority date of January 8, 2014 based on Provisional Patent Application Serial No. 61/924,921 and qualifies as prior art for this proceeding in view of the earliest priority of January 15, 2015 for the '811 Patent. Douglas discloses all of the claimed limitations recited in claim 19 of the '811 Patent and thus claim 19 is anticipated under 35 U.S.C. §102 by Douglas.



Douglas discloses a system and method for tracking customer interactions in a retail location and generating real-time surveys for the customer. Douglas discloses three separate systems, a merchant device 107 and monitoring systems 107A, customer device 106, and survey system 101, with all three systems communicating via the network 108.

The survey system includes "a survey generator 103 that generates a survey based on the event data" and the survey is sent to the customer device 106. Ex. 1007, Abstract. The Douglas system generates trigger signals, including for example "purchase data associated with a purchase made by a customer at merchant 107." Ex. 1007, ¶27.

The Douglas survey generator 103 creates surveys for the customer based on these trigger signals. Ex. 1007, ¶33. These surveys can include questions directly related to the item(s) purchased by the customer. Ex. 1007, ¶39.

Claim 19 recites a "computer-implemented method for providing transaction-specific surveys." The method steps recite operations as performed by a "survey server," but do not actively recite processing operations or method steps performed at or by other processing elements.

Douglas identically discloses a computer-implemented method for providing transaction-specific surveys. Ex. 1007, Abstract.

A first step is "providing a survey server that is configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor." The "survey server" of claim 19 is Server Engine 140 of Fig. 2.

Douglas discloses a Survey System 101 operating as a server via network 108 that communicates with point-of-sale system 107. The Survey System 101 receives transaction data generated by the merchant POS system. Ex. 1007, ¶39.

In the first step of claim 19, the term transaction data is defined as comprising "purchase detail identifiers and a survey token." Additionally, in the first step of claim 19, the survey server is noted as including "a vendor database storing a plurality of purchase detail identifiers" and "a campaign data structure

having survey question data and a configurable Conditional that is satisfied by the detection of a given purchase detail identifier."

Douglas discloses purchase data "may include Stock Keeping Units (SKUs) associated with the purchased product or products." Ex. 1007, ¶27. Douglas discloses "Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device 106," where transmission to the customer device discloses the survey token identifying the customer as the recipient. Ex. 1007, ¶33.

Douglas in ¶33 further discloses generating specific survey questions based on trigger signals received by processor 102, therefore the Douglas system must have pre-existing survey questions modified or utilized based on the trigger signals indicating customer purchase(s).

A second step in claim 19 is "receiving, by the survey server, a survey token." The survey token connects the customer with the correct survey.

Douglas discloses the survey generator creates one or more surveys for customers based on trigger signals. Ex. 1007, ¶33.

A third step in claim 19 is "retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token." In this step, the first and second iterations of the survey token match the customer

with the appropriate POS transaction and then accessing corresponding "transaction data" associated with the customer's transaction.

Douglas discloses the purchase data "may comprise the date and time of the purchase, the purchase amount, the product type, the name of the merchant, the purchase location, and other information associated with the purchase or the purchased products." Ex. 1007, ¶27. As Douglas describes the purchase data as including "other information associated with the purchase or the purchased products" this discloses the claim transaction data having the stored survey token corresponding to the received survey token.

A fourth step in claim 19 is the survey generation. The purchase question generator module 150 generates a survey by accounting for transaction data having "purchase detail identifiers" and generating survey questions based on the inclusion of purchase detail identifiers.

Douglas discloses states "Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device," as well as disclosing these survey questions can be specifically tailored based on purchase data. Ex. 1007, ¶¶27, 39.

A fifth step in claim 19 is "survey module" generated by the survey server, the module including "software code for displaying at least one Survey Question as

an integrated component within a graphical user interface." The next, sixth, step in claim 19 is then transmitting the survey module to a vendor survey interface.

Fig. 1 of Douglas discloses the customer device 106 communicating with the survey system 101 via the network 108. Douglas discloses transmitting the survey to the customer's device 106, as well as the customer displaying and interacting with the survey via a graphical user interface, the survey "may be interactive and prompt the customer to respond using a key on a keypad, … clicking the screen, … touching one or more responses on a touchscreen of customer device 106." Ex. 1007, ¶¶34-35.

The seventh, and final, step in claim 19 is the survey server "receiving … a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question." Or stated otherwise, the final step in claim 19 is receiving a response to the survey questions.

