

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC
Petitioner

v.

VIRTUAL CREATIVE ARTISTS, LLC
Patent Owner

Case No. IPR2022-01263
Patent 10,339,576

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c), 142, 319 and 37 C.F.R. §§ 90.2(a) and 90.3(a), notice is hereby given that Patent Owner VIRTUAL CREATIVE ARTISTS, LLC (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board, entered on February 9, 2024, in case IPR2022-01263, Paper 26 (a copy of which is attached as Appendix A pursuant to Practice Notes to Fed. Cir. R. 15), and from all underlying findings, orders, decisions, rulings, and opinions. This notice is timely filed within 63 days of the February 9, 2024, Final Written Decision, Paper 26. 37 C.F.R. § 90.3.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal may include, but are not limited to, whether the Board erred in holding that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 of U.S. Patent No. 10,339,576 are unpatentable over the asserted art, and (ii) its findings supporting or relating to the aforementioned issues. Patent Owner also indicates that the issues on appeal may include the Board’s consideration of the expert testimony, prior art, and other evidence in the record, the Board’s factual findings, conclusions of law, or other determinations supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.2(a), Patent Owner is filing one (1) copy of this Notice of Appeal with the Director and also electronically filing a copy of this Notice of Appeal with the U.S. Court of Appeals for the Federal Circuit, with the requisite filing fee, in addition to filing this Notice with the Board.

April 9, 2024

Respectfully Submitted,

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CERTIFICATE OF FILING

Per 37 C.F.R. § 90.2(a)(1), on April 9, 2024, the foregoing Notice of Appeal was filed electronically with the Board in accordance with 37 C.F.R. § 42.6(b)(1), and mailed to the Director via Priority Mail Express in accordance with 37 C.F.R. §§ 1.10 and 104.2 at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8
Post Office Box 1450
Alexandria, VA 22313-1450

/s/ David R. Bennett

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, the foregoing document is being served on the Petitioner concurrently with the filing of this document via email to the following persons:

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Appendix A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

VIRTUAL CREATIVE ARTISTS, LLC,
Patent Owner.

IPR2022-01263
Patent 10,339,576 B2

Before KEVIN W. CHERRY, MICHAEL L. WOODS, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Petitioner, Unified Patents, LLC, filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 (“the Challenged Claims”) of U.S. Patent No. 10,339,576 B2 (Ex. 1001, “the ’576 patent”). See Pet. 1. We issued a decision to institute an *inter partes* review of these claims. Paper 4 (“Institution Decision” or “Inst. Dec.”).

Patent Owner, Virtual Creative Artists, LLC, filed a Patent Owner Response (Paper 10, “PO Resp.”), to which Petitioner filed a Reply (Paper 17, “Reply” or “Pet. Reply”), and to which Patent Owner filed a Sur-Reply (Paper 18, “Sur-Reply” or “PO Sur-Reply”).

Oral argument was held on December 14, 2023, and the transcript of the hearing has been entered as Paper 25.

We have jurisdiction under 35 U.S.C. § 6. Petitioner bears the burden of proving unpatentability of the challenged claims, and the burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). To prevail, Petitioner must prove unpatentability by a preponderance of the evidence. See 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d) (2019). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 of the ’576 patent are unpatentable.

A. Related Proceedings

The parties identify the following matters as related:

- *Virtual Creative Artists, LLC v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 6:22-cv-00265 (W.D. Tex.) (Pet. 89);
- *Virtual Creative Artists, LLC v. Bumble Trading, LLC*, 6:230cv-00675 (W.D. Tex.) (Pet. Reply 31)¹;
- *Virtual Creative Artists, LLC v. TikTok Inc.*, 1:23-cv-05405 (N.D. Ill.) (Pet. Reply 31);
- *Virtual Creative Artists, LLC v. Snap Inc.*, 1:23-cv-04862 (N.D. Ill.) (Pet. Reply 31);
- *Virtual Creative Artists, LLC v. Pinterest, Inc.*, 1:23-cv-04238 (N.D. Ill.) (Pet. 89);
- *Virtual Creative Artists, LLC v. Twitter, Inc.*, 1:22-cv-6890 (N.D. Ill.) (Paper 6, 1);
- *Virtual Creative Artists, LLC v. Pandora Media, LLC*, 1:23-cv-2671 (N.D. Ill.) (Paper 6, 1);
- *Virtual Creative Artists, LLC v. Google LLC*, 6:23-cv-197 (W.D. Tx.) (Paper 6, 1);
- *Virtual Creative Artists, LLC v. LinkedIn Corporation*, 1:23-cv-3172 (N.D. Ill.) (Paper 6, 1).

The parties are reminded of their continuing obligation to update their mandatory notice information “within 21 days of a change of the information.” 37 C.F.R. § 42.8(a)(3).

B. Real Parties In Interest

Petitioner submits that itself, Unified Patents, LLC, is the sole real-party-in-interest. Pet. 89.

Patent Owner submits that itself, Virtual Creative Artists, LLC, is the sole real-party-in-interest. PO Resp. 30.

¹ We resume page numbering after page 26, as pages 27–31 of Petitioner’s Reply are unnumbered.

C. The '576 Patent (Ex. 1001)

The '576 patent is titled “Revenue-Generating Electronic Multi-Media Exchange and Process of Operating Same.” Ex. 1001, code (54). The '576 patent describes a distributed process for creating media content based upon submissions received on an electronic multimedia exchange. *Id.* at 1:22–25. The '576 patent states, “the scope of the invention is applicable to all forms of media whether printed, broadcast, projected or performed.” *Id.* at 6:14–16, 1:20–22.

The '576 patent explains that within “a process for creating media content, media submissions are requested and electronically received from end users and stored in a computer database.” Ex. 1001, code (57). “[These] submissions are searched for material to be included in the media content, and cross-checked against the other submissions for originality and timeliness.” *Id.* “After the material is selected from one or more submissions, the content is developed and released to an audience for review.” *Id.* “The end users whose submission material was included in the released content are rewarded.” *Id.* “In one embodiment, third parties are permitted to access and search the submissions on an open exchange,” in which “[t]he third parties can bid for rights.” *Id.* The bids are then “forwarded to the particular submission’s end user for acceptance or rejection.” *Id.* “Appropriate billing and payment processes are used to bill and pay the parties involved.” *Id.*

The '576 patent purports to address the following problems: the need for media end users to interact with media creators to develop creative submissions, which may be used in media content; and the need for an open

exchange where submitted media works can be searched and viewed for use and purchase by third parties. *See* Ex. 1001, 3:3–15.

The Challenged Claims are directed to a computer-based system for generating multimedia content using three distributed processing subsystems. *See* Ex. 1001, 39:22–41:6. These three subsystems are: (1) an “electronic media submissions server subsystem”; (2) an “electronic multimedia creator server subsystem”; and (3) an “electronic release subsystem”; the three of which are “operatively coupled” together. *See id.* at 39:22–67 (sole independent claim 1). The Specification describes that the submission subsystem receives content, which may be based on fill-in-the-blank submission forms, and “which may be transformed in the same form or adapted into multi-media content for distribution.” *See id.* at 3:26–30, 4:5–11. The Specification further describes that the creator subsystem may allow a user to search for submitted content, select a submission, and modify and develop the submission. *See id.* at 4:27–41. The Specification further describes that the release subsystem may allow a user to view the final, developed submission. *See id.* at 4:42–45.

We reproduce Figure 1 of the ’576 patent, below:

