UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

META PLATFORMS, INC.,
Petitioner

v.

WEPLE IP HOLDINGS LLC,
Patent Owner.

---

Case IPR2026-00079
U.S. Patent No. 12,112,357 B2
Issue Date: October 8, 2024

Title: MOBILE DEVICE STREAMING MEDIA APPLICATION

---

**PETITION FOR *INTER PARTES* REVIEW**
**OF U.S. PATENT NO. 12,112,357 B2**

## Table of Contents

**Page**

**Table of Contents**
(continued)

**Page**

**Table of Contents**
(continued)

**Page**

**Table of Contents**
(continued)

**Page**

**List of Exhibits**

| Exhibit No. | Description of Document |
|---|---|
| **1001** | U.S. Patent No. 12,112,357 B2 to Mary Anne Fletcher (filed January 25, 2024, issued October 8, 2024) ("**'2357**" or "**'2357 patent**") |
| **1002** | Declaration of Mark Crovella, Ph.D. ("**Crovella**") |
| **1003** | U.S. Patent Application Publication No. 2009/0271283 A1 to Fred M. Fosnacht et al. (filed February 13, 2009, published October 29, 2009) ("**Fosnacht**") |
| **1004** | U.S. Patent No. 8,826,145 B1 to Ficus Kirkpatrick et al. (filed November 11, 2008, issued September 2, 2014) ("**Kirkpatrick**") |
| **1005** | U.S. Patent Application Publication No. 2007/0156520 A1 to Jayesh Sharma (filed December 30, 2005, published July 5, 2007) ("**Sharma**") |
| **1006** | Excerpts from *Microsoft Computer Dictionary* (5th ed. 2002) |
| **1007** | Excerpts from Erin Jansen, *NetLingo: The Internet Dictionary* (2002) |
| **1008** | Excerpts from Adi Rome et al., *Multimedia on Symbian OS: Inside the Convergence Device* (2008) ("**Rome**") |
| **1009** | Excerpts from David Fox et al., *HTML Web Publisher's Construction Kit* (1995) ("**Fox**") |
| **1010** | Anthony Bruno, *A Bigger Hand? Apple's iPad Offers Larger Mobile Platform for Music and Media*, Billboard Magazine, Feb. 6, 2010 |
| **1011** | U.S. Patent No. 8,218,073 to Bill Cheng et al. (filed January 28, 2008, issued July 10, 2012) |
| **1012** | *Reserved* |
| **1013** | First Amended Complaint for Patent Infringement, *Weple IP Holdings LLC v. Meta Platforms, Inc.*, Case No. 2:24-cv-01316-JLR (W.D. Wash. filed October 31, 2024) |
| **1014** | Complaint for Patent Infringement, *Weple IP Holdings LLC v. Meta Platforms, Inc.*, Case No. 2:24-cv-01316-JLR (W.D. Wash. filed August 22, 2024) |
| **1015** | '2357 Patent File Wrapper |

# I. MANDATORY NOTICES UNDER § 42.8(A)(1)

## A. Real Party-In-Interest (§ 42.8(b)(1))

Meta Platforms, Inc. is the real party-in-interest to this IPR petition.

## B. Related Matters (§ 42.8(b)(2))

The '2357 patent is the subject of pending litigation involving Petitioner: *Weple IP Holdings LLC v. Meta Platforms, Inc.*, Case No. 2:24-cv-01316-JLR (W.D. Wash.). The original Complaint in that action was filed on August 22, 2024, but it did not assert the challenged patent against Petitioner. (EX1013.) Petitioner was first served with a Complaint alleging infringement of the challenged patent on October 31, 2024, when Patent Owner filed an Amended Complaint in the action which added allegations of infringement of the '2357 patent. (EX1014.) The present Petition is therefore timely under 35 U.S.C. § 315(b).

No trial date has been established in the pending litigation, and the district court has not issued any rulings on claim construction. On June 30, 2025, Petitioner filed a motion in the pending litigation, seeking an order that the challenged patent is invalid for failure to claim of patent-eligible subject matter under 35 U.S.C. § 101. As of the filing of this Petition, however, the district court presiding over the pending litigation has not issued a ruling on that motion.

Petitioner is filing IPR petitions challenging three of the patents asserted in the pending litigation mentioned above:

| IPR Case No. | Patent No. |
|---|---|
| IPR2026-00079 | U.S. Patent No. 12,112,357 B2 ("'2357") |
| IPR2026-00080 | U.S. Patent No. 12,118,591 B1 ("'591") |
| IPR2026-00081 | U.S. Patent No. 12,131,357 B2 ("'1357") |

In addition, a Request for *Ex Parte* Reexamination was filed by third party Unified Patents, LLC (Control No. 90/019,850), which involves U.S. Patent No. 11,734,730 B2, which issued from an application in the same chain of continuation applications as the challenged patent. Petitioner had no involvement with the preparation or filing of that reexamination. On September 25, 2025, the Examiner issued a Final Rejection against all challenged claims as obvious.

### C. Lead and Back-Up Counsel (§ 42.8(b)(3))

Petitioner provides the following designation of counsel.

| LEAD COUNSEL | BACK-UP COUNSEL |
|---|---|
| Heidi L. Keefe (Reg. No. 40,673)<br>hkeefe@cooley.com<br><br>COOLEY LLP<br>ATTN: Patent Group<br>1299 Pennsylvania Ave. NW, Suite 700<br>Washington, DC 20004<br>Tel: (650) 843-5001<br>Fax: (650) 849-7400 | Phillip E. Morton (Reg. No. 57,835)<br>pmorton@cooley.com<br><br>Andrew C. Mace (Reg. No. 63,342)<br>amace@cooley.com<br><br>Mark R. Weinstein (Admission *pro hac vice* to be requested)<br>mweinstein@cooley.com<br><br>Lowell D. Mead (Admission *pro hac vice* to be requested)<br>lmead@cooley.com |

| LEAD COUNSEL | BACK-UP COUNSEL |
|---|---|
| | COOLEY LLP<br>ATTN: Patent Group<br>1299 Pennsylvania Ave. NW, Suite 700<br>Washington D.C. 20004 |

### D. Service Information (§ 42.8(b)(4))

This Petition is being served by Federal Express to the attorney of record for the '2357 patent, Avantech Law, LLP, 80 S 8th St, Suite 900, Minneapolis, MN 55402. Petitioner consents to electronic service at the addresses provided above for lead and back-up counsel.

## II. FEE PAYMENT

Petitioner requests review of 30 claims, with a $65,975 payment.

## III. REQUIREMENTS UNDER §§ 42.104 AND 42.108 AND CONSIDERATIONS UNDER §§ 314(A) AND 325(D)

### A. Grounds for Standing

Petitioner certifies that the '2357 patent is available for IPR and that Petitioner is not barred or otherwise estopped.

### B. Identification of Challenge and Statement of Precise Relief Requested

Petitioner requests IPR institution based on:

| Ground | Claims | Basis for Challenge under §103 |
|---|---|---|
| 1 | 1-30 | Fosnacht (**EX1003**) in view of Kirkpatrick (**EX1004**) |

| Ground | Claims | Basis for Challenge under §103 |
|---|---|---|
| 2 | 6, 12, 21, 27 | Fosnacht in view of Kirkpatrick and Sharma (**EX1005**) |

This Petition is supported by the Declaration of Mark Crovella, Ph.D., a qualified technical expert. (EX1002 ("Crovella"), ¶¶1-7, App'x A.)

### C. Discretionary Denial Under §§ 314(a) and 325(d)

The '2357 patent is a new patent that issued recently (October 2024), and has not been the subject of any prior IPR petitions or any rulings on validity or patentability by any court. None of the prior art references relied on in the grounds listed above were identified during prosecution of the '2357 patent. The pending litigation against Petitioner is in a relatively early stage; no trial date has been set and the Court has not issued any claim construction rulings.

Additionally, if IPR is instituted (and institution is not subsequently vacated, or a Final Written Decision in the IPR is not subsequently vacated or terminated), Petitioner will not pursue in district court any grounds of invalidity against the challenged claims that were, or reasonably could have been, asserted in IPR under §§ 102 or 103 on the basis of prior art patent or printed publications. Petitioner will further address discretionary denial considerations if Patent Owner seeks discretionary denial.

# IV. OVERVIEW OF THE PATENT

## A. Person of Ordinary Skill in the Art

A person of ordinary skill in the art would have possessed a bachelor's degree in electrical engineering, computer science, or similar field, with two years combined experience in designing and implementing applications for mobile devices, as well as server-based systems for interacting with those mobile devices over a computer network such as the Internet. (EX1002, ¶12.) A person could also have qualified as a person of ordinary skill in the art with some combination of more formal education and less technical experience, or less formal education and more technical or professional experience. (*Id.*)

## B. Specification Overview

The '2357 patent describes "a system and process for coordinating a programmed media stream." ('2357, 2:31-33.) The content for a media stream can "relate[] to consciousness messages such as prayers, requests for charity, thoughts or similar messages" as well as "breaking news, music videos, comedy or similar content." ('2357, 2:33-37.) "A user can view these feeds or streams of these streams by downloading a mobile application or browsing to a website." ('2357, 2:40-42.) "The application or website can also be used to create, schedule and pay for media content airtime for a message or program." ('2357, 2:42-44.) The system is illustrated in Figure 1 reproduced below:

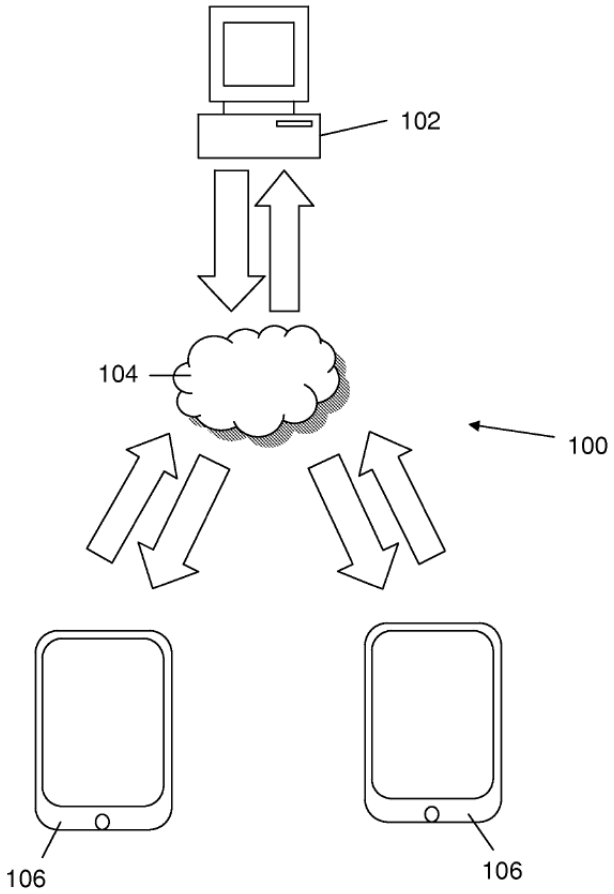



Figure 1

('2357, Fig. 1.) Figure 1 shows media coordination system **100** that includes network connected devices, such as mobile devices **106**, such as cell phones, portable music players, tables, laptop computers, etc. ('2357, 3:50-56.) The system **100** includes a "computer server **102** (e.g., a processor, RAM, a hard drive, an operating system, web serving software and database software)" with which "mobile devices **106**" can communicate via "a wide area network **104** such as the internet or wireless cell phone data network." ('2357, 3:56-62.) The basic operation of the system is shown in Figure 10:

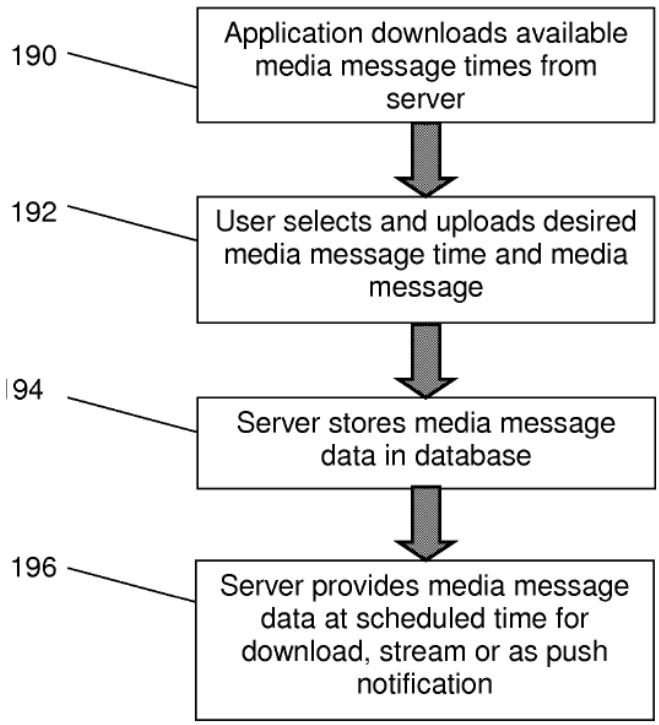



Figure 10

('2357, Fig. 10.) Figure 1 "illustrates a process of coordinating media content times according to an embodiment of the present invention." ('2357, 3:3-5.) The process includes selecting and uploading a desired media message and associated media message time (**190**, **192**), storing the media message at a server in a database (**194**), and then providing the media message at the scheduled time (**196**), for example, by making the message data "available for download to each mobile device **106** running the application." (*See* '2357, 4:43-61.) Figure 2 shows one embodiment of a user interface for presenting a media message:

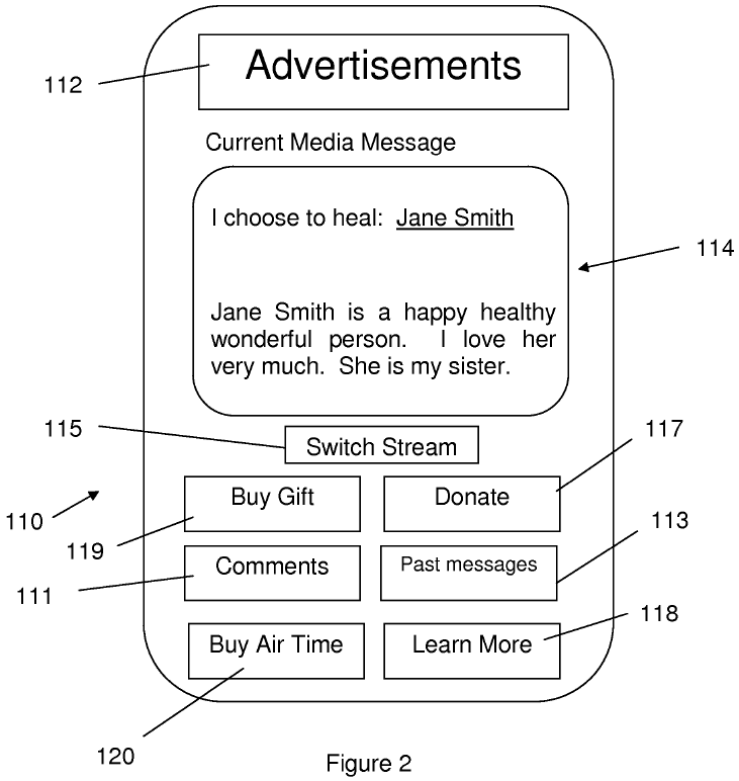



Figure 2

('2357, Fig. 2; 2:55-56.) Figure 2 shows current media message interface **110**, which "displays the media message currently scheduled by the server **102**." ('2357, 5:8-11.) As shown, the interface also "includes a comments button **111** that displays a comment interface for leaving messages related to the current media message." ('2357, 5:24-26.) And "selecting the switch stream button **115** allows the user to switch between" "multiple feeds or streams are available to the mobile application" such as "specific breaking news, religion, music, or pets." ('2357, 5:29-33.)

## V. CLAIM CONSTRUCTION

Petitioner does not believe express claim construction is necessary at this time. The parties in the pending litigation have not exchanged positions with respect to claim construction, so Petitioner does not know what positions, if any, Patent

Owner may take with respect to construction of the challenged claims. For the claim term "**mobile application**," the analysis below notes the possibility that Patent Owner could attempt to argue for a broad or narrow interpretation of this term, but the analysis below accounts for both possibilities thus making explicit construction unnecessary. The prior art cited herein, as demonstrated below, renders the challenged claims obvious under their plain and ordinary meaning. Petitioner reserves its right to respond in the event Patent Owner later makes claim construction arguments material to how the prior art applies to the challenged claims.

## VI. THE CHALLENGED CLAIMS ARE UNPATENTABLE

### A. Overview of Grounds

The challenged claims do not claim any technological advance—they attempt to lay claim over technologies that were already in the hands of millions of consumers. Long before the alleged priority date, the core features described in the challenged claims including mobile devices, mobile applications (including web browsers for mobile devices), and the ability to share media messages through Internet-based platforms, were widely available to the public.