Douglas discloses in block 304 of Fig. 3, the customer inputs are received by the survey server 101. Ex. 1007, ¶68. Douglas requires the inputs transmitted back to the survey server 101 because the response processor 104 engages in additional processing commands based on the customer inputs. Ex. 1007, ¶69.

As stated above and further outlined in the chart below, the present petition should be granted as to Ground 1.

Claim 19 : '811 Patent	Douglas

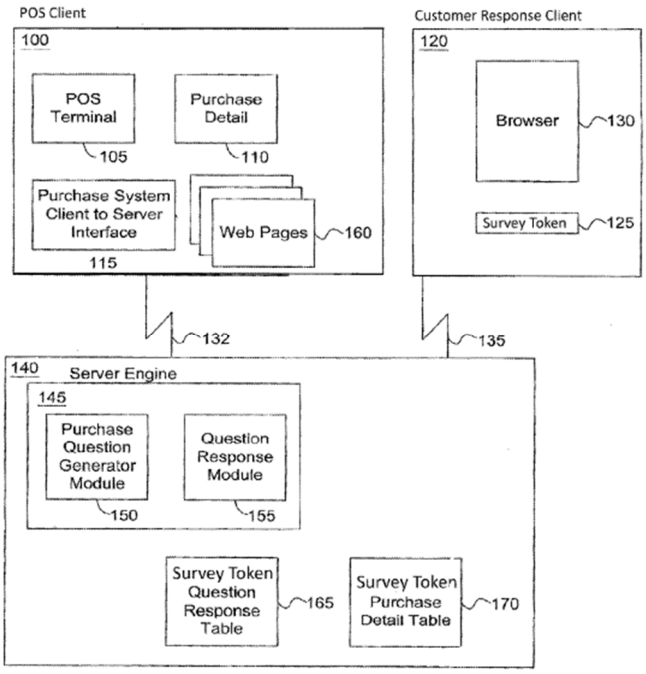
19. A computer-implemented method for providing transaction-specific surveys comprising the operations of:	Abstract, ¶39, ¶62
(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein (i) the transaction data comprises purchase detail identifiers and a survey token; and (ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;	¶12 ¶27 ¶39
(b) receiving by the survey server, a survey token;	¶33
(c) retrieving by survey server, the transaction data having the stored survey token corresponding to the received survey token;	¶27
(d) determining by survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the survey question data and the purchase detail identifier;	¶39
(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;	¶39
(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and	¶39
(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.	¶68

The above positions are further supported by Dr. Brun, including Exhibit 1005 ¶¶ 31-49.

B. [Ground 2] Claims 1-7, 10, 13, 16, 18 are anticipated under 35 U.S.C. §102 by Douglas

As noted in Ground 1 above, Douglas qualifies as prior art to the '811 Patent and discloses a system for implementing transaction-specific surveys.

Claim 1 recites a "system for implementing transaction-specific surveys" including three separate processing elements. The first element is "a point-of-sale interface" that is "used in conducting a commercial transaction between a consumer and a vendor." The second element is "a survey server computing device configured to receive and store transaction data generated by the point-of-sale interface." The third element is "a vendor survey interface."



These three separate processing elements are illustrated in Fig. 2, disclosing the POS Client 100 (the point-of-sale interface), the Server Engine 110 (the survey server computing device), and customer response client 120 (vendor survey interface).

The processing system of claim 1 further recites interactions between these elements 100, 140, and 120 including "the point-of-sale interface being configured to record transaction data relating to the commercial transaction" and that the "transaction data comprises at least one purchase detail identifier and a survey token."

Douglas clearly discloses a computerized system for implementing transaction-specific surveys. Ex. 1007, Abstract. Douglas further discloses the point-of-sale interface for conducting commercial transactions. Ex. 1007, ¶21. Douglas further discloses the transaction data including a purchase detail identifier and a token for referencing the appropriate survey, including UPC information and trigger signals associated with customer information. Ex. 1007, ¶¶28-29.

Claim 1 additionally recites the survey server computing device includes "(A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that his satisfied by the detection of a given purchase detail identifier." In claim 1, the survey server is further recited as being "configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding received survey token, (C) determining whether the transaction data includes the purchase detail identifier … and (D) generating a Survey Module … for displaying at least one Survey Question."

Douglas discloses purchase data "may include Stock Keeping Units (SKUs) associated with the purchased product or products." Ex. 1007, ¶27. Douglas discloses the "Survey generator 103 may create one or more surveys based on the purchase data and send them to the customer device 106," where survey generator 103 is located within the survey system 101. Ex. 1007, ¶39.