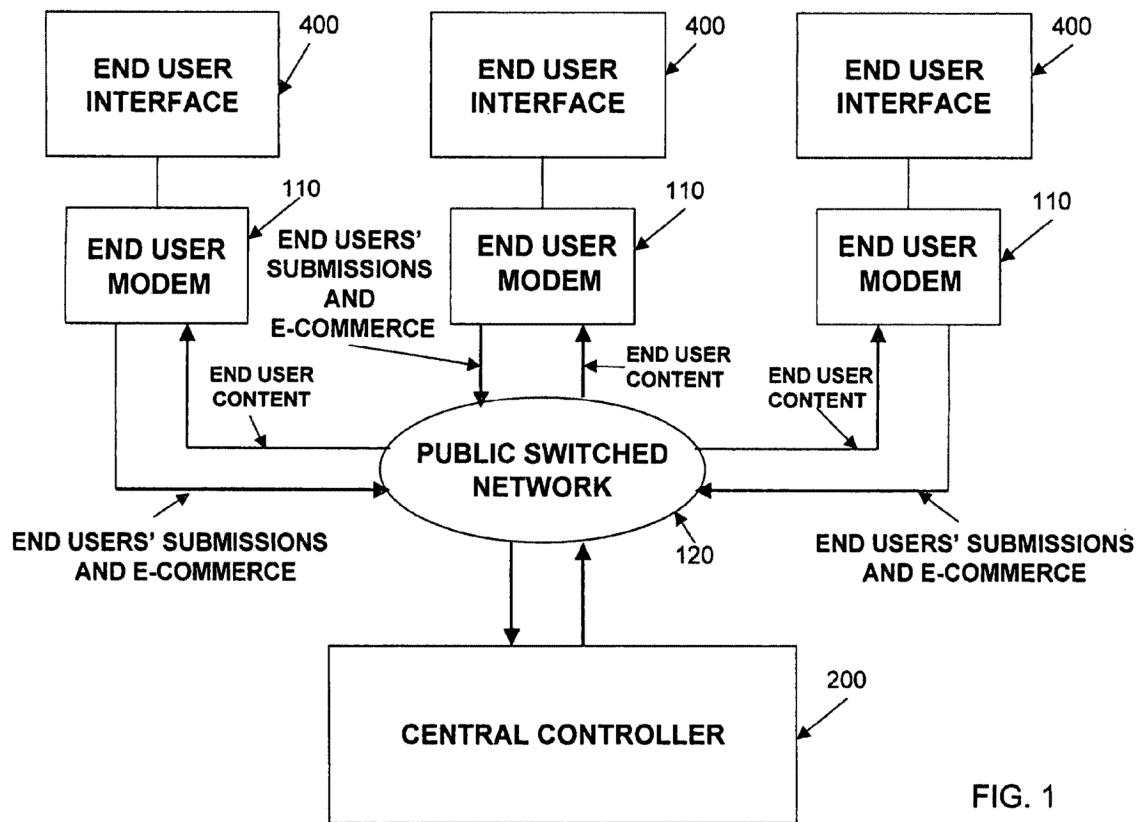


FIG. 1

Figure 1, reproduced above, is a block diagram depicting a “creator central controller electronically connected to various end user viewer interfaces via a network.” Ex. 1001, 5:9–11. In particular, Figure 1 depicts central controller 200 and end user interfaces 400 (collectively referred to as the “nodes”). *Id.* at 6:30–35. Each node is typically connected to central controller 200 via the Internet, such as by modem 110, using a public switched phone network 120. *Id.* at 6:35–37. Interfaces 400 are the input and output gateways for communications with central controller 200. *Id.* at 6:41–32.

Notably, the ’576 patent describes, “While the above embodiment describes a single computer acting as the central controller, *those skilled in the art will realize that the functionality can be distributed over a plurality of computers.*” Ex. 1001, 9:55–58 (emphasis added).

We further reproduce Figure 3 of the '576 patent, below:

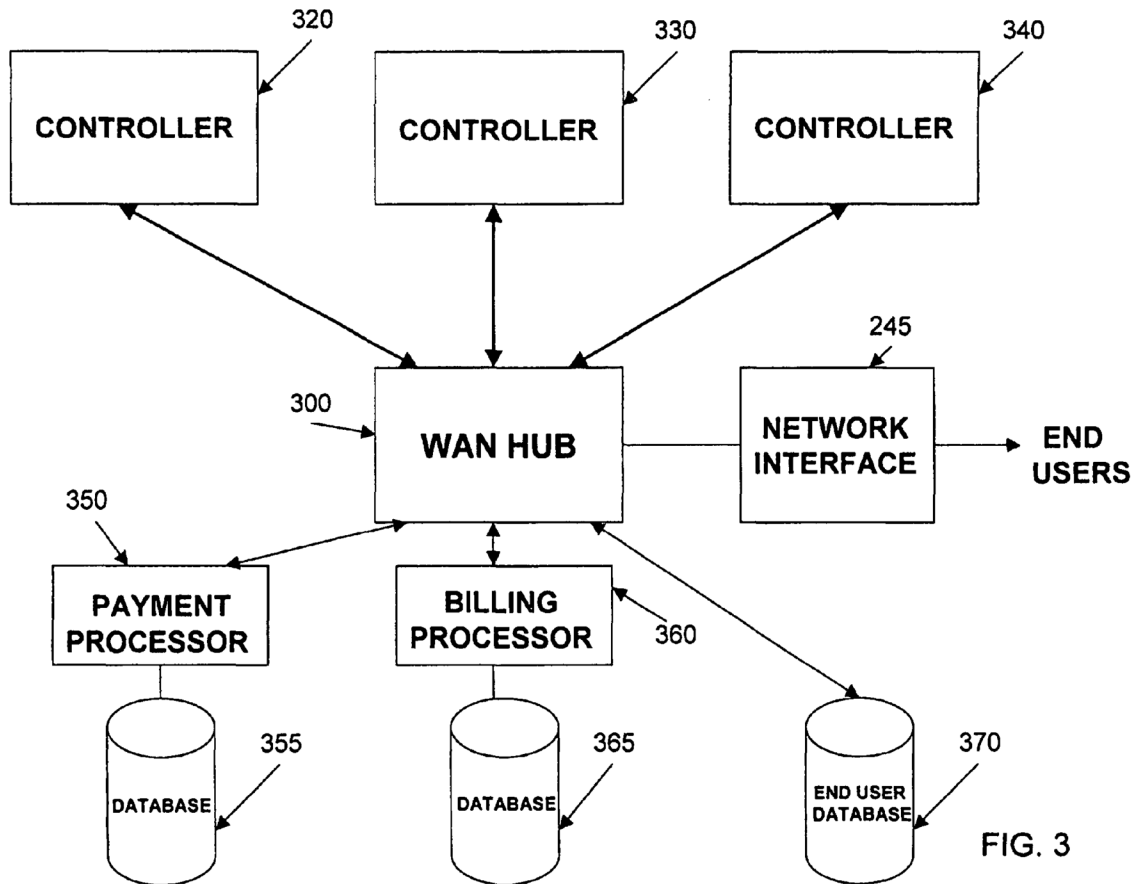


Figure 3, reproduced above, is a block diagram of an *embodiment* of the central controller of Figure 1 distributed over *several servers*. Ex. 1001, 5:12–14. In this particular embodiment, *central controller 200 is configured in a distribution architecture, wherein the databases and processors are housed in separate units or locations*. *Id.* at 9:60–61. Figure 3 depicts three separate controllers (320, 330, 340) and each performs primary processing functions and each are attached to a wide-area-network, namely WAN hub 300, which serves as a communications router. *See id.* at 9:60–10:1.

D. Illustrative Claim

Of the Challenged Claims, Claim 1 is the only independent claim, which we reproduce below:²

1. [1(P)] A computer-based system for generating multimedia content comprising:

[1(a)] an electronic media submissions server subsystem including:

[1(a)(1)] one or more data processing apparatus,

[1(a)(2)] one or more database stored on a non-transitory medium;

[1(a)(3)] a submissions electronic interface configured to receive a first electronic media submission from a first user of a plurality of users over a public network and store said first electronic media submission in said one or more database with at least a second electronic media submission received from a second user of the plurality of users, where the second user is not the first user,

[1(a)(3)(i)] wherein the first electronic media submission includes: data identifying the first user,

[1(a)(3)(ii)] data identifying the date and time associated with receipt of the first electronic media submission, and

[1(a)(3)(iii)] data indicating content of the first electronic media submission

[1(b)] the one or more databases comprising criteria associated with one or more users of the plurality of users stored therein;

² For ease of reference, we use Petitioner's claim numbering scheme as indicated by the bracketed numbers.

[1(c)] an electronic multimedia creator server subsystem operatively coupled to the electronic media submissions server subsystem, including:

[1(c)(1)] one or more second data processing apparatus, and

[1(c)(2)] an electronic content filter configured to apply criteria associated with at least one user of the plurality of users to obtain a plurality of electronic media submissions from the one or more database and to develop multimedia content to be electronically available for viewing on at least one user device associated with the first user,

[1(c)(3)] wherein data identifying a respective user is maintained for each electronic media submission within the multimedia content; and

[1(d)] an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, including one or more third data processing apparatus and configured to make the multimedia content electronically available for viewing on a plurality of user devices.

Ex. 1001, 39:23–67.

E. References Relied Upon

Petitioner's challenges rely on the following references (Pet. 1):

| Name | Reference | Ex. No. |
|-------------|---------------------------------------|----------------|
| Ziff | US 6,557,013 B1, issued Apr. 29, 2003 | 1004 |
| Saito | US 5,845,116, issued Dec. 1, 1998 | 1005 |
| Ferrel | US 5,907,837, issued May 25, 1999 | 1006 |

F. Alleged Ground of Unpatentability

Petitioner contends that the Challenged Claims are unpatentable based on the following ground (Pet. 1):

| Claim(s) Challenged | 35 U.S.C. §³ | Reference(s)/Basis |
|-------------------------------------|--------------------------------|---------------------------|
| 1, 2, 4–7, 10–12, 15, 16, 21, 22 | 103 | Ziff, Saito, Ferrel |

Petitioner supports its challenge with declarations from Dr. Clifford Neuman (Exs. 1003, 1020). *See, e.g.*, Pet. 10 (citing Ex. 1003 ¶¶ 71–74); *see also* Pet. Reply 3 (citing Ex. 1020 ¶¶ 4–20).

Patent Owner supports its Response with a declaration from Mr. Nicholas Zatkovich (Ex. 2001). *See, e.g.*, PO Resp. 3 (citing Ex. 2001 ¶ 31).

II. ANALYSIS

A. Level of Ordinary Skill in the Art

The level of ordinary skill in the art is “a prism or lens” through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). The person of ordinary skill in the art (“POSITA” or “skilled artisan”) is a hypothetical person presumed to have known the relevant art at the time of the invention. *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In determining the level of ordinary skill in the art, we may consider certain factors, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with

³ The pre-AIA version of 35 U.S.C. applies. *See* Ex. 1001, code (63) (claiming priority to a patent application filed November 16, 2012); *see also* Pet. 6 n.4 (acknowledging the same).

which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *Id.*

Petitioner submits that a POSITA

would have had, as of May 5, 2000, (1) at least an undergraduate degree in electrical engineering, computer science, a closely related scientific field, or similar advanced post-graduate education in this area; (2) a working knowledge of electronic content distribution systems; and (3) at least two years of experience with such systems.