All grounds rely on Fosnacht (**EX1003**), which discloses a web-based platform similar to the popular YouTube video sharing service in which users can share media items (such as videos) with other users through mobile computing devices. Fosnacht is a strong reference that discloses and renders obvious each

limitation of each challenged claim. All grounds also cite Kirkpatrick (**EX1004**), in the event of a narrow construction of "**mobile application**" limited to a native (non-browser) mobile application. (EX1002, ¶¶48-49, 74-75.) Kirkpatrick is a Google-owned patent that discloses a technique for presenting web-based content (such as YouTube content) through a native mobile application. (Kirkpatrick, 6:21-35; EX1002, ¶¶84, 86, 49.) Ground 2 cites to Sharma (**EX1005**) for advertising-related limitations in certain challenged dependent claims.

### B. Prior Art Status of Relied-Upon References

Pre-AIA law applies to the challenged claims, and each reference cited in the grounds listed in **Part III.B** qualifies as prior art to the '2357 patent. Fosnacht, Kirkpatrick, and Sharma all qualify as prior art under at least § 102(e) (pre-AIA) because they are patents or published patent applications whose applications were filed before the priority date of the '2357 patent.[1]

[1] The '2357 patent claims priority to a provisional application (No. 61/304,331) filed February 12, 2010. Petitioner at this time expresses no opinion on whether the challenged claims are entitled to the benefit of the provisional filing date, as all of the prior art references relied upon here predate even that date. In the event entitlement to the provisional filing date or another earlier priority date may later become relevant, Petitioner reserves the right to respond at that time.

### C. Ground 1: Claims 1-30 Are Obvious Over Fosnacht in View of Kirkpatrick

#### 1. Independent Claim 1

The preamble recites "**[a] method, comprising**…." The prior art discloses and renders obvious a method of distributing media messages as described below.

**(a) "receiving, at one or more servers, a plurality of media messages from one or more mobile applications executable on a corresponding one or more mobile devices;" (1[a])**

Fosnacht discloses a media distribution system in which a server receives media messages from mobile applications executable on one or more mobile devices. Figure 1 shows key components of media distribution system **100**:

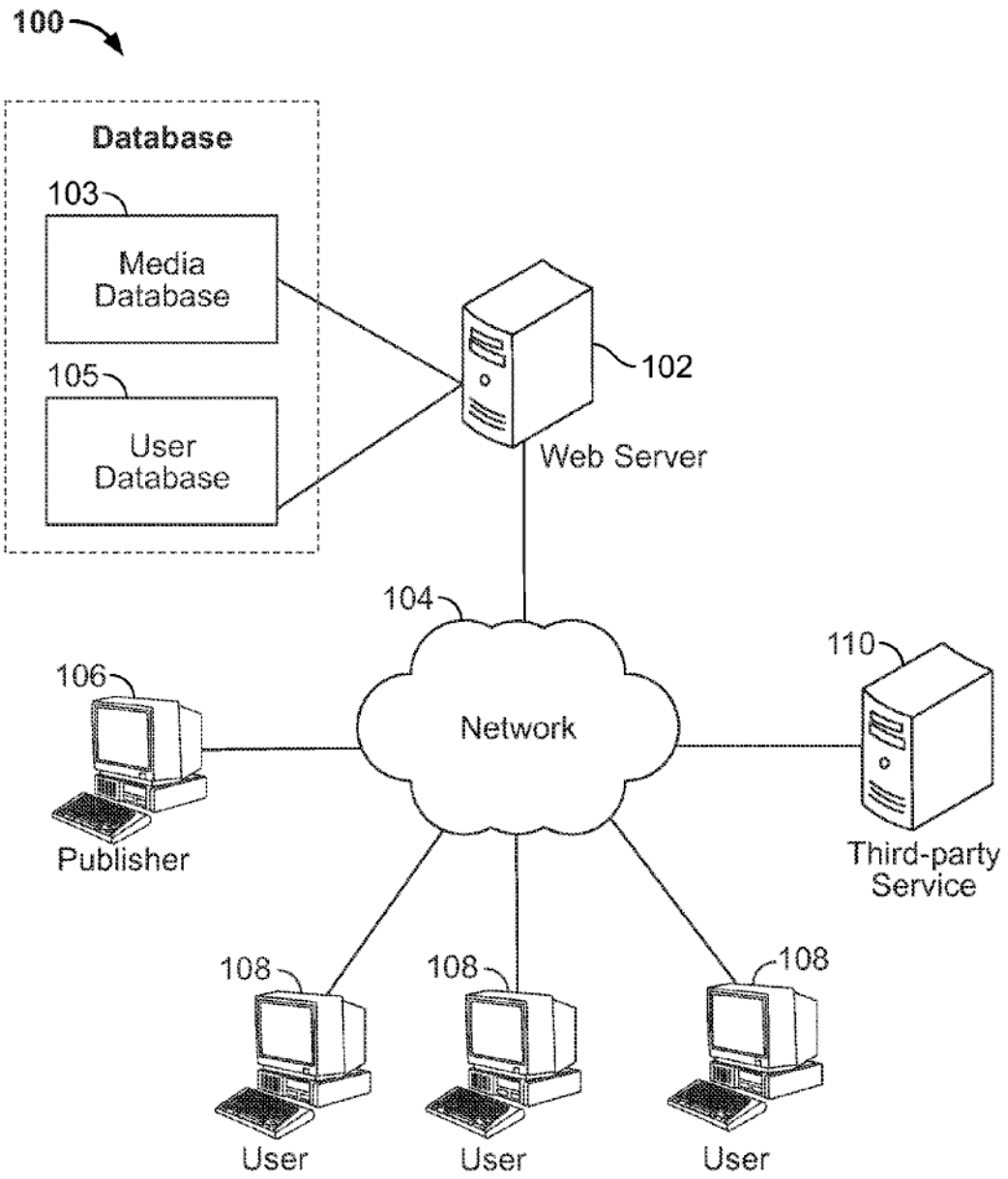



FIG. 1

(Fosnacht, Fig. 1.) "FIG. 1 is a block diagram of an exemplary media distribution system **100**. Media distribution system **100** includes web server **102**, network **104**, publisher computing system **106**, user computing systems **108**, and third-party

service computing system **110**." (Fosnacht, ¶0066.) "Web server **102** is a computing system that is in data communication with network **104**." (Fosnacht, ¶0067.) "In some embodiments, Web server **102** stores and transmits web site data. The web site data is requested by a computing system, such as user computing system **108**." (Fosnacht, ¶0075.)

With respect to user computing systems **108**, each of them is "a computing system through which a user communicates with network **104**," such as "a personal computer, a laptop computer, a tablet computer, a handheld computer, a personal digital assistant, a cell phone, or other digital devices." (Fosnacht, ¶0077.) Figure 1 also shows publisher computing system **106**, which is "a computing system through which a commercial publisher communicates with network **104**," and like user computer system **108**, can include "a personal computer or a handheld computer." (Fosnacht, ¶0072.)

Fosnacht thus discloses "**one or more servers**" in the form of web server **102**, shown in Figure 1 above as also including media database **103**, which in turn stores "**a plurality of media messages**," which take the form of media items such as video recordings. (Fosnacht, ¶¶0067, 0068 ("Media database **103** stores digital data including a plurality of media items, such as audio recordings, video recordings, or other digital media.").) Although Figure 1 shows media database **103** as part of web server **102**, in another embodiment "media database **103** is a database server that is

in data communication with web server **102**." (*Id.*)

The step of "**receiving, at one or more servers, a plurality of media messages**," occurs when users and/or publishers upload media items to the web server. (Fosnacht, ¶¶0349-0355.) Figure 41 shows an upload interface:

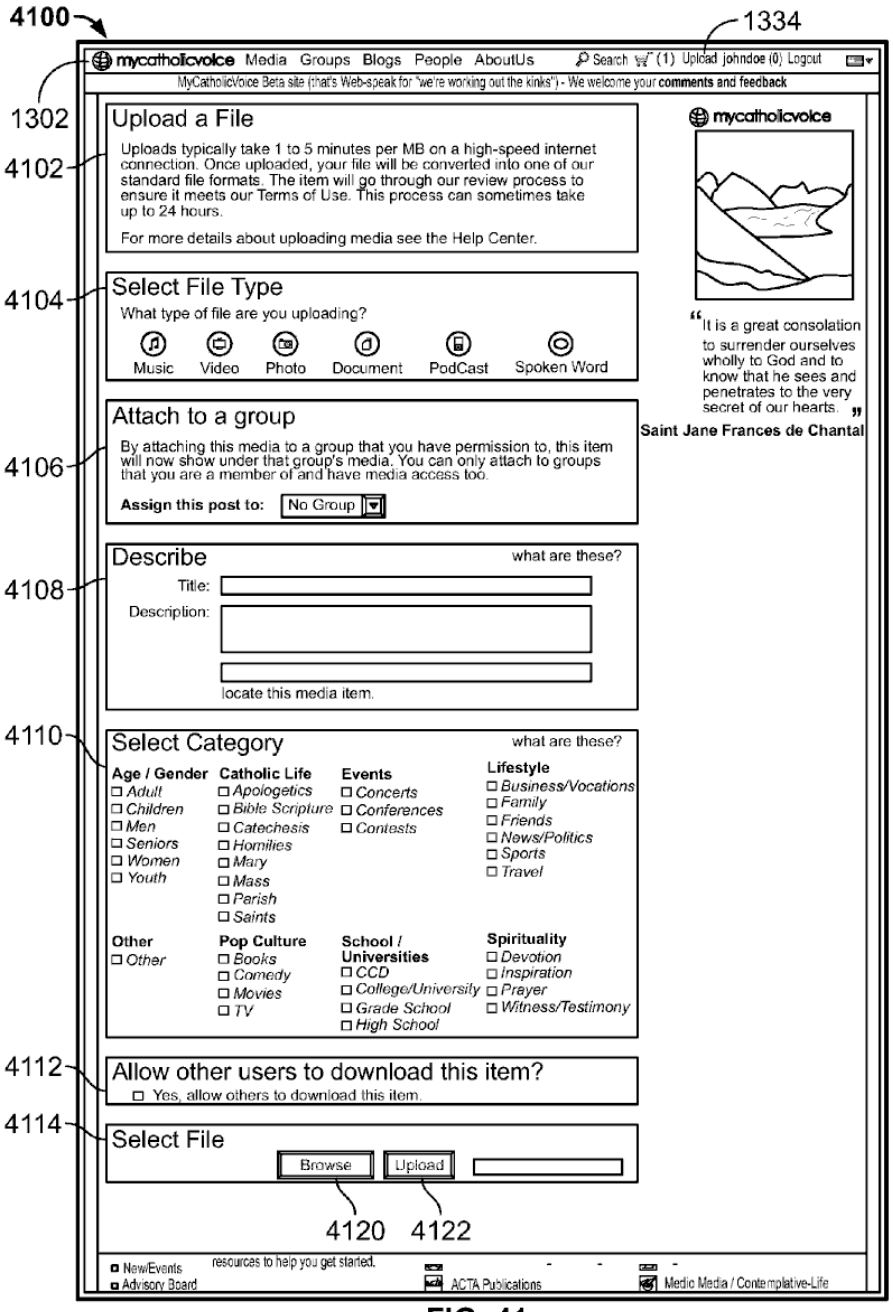



**FIG. 41**

(Fosnacht, Fig. 41, ¶0056.) The upload user interface of Figure 41 is not only utilized by users but also by publishers. (Fosnacht, ¶0356.) Fosnacht explains that "[i]nstructions for uploading a file are provided in general instruction section **4102**. After reviewing the instructions, the user selects a file type from file type selection section **4104**. Examples include music, video, photo, document, podcast, and spoken word." (Fosnacht, ¶0350.) Other sections in Figure 41 provide additional options for the uploaded media item, which are mostly self-explanatory. (Fosnacht, ¶¶351-353.) File section **4114** allows the uploader to select a file associated with the media item. (Fosnacht, Fig. 41.)

The step of "**receiving**" a "**media message**" occurs in Fosnacht when a media item is uploaded to media database **103** which, as noted, is part of web server **102** ("**one or more servers**"). Fosnacht explains that, after a file is selected for upload, "[t]he upload button **4122** is then selected to upload the selected file to the server and to save the media item and associated information in the media database (e.g., **103** shown in FIG. 1)." (Fosnacht, ¶0355;[2] *see also id.*, ¶0068 ("Web server **102** includes media database **103**.").) It would also have been apparent and obvious that the server in Fosnacht receives and stores "**a plurality of media messages**," such as multiple media items uploaded by one or more users or publishers. (Fosnacht,

[2] Except as otherwise noted, all emphasis was added by Petitioner.

¶¶0068 ("Media database **103** stores digital data including a plurality of media items, such as audio recordings, video recordings, and other digital media."), 0311 ("… media items uploaded by the user…."); EX1002, ¶72.) Fosnacht therefore discloses "**receiving, at one or more servers, a plurality of media messages**."

Fosnacht also discloses and renders obvious that the plurality of media messages are received from "**one or more mobile applications executable on a corresponding one or more mobile devices**." As noted, Figure 1 shows multiple user computing systems **108**, each of which "is a computing system through which a user communicates with network **104**." (Fosnacht, ¶0073.) Fosnacht further discloses that user computing system **108** includes "a browser software application," such as the well-known Microsoft Internet Explorer web browser. (Fosnacht, ¶0075.) "The browser operates to display a user interface at user computing system **108** to display the web site to the user." (*Id*.; *see also id.*, ¶0089.) Fosnacht further explains user computing system **108** can be a mobile device, such as "a laptop computer, a tablet computer, a handheld computer, a personal digital assistant, a cell phone," or "other digital devices configured to communicate digital data across network **104**." (Fosnacht, ¶0073.) Figure 1 as noted also shows publisher computing system **106**, and like user computer system **108**, it can include "a handheld computer." (Fosnacht, ¶0072.) The claimed "**one or more mobile applications executable on a corresponding one or more mobile devices application**,"

therefore, take the form of at least one web browser application executable on at least one mobile computing device. And as explained above, the web browser on a mobile device can be used to upload media items to web server **102**, for example, by utilizing the upload interface in Figure 41 discussed above. Fosnacht therefore discloses and renders obvious "**receiving, at one or more servers, a plurality of media messages from one or more mobile applications executable on a corresponding one or more mobile devices**."

Petitioner notes that the '2357 patent does not provide any express definition of "**mobile application**." The term "**application**" in computer science would have been generally understood as referring to a software program designed to perform a specific task. (EX1002, ¶74 (citing EX1006, p.007, EX1007, p.008).) Accordingly, a web browser executing on a mobile device as disclosed in Fosnacht would qualify as a mobile application based on its plain and ordinary meaning under the '2357 patent. This is also consistent with claims of the '2357 patent that expressly recite that interaction with a second link "**via the mobile application enables access to a webpage**." ('2357, Claims, 4, 10, 19, 25.) Enabling access to a webpage is precisely what a mobile web browser application does. (EX1002, ¶74.)

**Addressing Potential Narrow Construction of "Mobile Application"**

Petitioner notes that it is possible Patent Owner could later attempt to argue that "**mobile application**" should be more narrowly construed as a software program

(other than a general-purpose web browser application) written specifically for a particular mobile device, which was commonly referred to as a "native" mobile application. (EX1002, ¶75.) Nothing in the patent requires that a "**mobile application**" be a non-browser or native application, but in the event the Patent Owner later makes this argument, the claimed mobile application would have been obvious over Fosnacht in further view of **Kirkpatrick**.