Claim 1 further recites the vendor survey interface is "configured to perform the operations" of "(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the survey module; (iii) generating a graphical user interface on a display screen; (iv) running the survey module to display the at least one survey question as an integrated component within the graphical user interface; generating a respondent header based on user-generated inputs in response to the at least one survey question; and (vi) transmitting the respondent header to the survey server computing device."

Douglas discloses the customer device 106 communicating with the survey system 101 via the network 108 and transmitting the survey to the customer's device 106. Ex. 1007, Fig. 1, ¶34. Douglas discloses display and interaction with the survey via a graphical user interface, the survey "may be interactive and prompt the customer to respond using a key on a keypad, … clicking the screen, … touching one or more responses on a touchscreen of customer device 106." Ex. 1007, ¶35.

Douglas discloses in block 304 of Fig. 3, the customer inputs are received by the survey server 101. Moreover, Douglas requires the inputs transmitted back to the survey server 101 because the response processor 104 available to engage in additional processing commands based on the customer inputs. Ex. 1007, ¶¶ 68-69.

Claim 2 of the '811 Patent recites "The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."

Douglas discloses using a web-based application and/or native mobile application and therefore discloses using the webpage frame as a commonly recognized form of web-based application. Ex. 1007, ¶18.

Claim 3 of the '811 patent recites "The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device."

Douglas generally discloses a point-of-sale system as a computing device, including for example noting an "employee at merchant 107 may enter the product data into a network enabled computer at merchant 107." Ex. 1007, ¶29.

Claim 4 of the '811 patent recites "The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and

(b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server."

Douglas discloses receiving transaction data at the survey system 100 via the network 108, the transaction data including purchase data associated with a particular consumer transaction. Ex. 1007, ¶27.

Claim 5 of the '811 patent recites "The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface."

Douglas discloses the customer device 106 is a mobile device and has the survey interface thereon. Douglas further discloses the device 106 can be linked by customer profile information and a profile database 105 is stored at the survey system 101. Ex. 1007, ¶¶18-19

Claim 6 of the '811 patent recites "The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction."

Douglas discloses trigger signals comprise purchase data. Ex. 1007, ¶27.

Claim 7 of the '811 patent recites "The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device."

Douglas notes the customer device 106 is a mobile device and has the survey interface thereon, as well as the customer device, with one embodiment including the mobile device 106 acting as a method of payment at the point-of-sale. Douglas additionally discloses using a mobile payment account associated with the device 106. Ex. 1007, ¶¶18, 21, 27.

Claim 10 of the '811 patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and (b) the Survey Question comprises a Product Survey Question relating to the product/service.

Douglas in notes the purchase data includes product information, e.g. SKUs. Douglas discloses generating surveys based on the purchase data. Ex. 1007, ¶¶ 27, 64.

Claim 13 of the '811 patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.

Douglas discloses various types of survey questions, including asking the customer to "rate his experience, … the customer service…" Ex. 1007: ¶66.

Claim 16 of the '811 patent recites "The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not

specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question."

Douglas discloses various types of survey questions, including asking the customer to "rate … the prices, the facilities, … and whether he would recommend the store to friends." These questions are general survey questions and not specific to transaction data. Ex. 1007, ¶66.

Claim 18 of the '811 patent recites: "the system of claim 1, wherein: the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein (b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied."

Douglas notes the ability for follow-up questions to the customer: "The survey may be interactive and provide further questions to the customer based on how the customer responds to the initial query or queries. Douglas gives a more specific example of the user indicating the inability to find an item and sending a

follow-up survey with that includes a link to an online site for purchasing the item. Ex. 1007, ¶34, 37.

As stated above and further outlined in the chart below, the present petition should be granted as to Ground 2.