Pet. 10 (citing Ex. 1003 ¶¶ 71–74). Petitioner further submits that “[a]dditional education may substitute for lesser work experience and vice-versa.” *Id.*

For purposes of institution, we adopted Petitioner’s level of skill. *See* Inst. Dec. 8. In the Patent Owner Response, Patent Owner does not dispute Petitioner’s definition of a skilled artisan. *See* PO Resp. 4.

For purposes of this Final Written Decision, we continue to adopt Petitioner’s definition of a POSITA, which is supported by the testimony of its expert and consistent with the ’576 patent and cited references, and not disputed by Patent Owner. *See* Pet. 10; *see also* PO Resp. 4.

B. Claim Construction

Claim terms are generally given their ordinary and customary meaning as would be understood by one with ordinary skill in the art in the context of the specification, the prosecution history, other claims, and even extrinsic evidence including expert and inventor testimony, dictionaries, and learned treatises, although extrinsic evidence is less significant than the intrinsic record. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–1317 (Fed. Cir. 2005) (en banc).

Neither Petitioner nor Patent Owner expressly construes any claim term. *See* Pet. 10–11; *see also* PO Resp. 4. In our Institution Decision, we determined that there were no terms that require express construction for the purposes of instituting trial. Inst. Dec. 9 (citing *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017)).

For purposes of this Final Written Decision, we need not and do not expressly construe any claim term. *See Nidec*, 868 F.3d at 1017.

C. Principles of Law

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016). This burden never shifts to Patent Owner. *Dynamic Drinkware*, 800 F.3d at 1378.

Petitioner’s challenge is based on obviousness. Pet. 1.

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and, when presented, (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

We analyze the asserted ground in accordance with these principles.

D. Asserted Unpatentability over Ziff, Saito, and Ferrel

Petitioner contends that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 are unpatentable over Ziff in view of Saito and Ferrel. Pet. 1.

1. Ziff (Ex. 1004)

Ziff is a U.S. patent titled “Story Workflow Management System and Method.” Ex. 1004, code (54). Ziff describes a story creation workflow management system. *Id.* at code (57). By providing the steps “of the story creation process in a single integrated system,” Ziff’s system “permits the users of the system to work at different times of the day and in different geographic locations.” *Id.* “The system also permits the users of the system to rapidly determine the current status of any story in the system.” *Id.*

Figure 1 of Ziff is reproduced below.

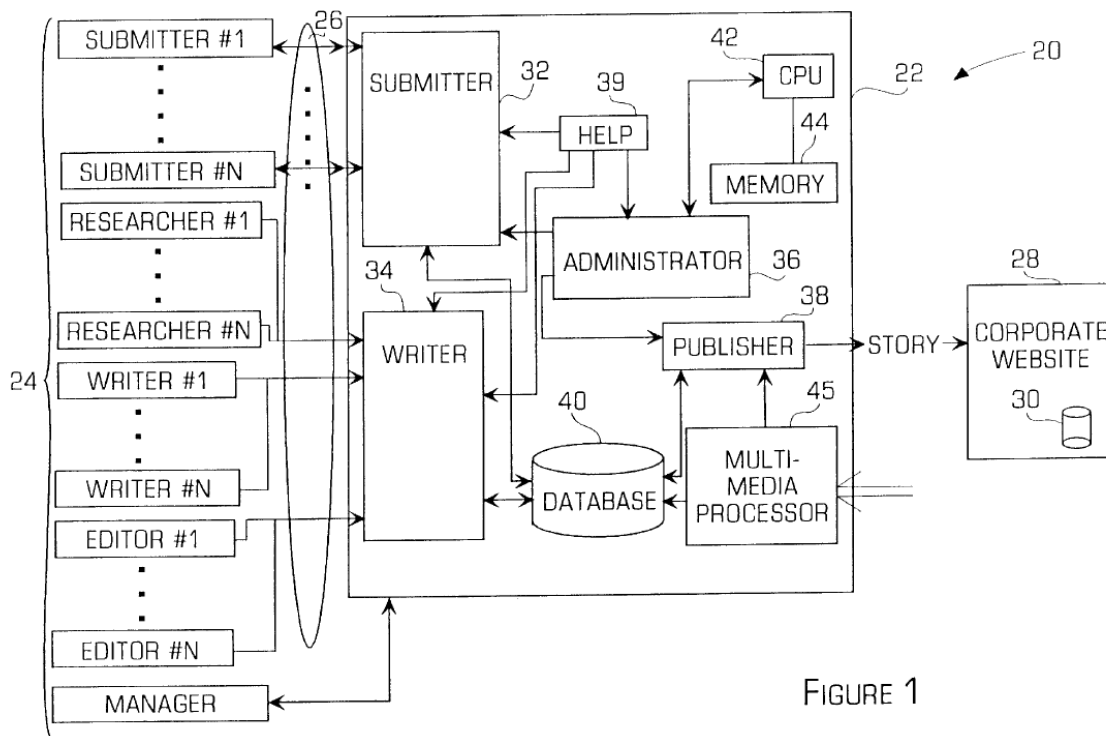


Figure 1, reproduced above, depicts a block diagram showing Ziff's story workflow management system 20. Ex. 1004, 4:31–32. As part of Ziff's system for creating media from the initial lead submission phase to creation to final publication, Ziff's system 20 contains separate subsystems, which include submission application system 32, writer system 34, and publisher system 38, as shown in Figure 1. *Id.* at 2:45–60, 5:19–24, 6:29–33.

Submission application system 32 generates a user interface to gather information from a user about a story. *Id.* at 6:45–48. The submission information and data are stored in database 40 by submission application system 32. *Id.* at 6:48–50. Writer system 34 uses the stored data to create media, and publisher 38 releases finalized media. *Id.* at 6:65–7:12, 7:32–37. Ziff's subsystems, in the disclosed embodiment, are different software applications executed by CPU 42. *Id.* at 5:45–47, 6:13–17, 6:37–41.

2. *Saito (Ex. 1005)*

Saito is a U.S. patent titled “Distributed Computing System.” Ex. 1005, code (54). Saito's invention “relates to a distributed computing system having a plurality of computers connected to a network for cooperatively executing a plurality of programs, and more particularly to the configuration and method for such a distributed computing system which utilizes priority to realize real-time characteristics.” *Id.* at 1:4–9. Saito's distributed computing system has a plurality of computers that differ from each other in terms of performance, load, and type, and uniformly manages local priority schemes adapted in the respective computers by utilizing the concept of “urgency” or “time limit.” *Id.* at code (57). “Each of the computers includes a priority level conversion procedure for performing a

conversion between an urgency level and a priority level of processing in accordance with the performance and the load of the computer.” *Id.*

3. *Ferrel (Ex. 1006)*

Ferrel is a U.S. patent titled “Information Retrieval System in an On-Line Network Including Separate Content and Layout of Published Titles.” Ex. 1006, code (54). Ferrel’s “invention relates to information retrieval systems and more particularly, to a system and method for indexing, querying and retrieving information in an on-line network.” *Id.* at 1:11–14. Ferrel discloses an “information retrieval (IR) server [that] indexes and searches stories and other content objects, such as images and sound clips, in titles in an on-line network.” *Id.* at 4:2–4. Ferrel explains that “[i]ndexing takes place when a title is released to the network by a publisher workstation” and if “a content object is deleted from the network server, the IR server is notified.” *Id.* at 4:4–8. Ferrel further explains that, as such, “the IR server has a current index of all the content on the network as soon as the content is published or deleted.” *Id.* at 4:8–10.

4. *Proposed Combination of Ziff and Saito*

Petitioner submits that Ziff teaches, “the submission application system, the writer system, the security system and the publisher system may be software applications stored in the memory 44 of the server and the software applications are executed by the CPU 42 of the server.” Pet. 20 (quoting Ex. 1004, 6:37–41). Petitioner further submits that Ziff also teaches that “the user may interact with the various story creation systems, which may be software applications being executed by the server,” and that “each of the story creation sub-systems . . . may operate independently.” *Id.*

(alteration in original) (emphasis omitted) (quoting Ex. 1004, 5:45–47, 6:13–17).

Petitioner acknowledges, however, that Ziff “does not expressly teach that each software application—which perform[s] the respective functions of Ziff’s story creation subsystems—are implemented on *separate processors*. In other words, Ziff expressly teaches its subsystems, while distinct, are *executed on the same CPU*.” *Id.* (citation omitted and emphasis replaced). Nevertheless, Petitioner reasons that a skilled artisan would have been motivated to “utilize the well-known benefits of a distributed processing architecture to implement Ziff’s subsystems.” *Id.* at 21 (citing Ex. 1003 ¶¶ 104–114) (emphasis omitted).