Kirkpatrick describes a series of techniques for creating what are commonly called "native applications" for accessing content and features available through a web site. (Kirkpatrick, 3:26-29.) The term "native application" refers to a software application (typically for a mobile device) written specifically a particular type of device. (EX1002, ¶76.) A key feature of "native" applications is that they can typically execute and function without requiring use of a web browser application (although many native applications can utilize the device's general purpose web browser to present pages). Native applications are used by millions of Apple iPhone and Google Android smartphone users each day; for example, through mobile applications such as YouTube, TikTok, eBay, among others. Most of the "apps" available from the App Store (for Apple iOS devices) or the Google Play Store (for Android devices) are considered native applications. (*Id.*)

One of the key reasons some developers prefer native applications over applications provided via a web browser is that native applications can be more

tailored to the particular characteristics of the device. (EX1002, ¶77.) As Kirkpatrick explains, a native application can, among other things, "format the content in a way that is more conducive to display on a small screen of the mobile device (e.g., a screen of a cell phone)." (Kirkpatrick, 3:35-37.) Mobile device adoption exploded after 2007 due to widespread availability of modern smartphones such as Apple's iPhone and devices running Google's Android operating system, and the opening of app "stores" allowing developers to create and widely distribute applications for these types of devices. (EX1002, ¶¶78, 89.) These developments caused many developers to begin transitioning from web sites to native applications for some of their mobile device users. Kirkpatrick describes one technique for facilitating that transition. (*Id.*)

Kirkpatrick, assigned to Google (the makers of the popular Android mobile operating system), describes a unified framework for providing web-based features through "native" applications (which Kirkpatrick also refers to as "non-browser" applications). In broad overview, Kirkpatrick discloses a technique for allowing a native/non-browser application on a mobile device to receive web content and then reformat or process that content for display on the mobile device. Figure 1A shows the primary components of the disclosed system in one embodiment:

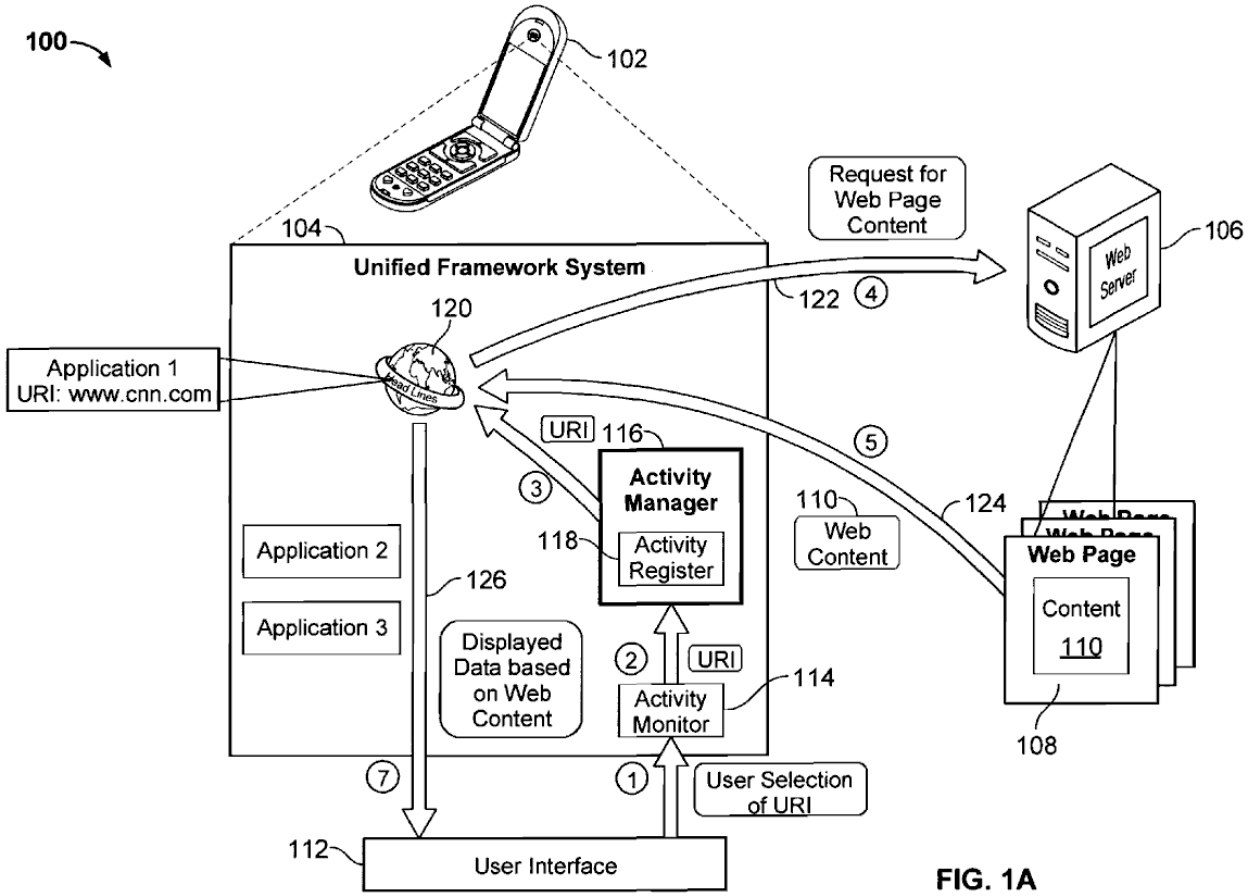



FIG. 1A

(Kirkpatrick, Fig. 1A.)

Figure 1A shows "cell phone **102** that has a unified framework system **104** that can integrate native applications and web content. The system **100** also includes a web server **106** that stores one or more web pages **108** that have content **110** (e.g., text, images, video, etc.)." (Kirkpatrick, 4:10-15.) In the example shown above, the user has selected a Uniform Resource Identifier (URI) for the website, www.cnn.com. (Kirkpatrick, 4:15-19.) Kirkpatrick explains that "[t]he unified framework system **104**," which is contained in cell phone **102**, "can have several components that are activated when the user selects the URI. The components may include an activity monitor **114** that detects the selection of the URI, an activity

manager **116** having an activity register **118**, and an application **120** (shown here as an application titled 'Headlines')." (Kirkpatrick, 4:19-25.)

"Once the activity monitor **114** detects the selection of the URI, the monitor **114** can forward the URI to the activity manager **116**. The activity manager can access the activity register **118** to determine which application is associated with the URI." (Kirkpatrick, 4:26-30.) In Figure 1A, the exemplary native/non-browser application **120** is called "Headlines." The URI is then forwarded to the application **120**, which requests web content from the web server **106** as shown in arrow **122**, which returns web content **110** to the application **120** as shown in arrow **124**. (Kirkpatrick, 4:30-41.) "The Headlines application, in some implementations, can reformat or otherwise process the web content and display the results to the user interface **112** as indicated by the arrow **126**." (Kirkpatrick, 4:46-48.)

Figure 1B shows another embodiment in which the native/non-browser application **160** is be used to upload a photo to web server **156**:

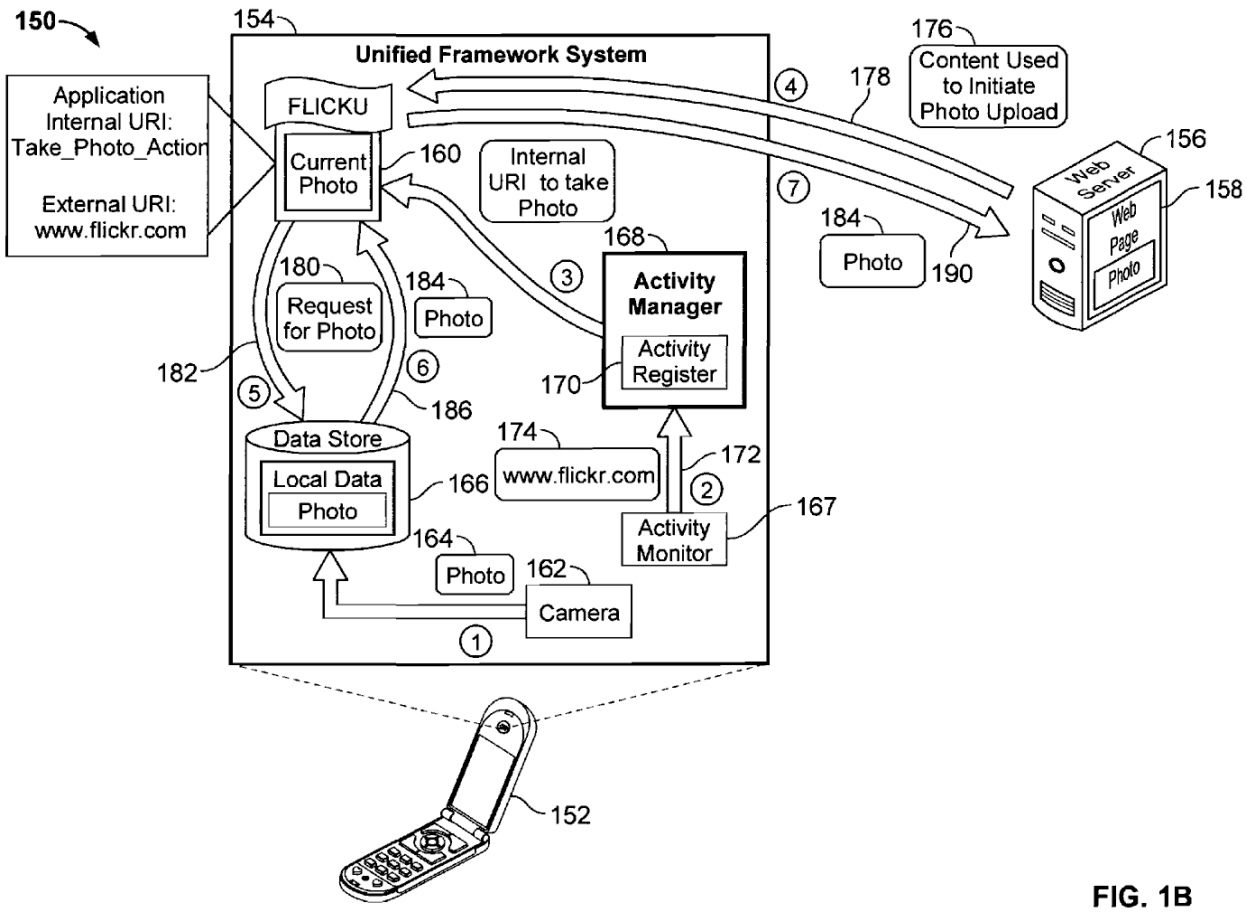



FIG. 1B

(Kirkpatrick, Fig. 1B.)

Figure 1B is similar in some respects to Figure 1A except that Figure 1B describes a different exemplary non-browser application **160** called "FlickU" that accesses the popular photo sharing website, www.flickr.com. (Kirkpatrick, 4:52-60.) As shown, photo **164** is taken using camera **162** of mobile device **152**, which is then stored in the local data store **166** of the device. (Kirkpatrick, 4:66-5:16.) The FlickU application **160** then requests information from web server **156** about uploading photos, as shown by arrow **178**. (Kirkpatrick, 5:29-39.) The FlickU application **160** then retrieves the photo from the local data store **166**, and uploads

photo **184** to web server **156** as shown by arrow **190**. (Kirkpatrick, 5:40-63.)

Kirkpatrick discloses a further embodiment in which a non-browser application called "YouTube Enhanced" is provided for accessing the popular YouTube video sharing website. In this embodiment, all URIs that point to the YouTube website (*i.e.* all URIs that include "www.youtube.com") can be forwarded to YouTube Enhanced for processing. (Kirkpatrick, 6:21-35.)

***Rationale and Motivation to Combine (Fosnacht and Kirkpatrick)***: It would have been obvious to combine Fosnacht with Kirkpatrick. The combination would have resulted in the media distribution system of Fosnacht, adapted to allow a mobile device to access the system through a native/non-browser application instead of through a web browser application. As applied to limitation 1**[a]**, therefore, the proposed combination would have resulted in web server **102** of Fosnacht receiving media messages "**from one or more mobile applications executable on a corresponding one or more mobile devices**," *i.e.*, through one or more native/non-browser applications executing on a mobile device, to the extent this is deemed a requirement of the claim. Accordingly, the features of the web site in Fosnacht and relied upon for claim 1, including the upload user interface and the upload of a media message to web server **102** described above, as well as the other user interface features of Fosnacht relied upon for other limitations described below, would have been presented through a native/non-browser mobile application executing on the

mobile device instead of a mobile web browser. (EX1002, ¶85.)

For example, in one exemplary implementation of the proposed combination, all of the URIs for the media distribution web site in Fosnacht (*i.e.*, all URIs containing the string www.mycatholicvoice.com, *see* Fig. 3) would have been processed by a native/non-browser application on the mobile device instead of the web browser application. (EX1002, ¶86.) This is consistent with an exemplary embodiment in Kirkpatrick describing the use of a native/non-browser application for accessing features of the popular YouTube video sharing website, which provides similar functionality to the media distribution website in Fosnacht. (Kirkpatrick, 6:21-28.) YouTube was (and remains today) a well-known video sharing website that provides features similar to Fosnacht, and Fosnacht itself specifically refers to YouTube as providing similar features. (Fosnacht, ¶0003.)

Fosnacht and Kirkpatrick are analogous references in the same field of endeavor of the ’2357 patent, which discloses systems and processes for distributing media messages to mobile devices over the Internet. (EX1002, ¶87.) The analogousness of Fosnacht is further highlighted by the fact that, like the ’2357 patent, Fosnacht discloses embodiments for distributing religious or prayer-oriented media messages. (Fosnacht, *e.g.*, Figs. 4-11.) Kirkpatrick similarly discloses techniques for creating native/non-browser mobile applications for distributing media such as photos and videos over the Internet. (Kirkpatrick, 5:17-63 (FlickU

example), 6:21-35 (YouTube Enhanced example).) Both references would also have been reasonably pertinent to problems facing the inventor. (EX1002, ¶87.)

A person of ordinary skill in the art would have been motivated to combine. It was widely known that native/non-browser mobile applications provided benefits over web-based applications that rely on a web browser, including the ability to have fuller access to the features and capabilities of the mobile device. (EX1002, ¶¶88, 76-77.) Kirkpatrick provides an express motivation to combine by extolling its advantages as including, among others, "seamless integration between viewing locally stored content and remote content" and the ability to intercept URIs "so that content from a web page is displayed within an application optimized for the displaying device." (Kirkpatrick, 2:30-36.) Kirkpatrick further states that the exemplary YouTube Enhanced mobile application "can be optimized for display on small screen devices, while the YouTube web page may not be easily viewed on a small screen." (Kirkpatrick, 8:43-46; *see also id.*, Fig. 7B.)

Market forces would have also provided a powerful motivation to combine; native mobile applications were becoming popular as of the priority date as a result of sales of tens of millions of devices such as the Apple iPhone, and tens of thousands of apps becoming available. (EX1002, ¶89.) The commercial desirability of native/non-browser mobile applications, coupled with the other benefits described above, would have motivated a skilled artisan to adapt the media distribution web

site of Fosnacht to be accessible via a native/non-browser application. (*Id.*) Finally, a person of ordinary skill in the art would have had at least a reasonable expectation of success, as the proposed combination would have involved nothing more than standard and conventional techniques. (EX1002, ¶90.)

**(b) "storing the plurality of media messages on the one or more servers, wherein one or more stored media messages are associated with expiration information to determine when the one or more stored media messages can no longer be provided in a feed;" (1[b])**

As noted, Fosnacht discloses "**storing the plurality of media messages on the one or more servers**," *i.e.*, when uploaded media items are stored on media database **103**, which is part of web server **102**. (Fosnacht, ¶¶0355 ("The upload button **4122** [of Figure 41] is then selected to upload the selected file to the server and to save the media item and associated information in the media database (e.g., **103** shown in FIG. 1)."), 0068 ("Web server **102** includes media database **103**.").)