Claims 1-7, 10, 13, 16, 18 : '811 Patent	Douglas
1. A system for implementing transaction-specific surveys comprising:	Abstract, ¶39
(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;	¶21 ¶¶27-29
(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:	¶33 ¶39
(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein	¶27 ¶39 ¶12 ¶64
(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied,	¶27 ¶¶61-62, 64

generating a Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question;	
(c) a vendor survey interface configured to perform the operations comprising:	¶¶ 18, 20
(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module;	¶18 ¶39
(iii) generating a graphical user interface on a display screen;	¶33
(iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface;	¶33
(v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and	¶44
(vi) transmitting the Respondent Header to the survey server computing device.	¶68
2. The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.	¶18
3. The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device.	¶29
4. The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.	¶¶27-28
5. The system of claim 1, wherein vendor survey interface is implemented as a software	¶¶18-19

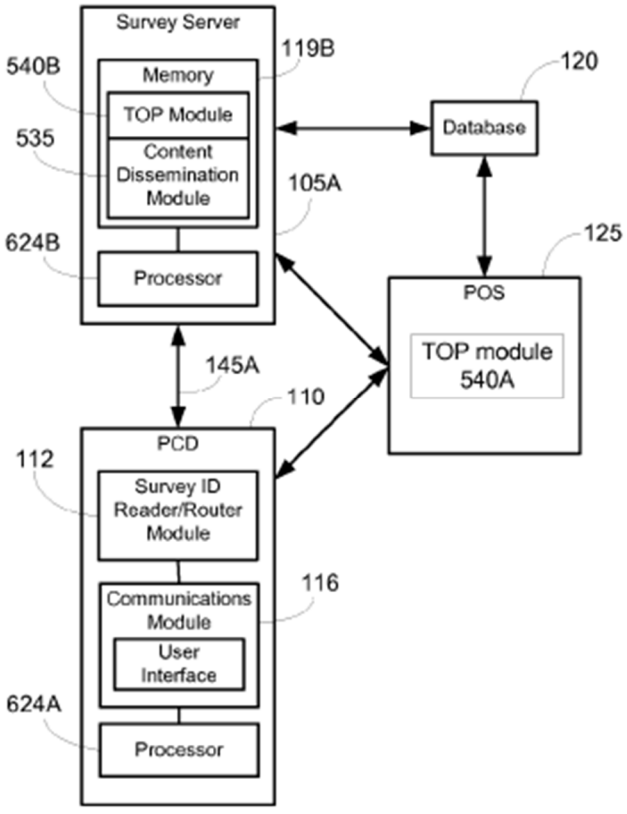
application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.	¶26
6. The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction.	¶ 27
7. The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.	¶¶18, 20-21 ¶27
10. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and	¶27
(b) the Survey Question comprises a Product Survey Question relating to the product/service.	¶64
13. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.	¶66
16. The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question.	¶66
18. The system of claim 1, wherein: (a) the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable	¶34 ¶38

Condition that is satisfied based on a Survey Question response; and wherein	
(b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.	

The above positions are further supported by Dr. Brun, including Exhibit 1005 ¶¶ 50-83.

C. [Ground 3] Claim 19 is anticipated under 35 U.S.C. §102 by Ganesh

Ganesh is a published patent application having an earliest priority date of May 9, 2013 and qualifies as prior art for this proceeding in view of the earliest priority of January 15, 2015 for the '811 Patent. Ganesh discloses all of the claimed limitations recited in claim 19 of the '811 Patent and thus claim 19 is anticipated under 35 U.S.C. §102 by Ganesh.



Ganesh discloses a system and method for time of purchase consumer surveys, including survey questions based on "items being scanned during the checkout process." Ex. 1008, Abstract. Ganesh discloses a system having a survey server 105A, a POS 125, and a personal computing device (PCD) 1110, these three processing elements communicating with each other. See, e.g. Fig. 2.

The Ganesh system and method tracks consumer purchasing activities and generates and transmits surveys to the consumer having questions specific to the purchased items. The consumer interacts via their own PCD to answer the survey questions, answers being then sent back to the survey server 105A.

Claim 19 recites a "computer-implemented method for providing transaction-specific surveys." The method steps recite operations as performed by a "survey server," but do not actively recite processing operations or method steps performed at or by other processing elements.

Ganesh discloses a computerized method for tracking user engagements during a commercial transaction and generating survey questions to the user based on the commercial transaction. Ex. 1008, Abstract.

A first step is "providing a survey server that is configured to receive and store transaction data generated by a point-of-sale interface relating to a commercial transaction between a consumer and a vendor." The "survey server" of claim 19 is Server Engine 140 of Fig. 2.

Ganesh discloses this step through the survey server 105A of Fig. 1, as well as disclosing the "survey server 105A, being in communication with a PCD 110 and/or POS 125 via networks 130 may have … knowledge of the particular items beings scanned at POS 125 for purchase." Ex. 1008, ¶38.