Petitioner submits that Saito teaches “a distributed computing system having a plurality of computers connected to a network for cooperatively executing a plurality of programs.” *Id.* (emphasis omitted) (citing Ex. 1005, 1:4–6). Petitioner reasons that a skilled artisan would have been motivated to modify Ziff’s single CPU-multiple software subsystem model to utilize Saito’s distributed processing architecture to perform the distinct software applications of Ziff’s system. *Id.* (citing Ex. 1003 ¶¶ 104–114; Ex. 1004, 2:45–60, 6:13–17, 9:30–43, 13:7–13; Ex. 1005, 1:4–6, 3:36–49). Petitioner reasons that the combination yields a “simple modification” and a skilled artisan

would have understood that it would have been an obvious design choice to use either a distributed or a non-distributed processing architecture to execute the software applications of Ziff’s subsystems . . . [and that a skilled artisan] would have recognized that Ziff teaches its subsystems may operate independently and understood that program instructions may be executed on either distributed hardware components or non-distributed hardware.

Id. at 21–22 (citations omitted). Petitioner further reasons that a skilled artisan

would have been motivated to modify Ziff’s non-distributed system to utilize Saito’s distributed processing architecture given the express goals identified in Ziff. For example, Ziff teaches that increased system speed is desirable. A POSITA would have understood that implementing a distributed system with multiple processors, as in Saito, would enhance the goals of improving speed as well as efficiency. Saito expressly teaches the benefit in distributed computer systems of being able to utilize distributed processors to take advantage of different computers’ “performance, load, and type[.]” A POSITA would have recognized that Saito teaches a distributed system which would accomplish the performance goals of Ziff’s system, such as *increased system speed*.

Id. at 22 (alteration in original) (emphasis replaced) (citing in part Ex. 1003 ¶¶ 107–110, 112).

Petitioner further reasons that a skilled artisan

would have been motivated to modify Ziff’s non-distributed system to implement Ziff’s subsystems in a distributed processing architecture, such as taught by Saito. A POSITA would have further understood a distributed system would alleviate the above-noted problems by *providing parallel processing paths such that Ziff’s submission, creation, and release subsystems could execute in parallel*.

Id. at 23 (emphasis replaced) (citations omitted) (citing Ex. 1003 ¶¶ 104–114). Dr. Neuman testifies that “using a distributed processing architecture could provide the *benefits of parallel processing which greatly increase the speed and efficiency of a computing system*, [and] parallel processing would have allowed Ziff’s submission, creation, and release subsystems to execute in parallel and capture these benefits.” Ex. 1003 ¶ 109 (emphasis replaced). Dr. Neuman further testifies that “a way to achieve Ziff’s stated goal of

increased system speed would have been to implement Ziff’s software subsystems in a distributed architecture, such as that taught by Saito.” *Id.* ¶ 110 (emphasis omitted).

Patent Owner presents numerous arguments nested together in contesting the combination of Ziff with Saito. *See* PO Resp. 6–26.

a. Non-Analogous Art Argument

Patent Owner submits that Ziff discloses a “single server using a single CPU” (*id.* at 6 (emphasis omitted)) while Saito discloses an “arbitrary priority-based distribution of processing to execute particular programs across a plurality of computers without a content database” (*id.* at 9 (emphasis omitted)). Patent Owner argues that “*Ziff and Saito are not analogous art to each other,*” as they are directed to different systems with different problems and their solutions look very different from each other. *See id.* at 12–13 (emphasis added).

Patent Owner’s argument is not persuasive, as it relies on a misstatement of the law. *See* Pet. Reply 12 (identifying the same error).

“A reference qualifies as prior art for an obviousness determination under § 103 only when it is analogous to the *claimed invention.*” *In re Klein*, 647 F.3d 1343, 1348 (Fed. Cir. 2011) (citing *Innovention Toys, LLC v. MGA Entm’t., Inc.*, 637 F.3d 1314, 1321 (Fed. Cir. 2011), and *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004)). In other words, the issue is not whether Saito and Ziff are analogous to each other, as Patent Owner argues (*see* PO Resp. 12–13), but whether Saito and Ziff are each analogous to the invention of the ’576 patent. *Sanofi-Aventis Deutschland GmbH v. Mylan Pharms. Inc.*, 66 F.4th 1373, 1377–78 (Fed. Cir. 2023).

Two separate tests define the scope of analogous art: (1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. *In re Klein*, 647 F.3d at 1348 (quoting *In re Bigio*, 381 F.3d at 1325).

As to Ziff, we agree with Petitioner that Ziff is within the field of endeavor of and reasonably pertinent to problems addressed by the '576 Patent. Pet. 16 (citing Ex. 1003 ¶ 81); *see also supra* §§ I.C, II.D.1. The '576 patent and Ziff both relate to a process for creating media. *See, e.g.*, Ex. 1001, 1:22–23; *see also* Ex. 1004, 4:66–6:43; *see also* Pet. 16–17 (citing the same). Furthermore, we agree with Petitioner and credit Dr. Neuman's testimony that "like the '576 Patent, Ziff addresses problems related to improving the speed of the processes which allow users to search for and develop media for publication." Ex. 1003 ¶ 81; *see also* Ex. 1001, 3:1–15; *see also* Ex. 1004, 2:45–49, 9:18–19, 13:21–26; *see also* Pet. 17 (contending the same). Accordingly, Ziff and the invention claimed in the '576 patent are analogous to one another.

As to Saito, Saito is within the field of endeavor and reasonably pertinent to the problems addressed by the '576 Patent. *Compare supra* § I.C., *with id.* § II.D.2. We agree with Petitioner and credit the testimony of Dr. Neuman that "[l]ike the '576 Patent, Saito addresses the implementation and utilization of a distributed processing system to execute coordinated software routines." Ex. 1003 ¶ 92; *see also* Pet. 19. Accordingly, Saito is also analogous to the claimed invention of the '576 Patent.

Petitioner has demonstrated by a preponderance of the evidence that Ziff and Saito are analogous to the claimed invention.

b. Motivation to combine Ziff and Saito

Patent Owner argues that “[t]here is also a lack of motivation to combine Ziff and Saito.” PO Resp. 13; *see also* PO Sur-Reply 13–17 (arguing that “The Reply Fails to Support the Original Motivation to Combine Ziff and Saito, and Offers New and Still Deficient Motivations”). Patent Owner submits that “Ziff’s applications are only configured for operation on a single server with a single CPU and to communicate with and control only one local server database,” whereas “Saito does not disclose how software would communicate with a remote content database.” PO Resp. 14 (citing Ex. 2001 ¶¶ 58, 65); *see also* PO Sur-Reply 2–5 (arguing that Ziff does not teach three separate “server subsystems”). Patent Owner’s expert, Mr. Zatkovich, testifies that “Saita [sic] . . . fails to disclose how software would communicate with a remote content database. Thus, a POSITA would view the teachings of Ziff and Saita [sic] as incompatible, and not find it obvious to combine them.” Ex. 2001 ¶ 67; *see also* PO Sur-Reply 5–13 (presenting numerous nested arguments within a general argument that the Petition and Reply fail to address how the combination of Ziff and Saito satisfy the claimed invention). Patent Owner further submits that Ziff “teach[es] away from the centralized database or sets of databases as part of a first server subsystem along [sic] used in connection with plural other distributed server subsystems as claimed in the ‘576 Patent.” PO Resp. 15 (citing Ex. 2001 ¶ 55); *see also* PO Sur-Reply 10 (“Petitioner’s analysis ignores that merely adding more CPUs to the single processing server 22 to better handle more users does not avoid a teaching away.”).

Patent Owner contends in its Sur-Reply that “Petitioner’s Reply ignores the specific configuration of the subsystems and centralized database required by claim 1.” PO Sur-Reply 1. Patent Owner argues that “Petitioner’s Reply fails to address that the combination of Ziff and Saito does not arrive at the specific claimed configuration and that there is a lack of motivation to combine the references.” *Id.*

We disagree with Patent Owner.

Patent Owner’s arguments obfuscate Petitioner’s relatively straightforward modification, which simply involves “execut[ing] Ziff’s subsystems on separate processors, as taught by Saito.” Pet. Reply 2–3; *see also* Pet. 21 (“a POSITA would have been amply motivated to utilize the well-known benefits of a distributed processing architecture to implement Ziff’s subsystems” (emphasis omitted)).

To illustrate, we reproduce Figure 1 of Ziff, below:

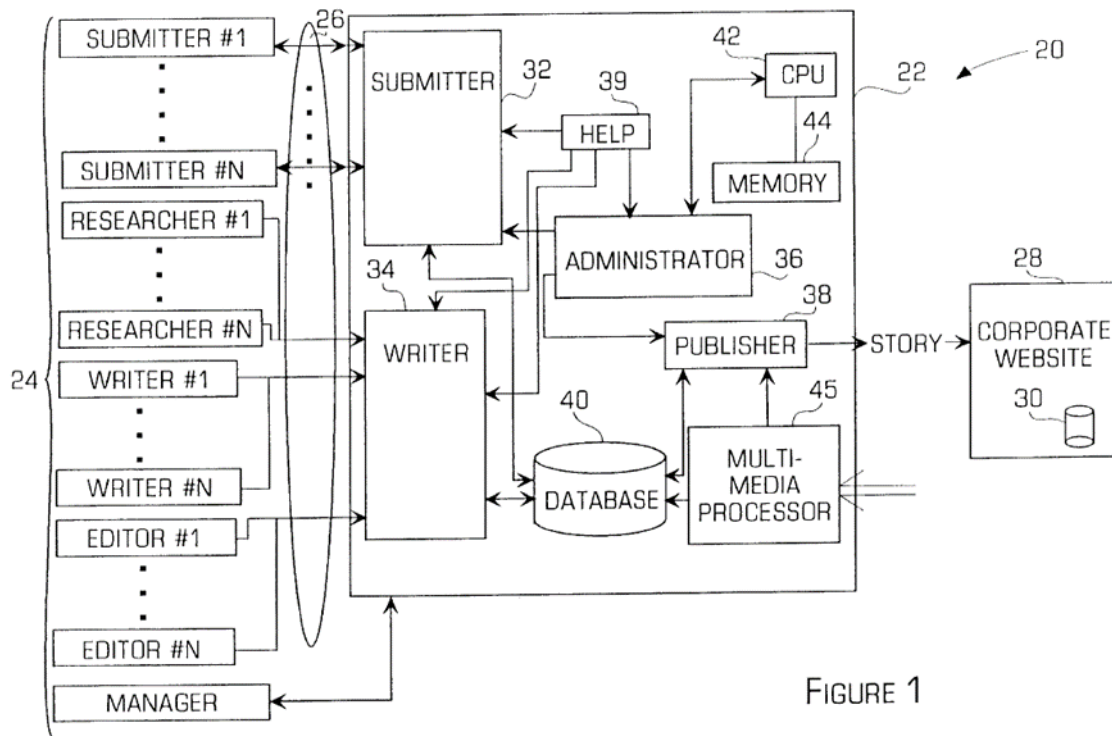


Figure 1, reproduced above, is a block diagram depicting Ziff’s “story workflow management system.” Ex. 1004, 2:31–32. While acknowledging that Ziff’s subsystems (e.g., submitter 32, writer 34, and publisher 38) are *executed on a single CPU* (see Pet. 2), Petitioner relies on Ziff’s submitter 32 to be a “media submissions server subsystem” (*id.* at 36); Ziff’s writer 34 to be a “multimedia creator server subsystem” (*id.* at 61); and Ziff’s publisher 38 to be a “release subsystem” (*id.* at 71), as recited in claim 1.

As to Saito, Saito teaches that its “invention relates to a distributing computing system having a plurality of computers connected to a network for cooperatively executing a plurality of programs.” Ex. 1005, 1:4–6.

Based on Saito’s teachings, Petitioner proposes to modify Ziff to utilize a distributed processing architecture with multiple processors, rather than a single CPU, thereby satisfying certain limitations recited in claim 1. See Pet. 21–25.

We further disagree with Patent Owner’s assertion that Petitioner failed to provide a motivation to combine Ziff with Saito. See PO Resp. 13; see also PO Sur-Reply 13–17 (arguing that Petitioner’s “Reply Fails to Support the Original Motivation to Combine *Ziff* and *Saito*, and Offers New and Still Deficient Motivations”). As set forth above (*see supra* § II.D.4), Petitioner reasons, with *substantial* citations to the record and testimonial support of its expert, Dr. Neuman, that a skilled artisan “would have understood that utilizing Saito’s distributed processor system to execute Ziff’s software subsystems would have allowed each subsystem to operate independently in a manner that *increases parallelism, speed, and efficiency*.” See, e.g., Pet. 25 (citing Ex. 1003 ¶¶ 104–114) (emphasis added). Based on

the record, we find that increasing speed and efficiency are valid reasons for modifying Ziff's system.

Furthermore, we are not persuaded that *Ziff teaches away* from the proposed combination, as Patent Owner argues. *See* PO Resp. 15; *see also* PO Sur-Reply 10 (“merely adding more CPUs . . . does not avoid a teaching away”); *see also* PO Sur-Reply 8 (“the central CPU structure of *Ziff* teaches carrying out a single controlled process that teaches away from carving up its overall functionality onto different dedicated servers”). A reference teaches away if it “criticizes, discredit, or otherwise discourages” investigation into the invention claimed. *General Elec. Co. v. Raytheon Tech. Corp.*, 983 F.3d 1334, 1345 (Fed. Cir. 2020) (citing *Polaris Indus., Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056 (Fed. Cir. 2018); *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1327 (Fed. Cir. 2009)). This is not the case here.

Patent Owner cites nothing in *Ziff* or *Saito* that rises to the level of criticizing, discrediting, or otherwise discouraging the proposed combination, which includes “implementing *Ziff*'s software subsystems on the distributed processors,” as taught by *Saito*. *See* Pet. 25 (pointing out the same); *see also* *General Elec.*, 983 F.3d at 1345; *see also* *Meiresonne v. Google, Inc.*, 849 F.3d 1379, 1382 (Fed. Cir. 2017) (“A reference that ‘merely expresses a general preference for an alternative invention but does not criticize, discredit, or otherwise discourage investigation into’ the claimed invention does not teach away”) (quoting *Galderma Labs., L.P. v. Tolmar, Inc.*, 737 F.3d 731, 738 (Fed. Cir. 2013)). Even if we take Patent Owner's assertions to be true, that “*Ziff*'s applications are only configured for operation on a single server with a single CPU and to communicate with

and control only one local server database,” whereas “Saito does not disclose how software would communicate with a remote content database” (PO Resp. 14), this does not rise to the level of teaching away. As explained below, rather than teaching away from the proposed combination, we instead find that the teachings of Ziff would have led a skilled artisan to use multiple processors, as taught by Saito. *See, e.g.*, Ex. 1020 ¶¶ 10, 11 (testifying to the same).

Furthermore, we disagree with Patent Owner’s position that “Petitioner fails to adequately explain why the resulting distributed multi-processor system would have the precise arrangement and correspondence between three particular subsystems.” PO Sur-Reply 7; *see also id.* at 7–8. Patent Owner contends that “[m]ultiple CPUs do not amount to multiple CPU’s each dedicated to a particular subsystem as required by the claims.” *Id.* at 10.

A “person of ordinary skill is also a person of ordinary creativity, not an automaton,” and “in many cases a person of ordinary skill will be able to fit [multiple] teachings . . . together like pieces of a puzzle.” *KSR*, 550 U.S. at 420–21. Based on the teachings of the cited art, a skilled artisan would have been led to modify Ziff, based on Saito’s teachings, as Petitioner proposes. In particular, a skilled artisan would have modified Ziff’s system to so that submitter 32 (the “media submissions server subsystem”), writer 34 (the “multimedia creator server subsystem”), and publisher 38 (the “release subsystem”) utilize separate processors based on Saito’s teaching of a distributed system with multiple processors, such that “Ziff’s submission, creation, and release subsystems could execute in parallel.” *See* Pet. 23 (citing Ex. 1003 ¶ 109); *see also id.* at 22 (“A POSITA would have

recognized that Saito teaches a distributed system which would accomplish the performance goals of Ziff's system, such as increased system speed." (citing Ex. 1003 ¶ 112)).

We find Petitioner's expert, Dr. Neuman, to be a person of ordinary skill in the art at the time of the invention. *See* Ex. 1003 ¶¶ 5–13 (testifying as to Dr. Neuman's qualifications). Dr. Neuman received his S.B., M.S., and Ph.D. in Computer Science by 1992 (*see* Ex. 1003 ¶ 6) and has been an Associate Professor of Computer Science Practice at the University of Southern California since that same year (*see id.* ¶ 7). We find his testimony to be well-reasoned with extensive citations to the record evidence.

In particular, we credit Dr. Neuman's testimony that a "POSITA would have also understood that the allocations in Saito can be specifically determined by a user, particularly given that . . . *distributed computing was well-known which specifically included 'the concept of using multiple processes for receiving, storing, and editing submissions, content, or data files on separate computer components to facilitate distribution.'*" Ex. 1020 ¶ 23 (quoting and citing Ex. 1003 ¶¶ 41–66) (emphasis added). Indeed, a POSITA would have been motivated to modify Ziff so that submitter 32 ("media submissions server subsystem"), writer 34 ("multimedia creator server subsystem"), and publisher 38 ("release subsystem") utilize separate processors, as doing so would improve Ziff's system by allowing it to "complete stories faster." *See, e.g.,* Pet. Reply 4 (citing Ex. 1020 ¶¶ 8, 9; Ex. 1004, 2:33–41).

Moreover, we disagree with Mr. Zatkovich's testimony that "a POSITA would view the teachings of Ziff and Saita [sic] as incompatible, and not find it obvious to combine them." Ex. 2001 ¶ 67. Rather, we credit

Dr. Neuman’s competing testimony. As compared to Mr. Zatkovich’s testimony, we find Dr. Neuman’s testimony to be more credible as it provides clear explanations of the evidence as it relates to the proposed combination.

Specifically, we credit Dr. Neuman’s testimony that “a POSITA would have recognized that Ziff teaches a system for cooperatively executing various software applications, and would have been motivated to utilize the well-known benefits of a distributed processing architecture to implement Ziff’s subsystems, given the express teachings of Ziff.” Ex. 1003 ¶ 106. Notably, Ziff teaches the desirability of increased processing speed. *See, e.g.*, Ex. 1004, 2:54–57 (describing the desirability of “increased speed with which a story is prepared”). Ziff further teaches that its “system may be easily integrated into a corporate Intranet computer network.” *Id.* at 3:4–6. We further credit Dr. Neuman’s testimony that a “POSITA would have understood that integration into a network (including previously existing corporate Intranet networks) would have motivated a POSITA to use more than one processor, as proposed by Petitioner’s Ziff-Saito combination.” Ex. 2020 ¶ 10. We further credit Dr. Neuman’s testimony that “[o]ne processor would not be sufficient for a large corporation in this context” (*id.*) and that a “POSITA would have understood that Ziff’s disclosures related to corporate intranet integration would further support executing Petitioner’s proposed Ziff-Saito combination on a distributed, LAN system, which as explained above would work efficiently even at larger scales” (*id.* ¶ 11). Ex. 1020 ¶¶ 10, 11; *see also* Pet. Reply 4 (arguing the same).