Fosnacht also discloses that the stored media messages may be "**associated with expiration information**." More specifically, Fosnacht discloses a number of options for customizing aspects of the media item after upload. (Fosnacht, ¶00356.) Figure 42 includes several of these options, including a starting and ending date the media item will be available on the website:

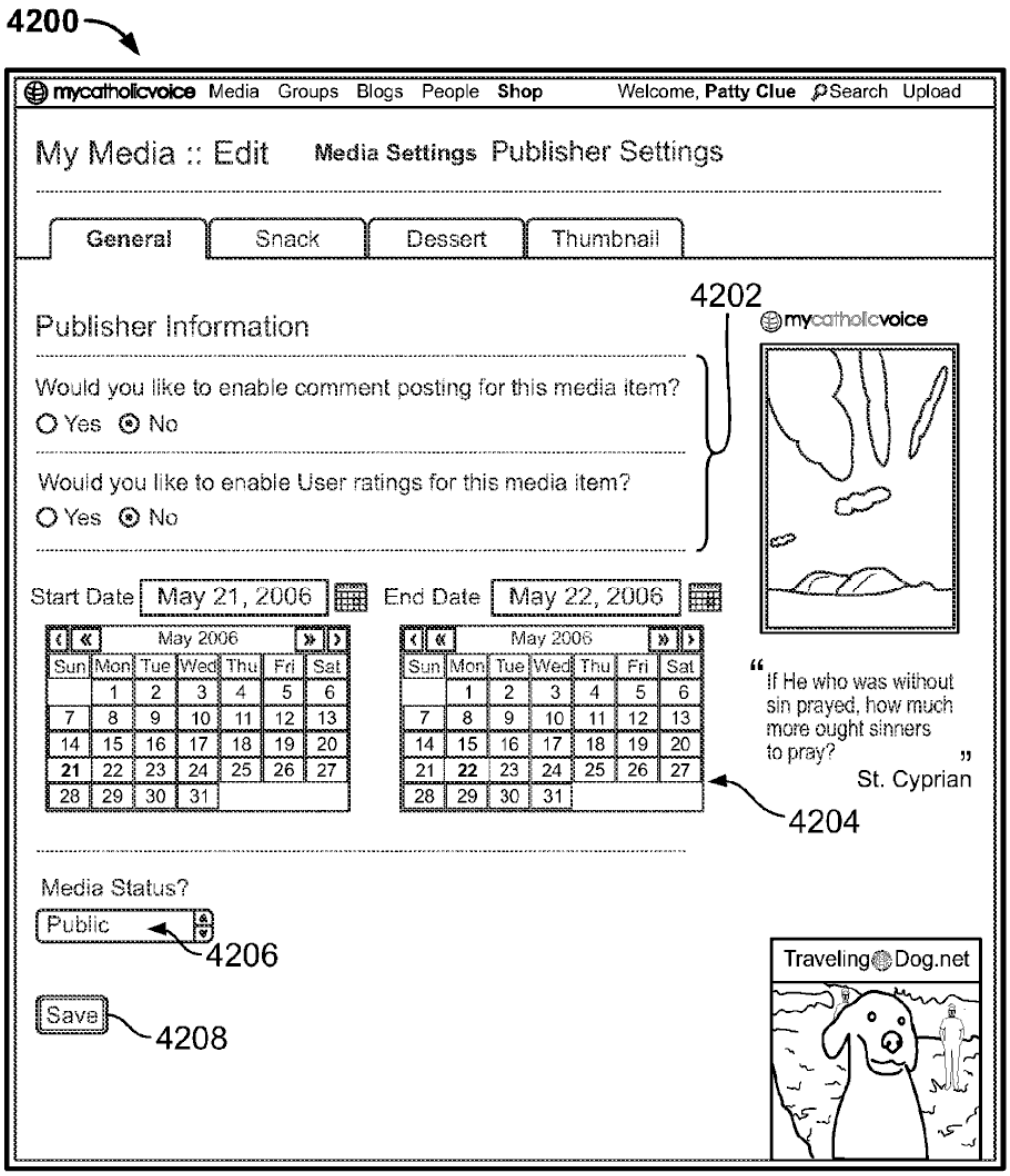



**FIG. 42**

(Fosnacht, Fig. 42, ¶0357.) The key feature of Figure 42 here is publication date selection section **4204**, which "allows the publisher to identify a starting date and an ending date for the media item to be available through the web site." (Fosnacht, ¶0360.) Figure 42 discloses options available for publishers, and although not required by the claim (as both publishers and users can upload media items as

explained for limitation 1**[a]**), it would have been obvious to provide the same date selection options for non-publisher users in order to give those users more timing control over presentation of media items they upload. (EX1002, ¶93)

Fosnacht therefore discloses that "**one or more stored media messages are associated with expiration information to determine when the one or more stored media messages can no longer be provided in a feed**," as claimed, with "**expiration information**" including at least the ending date specifying when the media item will no longer be available. (*See also* Fosnacht, p.00111 (showing "start_date" and "end_date" fields for media items).) With respect to the claimed "**feed**," as discussed below for limitation 1**[c]**, Fosnacht discloses several different feeds available through the website, including feeds for displaying featured, most viewed, and newest media items, among many other examples. (Fosnacht, ¶0095, Fig. 4.) Because expiration information in Fosnacht allows the publisher to specify the dates "the media item [will] be available through the web site" (Fosnacht, ¶0360), it specifies when the media item can no longer be provided in a feed.

> **(c) "selecting, for inclusion in respective ones of a first feed and a second, corresponding ones of a first subset and a second subset of media messages from among the plurality of media messages stored on the one or more servers, wherein the respective selections of the first subset and the second subset of media messages are based at least in part on the expiration information, wherein the second feed differs from the first feed;" (1[c])**

The '2357 patent does not provide an express definition of "**feed**" but describes it generally as a series or group of media messages posted by others that can be made available to a user to view. ('2357, 3:50-56.) Fosnacht discloses a number of different feeds for displaying media items to users of the system, which disclose the claimed first and second feeds recited in this claim limitation.

For example, welcome page **402** in Figure 4 shows at least three different feeds for showing "Featured," "Most Viewed," and "Newest" media items:

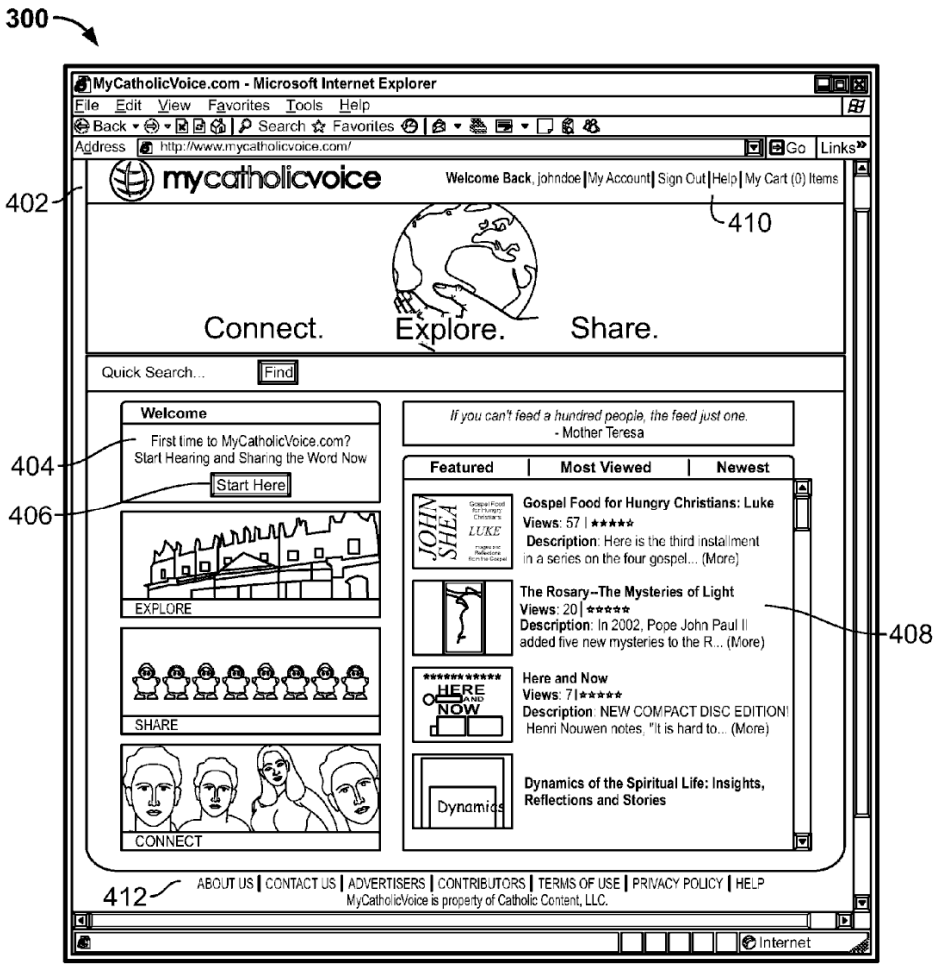



**FIG. 4**

(Fosnacht, Fig. 4.) "Welcome page **402** includes welcome section **404** and media section **408**." (Fosnacht, ¶0093.) The key feature shown in Figure 4 is media section **408** which, as shown, "includes a featured tab, most viewed tab, and a newest tab." (Fosnacht, ¶0095.) "If the featured tab is selected, welcome page **402** displays a set of featured content in media section **408**. This is also the default tab. If the most viewed tab is selected, welcome page **402** displays a set of the most viewed content, arranged in an order from the content that has been viewed the most to the content that has been viewed the least. If the newest tab is selected, then welcome page **402**

displays a set of the content that was most recently added, arranged in an order from the newest content to the oldest content." (Fosnacht, ¶0095.) Each of these tabs discloses a distinct "**feed**" that includes a subset of media items from the plurality of media items (such as video recordings).

Fosnacht discloses several other examples of feeds that include a subset of media items that can be presented to users. In one embodiment, users can choose to become members of one or more content centered communities (or groups) and can access associated community pages. (Fosnacht, ¶0114.) A user can access a particular community or group page by activating its link from the user's home page. (Fosnacht, ¶¶0114 ("If the user was a member of one or more communities, a link would be displayed. Selection of the link would cause web site **300** to display the associated community page."), 0158.) A community or group page provides information about the community and lists media items available to community members. (Fosnacht, Fig. 10, ¶¶0157-0158.) Figure 10 below shows an exemplary community page **1002**:

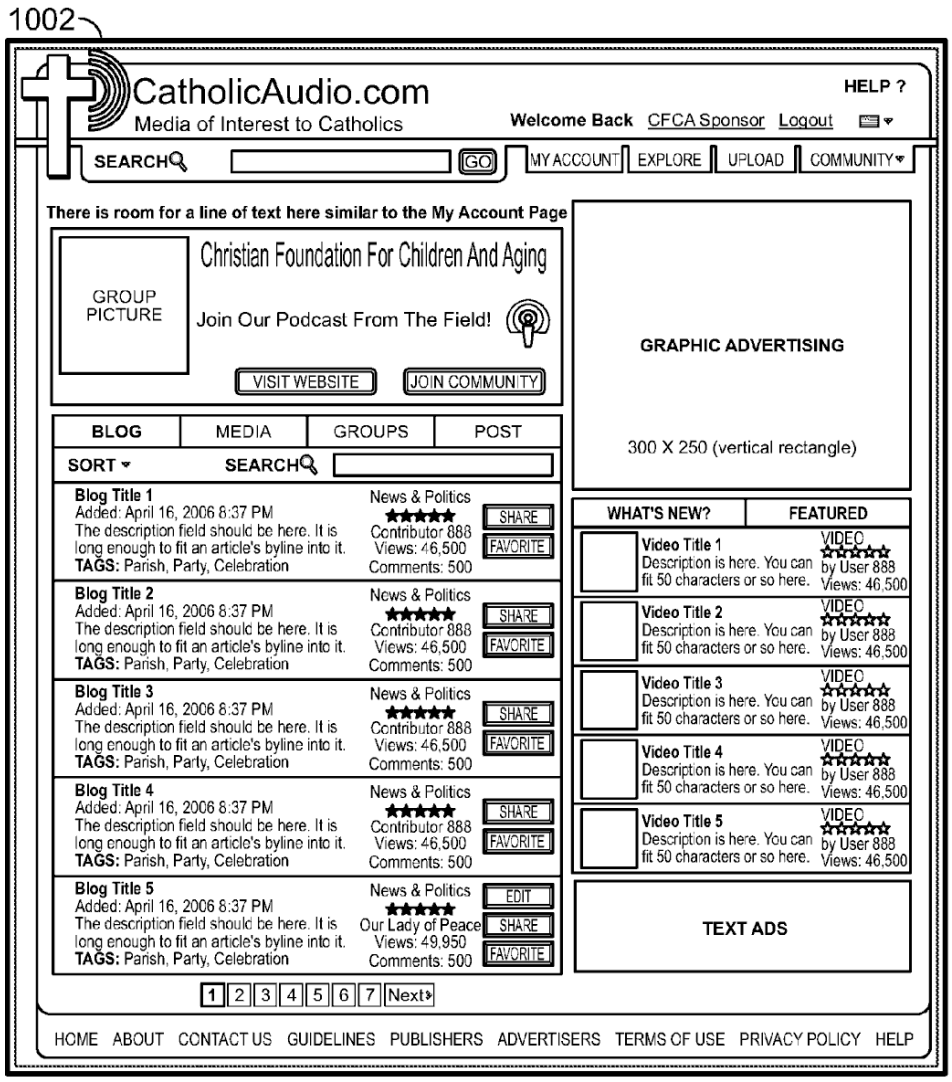



**FIG. 10**

(Fosnacht, Fig. 10.) An exemplary "**feed**" from Figure 10 is shown on the right side of the page, which presents a list of media items associated with the community (*e.g.* "Video Title 1" through "Video Title 5").

As yet another example of a "**feed**," Fosnacht discloses a list of favorite media items, to which users can add media items using a "Save to Favorites" link. (Fosnacht, ¶0122.) "Once saved as a favorite, the user can quickly return to this

media item by selecting it from the favorites section (e.g., **508**) of the MyHome page **502** (shown in FIG. 5), or by navigating to a favorites page that displays the media items that the user has identified as favorites." (*Id*.) A user's favorites can also be accessed from the user's profile page. (Fosnacht, ¶¶306, 310-311, Fig. 15 (media content tab **3506**).) In either case, the list of favorites provides another exemplary "**feed**" that includes a subset of media items.

As yet another example of a feed, Fosnacht discloses a feature known as a "ticker zone" **1304** that can be displayed on the home page of the website, as shown in Figures 13 and 14. As shown in Figure 14, ticker zone **1304** can present a number of media items in sequence:

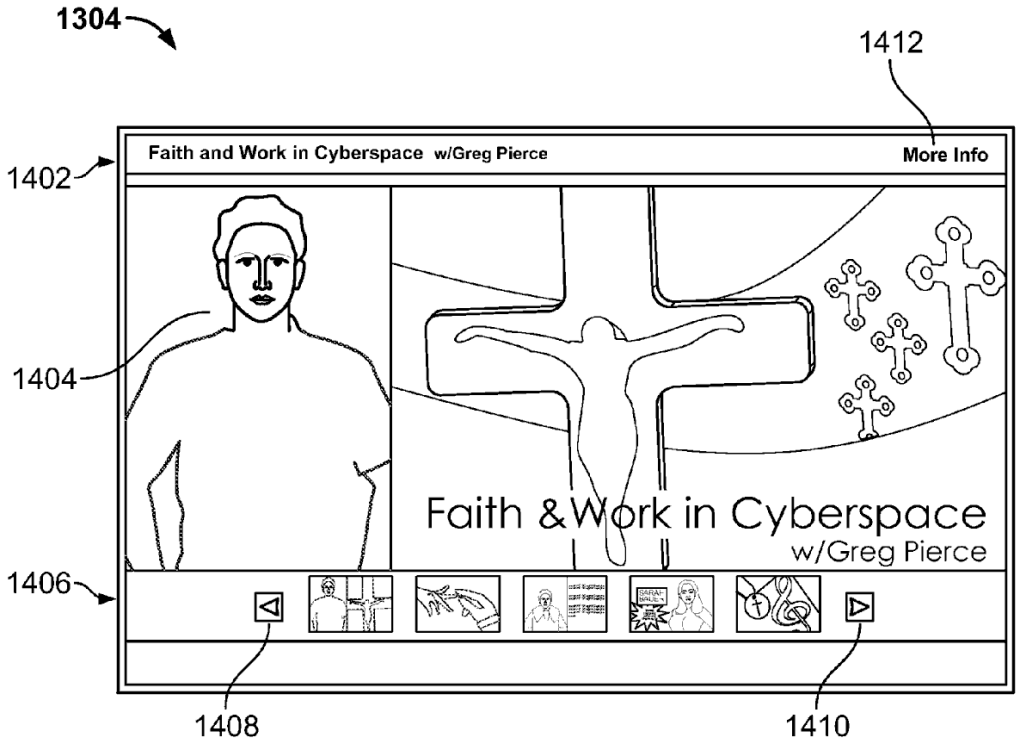



**FIG. 14**

(Fosnacht, Fig. 14.) "Ticker zone **1304** is a section of home page **1300** where certain content within web site **1100** can be featured," which can include media items from users or publishers "or any other content available through or associated with web site **1100**." (Fosnacht, ¶0174; *see also id*., ¶0183 ("Ticker zone **1304** can be used to feature both publisher content and user generated content.").) Ticker zone **1304** includes "display region **1404** [that] typically provides a graphical image and brief description of the associated media content. In other possible embodiments an audio or video clip is provided." (Fosnacht, ¶0177.) "In some embodiments display region **1404** scrolls through a plurality of featured content. For example, the first content is first featured in display region **1404** for a period of time. After the period of time has elapsed, the second content is next displayed. The process continues until all featured content has been displayed." (Fosnacht, ¶0178.) Ticker zone **1304** therefore provides another example of a "**feed**" that includes a subset of media items from the plurality of media items.

As yet another example, Fosnacht discloses a media browsing interface in Figure 9 that allows the user to browse media items and apply a series of filters to further specify the media items displayed. (Fosnacht, Fig. 9, ¶¶0145-0153.)