In the first step of claim 19, the term transaction data is defined as comprising "purchase detail identifiers and a survey token." Additionally, in the first step of claim 19, the survey server is noted as including "a vendor database storing a plurality of purchase detail identifiers" and "a campaign data structure having survey question data and a configurable Conditional that is satisfied by the detection of a given purchase detail identifier."

Ganesh discloses presenting a survey ID to a consumer, including Fig. 3 for "provisioning a time of purchase ('TOP') survey to a consumer during a checkout procedure." Ex. 1008, ¶34. Ganesh further discloses the "survey server 105A may select survey content directed to the items that are being purchased by the consumer." Ex. 1008, ¶55.

A second step in claim 19 is "receiving, by the survey server, a survey token." The survey token connects the customer with the correct survey.

Ganesh discloses in ¶51 a "survey ID R/R module 112" that "operates to recognize a survey ID for establishing communication with survey server 105A." Ex. 1008, ¶51

A third step in claim 19 is "retrieving by the survey server, the transaction data having the stored survey token corresponding to the received survey token." In this step, the first and second iterations of the survey token match the customer with the appropriate POS transaction and then accessing corresponding "transaction data" associated with the customer's transaction.

Ganesh discloses a "survey content determination module" that includes querying database 120 and survey content to be pushed to the user's personal computing device (PCD). Ex. 1008, ¶52

A fourth step in claim 19 is the survey generation. The purchase question generator module 150 generates a survey by accounting for transaction data having "purchase detail identifiers" and generating survey questions based on the inclusion of purchase detail identifiers.

Ganesh discloses survey server 105A having knowledge of items being purchased. Ex. 1008, ¶38. Claim 3 of Ganesh further notes selecting survey content based on the item purchased. Ganesh, Fig. 5, block 545 notes directing survey questions to the user based on the purchased items.

A fifth step in claim 19 is "survey module" generated by the survey server, the module including "software code for displaying at least one Survey Question as an integrated component within a graphical user interface." The next, sixth, step in claim 19 is then transmitting the survey module to a vendor survey interface.

Ganesh discloses, via the operations of the survey content determination module, generating software code for displaying at least one survey question. Ex. 1008, ¶52. Ganesh further discloses the PCD may run the application as an interface to a "multimedia platform that may be part of a plug-in for an Internet web browser." Ex. 1008, ¶45

The seventh, and final step in claim 19 is the survey server "receiving … a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question." Or stated otherwise, the final step in claim 19 is receiving a response to the survey questions.

Ganesh discloses "If the consumer does respond to the pushed survey content, then the 'yes' branch is followed from decision block 560 to block 565 and the response is recorded in database 120A. Ex. 1008, ¶64. Fig. 1 of Ganesh also illustrates access to the database 120A is via the survey server 105A and therefore the survey server 105A must receive the costumer's response to the survey questions.

As stated above and further outlined in the chart below, the present petition should be granted as to Ground 3.

Claim 19 : ‘811 Patent	Ganesh
19. A computer-implemented method for providing transaction-specific surveys comprising the operations of:	Abstract
(a) providing a survey server configured to receive and store transaction data generated by point-of-sale interface relating to a commercial transaction between a consumer and a vendor, wherein (i) the transaction data comprises purchase detail identifiers and a survey token; and (ii) the survey server comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier;	Fig. 1 ¶38 ¶34 ¶55 ¶66
(b) receiving by the survey server, a survey token;	¶51
(c) retrieving by survey server, the transaction data having the stored survey token corresponding to the received survey token;	¶52
(d) determining by survey server, whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey	¶38 ¶64

Question using the survey question data and the purchase detail identifier;	
(e) generating by the survey server, a Survey Module comprising software code for displaying the at least one Survey Question as an integrated component within a graphical user interface;	¶52 ¶45
(f) transmitting by the survey server, the Survey Module to a vendor survey interface; and	¶36 ¶55
(g) receiving by the survey server, a Respondent Header generated based on user-generated inputs in response to the at least one Survey Question.	