Finally, in Patent Owner’s Sur-Reply, Patent Owner argues that “The Reply Deviates from the Combination in the Petition to Offer a New ‘LAN’

Combination, not part of this Trial.” PO Sur-Reply 17–18. Patent Owner contends that the Petition never mentions “LAN” or “local area network,” yet Petitioner reasons in the Reply that it would have been obvious to “arrive at a ‘LAN implementation of Petitioner’s proposed combination.’” *See id.* at 18 (citing Pet. Reply 8).

We further disagree with Patent Owner’s argument that Petitioner presented a new theory of obviousness. *See id.* at 17–18. As explained above, with multiple citations to the Petition, Ziff, Saito, and Dr. Neuman’s original declaration, we do not find Petitioner to have changed the reasons for combining Ziff and Saito. Although Petitioner references a LAN in the Reply, we do not see this as a new theory of obviousness, but rather an explanation for a position taken in the Petition. For example, the Petition explains that Saito teaches “a distributed computing system having a *plurality of computers connected to a network* for cooperatively executing a plurality of programs.” Pet. 21 (emphasis replaced) (citing Ex. 1005, 1:4–6). As the Petition refers to a plurality of computers connected to a network, we do not see Petitioner’s explanation of a local area network in the Reply as changing Petitioner’s theory of obviousness.

Notwithstanding Patent Owner’s extensive arguments to the contrary, Petitioner has demonstrated by a preponderance of the evidence that a skilled artisan would have combined Ziff with Saito as set forth in the Petition.

5. *Proposed Combination of Ziff and Saito Fails to Satisfy Claims*

Patent Owner further argues that the proposed combination would fail to satisfy several of the claim limitations. *See* PO Resp. 15–26. We address

these particular arguments along with our discussion of each limitation, below. *See infra* § II.D.7.

6. *Further combination based on Ferrel’s teachings*

Petitioner further reasons that a skilled artisan would have been motivated to modify the Ziff-Saito system, discussed above, to utilize Ferrel’s “enhanced timestamp.” Pet. 26 (citing Ex. 1003 ¶¶ 115–123).

Petitioner submits that Ziff teaches a “submission date,” but acknowledges that Ziff does not expressly teach its “submission date” as including “the time of submission.” *Id.* (citing Ex. 1003 ¶¶ 115–123). Nevertheless, Petitioner provides four separate reasons why a skilled artisan would have found it obvious to apply Ferrel’s timestamp with the Ziff-Saito system. *See id.* at 28–30.

First, Petitioner reasons that a skilled artisan would have recognized the need to search for submissions based on when they were received. For example, Ziff teaches its system is flexible, submissions may be received at any time, and all users can work on the story creation process at any time. Ziff also teaches its system increases the speed of the story creation process. . . . These disclosures would have piqued the curiosity of a POSITA such that further investigation would have been done. A POSITA’s further investigation would have indicated that a user might search for submissions multiple times in one day, and that *searching based on submission time would have allowed the user to efficiently review new submissions* newly received since the user last searched on the same day—thus saving time by avoiding redundant review and supporting Ziff’s goal of increased story preparation speed. *Id.* at 28–29 (citations omitted, emphasis added).

Second, Petitioner reasons that a skilled artisan

would have recognized this design need to search submissions based on when those submissions were received and realized there were only a finite number of predictable solutions—storing submissions based on submission date alone, storing submissions based on submission time alone, or storing submissions based on both submission time and date. Submission date possibilities may have further included the year, month, or day of a submission, and submission time possibilities may have further included the hour, minute, or second of a submission.

Id. at 29 (citations omitted).

Third, Petitioner reasons that a skilled artisan would have had a reasonable expectation of success implementing Ferrel’s timestamp, which stores both the submission time and date. Specifically, a POSITA would have understood that *timestamps which store submission time—either based on hours, minutes, and/or seconds—were very well-known at the time and easy to implement since computers already tracked such information at the time.*

Id. at 30 (citations omitted, emphasis added).

Fourth, Petitioner contends that an analysis of the Graham factors illustrates how implementing Ferrel’s timestamp into the Ziff-Saito system would have been obvious. . . . As explained above, the scope and content of the prior art expressly includes searching based on submission time. There are also no practical differences between the claimed invention and Ferrel’s timestamp—which both store the submission time and date. Further, the level of a POSITA has been resolved, and the implementation of Ferrel’s timestamp would have easily been within the skillset of a POSITA. Finally, there is no evidence of commercial success, long felt unsolved needs, or the failure of others, etc., since timestamps that stored the date and time were extremely well-known and easy to implement at the time.

Id. (citations omitted).

Patent Owner argues that combining Ziff-Saito with Ferrel would not have been obvious. *See* PO Resp. 27–30. In support of Patent Owner’s argument, Patent Owner submits that “Ferrel does not teach searching by submission time because it expressly teaches searching by *publication* time.” *Id.* at 27. Patent Owner argues that Ferrel *teaches away* from the proposed combination (*see id.* at 28 (citing Ex. 2001 ¶ 77), while Mr. Zatkovich testifies that “updating of a status page in real time would not have required such specific timestamping with a time of submission, but rather a simple updating of the content” (Ex. 2001 ¶ 77). Mr. Zatkovich further testifies that “the disclosures of Ferrel discussed therein, which refer explicitly to searches by publication time, in my opinion would not have been understood as referring to timestamps by submission time, nor would such time provide an enhancement to search results.” Ex. 2001 ¶ 79.

Patent Owner further argues that “[t]here is no teaching in Ferrel that submission time is a useful time for searching” and “it is not a sufficient motivation for combining searching by submission time (which is not disclosed by any reference identified by Petitioner).” PO Sur-Reply 28–29. Mr. Zatkovich further testifies that “there has been no showing of any user demand at the time of the invention for searching at such a level of granularity as to when an item was submitted, as opposed to when it was published.” Ex. 2001 ¶ 79. Mr. Zatkovich further testifies that

simply allowing for more options to sort submissions in my opinion is not sufficient motivation for making the proposed combination, as doing so would add to complexity of using and searching the system, and as there has been no showing of any reason why such level of granularity is necessary. Nor, in my opinion, is such a timestamp necessary to Ziff’s system to distinguish between submissions received on the same day, as Ziff contains numerous other data points associated with a

submission that distinguish between content, and a submission time no more guarantees differentiability of content than a submission date. Rather, a POSITA looking to solve such a problem, in my opinion, would have simply assigned a unique identifier to content (e.g., a sequentially assigned number) as was well known in the art, which would have actually guaranteed uniqueness between submissions.

Id. ¶ 80.

We disagree with Patent Owner’s arguments. Specifically, we disagree with Patent Owner’s assertion that Dr. Neuman erred in analyzing Ferrel. *See* Pet. 27 (“Petitioner’s expert contends that Ferrel allows for searching by submission time, however, the excerpt relied on only discloses searching by publication time”). Indeed, Dr. Neuman acknowledges that the cited excerpt of Ferrel teaches searching by publication time. *See, e.g.,* Ex. 1003 ¶ 121. Specifically, Dr. Neuman testifies,

Even though Ferrel teaches its timestamp in relation to a “multimedia publishing system,” a POSITA would have understood that Ferrel’s publication process is akin to Ziff’s submission process as both store content which can later be searched based on various parameters. . . . Accordingly, a POSITA would have understood that Ferrel’s timestamp could easily be implemented into Ziff’s submission subsystem.

Id. (citing Ex. 1006, 4:25–5:40, 39:16–19; Ex. 1004, 6:29–64, 13:21–26) (emphasis replaced).

Furthermore, and as to Patent Owner’s argument that Ferrel *teaches away* from using submission time (*see* PO Resp. 28), we disagree. Patent Owner cites to nothing in Ferrel or the other cited art that rises to the level of criticizing, discrediting, or otherwise discouraging searching by submission time. *See* Pet. Reply 22 (arguing the same); *see also General Elec.*, 983 F.3d at 1345. Petitioner is correct that “just because Ferrel discloses a

publication time does not mean Ferrel teaches away from using a submission time.” Pet. Reply 22 (citing *Eli Lilly & Co. v. Perrigo Co.*, 718 F. App’x 953, 955 (Fed. Cir. 2017)). As explained below, rather than teaching away from the proposed combination, we instead find that the teachings of Ziff and Ferrel would have led a skilled artisan to use submission time. *See, e.g.*, Ex. 1020 ¶¶ 10, 11 (testifying to the same).

As to Patent Owner’s argument that “a POSITA would not have been motivated to combine Ferrel with Ziff-Saito” (PO Resp. 27), we also disagree. A skilled artisan at the time of the invention would have made the modification for the purpose of improving accuracy of the Ziff-Saito system. *See, e.g.*, Pet. 27; *see also* Ex. 1003 ¶ 118. Having weighed the evidence and competing testimony of Dr. Neuman and Mr. Zatkovich, we find Dr. Neuman more credible. Dr. Neuman’s testimony is well-explained and provides clear and concise citations to the record.