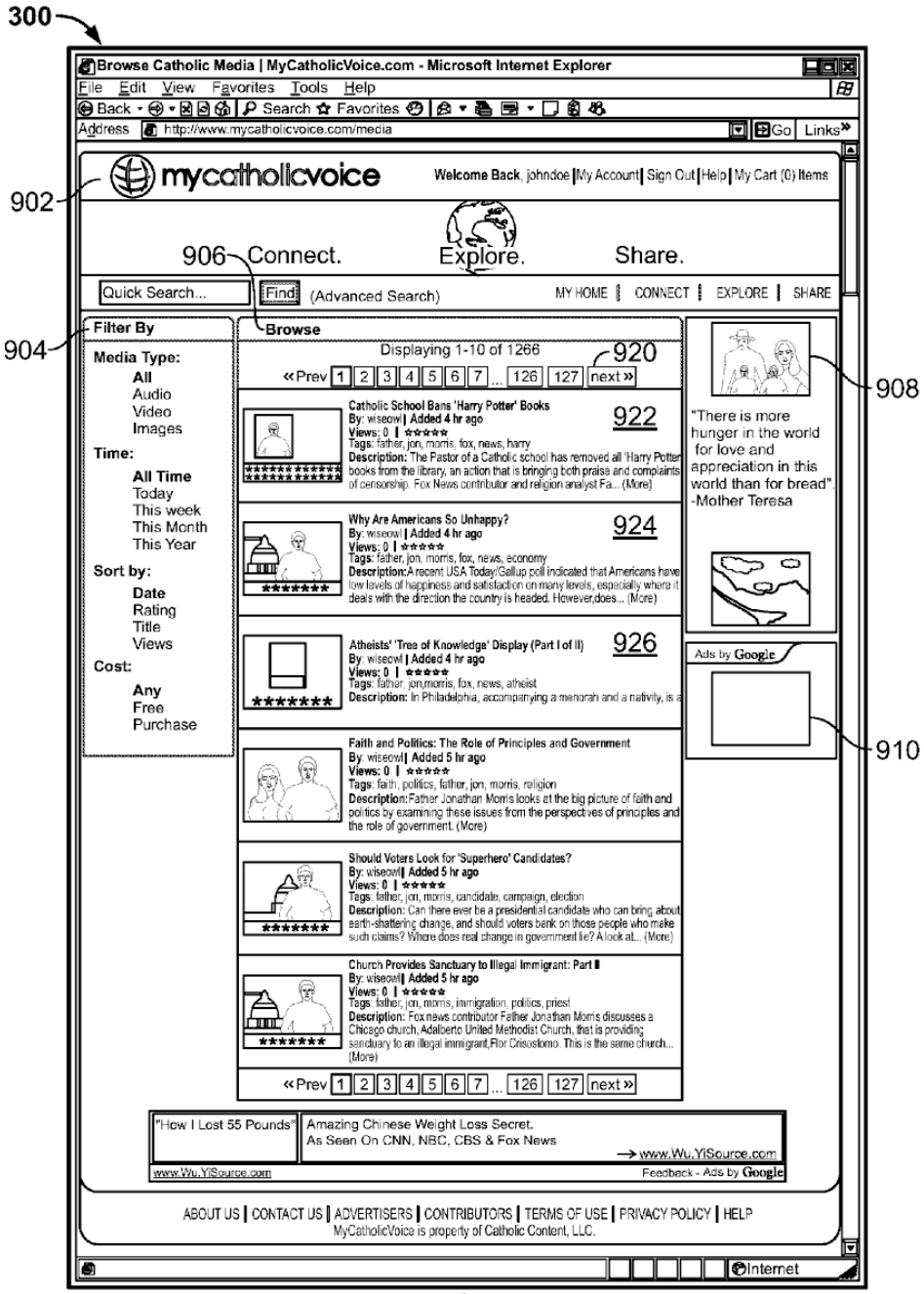



**FIG. 9**

(Fosnacht, Fig. 9.) "Browsing section **906** [of Figure 9] displays a list of media items that match the criteria specified in filter section **904**. In this example, media is displayed as snapshots, including media snapshots **922**, **924**, and **926**. Media snapshots display information about an associated media item." (Fosnacht, ¶0151.)

These media snapshots include, among other things, a thumbnail and title, as well as the name of the person or publisher who uploaded it. (*Id*.) A list of media items provided to the user in response to the user's search criteria therefore provides yet another example of a "**feed**," as claimed.

Fosnacht therefore discloses "**selecting, for inclusion in respective ones of a first feed and a second** [feed], **corresponding ones of a first subset and a second subset of media messages from among the plurality of media messages stored on the one or more servers**," as claimed. This occurs when the server in Fosnacht selects a subset of previously-stored media items to display to the user in at least a first and second feed. For example, each of the examples listed above including the featured, most viewed and newest tabs in media section **408** of Figure 4, the list of video media items in the community page in Figure 10, the media items available through favorites section **508** of Figure 5, ticker zone **1304** in Figures 13-14, and browsing section **906** of Figure 9, provides a "**feed**" that lists a subset of media items. The claimed "**first**" and "**second**" feeds could be mapped to any two of the examples described above; to take just one example, the "**first feed**" could be mapped to the feed of media items available through the community page in Figure 10, and the "**second**" feed to the subset of items in the ticker zone **1304** of Figures 13-14, but many other combinations are also possible for mapping the two feeds.

Additionally, with respect to each of the feeds in Fosnacht, the claimed

selecting is "**based at least in part on the expiration information**," because the expiration information determines whether or not media items will be included in the feed. The expiration information, as explained for limitation 1**[b]**, "allows the publisher to identify a starting date and an ending date for the media item to be available through the web site." (Fosnacht, ¶0360.) Accordingly, because a media item ***cannot*** be selected for inclusion in a feed after its ending date (but ***can*** before that date), the claimed selection is based at least in part on the expiration information.

Each of the exemplary ways in Fosnacht of displaying a list of media items discussed above qualifies as a separate "**feed**" under its plain and ordinary meaning consistent with the patent specification. (EX1002, ¶102.) As explained above, the '2357 patent does not provide a definition of "**feed**" but describes it generally as a series or group of media messages posted by others that can be made available to a user to view. ('2357, 3:50-56.) This is precisely what each of the examples in Fosnacht discussed above provides.

These feeds also provide a different subset of media items; for example the "most viewed" tab shows the most viewed media items (arranged from most to least popular), the "newest" tab shows the most recently added media items (arranged from newest to oldest), the community page shows media items relating to a particular community, and so forth. (Fosnacht, ¶¶0095, 0157-0158.) Fosnacht therefore discloses that "**the second feed differs from the first feed**" as claimed.

Petitioner notes that the claim requires a second feed that "**differs**" from the first feed, but does not appear to require that there be no overlap in media items between the two feeds. The feeds in Fosnacht differ from one another because each feed serves a different purpose (*e.g.*, to list media items based on the ones that are new, featured, popular, favorite, based on a particular community, meeting the user's search filters, and so forth), and thus, it would have been obvious that each of these feeds would have presented a different subset of media items. (EX1002, ¶104.)

And even if the claim required that the two feeds provide a non-overlapping listing of media items, it would have been obvious that the first and second feeds in Fosnacht would have met this limitation. For example, it would have been obvious for the "Newest" and "Most Viewed" tabs in Figure 4 to have presented non-overlapping media items because the "Newest" media items are unlikely to be the "Most Viewed" because they were uploaded recently and thus are unlikely to have been viewed as much as older items. As another example, Fosnacht confirms, in one embodiment, that media items uploaded to a community may be designated as private to that community. (Fosnacht, ¶0157.) Under this embodiment, if either of the claimed feeds was a community- or group-based page with uploaded media items designated as private to that community, then those media items would be unavailable on the other feed, thus preventing any overlap between media items available in the two feeds. (EX1002, ¶105.)

**(d) "providing the first feed from the one or more servers to a mobile application executable on a mobile device, the mobile application configured to present the first feed, wherein presentation of the first feed by the mobile application includes presentation of a sharing prompt with a media message included in the first feed, wherein interaction with the sharing prompt via the mobile application facilitates generation of a link configured to enable access to the media message; and" (1[d])**

The step of "**providing the first feed from the one or more servers**" takes place in Fosnacht when web server **102** provides one or more web pages to a user computing system **108**, the web pages including the "**first feed**" described in the discussion of limitation 1**[c]**. (Fosnacht, ¶0075.) As explained above for limitation 1**[a]**, Fosnacht further discloses that user computing system **108**, in one embodiment, may be a mobile device. (Fosnacht, ¶0073.) And as fully explained for limitation 1**[a]**, it would have been obvious for the web site of Fosnacht, which includes the claimed "**first feed**," to have been provided to and presented through a "**mobile application executing on a mobile device**," under Fosnacht alone or under the further combination with Kirkpatrick.

The claimed step of "**providing the first feed**" occurs under the proposed combination when the server in Fosnacht (a) sends a page to the user showing available media items in the first feed, and then (b) allows the user to view one or more selected media items from the first feed through media pages associated with that media item. With respect to step (a), this occurs in Fosnacht when the server

sends a page listing available media items in the "**first feed**," such as the listing of items in the featured, most viewed and newest tabs in media section **408** of Figure 4, the community page in Figure 10, favorites section **508** of Figure 5, ticker zone **1304** in Figures 13-14, and browsing section **906** of Figure 9, discussed above.

With respect to step (b), Fosnacht discloses a media page that the user can access by selecting a particular media item, which presents the selected media item to the user. (Fosnacht, ¶¶0118 ("If the user wants to get more information about the media item, the user selects the media item. Web site **300** then displays the media page associated with the selected media item."), 0119.) Figure 7 shows one example of media page **702** for an audio media item:

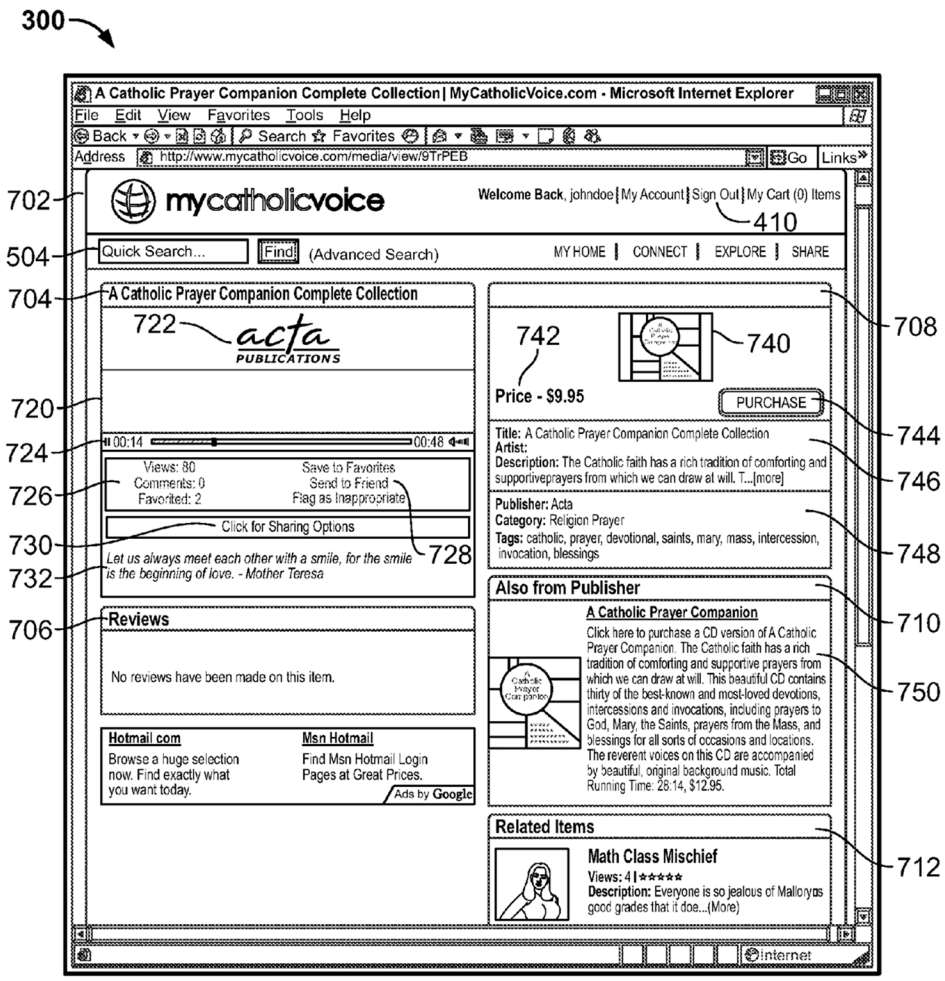



**FIG. 7**

(Fosnacht, Fig. 7, ¶¶0119-0120.) "Media page **702** is a page where additional information about a selected media item is displayed. The media item is typically either user-generated content (such as previously uploaded by a user) or content provided by a commercial publisher." (Fosnacht, ¶0120.) Figure 8 shows a similar media page but for a video media item with substantially the same features. (Fosnacht, Fig. 8, ¶0138 ("FIG. 8 is a screen shot of an exemplary media page **802**. Media page **802** is similar to media page **702**, except that media page **802** relates to a video media item, rather than an audio media item.").)

In the example of Figure 7 above, the media item is an audio entitled "A Catholic Prayer Companion Complete Collection." (Fosnacht, ¶0120.) "Media player section **704** [in Figure 7] includes an audio player **720** that plays at least part of the audio recording to the user, such as through a speaker or headphones associated with the user's computing system." (*Id.*) Figure 8 also includes a media player for video. (Fosnacht, ¶0138 ("In this embodiment, media player section **804** includes a section for a video player to display a video.").)

Figure 21 provides another example of a media page, also for a video:

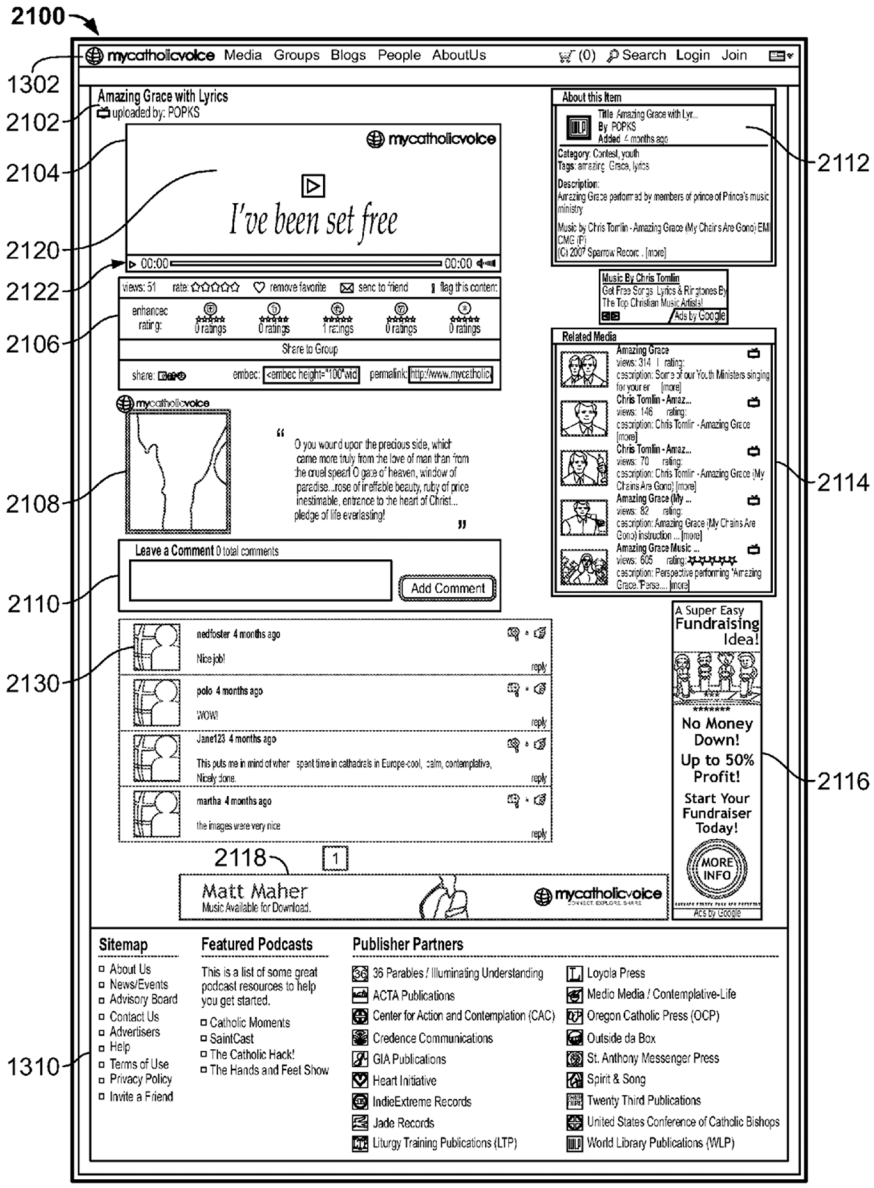



FIG. 21

(Fosnacht, Fig. 21, ¶0224.) Figure 21 includes, similar to Figures 7 and 8 discussed above, media player section **2104** for playing the video. (Fosnacht, ¶0239 ("User generated content is freely available through web site **1100**. As a result, media player section **2104** of media page **2100** includes the full content of this video uploaded by a user. To play the media, the user either clicks on the video display **2120** or clicks

on the play button in video controls **2122**. The video then plays in media player section **2104**.").)

Fosnacht therefore discloses "**providing the first feed from the one or more servers to a mobile application executable on a mobile device, the mobile application configured to present the first feed**," by providing a page with a list of media items in the first feed, and by allowing the user to display one or more selected media items on a media item page accessible from the first feed. Although this mapping includes two web pages, this is entirely consistent with the '2357 patent, which shows a first screen (Figure 2) for displaying a current media item, and a second screen (Figure 3) for displaying information about the creator of the media item and providing a share button **128** for sharing the media item. ('2357, Figs. 2-3, 5:8-50.) Petitioner notes that the language of claim 1 does not specify any particular form or manner in which the first feed must be provided to, and presented by, a mobile application.