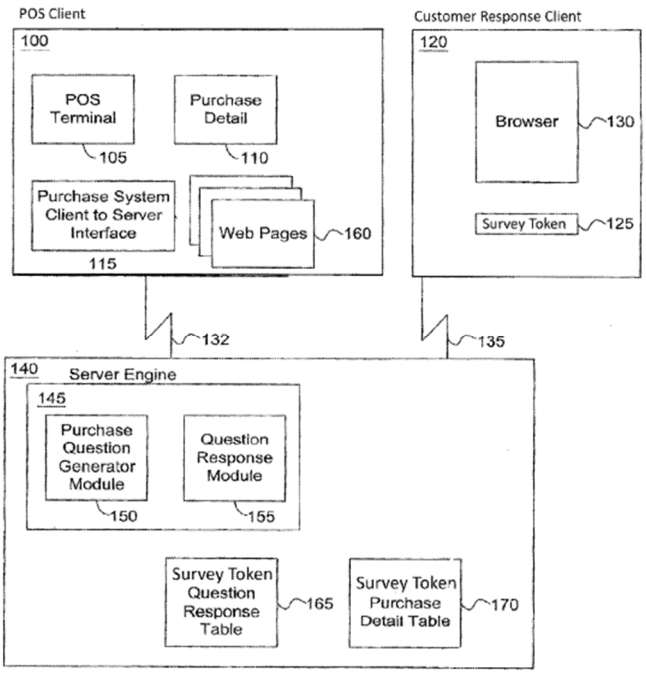
The above positions are further supported by Dr. Brun, including Exhibit 1005 ¶¶ 84-102.

D. [Ground 4] Claims 1-7, 10, 13, 16, 18 are anticipated under 35 U.S.C. §102 by Ganesh

As noted in Ground 3 above, Ganesh qualifies as prior art to the '811 Patent and discloses a system for implementing transaction-specific surveys.

Claim 1 recites a "system for implementing transaction-specific surveys" including three separate processing elements. The first element is "a point-of-sale interface" that is "used in conducting a commercial transaction between a consumer and a vendor." The second element is "a survey server computing device configured to receive and store transaction data generated by the point-of-sale interface." The third element is "a vendor survey interface."

These three separate processing elements are illustrated in Fig. 2, disclosing the POS Client 100 (the point-of-sale interface), the Server Engine 110 (the survey server computing device), and customer response client 120 (vendor survey interface).



The processing system of claim 1 further recites interactions between these elements 100, 140, and 120 including "the point-of-sale interface being configured to record transaction data relating to the commercial transaction" and that the "transaction data comprises at least one purchase detail identifier and a survey token."

Ganesh discloses a computerized system and method for generating and communicating surveys to customers. Ex. 1008, Abstract. Ganesh further notes recognizing certain items being scanned a pushing survey questions to the consumer. Ex. 1008, ¶25.

Claim 1 additionally recites the survey server computing device includes "(A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition

that his satisfied by the detection of a given purchase detail identifier." In claim 1, the survey server is further recited as being "configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding received survey token, (C) determining whether the transaction data includes the purchase detail identifier … and (D) generating a Survey Module … for displaying at least one Survey Question."

Ganesh discloses time of purchase (TOP) surveys and can include a quick response ("QR") code as a survey ID to the use. Ex. 1008, ¶34. The TOP surveys include questions about items being purchased. Ex. 1008, ¶25.

Claim 1 further recites the vendor survey interface is "configured to perform the operations" of "(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the survey module; (iii) generating a graphical user interface on a display screen; (iv) running the survey module to display the at least one survey question as an integrated component within the graphical user interface; generating a respondent header based on user-generated inputs in response to the at least one survey question; and (vi) transmitting the respondent header to the survey server computing device."

Ganesh discloses the survey server 105A in communication with point-of-sale (POS) 125 via network 130 and "At block 545, the POS 125 may monitor scanned items and relay such information to the survey server 105A." Ex. 1008,

¶64. Ganesh further discloses that in monitoring items being scanned, a survey content selection algorithm selects survey questions based on the items being purchased. Ganesh further discloses pushing survey content to the personal computing device (PCD) 110. Ex. 1008, ¶¶ 64-65.

Ganesh discloses using a QR code to direct the consumer to a website for filing out a survey. Ex. 1008, ¶31. Ganesh notes PCD processing elements for the consumer to interact with the survey including via a display device. Ex. 1008, ¶45. Ganesh further discloses transmitting the survey responses back to the survey server for being recorded in the database 120A. Ex. 1008, ¶55.

Claim 2 of the '811 Patent recites "The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage."

Ganesh discloses the limitations of claim 2, including disclosing a QR code directing the consumer, via the PCD, to a "website hosted by a survey server for filing out a TOP survey." Ex. 1008, ¶31.

Claim 3 of the '811 patent recites "The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device."

Ganesh discloses POS system, including POS 125 of Fig. 2, as well as noting the system is for conducting consumer surveys "during the checkout process at a retail establishment." Ganesh additionally discloses "(i.e. the clerk is scanning items for purchase)" and therefore discloses the point-of-sale device being a computing device for effectuating scanning. Ex. 1008, ¶¶23, 36.