In particular, we credit Dr. Neuman’s testimony that a skilled artisan would have recognized that time is important to Ziff’s system. Ex. 1003 ¶ 118. Ziff teaches status page 60, which includes the status of each story, including “an unrated story section 64, a stories to be updated section 66[,] and a stories in process and stories completed section 68.” *See* Ex. 1004, 9:30–32. Ziff further teaches,

The status page reflects the status of each story based on the traffic flow defined by the system so that it includes stories that appear because they are *currently in the story creation process*, because they have just come been [sic] submitted as a story submission and need a decision on whether they should be processed, *or because the story needs updating*.

Id. at 9:37–43 (emphases added). Ziff also teaches,

Once the update has been completed for the particular story, the particular story is removed from the updated section and the predetermined time period is reset so that the story will appear again in the updated section after the predetermined time period expires again. Thus, each story will periodically be placed into the updated section to reverify the accuracy of the story.

Id. at 9:57–63. Ziff discloses that “[t]he important thing about the status page is that it is *automatically updated in real time* as steps of the story creation process are completed so that the status page for any user of the system is *constantly updated.*” *Id.* at 10:18–21 (emphases added). Based on these and other teachings, we agree with and credit Dr. Neuman’s testimony that a skilled artisan “would have recognized that using a timestamp such as Ferrel’s, which stores the submission time as well as the submission date, would have been one common way to implement Ziff’s ‘predetermined time period.’” Ex. 1003 ¶ 118 (emphasis omitted). We further credit Dr. Neuman’s testimony that timestamps were well-known in the art at the time of the invention and that “Ziff’s ‘predetermined time period’ could not only be measured in days (such as the submission date in Ziff) but also in hours, minutes, or seconds” and that “[m]easuring Ziff’s ‘predetermined time period’ in hours, for example, instead of days would have allowed for *more accurate updates* to Ziff’s status page.” *Id.* (emphasis replaced).

Accordingly, Petitioner has demonstrated by a preponderance of the evidence that a skilled artisan would have further combined Ziff-Saito with Ferrel as set forth in the Petition.

7. *Claim 1*

- a) *[1(P)] A computer-based system for generating multimedia content*

Petitioner contends that, to the extent the preamble is limiting, Ziff teaches, or at least renders obvious, the preamble by disclosing “*a computer-based system (e.g., server 22) for generating multimedia content (e.g., multimedia processed with a story)*” and “*a story workflow management system and method [] in which each step of the story creation process from initial lead generation to final publication of the story is tracked[.]*” Pet. 33 (alterations in original) (citing Ex. 1004, 2:45–49). Petitioner submits that Ziff’s “*invention relates generally to a system and method for managing the workflow associated with a story and in particular to a system and method for managing the workflow associated with the preparation, editing and creation of a story.*” *Id.* at 35 (citing Ex. 1004, 1:8–14, 1:67–2:1).

In support of Petitioner’s position, Dr. Neuman testifies that a skilled artisan would have understood that Ziff teaches a computer-based system. Ex. 1003 ¶ 124 (citing Ziff, 5:19–24, Fig. 1).

Patent Owner does not dispute Petitioner’s assertions.

Without determining whether the preamble is limiting, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the language recited in the preamble.

- b) [1(a)] “an electronic media submissions server subsystem including” [1(a)(1)] “one or more data processing apparatus” and [1(a)(2)] “one or more database stored on a non-transitory medium”

As to limitation 1(a), “an electronic media submissions server subsystem including,” Petitioner contends that Ziff’s submission application system 32 corresponds to the recited “electronic media submissions subsystem.” Pet. 36–37 (citing Ex. 1004, 5:19–30, 6:29–33, Fig. 1; Ex. 1003 ¶¶ 127–28). In referencing Figure 1 of Ziff, Petitioner submits that “Ziff teaches server 22 ‘house[s] one or more sub-systems[,]’ including submission application system 32.” *Id.* at 36 (citations omitted).

Dr. Neuman testifies that a skilled artisan “would have understood that Ziff’s submission application system 32 teaches, or at least renders obvious, the claimed *electronic media submissions server subsystem.*” Ex. 1003 ¶ 127.

As to limitation 1(a)(1), “one or more data processing apparatus,” Petitioner further contends that the combined teachings of Ziff and Saito teach, or at least render obvious, this limitation by disclosing “an *electronic media submissions server subsystem* (e.g., Ziff’s submission application system 32) that includes its own *one or more data processing apparatus* (e.g., Saito’s first distributed processor).” Pet. 37 (citing Ex. 1003 ¶¶ 129–131).

According to Petitioner, because Ziff’s CPU 42 executes its software applications and Saito teaches a distributed processor system for cooperatively executing a plurality of disparate programs, a skilled artisan would have been motivated to make the simple modification allowing Ziff’s non-distributed subsystems to execute on distributed processors as taught by

Saito. *Id.* Petitioner contends that “Ziff’s various software components are subsystems in a cooperative system, but Ziff does not expressly teach that each software application—which perform the respective functions of Ziff’s story creation subsystems—are implemented on separate processors.” *Id.* at 20. Petitioner states that, while Ziff expressly teaches its distinct subsystems are executed on the same CPU, a person of ordinary skill in the art would have been motivated to utilize the well-known benefits of Saito’s distributed processing architecture to implement Ziff’s subsystems. *Id.* at 20–21 (citing Ex. 1003 ¶¶ 104–114; Ex. 1004, 6:37–41). Petitioner further contends that Saito expressly teaches the benefit in distributed computer systems of being able to utilize distributed processors to take advantage of different computers’ “performance, load, and type.” *Id.* at 22 (citing Ex. 1005, 3:36–49; Ex. 1003 ¶ 112). According to Petitioner, a person of ordinary skill in the art would have understood that it would have been an obvious design choice to use either distributed or non-distributed processors to execute Ziff’s subsystems, and this skilled artisan would have understood that implementing a distributed system with multiple processors, as in Saito, would enhance Ziff’s goals of *improving speed as well as efficiency*. *Id.* at 21–22 (citing Ex. 1004, 2:45–60; Ex. 1003 ¶¶ 107–110) (emphasis added).

As to limitation 1(a)(2), “one or more database stored on a non-transitory medium,” Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that “*electronic media submissions server subsystem* (e.g., submission application system 32) includes *one or more databases* (e.g., database 40)” and Ziff has “a database for storing information about each submission and each completed story” and “submission application system 32 automatically store[s] the gathered

information in the database 40.” Pet. 38 (citing Ex. 1004, 3:38–40, 6:48–50). Petitioner further contends that Ziff teaches that “database 40 is *stored on a non-transitory medium.*” *Id.* (citing Ex. 1003 ¶¶ 132–136).

Patent Owner disputes Petitioner’s arguments under limitations 1(a), 1(a)(1), and 1(a)(2). *See* PO Resp. 16. In particular, Patent Owner submits that “Ziff discloses all software sharing the same server hardware . . . [and that a] POSITA would therefore understand that Ziff does not disclose subsystems because applications are different functionality and in Ziff each application is not associated with a different data processing apparatus.” *Id.* at 17 (citations omitted). Patent Owner further submits that “Ziff also only discloses a single database only accessible by the programs on the same server as the database.” *Id.* (citations omitted). Patent Owner further submits that “Saito also does not disclose applications distributed to different processors that access a centralized database.” *Id.* at 18.

We disagree with Patent Owner. Nonobviousness cannot be established by attacking references individually where the unpatentability challenge is based upon the teachings of a combination of references. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Here, Petitioner does not rely on Ziff or Saito in isolation for addressing the claimed features; instead, Petitioner proposes to modify Ziff based on Saito’s teachings for the purpose of improving speed and efficiency. *See, e.g.*, Pet. 36–38 (relying on a combination of Ziff’s teachings and Saito’s teaching to address the limitations recited in 1(a)(1) and 1(a)(2)); *see also* Pet. Reply 25 (explaining the same). As explained in greater detail above, we agree with Petitioner and credit Dr. Neuman’s testimony’s that a skilled artisan would have been

motivated to combine Ziff and Saito to arrive at the claimed features. *See supra* § II.D.4.

Having weighed the evidence and competing testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito's and Ferrel's teachings, satisfy the limitations recited in 1(a), 1(a)(1), and 1(a)(2).

- c) *[1(a)(3)] a submissions electronic interface configured to receive a first electronic media submission from a first user of a plurality of users over a public network and store said first electronic media submission in said one or more database with at least a second electronic media submission received from a second user of the plurality of users, where the second user is not the first user*

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that its

electronic media submissions server subsystem (e.g., submission application system 32) includes a submissions electronic interface (e.g., submission application system 32's user interface) configured to receive a first electronic media submission (e.g., a submission) from a first user (e.g., Submitter#1) of a plurality of user[s] (e.g., Submitter#1–Submitter#N) over a public network (e.g., the Internet).

Pet. 39 (citing Ex. 1003 ¶¶ 137–143). Petitioner contends that Ziff's "submission application system 32 may generate a user interface, as described in . . . FIGS. 2A–2C, to gather information from a user about a possible story idea (a submission)." *Id.* (emphasis omitted) (citing Ex. 1004, 6:45–48).