Fosnacht also discloses and renders obvious that presentation of the first feed "**includes presentation of a sharing prompt with a media message included in the first feed**," as claimed. Focusing first on the latter part of this claim language, Fosnacht discloses that the first feed includes "**presentation of… a media message included in the first feed**," because the system allows the presentation of a media item (*e.g.* viewing a video) from a particular feed. With respect to ticker zone **1304**

in Figure 14 as described above, for example, a video clip associated with a media item can be displayed in the ticker zone itself in display region **1404**, without having to access a separate media page. (Fosnacht, ¶¶0177 ("Display region **1404** typically provides a graphical image or brief description of the associated media content. In other possible embodiments, an audio or video clip is provided."), 0178 ("In some embodiments, display region **1404** scrolls through a plurality of featured content.. The process continues until all featured content has been displayed.").) In other exemplary feeds, as discussed, a user can select a media item from the feed to present the media item through its associated media page. For example, Fosnacht repeatedly discloses that when a media item is presented on the web site, the user can access the media page for the item by clicking on an associated link. (Fosnacht, *e.g.*, ¶¶0111 (for Favorites: "The user can select the link to cause web site **300** to display the media page associated with the favorite media."), 0118 (for Featured media items: "If the user wants to get more information about the media item, the user selects the media item. Web site **300** then displays the media page associated with the selected media item."), 0181 (for Ticker Zone: "When a user wants more information about particular featured content, the user selects more info button **1412**… If the featured content is a media item, then the associated media item page is displayed."), 0194 ("Each displayed search is also linked to the associated media page…."), 0311 ("The media item is displayed as a thumbnail image **3514**, which is linked to the associated

media page.").) It therefore would have been obvious, with respect to each of the feeds identified for limitation 1**[c]** that list media items to a user, for the user to have accessed the media page for a media item by clicking on its associated link. A skilled artisan would have been motivated to provide this functionality across all of the feeds in Fosnacht to provide a consistent user interface for allowing the user to access the media page for a media item. (EX1002, ¶111.) Fosnacht therefore discloses and renders obvious that the first feed includes "**presentation of… a media message included in the first feed**," as claimed. Petitioner observes that, under this mapping, the user viewing a particular feed may take a further action to view a video media item (such as clicking on its associated link), but nothing in claim 1 precludes the user taking additional action to cause the media item to be presented.

Fosnacht further discloses that the first feed "**includes presentation of a <u>sharing prompt</u> with a media message**," which is provided in the media page itself, more specifically through sharing options **730** shown in Figure 7, sharing options **830** in Figure 8, and the sharing links feature available through tool bar **2106** in Figure 21 (figures reproduced above). In reference to Figure 7, Fosnacht explains, "[m]edia player section **704** also includes a sharing options link **730**. Clicking on this link causes web site **300** to display a sharing options page." (Fosnacht, ¶0125; *see also id.*, Fig. 8 (showing sharing options feature for video media page).) Fosnacht explains, with reference to sharing options link **730**, that "[e]xamples of

sharing options include the ability to link the media item to a third-party service (e.g., **110** shown in FIG. 1), to generate an e-mail to a friend regarding the media item, or other sharing options." (Fosnacht, ¶0125.) Similarly, Figure 21 shows tool bar **2106**, which provides various options including sharing features including "share:", "embed:", and "permalink:" (Fosnacht, Fig. 21.)

Fosnacht further explains these linking features result in generation of a link (e.g. a URL) to enable access to the media item. (Fosnacht, ¶0237 ("Sharing links **2034** allow users to interconnect the media page **1900** with external systems or third-party services… such as facebook, digg, and stumble upon. In addition, URLs are provided to allow a user to easily embed the media item in their own or other web sites (embed), or to link directly to the media page (permalink) from their own or other web sites.").) The term "URL" refers to Uniform Resource Locator, the standard address used to uniquely identify and locate a resource on the Internet (such as a web page), and it would have been apparent that the media page in Fosnacht would have been identified by at least its own URL. (EX1002, ¶112.) Fosnacht further discloses that the first feed "**includes presentation of a sharing prompt with a media message**," because as explained, the media page containing the sharing prompt is accessed by the user when the user selects a media item to display from the list of media items in the first feed.

Fosnacht further discloses and renders obvious that interaction with the sharing prompt "**facilitates generation of a link configured to enable access to the media message**," as claimed. This is because, as explained, the sharing prompt in Fosnacht available through Figure 7, 8, or 21, all result in generation of a link to enable access to the media item. The disclosures above, for example, confirm that Fosnacht generates a link (*e.g.* permanent link or permalink) for the media page of a particular media item, allowing the media page to be accessed through that link, for example, on another site. It thus would have been obvious that the link generated in Fosnacht enables access to the media item because it allows the user to link to the media page for the media item, or to embed the media item in their own sites. (EX1002, ¶113.) In either case, interacting with the sharing prompt in Fosnacht (via web browser or other mobile application) facilitates generation of "**a link configured to enable access to the media message**."

**(e) "providing the second feed from the one or more servers to the mobile application, the mobile application configured to present the second feed, wherein the mobile application is further configured to switch a presentation of the first feed to a presentation of the second feed in response to a user interaction with the mobile application." (1[e])**

The analysis for this limitation is similar in many respects to limitation 1**[d]** above that recites the claimed "**first feed**." The second feed, like the first feed discussed above, is provided when web server **102** provides the web page to a user

computing system **108** that includes the second feed. (Fosnacht, ¶0075.) As explained for limitation 1**[d]**, it would have been obvious that the second feed (just like the first feed) would have been provided "**to the mobile application**," which would have been configured to present the feed to the user through the user interface by displaying a page showing a list of media items available in the second feed, and allowing the user to select one or more of those media items to display on associated media item pages. (EX1002, *e.g.*, ¶¶74-75, 85-86.)

It would also have been obvious that "**the mobile application is further configured to switch a presentation of the first feed to a presentation of the second feed in response to a user interaction with the mobile application**," as claimed. Fosnacht discloses an interactive user interface that allows the user to navigate from one feed to another. For example, the "Featured," "Most Popular" and "Newest" feeds in Figure 4 described in connection with limitation 1[b], are activated by user-selectable tabs through the user interface. (Fosnacht, Fig. 4, ¶¶0095 ("If the featured tab is selected, welcome page 402 displays a set of featured content…. If the most viewed tab is selected, welcome page 402 displays a set of the most viewed content… If the newest tab is selected, then welcome page 402 displays a set of the content that was most recently added[.]").) Similarly, the community page and the media browsing pages described above in connection with limitation 1**[b]** are activated by user-selectable links. (Fosnacht, ¶¶0114 ("The Communities

section **514** (also sometimes referred to herein as a group) includes links to the community pages of any communities that the user is a member."), 0145 ("FIG. 9 is a screen shot of an exemplary media browsing page **902**. Media browsing page **902** is displayed, for example, when a user selects Explore from the quick links bar (e.g., **504** described herein with reference to FIG. 5).").) Fosnacht therefore discloses and renders obvious that the mobile application is configured to "**switch a presentation of the first feed to a presentation of the second feed in response to a user interaction with the mobile application**," for example, when the user switches from one feed to another by making the appropriate selections through the user interface. And as explained for limitation 1**[a]**, it would have been obvious that navigation through the user interface of Fosnacht would have taken place in response to user interaction with "**the mobile application**," as claimed, based on Fosnacht alone or in view of Kirkpatrick.

**2. Claim 2: "The method of claim 1, wherein respective ones of the plurality of media messages received at the one or more servers include an image or video captured by the one or more mobile applications via a corresponding one or more cameras of the corresponding one or more mobile devices."**

As explained for claim 1, the media items in Fosnacht that users can upload to web server **102** ("**the plurality of media messages**") can include images or videos. (Fosnacht, ¶0083.) Fosnacht further discloses that media items can include "web camera recordings." (Fosnacht, ¶0143.) The term "web camera" (also

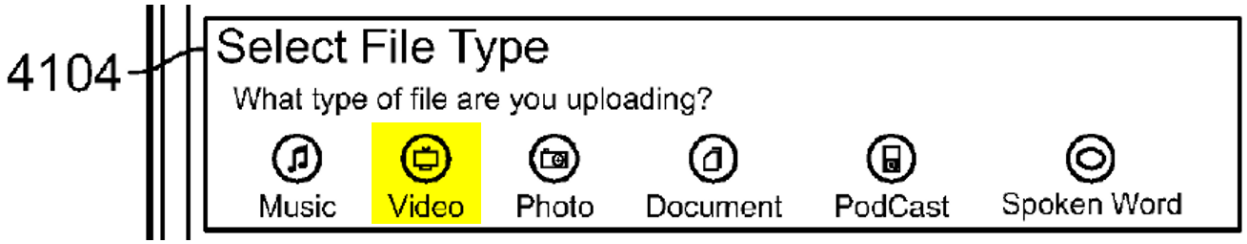
commonly known as a "webcam") refers to a camera connected or otherwise built-into a computer. (EX1002, ¶116 (citing EX1011).) It therefore would have been obvious based on Fosnacht that the video item uploaded by a user would have included "**video captured by the one or more mobile applications via a corresponding one or more cameras of the corresponding one or more mobile devices**," *i.e.*, video captured on a webcam of the device as disclosed in Fosnacht, executing the mobile application.

As a separate and independent theory, claim 2 would also have been obvious over Fosnacht in further view of Kirkpatrick. Kirkpatrick discloses, in connection with the FlickU embodiment, the ability of the mobile application to use a mobile device's camera to capture and photo and upload it to a web server. (Kirkpatrick, 4:57-5:63.) Although this embodiment involves uploading of photos, it would have been obvious to also adapt this technique to videos. For example, Kirkpatrick discloses a mobile device **900** (Figure 9) that "implements the unified framework feature," which includes a built-in camera **907**. (Kirkpatrick, 11:63-65, 14:18-23, Fig, 9.) "The camera **907** allows the device **900** to capture digital images, and may be a scanner, a digital still camera, a digital video camera, or other digital input device." (Kirkpatrick, 14:18-20.) It therefore would have been obvious, under the proposed combination, for the video of a video media item uploaded to web server **102** in Fosnacht to have been captured by a mobile application via a camera on the

mobile device. (EX1002, ¶117.) The ability to use a built-in camera to capture video was well-known to persons of ordinary skill in the art and a standard feature of well-known mobile device operating systems. (EX1002, ¶118.) A person of ordinary skill in the art would have been motivated to implement Fosnacht such that the video of a video media item uploaded to web server **102** was captured by a mobile application via a camera on the mobile device itself, as this would have allowed the user to more spontaneously and immediately share videos with other users using the mobile device. (*Id*.)

**3. Claim 3: "The method of claim 2, wherein the media message included in the first feed includes one or more of an attached image or attached audio that is not native to the image or video captured by the one or more mobile applications via the corresponding one or more cameras of the corresponding one or more mobile devices."**

As explained in claim 1, Fosnacht makes clear that a media item "**included in the first feed**" could be a video. For example, Fosnacht discloses the ability of a user to upload a video media item ("**media message**"). (Fosnacht, ¶0239 ("To play the media, the user either clicks on the video display **2120** or clicks on the play button in video controls **2122**. The video then plays in media player section **2104**.").) Figure 41 of Fosnacht illustrates:




(Fosnacht, Fig. 41 (excerpt, highlighting added).)

Fosnacht further discloses and renders obvious that the video media message may include "**one or more of an attached image or attached audio that is not native to the image or video**," captured by the mobile application via the camera on the mobile device. The claim thus only requires either an attached image or an attached audio, and Fosnacht discloses at least the former. More specifically, Fosnacht discloses the ability to attach a "thumbnail" image to a previously-uploaded media item, and the thumbnail can be any arbitrary image chosen by the uploader. (Fosnacht, ¶¶0117, 0369.) For example, Figure 45 shows a thumbnail definition page **4500** to associate any thumbnail image with a previously uploaded media item by simply uploading an image file to the server. (Fosnacht, Fig. 45, ¶0369.) Under this mapping, therefore, the "**media message included in the first feed**" would have included not just the previously-uploaded video media item, but also the thumbnail image received by the server. Petitioner notes that, although Figure 45 shows an option available to publishers, and although not required by the claim (as both publishers and users can upload media items as noted for limitation 1**[a]**), it would have been obvious to provide the same thumbnail selection options

for non-publisher users to give those users more customization over presentation of media items they upload. (EX1002, ¶0121.)

It would also have been apparent and obvious for the uploaded thumbnail image in Fosnacht to have been "**not native to the… video**," because nothing in Fosnacht requires that the uploaded thumbnail image have been captured by the camera on the mobile device – or even by a camera it all. Fosnacht confirms that, in one embodiment, "[t]he thumbnail image is, for example, a single frame from a video clip, a cover image from a media case (such as a CD or DVD cover image), an image from the publisher, or any other image associated with the media." (Fosnacht, ¶0117; *see also id.*, ¶0131.) It would have been obvious for a CD or DVD cover image, a publisher image, or "any other image," as described in Fosnacht, to have included images that were not captured by a camera on the mobile device, such as an image created by drawing, rendering, or other generation of the image on the computer that was not part of the video captured using the camera on the mobile device. (EX1002, ¶¶122-123.) It would also have been obvious for the thumbnail image, even if captured by the mobile application via the camera on the mobile device, to not have been part of the uploaded video media item, and thus, "**not native**" to the video captured by the camera. (EX1022, ¶123.)

**4. Claim 4: "The method of claim 1, wherein the link is a first link, wherein the media message included in the first feed is encoded with a second link, wherein interaction with the second link via the mobile application enables access to a webpage."**

As explained for limitation 1**[d]** above, the "**first link**" is the link generated by the sharing prompt on the media page as described in Fosnacht. For purposes of claim 4, the "**second link**" refers to a different link on the media page for the media item that allows the user to access a webpage. For example, the media item page of Figure 7 also shows an "Also From Publisher" section **710** that "displays a recommendation for one or more other media items from the same publisher that may be of interest to the user." (Fosnacht, ¶0135; *see also id.*, Fig. 7.) "The information displayed in section **710** includes a title of the media item, a thumbnail image of the media item, and a description of the media item. If desired, the user can click on the title of the media item to be brought to a separate media page where additional information, a snack version of the media item, and purchasing information is presented. Alternatively, the Also From Publisher section **710** includes a link to the publisher's web site." (Fosnacht, ¶0135.) The same feature also appears in the Figure 8 media page for videos. (Fosnacht, ¶¶0138, 0142.)

Fosnacht therefore discloses that "**the media message included in the first feed is encoded with a second link**," because the media message included in the first feed is presented along with a link associated with the creator of the media

message, and that "**interaction with the second link via the mobile application enables access to a webpage**," *e.g.*, the creator's web site.

**5. Claim 5: "The method of claim 1, wherein presentation of the first feed by the mobile application includes presentation of a comment prompt with the media message included in the first feed, wherein interaction with the comment prompt via the mobile application enables a comment to be associated with the media message."**

When uploading a media item, the uploader can choose to enable comments for the item. (Fosnacht, Fig. 42, ¶0359 ("Prompts section **4202** prompts the publisher to identify whether comments should be allowed to be posted on a media page for this media item, and whether users should be allowed to rate the media item.").) The media page shown in Figure 21 discussed and reproduced above, for example, includes comments section **2110**. "Comments section **2110** [in Figure 21] is similar to comment section **1910** shown in FIG. 19. In this example, several users have provided comments. The comments are displayed in comment windows **2130**." (Fosnacht, ¶0241.) "Comments section **1910** allows users to leave a comment regarding the media item. Comments are displayed publicly below the comment field (as shown in FIG. 21)." (Fosnacht, ¶0229.) Fosnacht therefore discloses that "**presentation of the first feed by the mobile application includes presentation of a comment prompt with the media message included in the first feed**," because a media item presented from the first feed is accompanied by comments section **2110** that allows entry of a comment about the media item.

Fosnacht further discloses and renders obvious that "**interaction with the comment prompt via the mobile application enables a comment to be associated with the media message**." This is because, when a user enters a comment through the comment prompt, the comment is associated with the media item. (Fosnacht, ¶¶0229 ("Comments section **1910** allows users to leave a comment regarding the media item. Comments are displayed publicly below the comment field (as shown in FIG. 21)."), 0241 ("Comments section **2110** is similar to comment section **1910** shown in FIG. 19. In this example, several users have provided comments. The comments are displayed in comment windows **2130**.").)

**6. Claim 6: "The method of claim 1, wherein presentation of the first feed by the mobile application includes presentation of an advertisement prompt with the media message included in the first feed, wherein interaction with the advertisement prompt via the mobile application causes presentation of an advertisement."**

Fosnacht discloses several examples in which presentation of the first feed includes "**presentation of an advertisement prompt**" that "**causes presentation of an advertisement**." Petitioner observes that "**advertisement prompt**" does not appear in the written description of the '2357 patent; the embodiment that relates to this claim limitation describes a banner advertisement (such as a Google AdSense or Apple in-app ad) that can be displayed for the current media message. ('2357, 5:16-19.) This would have indicated, to a skilled artisan, that an "**advertisement prompt**" at least includes a conventional advertisement banner, which was a

common feature on websites years before the priority date. (EX1002, ¶127.) Fosnacht discloses several examples in which the first feed includes an advertisement prompt.