Claim 4 of the '811 patent recites "The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server."

Ganesh discloses the cloud server transmission storing of the transaction data, including via operations disclosed of the survey 105A, memory 119B and database 120, and transmission of the transaction data and database 120B "may store various records relating to, but not limited to, PCD user-specific contact or account information, … survey content, … etc." Ex. 1008, ¶¶ 43, 53.

Claim 5 of the '811 patent recites "The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface."

Ganesh discloses a QR code as input and directing the consumer, via the PCD, to a "website hosted by a survey server for filing out a TOP survey," which

provides for a software application running on the mobile computing device. Ganesh also discloses the breadth of the disclosure of various types of PCDs and thus these devices include software that running thereon. Ex. 1008, ¶31.

Claim 6 of the '811 patent recites "The system of claim 1, wherein the survey token comprises a combination of purchase detail identifiers that identify the commercial transaction."

Ganesh discloses a QR code "or some other machine readable trigger at the POS" and this code directs the consumer to a website for filing out the TOP survey. Ex. 1008, ¶31.

Claim 7 of the '811 patent recites "The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device."

Ganesh discloses various types of PCDs and thus these devices include software that running thereon. Ex. 1008, ¶22.

Claim 10 of the '811 patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and (b) the Survey Question comprises a Product Survey Question relating to the product/service.

Ganesh discloses the survey server 105A having knowledge of items being scanned, where such knowledge of a scanned item would necessarily include some type of identifier. Ex. 1008, ¶38.

Ganesh, ¶25, lists an example of purchasing a pair of headphones, therefore Ganesh discloses a product identifier because of a recognition of a purchase of a specific type of headphones. Ganesh further notes that upon recognition of the headphone type, survey questions are pushed to the consumer regarding those headphones.

Claim 13 of the '811 patent recites "The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.

Ganesh expands upon the example of purchasing headphones by including a question relating note the product itself but rather to a service. Ganesh discloses asking if the user was happy with the service. Ex. 1008, ¶26.

Claim 16 of the '811 patent recites "The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question."

Ganesh discloses an example of asking a general survey question 'On a scale of 1 to 10 how did you find the in-store shopping experience?" Ex. 1008, ¶25.

Claim 18 of the '811 patent recites: "the system of claim 1, wherein: the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein (b) the survey server computing device is further configured to perform the operations of (E) incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied."

Ganesh discloses follow-up inquires / surveys to a user based on responses, including the example of purchasing headphones, detecting the headphone being purchased, and then asking a specific question about the headphones. Ganesh discloses creating follow-up questions, "the nature of an answer to a question asking about the consumer's experience with assistance in the headphone aisle of the store may be used to dictate the next survey question." Ex. 1008, ¶¶25-26

As stated above and further outlined in the chart below, the present petition should be granted as to Ground 4.

Claims 1-7, 10, 13, 16, 18 : ‘811 Patent	Ganesh
1. A system for implementing transaction-specific surveys comprising:	Abstract
(a) a point-of-sale interface used in conducting a commercial transaction between a consumer and a vendor, the point-of-sale interface being configured to record transaction data relating to the commercial transaction wherein the transaction data comprises at least one purchase detail identifier and a survey token;	¶23 ¶¶31-34, 38
(b) a survey server computing device configured to receive and store the transaction data generated by the point-of-sale interface, wherein:	¶38 ¶64
(i) the survey server computing device comprises (A) a vendor database storing a plurality of purchase detail identifiers, and (B) a campaign data structure having survey question data and a configurable Condition that is satisfied by the detection of a given purchase detail identifier; and wherein	¶64
(ii) the survey server computing device is configured to perform the operations comprising (A) receiving a survey token, (B) retrieving the transaction data having the stored survey token corresponding to the received survey token, (C) determining whether the transaction data includes the given purchase detail identifier such that the configurable Condition is satisfied, and if the configurable Condition is satisfied, generating a Survey Question using the given survey question data and the purchase detail identifier, and (D) generating a Survey Module comprising software code for displaying the at least one Survey Question;	¶¶64-65
(c) a vendor survey interface configured to perform the operations comprising:	¶65 ¶22

(i) transmitting the survey token to the survey server computing device; (ii) receiving from the survey server computing device the Survey Module;	¶31 ¶18 ¶¶44, 51
(iii) generating a graphical user interface on a display screen;	¶45
(iv) running the Survey Module to display the at least one Survey Question as an integrated component within the graphical user interface;	
(v) generating a Respondent Header based on user-generated inputs in response to the at least one Survey Question; and	¶44 ¶55
(vi) transmitting the Respondent Header to the survey server computing device.	
2. The system of claim 1, wherein: (a) the vendor survey interface is implemented as a web server computing device; (b) the graphical user interface is a host vendor webpage; (c) and the Survey Module is a webpage frame configured for display as an integrated component of the host vendor webpage.	¶31
3. The system of claim 1, wherein the point-of-sale interface is implemented as a point-of-sale computing device.	¶23, 36
4. The system of claim 3, wherein (a) the point-of-sale computing device transmits the transaction data to a cloud server, and (b) the survey server computing device is configured to receive and store the transaction data transmitted by the cloud server.	¶43 ¶53
5. The system of claim 1, wherein vendor survey interface is implemented as a software application running on a mobile computing device, and the survey token is input by the consumer to the vendor survey interface.	¶22 ¶31
6. The system of claim 1, wherein the survey token comprises a combination of purchase	¶31

detail identifiers that identify the commercial transaction.	
7. The system of claim 1, wherein the point-of-sale interface and the vendor survey interface are both implemented as a software application running on a mobile computing device.	¶22
10. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a product/service identifier that represents a products/service available for purchase through the vendor; and	¶38 ¶64
(b) the Survey Question comprises a Product Survey Question relating to the product/service.	¶25
13. The system of claim 1, wherein: (a) the purchase detail identifiers comprise a service mode identifier that represents a mode of service; and (b) the Survey Question comprises a Service Mode Survey Question relating to the mode of service.	¶26
16. The system of claim 1, wherein: (a) the survey question data includes at least one General Survey Question that is not specific to the transaction data; and (b) the survey server computing device is further configured to perform the operation of incorporating within the Survey Module software code for displaying the at least one General Survey Question.	¶25
18. The system of claim 1, wherein: (a) the Campaign data structure further comprises an Event that triggers an electronic notification transmitted to a vendor representative and a second configurable Condition that is satisfied based on a Survey Question response; and wherein	¶¶25-26
(b) the survey server computing device is further configured to perform the operations of (E)	

incorporating within the Survey Module software code that determines whether the second configurable Condition is satisfied, and (F) that implements the Event to transmit an electronic notification to the vendor representative, if the second configurable condition is satisfied.	

The above positions are further supported by Dr. Brun, including Exhibit 1005 ¶¶103-134.

IX. STATEMENT UNDER 42.24

Petitioner submits the present petition is in conformance with 37 C.F.R. §42.24(a)(1)(i) having a word count of approximately 9,535 words and thus properly below the 14,000 word count limit.

X. CONCLUSION

For the reasons set forth in the present Petition, claims 1-7, 10, 13,16, and 18-19 of the '811 patent are unpatentable and should be cancelled. Petitioner requests that *Inter Partes* Review of these claims be granted for at least the reasons submitted herein.

Respectfully submitted,

Dated: February 28, 2025

/ Timothy J. Bechen /
Timothy J. Bechen, Lead Counsel
Reg. No. 48,126

XI. PAYMENT OF FEES UNDER 37 C.F.R. § 42.15(B)

The requires fees are submitted herewith.

XII. APPENDIX – LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 10,430,811
1002	File History of U.S. App. Ser. No. 14/997,434
1003	File History of U.S. Patent No. 10,430,811
1004	U.S. District Court Complaint
1005	Declaration of Dr. Yuriy Brun
1006	Dr. Yuriy Brun – curriculum vitae
1007	U.S. Publication No. 2015/0193794
1008	U.S. Publication No. 2014/0337098
1009	Power of Attorney

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), this is to certify that I caused to be served a true and correct copy of the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 10,430,811 (and accompanying Exhibits 1001 – 1008) by overnight couriers (FedEx or UPS), on this 28th day of February, 2025 on the Patent Owner at the correspondence address of the Patent Owner as follows:

J. Todd Timmerman (Counsel for Patent Owner)
Jeffrey Fabian (Counsel for Patent Owner)
Shumaker, Loop & Kendrick, LLP
101 East Kennedy Boulevard, Suite 2800
Tampa FL 33602

Respectfully submitted,

Dated: February 28, 2025

/ Timothy J. Bechen /
Timothy J. Bechen, Lead Counsel
Reg. No. 48,126