For example, Fosnacht displays a media page (such as Figure 21) that can be reached by clicking on a media item presented on each "**first feed**," as fully described for limitation 1**[c]**. This page shows at least two advertisement banners:

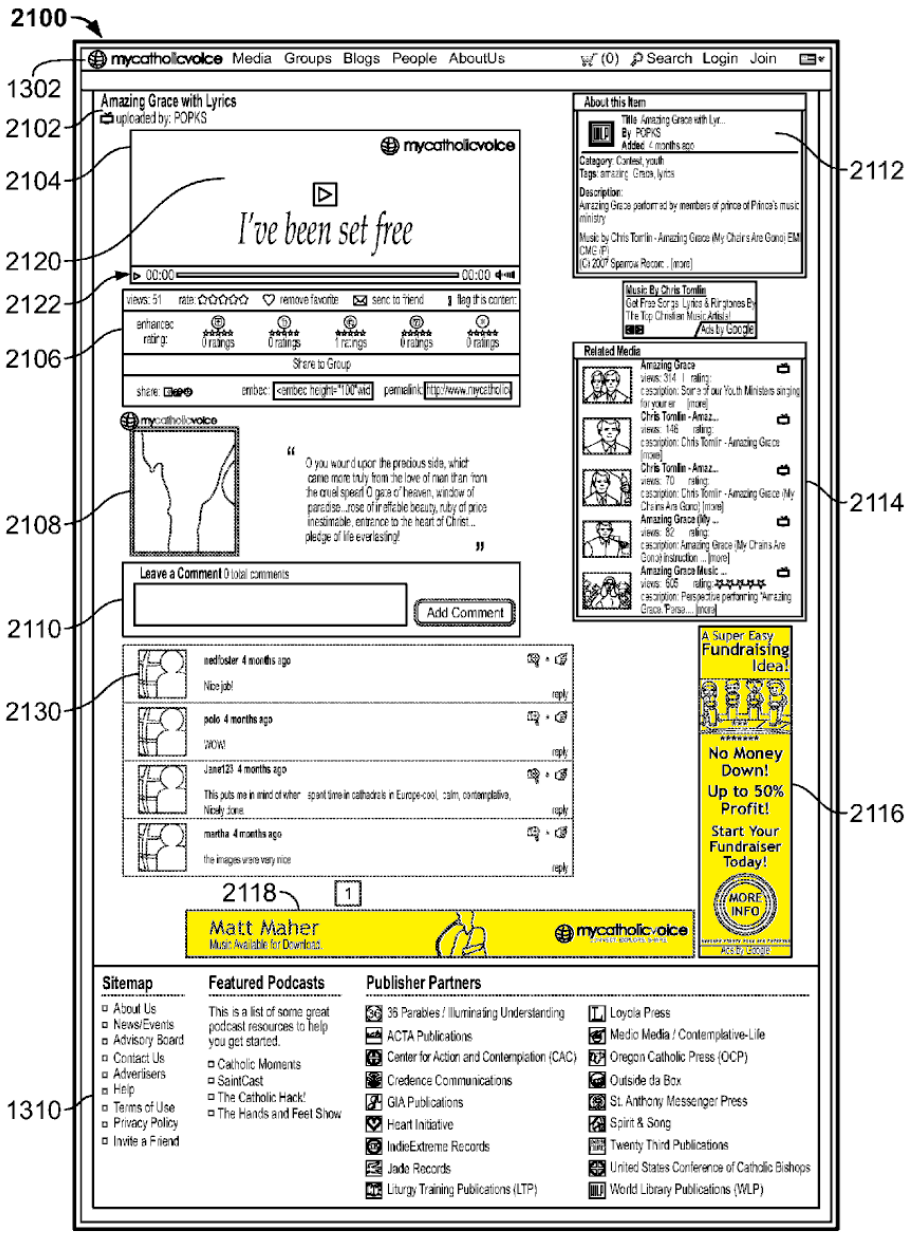
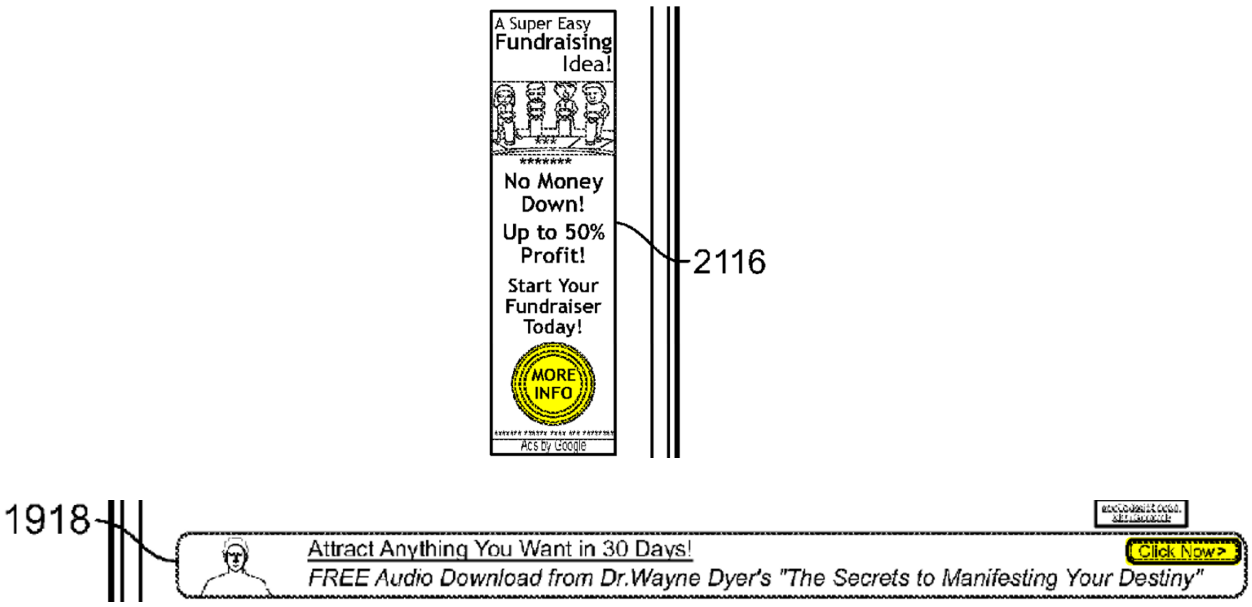



FIG. 21

(Fosnacht, Fig. 21 (highlighting added).) Media page **2100** in Figure 21 displays advertisements **2116** and **2118**. (Fosnacht, Fig. 21, ¶0238.) These qualify as advertising prompts because they display and provide access to advertisements through the media page associated with the displayed media item ("**an advertisement prompt with the media message included in the first feed**").

These advertisements are also clickable; advertisement **2116** for example displays a Google Ad for a fundraising service and is clickable to provide "More Info" about the service. (Fosnacht, Fig. 21 (**2116**); *see also id.*, Fig. 19 ("Click Now >" button of advertisement **1918**).) For example:




(Fosnacht, Figs. 21 & 19 (excerpts; highlighting added).)

Fosnacht discloses several other examples in which presentation of the first feed includes "**presentation of an advertisement prompt**," as claimed. For example, as noted for claim 1, Figure 10 shows a community interest page that provides an example of the claimed "**first feed**" for presenting media items, which includes at least two advertisement prompts:

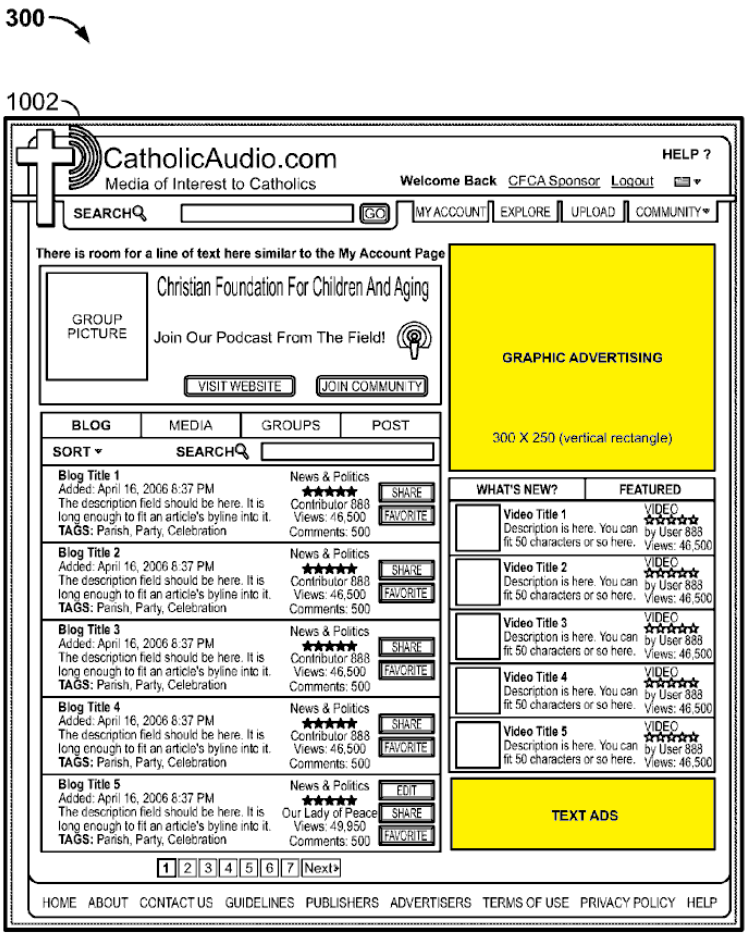



**FIG. 10**

(Fosnacht, Fig. 10 (highlighting added).) Figure 10, as shown above, shows sections for presenting graphic and text advertisements. As another example, as noted for claim 1, Figure 9 shows a page with media items provided in response to a search criteria, which provides another example of the claimed "**first feed**":

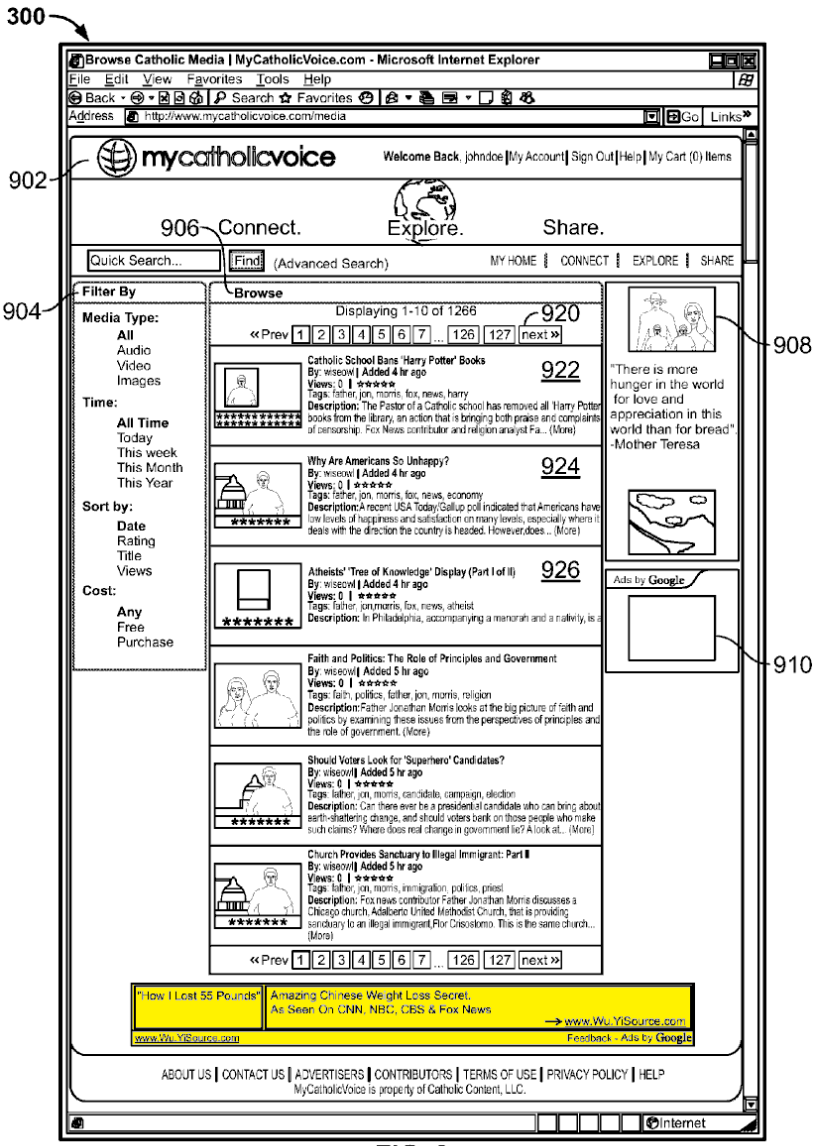



FIG. 9

(Fosnacht, Fig. 9 (highlighting added).) As shown, Figure 9 includes a section for presenting a Google advertisement. Figures 10 and 9 discussed above thus provide further examples of advertising prompts that display and provide access to advertisements through the first feed ("**an advertisement prompt with the media message included in the first feed**"). Although Petitioner has identified certain exemplary pages in Fosnacht that expressly show advertising banners, it would have

been obvious to provide an advertising banner on other pages in Fosnacht that present further examples of the claimed "**first feed**," such as the pages in Figures 4-5 and 13-14 discussed above. (EX1002, ¶129.) A skilled artisan would have been motivated to provide advertising banners across these other pages to increase opportunities to present advertising (and thus increase the opportunities for raising revenue) from the media distribution system. (*Id.*; Fosnacht, ¶0110.) In all cases, the advertisement prompts in Fosnacht would have been presented with the media message because the banner advertisement would have been displayed on the same page and alongside the media item in the first feed. This is consistent with the embodiment in the '2357 patent, which shows banner advertisement **112** displayed on the same page as a current media item **114**. ('2357, Fig. 2.)

For each of these advertisement prompts, moreover, Fosnacht discloses that "**interaction with the advertisement prompt via the mobile application causes presentation of an advertisement**," in at least two ways. Under a first mapping, the claimed "**advertisement prompt**" corresponds to any of the banner advertisements shown on Figures 9, 10, and 21 above, and the claimed interaction takes place when the mobile application retrieves and then displays the correct advertisement from the server in those regions. This mapping is consistent with the embodiment in the '2357 patent, which describes presenting banner advertisements from a third party source such as Google AdSense. ('2357, 5:15-18.) Petitioner

notes that the written description does not suggest further interaction by the user (such as clicking on the ad) is required to cause display of the claimed advertisement. The interaction, in other words, occurs when the user navigates to the media item page that presents the advertising banner.

Second, even if an explicit and further user action were required to cause presentation of an advertisement, the claimed "**interaction with the advertisement prompt**" could be mapped to an explicit click on the advertisement (such as clicking on "MORE INFO" for advertisement **2116** in Figure 21), causing *further* advertising material to be presented. Under this mapping, therefore, clicking on any one of the advertisement banners in Fosnacht would have caused presentation of a *further* advertisement, such as more promotional information about the fundraising service offered in advertisement **2118** of Figure 21, about the downloadable music offered in advertisement **2116** of Figure 21, and about the weight loss service offered in Figure 9, and so forth. (EX1002, ¶131.)

It would also have been obvious that the user clicking on any of these advertisements would have caused presentation of a further advertisement because the mere act of clicking on an advertisement on a web page would rarely have by itself resulted in a purchase of the advertised product or service. (EX1002, ¶132.) As would have been obvious to a skilled artisan, or anyone who had used the Internet and clicked on an advertisement before the priority date, clicking on an

advertisement would have taken the user to another page (such as the advertiser's page) in which additional advertising and promotional material would have been presented encouraging the user to consummate a commercial transaction by purchasing the advertised product or service (or some other product or service offered by the advertiser). (EX1002, ¶¶132, 165 (citing EX1007).) Petitioner has also provided a separate **Ground 2**, below, which relies on Sharma to further confirm that it would have been obvious to have presented additional advertisements to a user in response to clicking on an advertisement in Fosnacht.

**7. Claim 7: "The method of claim 1, wherein presentation of the first feed by the mobile application includes presentation of an item purchase prompt with the media message included in the first feed, wherein interaction with the item purchase prompt via the mobile application enables presentation of information to initiate purchase of an item."**

Fosnacht discloses several examples of "**an item purchase prompt**," available through the media page provided during presentation of the first feed, that enables presentation of information to initiate purchase of an item. For example, the media page of Figure 7 provides an item purchase prompt to purchase an item, *e.g.*, a full content item. More specifically, Figure 7 shows full content section **708** that "includes thumbnail image **740**, price display **742**, purchase button **744**, information display **746**, and related links section **748**. Thumbnail image **740** is an image associated with the full content media item, such as a CD cover image, a graphic, a logo, or any other image." (Fosnacht, ¶0131.) "Full content section **708** also

includes price display **742** that displays the cost to purchase the full content media item. If the user desires to purchase the media item at that price (or less, such as if the user has a coupon), the user selects purchase button **744**. Web site **300** then guides the user through the purchase of the media item, or allows the user to save the media item in the shopping cart for later purchase." (Fosnacht, ¶0132.) The same feature is also available through the media page of Figure 8. (Fosnacht, *e.g.*, Fig. 8, ¶¶0138, 0142 (full content section **808**).) Fosnacht therefore discloses "**presentation of an item purchase prompt with the media message included in the first feed, wherein interaction with the item purchase prompt via the mobile application enables presentation of information to initiate purchase of an item**." As fully explained for limitation 1**[a]**, it would have been obvious that the user interface features of Fosnacht, including display of the media page with the item purchase prompt, would have been presented via the mobile application.

As a separate and independent basis for satisfying the claim, the media page of Figure 21 includes a Related Media section **2114** that shows media items related to the media item being displayed through the media page ("**the media message included in the first feed**"). (Fosnacht, Fig. 21, ¶0243.) "A related media item can be related for various reasons, such as by having been uploaded by the same user or publisher, by sharing a common category or tag(s), or by sharing common keywords or other metadata." (Fosnacht, ¶0231.) Fosnacht further confirms that some of the

related media items "may be publisher content that is available for purchase." (Fosnacht, ¶0243.) A media item in media section **2114**, therefore, provides "**an item purchase prompt**," that the user can interact with to "**enable**[] **presentation of information to initiate purchase of an item**." For example, when the user selects the media item in media section **2114**, they can be brought to the media page of that item where purchasing information is presented. (Fosnacht, ¶0135 ("If desired, the user can click on the title of the media item to be brought to a separate media page where additional information, a snack version of the media item, and purchasing information is presented.").)

**8. Claim 8: "The method of claim 1, wherein the one or more stored media messages are associated with corresponding scheduled airtimes to determine when the one or more stored media messages can first be provided in a feed."**

As explained for claim 1, Figure 42 shows publication date selection section **4204** that "allows the publisher to identify a starting date and an ending date for the media item to be available through the web site." (Fosnacht, ¶0360.) The start times for the media messages therefore disclose "**scheduled airtimes**" associated with media items that "**determine when the one or more media messages can first be provided in a feed**," as recited in the claim.

As another separate and independent example of a feature of Fosnacht that discloses claim 8, Petitioner explained for claim 1 that one example of "**a feed**" in Fosnacht is ticker zone **1304** shown in Figure 13 and further shown in Figure 14. As

explained, the ticker zone as shown in Figure 14 includes "display region **1404** [that] typically provides a graphical image and brief description of the associated media content. In other possible embodiments an audio or video clip is provided." (Fosnacht, ¶0177.) "In some embodiments display region **1404** scrolls through a plurality of featured content. For example, the first content is first featured in display region **1404** for a period of time. After the period of time has elapsed, the second content is next displayed. The process continues until all featured content has been displayed." (Fosnacht, ¶0178.) Fosnacht further discloses that the media items in the ticker zone are associated with "**scheduled airtimes**," *i.e.*, starting dates specifying when the media items can start appearing in ticker zone **1304**. This is in addition to the starting and ending dates specified above for claim 1, as the starting dates here relate specifically to scheduling when the media item may appear in the ticker zone. (Fosnacht, ¶0182.) It would have also been obvious that the start and ending information for an item in ticker zone **1304** would have specified *in addition to* the starting and ending date information described above for claim 1, which specifies more generally when the media item will be available on the web site (including in ticker zone **1304** and elsewhere). (EX1002, ¶136; Fosnacht, ¶0360.)

**9. Independent Claim 9**

Claim 9 is a method claim that recites substantially the same limitations as claim 1, but also incorporates the feature from claim 2. (EX1002, ¶¶138-139

(showing comparison).) Claim 9 is thus obvious for the same reasons as claim 1 and 2 above. As explained for claim 2, the step of "**generating a plurality of media messages**… [that] **include an image or video captured by the one or more mobile applications via a corresponding one or more cameras of the corresponding one or more mobile devices**," occurs when the mobile applications on the mobile devices generate media messages by capturing the image or video data for the media items. (EX1002, ¶¶139, 116-118.)

### 10. Dependent Claims 10-15

These claims are substantially similar to the claims that depend from claim 1, discussed extensively above. More specifically, claims 10-13 are substantially similar to claims 4-7, respectively, claim 14 is substantially similar to claim 3, and claim 15 to claim 8. These claims are obvious for the reasons previously mentioned.

### 11. Independent Claim 16

Claim 16 is a system for performing the same steps as recited in claim 1. (EX1002, ¶146.) Claim 16 adds system elements including "**one or more servers**" that include "**memory, machine-readable instructions, and one or more processors**" that are configured to execute the instructions to carry out the steps of claim 1. (*Id.*) These additional components are taught by Fosnacht, which discloses web server **102** that includes "a processor and memory, the memory containing computer executable instructions, which when executed by the processor cause the

processor to generate web page data and to communicate the web page data across the data communication network" (Fosnacht, ¶0007), and as explained for claim 1, the web page and web page data in Fosnacht render obvious the steps of claim 1 alone or in combination with Kirkpatrick.

### 12. Dependent Claims 17-23

These claims are substantially similar to the claims that depend from claim 1, discussed extensively above. More specifically, claims 17-23 are substantially similar to claims 2-8, respectively. These claims are obvious for the reasons previously mentioned.

### 13. Independent Claim 24

Claim 24 is a system claim that is substantially similar to claim 1, and adds limitations from independent claims 9 and 16 that were already discussed above. (EX1002, ¶¶155-156.) In particular, claim 24 adds a limitation requiring one or more mobile applications "**configured to create a plurality of media messages**," which was addressed in connection with claims 2 and 9 above. Claim 24 also adds the "**one or more servers**" limitation that was discussed for claim 16. Claim 24 is thus obvious for the same reasons provided above.

### 14. Dependent Claims 25-30

These claims are substantially similar to the claims that depend from claim 1, discussed extensively above. More specifically, claims 25-28 are substantially

similar to claims 4-7, respectively, claim 29 is substantially similar to claim 3, and claim 24 to claim 8. These claims are obvious for the reasons previously mentioned.

### D. Ground 2: Claims 6, 12, 21 and 27 Are Obvious Over Fosnacht in View of Kirkpatrick and Sharma

As explained for **Ground 1**, Fosnacht discloses multiple examples of displaying banner advertisements to users of Fosnacht's media distribution system, and it would have been obvious that clicking on any of these ads would have resulted in presentation of an advertisement. (EX1002, ¶¶130-132.) Petitioner notes that Fosnacht does not provide specific details relating to user interaction with these ads – presumably because this functionality would have been plainly apparent and obvious to a skilled artisan and even laypersons used the Internet. (EX1002, ¶163.) Nevertheless, in the event it is argued that the prior art cited for **Ground 1** is insufficiently detailed to cover the limitations of claims 6, 12, 21, and 27, **Ground 2** confirms that these claims are obvious in further view of Sharma.

Sharma discloses a technique for allowing an advertiser to deliver relevant ads to users based on search query information provided by a user. (Sharma, Abstract, ¶0009.) Sharma confirms that, as was well-known, websites could present one or more Internet advertisements that, when clicked-on (for example through hypertext links), would cause a user's web browser to present a web page associated with the advertiser. (Sharma, ¶0049.) This advertiser page is frequently called a "landing" page. (Sharma, ¶¶0049, 0059; EX1002, ¶165.)

Sharma confirms this basic and well-known sequence. For example, Figure 6 shows an exemplary web page **600** that, in one embodiment, shows search results **610** and one or more ads **620**. (Sharma, ¶0067.)

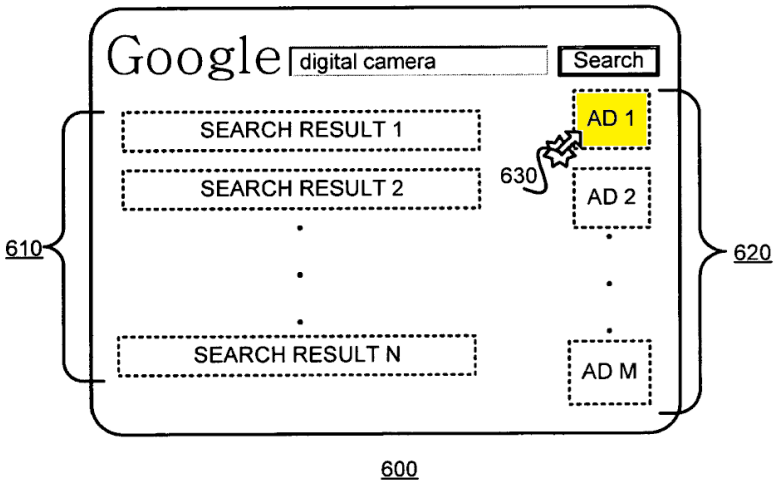



FIGURE 6

(Sharma, Fig. 6 (highlighting added).) Sharma explains that ads may be, for example, "so-called banner ads," among other types. (Sharma, ¶0033.) As shown in Figure 6 in highlighting, "[a] user has selected, as indicated by click **630**, ad **1**." (Sharma, ¶0067.) "Ad **1** includes a reference (e.g., a hypertext link) to a landing Web page." (Sharma, ¶0068.) Accordingly, clicking on ad **630** brings up the landing shown in Figure 7:

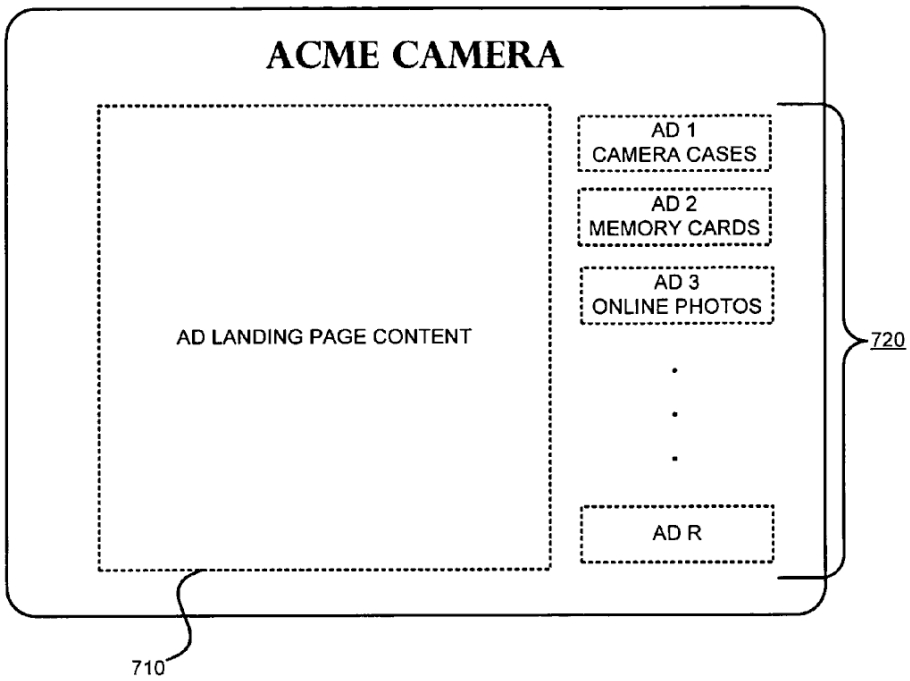



FIGURE 7

(Sharma, Fig. 7.) "FIG. 7 illustrates an exemplary landing Web page **700**. It **700** includes content **710** and additional ads **720**." (Sharma, ¶0068.) Figure 7 thus confirms that a landing page can present additional advertisements. Sharma thus discloses "**presentation of an advertisement prompt… wherein interaction with the advertisement prompt… causes presentation of an advertisement**," as recited in claims 6, 12, 21, and 27.

***Rationale and Motivation to Combine (Fosnacht and Kirkpatrick, with Sharma)***: It would have been obvious to combine the prior art for **Ground 1** (Fosnacht and Kirkpatrick), with Sharma. The combination would have predictably resulted in the media distribution system according to the Fosnacht-Kirkpatrick combination, further adapted such that when a user clicked-on any of the banner

advertisements shown in Figures, 9, 10, and 21 of Fosnacht (as described for **Ground 1**), the user would have been taken to a landing page in which additional advertisements would have been presented, as described in Sharma. (EX1002, ¶168.) Under the proposed combination, therefore, "**presentation of the first feed… includes presentation of an advertisement prompt with the media message included in the first feed**," *i.e.*, a banner advertisement displayed by Fosnacht as described for **Ground 1**, "**wherein interaction with the advertisement prompt… causes presentation of an advertisement**," *i.e.*, clicking on the banner advertisement would have caused presentation of an advertisement, for example through a landing page. (*Id.*) Under the combination with Kirkpatrick, as explained for **Ground 1**, interaction with the advertising prompt and presentation of an advertisement would have occurred "**via the mobile application**."

As explained for **Ground 1**, Fosnacht and Kirkpatrick are analogous references. (EX1002, ¶87.) Sharma is also an analogous reference in the field of systems and processes for distributing content to devices over the Internet, and would have been reasonably pertinent to problems facing the inventor. (EX1002, ¶169.) For example, Sharma provides a description of the basic functioning of banner advertisements, which is a feature of the alleged invention and reflected in the challenged claims for this ground. ('2357, 5:16-19.)

A person of ordinary skill in the art would have been motivated to combine.

As noted for **Ground 1**, Fosnacht already discloses banner advertisements and specifically discloses they can be clicked on to obtain more information (such as clicking "MORE INFO" for advertisement **2116** in Figure 21 of Fosnacht). Fosnacht does not disclose the mechanics of what occurs when a user clicks on a banner advertisement, but the basic functionality of Internet banner advertisements and landing pages was well-understood as described in Sharma. (EX1002, ¶170.) Sharma thus picks up where Fosnacht leaves off by further showing that activating any of the advertisement banners in Fosnacht would have caused presentation of an advertisement, such as the additional advertisements shown in Figure 7 of Sharma.

A person of ordinary skill in the art would have been amply motivated to adapt the system of Fosnacht to provide this functionality in order to provide additional opportunities to provide further promotional material and thus raise additional revenue from user interactions with the banner ads presented through the Fosnacht media distribution system. (EX1002, ¶170.) Finally, a person of ordinary skill in the art would have had at least a reasonable expectation of success, as the combination would have required nothing more than use of conventional techniques for presenting banner advertisements. (EX1002, ¶171.)

## VII. CONCLUSION

Petitioner respectfully requests IPR institution.

Dated: October 31, 2025

Respectfully submitted,

COOLEY LLP
ATTN: Patent Group
1299 Pennsylvania Avenue NW
Suite 700
Washington, DC 20004
Tel: (650) 843-5001
Fax: (650) 849-7400

By: / *Heidi L. Keefe* /
Heidi L. Keefe
Reg. No. 40,673
Counsel for Petitioner

## CERTIFICATE OF COMPLIANCE WITH WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), I certify that this petition complies with the type-volume limits of 37 C.F.R. § 42.24(a)(1)(i) because it contains 13,591 words, according to the word-processing system used to prepare this petition, excluding the parts of this petition that are exempted by 37 C.F.R. § 42.24(a) (including the table of contents, a table of authorities, mandatory notices, a certificate of service or this certificate word count, appendix of exhibits, and claim listings).

DATED: October 31, 2025

COOLEY LLP
ATTN: Patent Docketing
1299 Pennsylvania Avenue NW
Suite 700
Washington, D.C. 20004
Tel: (650) 843-5001
Fax: (650) 849-7400

/ *Heidi L. Keefe* /
Heidi L. Keefe
Reg. No. 40,673

## CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6 and 42.105, that a complete copy of the attached **PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 12,112,357 B2,** including all exhibits (**Nos. 1001-1011, 1013-1015**) and related documents, are being served via Federal Express on the 31st day of October, 2025, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

Avantech Law, LLP
80 S 8th St, Suite 900
Minneapolis, MN 55402

And, via Federal Express upon counsel of record for Patent Owner in the litigation pending before the U.S. District Court for the Western District of Washington entitled *Weple IP Holdings LLC v. Meta Platforms, Inc.*, Case No. 2:24-cv-01316-JLR (W.D. Wash.) as follows:

John S. Devlin III
LANE POWELL PC
1420 Fifth Avenue, Suite 4200
P.O. Box 91302
Seattle, Washington 98111-9402
Telephone: 206.223.7000
devlinj@lanepowell.com

DATED: October 31, 2025

/ *Heidi L. Keefe* /
Heidi L. Keefe
Reg. No. 40,673
COOLEY LLP
1299 Pennsylvania Ave. NW, Suite 700
Washington, D.C. 20004
Tel: (650) 843-5001