Petitioner also contends that Ziff teaches, or at least renders obvious, *submissions electronic interface (e.g., submission application system 32's user interface) is configured to store said first*

electronic media submission (e.g., a submission) in said one or more database (e.g., database 40) *with at least a second electronic media submission received from a second user of a plurality of users, where the second user is not the first user* (e.g., submissions from Submitter#1–Submitter#N).

Pet. 43 (citing Ex. 1003 ¶¶ 137–139). Petitioner argues that Ziff’s submission application system 32’s user interface is configured to receive multiple users’ submissions and “automatically store the gathered information in the database 40.” *Id.* at 44 (citing Ex. 1004, 5:33–35, 6:48–51).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(a)(3).

d) [1(a)(3)(i)] wherein the first electronic media submission includes: data identifying the first user

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing “*the first electronic media submission* (e.g., a submission) *includes data identifying the first user* (e.g., first name and last name).” Pet. 44. Petitioner argues that Ziff’s “database 40 may store various pieces of information about each story including . . . information about the person who submitted the story” and Ziff’s “submission form 50 gathers ‘contact information about the submitter’ (e.g., first name and last name as shown in Figure 2A).” *Id.* (alteration in original) (citing Ex. 1004, 7:40–44, 6:45–64, 8:13–36, Figures 2A–2C). Petitioner further submits an

annotated version of Ziff's Figure 2A (Pet. 45), a copy of which we reproduce, below:

If you know of a success that you think would make a great story. . . tell us about it by filling in as many fields beside us you can.

50

HOW CAN WE CONTACT YOU?

your first name your last name

title your company

your email address your phone number country prefix

street address

city state

zip country

WHOM SHOULD BE CONTACT FOR DETAILS, IF NOT YOU?

your first name your last name

title your company

your email address your phone number country prefix

street address

city state

zip country

IS THERE ANYBODY ELSE WHO NEEDS TO GIVE PERMISSION BEFORE WE PUBLISH THIS STORY?

contact information

FIGURE 2A

Figure 2A, reproduced above, illustrates an example of a submission form in accordance with Ziff's invention. Ex. 1004, 2:33–34. Petitioner annotates Figure 2A by adding a red box around “HOW CAN WE CONTACT

YOU?,” which includes entry forms for “your first name” and “your last name.” *See* Pet. 45. Dr. Neuman testifies that “A POSITA would have understood Ziff’s stored ‘first name’ and ‘last name’ are data identifying the first user.” Ex. 1003 ¶ 144.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(a)(3)(i).

- e) *[1(a)(3)(ii)] data identifying the date and time associated with receipt of the first electronic media submission*

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that Ziff’s “*first electronic media submission* (e.g., a submission) includes *data identifying the date associated with the receipt of the first electronic media submission* (e.g., submission date).” Pet. 46.

Petitioner contends that Figure 4A, which illustrates an exemplary status page of a submitted story, shows that the “Submission Date” of a story is stored along with the associated submission. *Id.* at 47 (citing Ex. 1004, 4:37–39, 9:6–29, Fig. 4A; Ex. 1003 ¶ 146).

Petitioner further acknowledges that Ziff does not expressly teach the submission includes data identifying the *time* associated with receipt of the first electronic media submission, but contends that *Ferrel teaches a timestamp* that stores both the time and date, and a skilled artisan would have been motivated to modify the Ziff-Saito system to utilize Ferrel’s

enhanced timestamp. Pet. 47–48 (emphasis replaced) (citing Ex. 1006, 22:39–62, 40:43–53; Ex. 1003 ¶¶ 146–151).

Dr. Neuman testifies that “[t]imestamps that include both date and time, such as the one taught by Ferrel, were extremely well-known at the time of the invention and therefore easy to implement.” Ex. 1003 ¶ 149. Dr. Neuman further testifies, “Ferrel’s timestamp teachings—which include both the date and the time—as easily implemented into the Ziff-Saito system, teach, or at least render obvious, the claimed data identifying the date and time associated with receipt of the first electronic media submission.” *Id.* ¶ 150.

Patent Owner does not present any additional argument addressing these limitations. As discussed above, we agree with Petitioner and credit Dr. Neuman’s testimony that a skilled artisan would have combined Ziff-Saito with Ferrel’s teachings of a timestamp to satisfy the recited time requirement of limitation 1(a)(3)(ii). *See infra* § II.D.6.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(a)(3)(ii).

f) [1(a)(3)(iii)] data indicating content of the first electronic media submission

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that Ziff’s “*first electronic media submission* (e.g., a submission) includes *data indicating content of the first electronic media submission* (e.g., submitted description text of the project).” Pet. 49.

Petitioner argues that Ziff’s submission form 50 includes fields allowing the

submitter to input information describing the content of a submission as shown in Figures 2A–2C, including, for example, the “tell us your story” field. *Id.* (citing Ex. 1004, Figs. 2B, 5A). According to Petitioner, a person of ordinary skill in the art would have understood that Ziff’s “submitted description text of the project is included in the electronic submission and indicates the content of a submission” and this data “indicates the content of a submission is automatically stored in database 40 along with other gathered submission information and data.” *Id.* at 51 (citing Ex. 1003 ¶¶ 152–55 (citing Ex. 1004, 6:45–50)).

Dr. Neuman testifies that a “POSITA would have understood that the submitted text, for example seen in the “Describe the project” stored information of the “Original Submission Data,” as shown in Ziff’s Figure 5A, “is data that indicates the content of the submission.” *See* Ex. 1003 ¶ 153; *see also* Pet. 57 (providing an annotated version of Ziff’s Figure 5A). Dr. Neuman further testifies that a “POSITA would have understood that this data that indicates the content of a submission is automatically stored in database 40 along with other gathered submission information and data.” Ex. 1003 ¶ 154.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(a)(3)(iii).

- g) *[1(b)] the one or more databases comprising criteria associated with one or more users of the plurality of users stored therein*

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that Ziff’s “*one or more databases (e.g., database 40) comprising criteria (e.g., criteria which may be used for purposes of searching the database—such as key words in the title, text about the submitter’s story, or categorical information).*” Pet. 51.

According to Petitioner,

the claimed *criteria* here is different from the submitted description text of the project that indicates the content above in limitation 1(a)(3)(iii). There, the submitted description text of the project is data submitted as part of a submission. *Criteria* here is data that is already stored in the database for the purpose of searching and filtering. Accordingly, submitted description text of the project and *criteria* serve two different functions and are distinct concepts that teach the respective limitations in 1(a)(3)(iii) and 1(b).

Id. at 52. Petitioner contends that Ziff’s criteria, including keywords, are shown in Figures 11A–11B. *Id.* at 52–55.

Petitioner also contends that Ziff teaches, or at least renders obvious, this limitation by disclosing the Ziff’s “*criteria are associated with one or more users of a plurality of users stored therein* because *criteria* data is stored in database 40 as part of the same record as the first name and last name of the submitter, and there may be a plurality of submissions from a plurality of submitters.” Pet. 60. Petitioner argues that Ziff’s “database 40 stores information about the story at the various stages of the story generation process, including submission data, in a story record with a unique numeric identifier.” *Id.* (citing Ex. 1004, 6:48–51, 7:8–11). “As shown in form 50 of Figures 2A–2C, the stored submission data specifically

includes information about the submitter and text describing the submission from the submission.” *Id.* (citing Ex. 1004, 3:38–40, 6:45–51, Figs. 2A–2C). “Figure 5B also teaches that the associated project title is stored along with the story data.” *Id.* at 60–61 (citing Ex. 1004, 6:48–51, 7:8–11, Fig. 5B). According to Petitioner, a person of ordinary skill in the art would have understood that Ziff’s “sole database stores all story data in a unique record, which includes the above identified *criteria* as well as submitter information, therefore associating the *criteria* with the user.” *Id.* at 61 (citing Ex. 1003 ¶¶ 156–161).

Dr. Neuman testifies that a “POSITA would have understood that Ziff teaches a sole database” and that “POSITA would have further understood that Ziff’s database stores story data (including the above identified criteria) in a unique story record which also includes information about the user, based on the above disclosures.” Ex. 1003 ¶ 161. Dr. Neuman further testifies that a “POSITA would have therefore understood that stored criteria is associated with the users.” *Id.*

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(b).

- h) [1(c)] an electronic multimedia creator server subsystem operatively coupled to the electronic media submissions server subsystem, including*

Petitioner contends that the combined Ziff-Saito system teaches, or at least renders obvious, this limitation and limitations 1(c)(1)–1(c)(3) by disclosing “*an electronic multimedia creator server subsystem (e.g., Ziff’s writer system 34) operatively coupled (e.g., allows for data communication) to the electronic media submissions server subsystem (e.g., submission application system 32).*” Pet. 61. Petitioner contends that Ziff teaches “writer system 34 comprises user interface pages ‘which manage the story creation process’” and writer system 34’s “user interface pages include a search page (shown in Figures 11A–11B) to filter submissions based on *criteria* and additional pages (shown in Figures 4–10) to manage the story creation process, ‘such as a page for managing multimedia components and multimedia production’ (not shown in Figures).” *Id.* at 61–62 (citing Ex. 1004, 8:67–9:28).

According to Petitioner, a person of ordinary skill in the art would have understood that “computer components *operatively coupled* together simply require data communication between components” and “Ziff teaches its subsystems relay data between each other as a user interacts with Ziff’s subsystems.” Pet. 62 (citing Ex. 1003 ¶¶ 165–167; Ex. 1004, 5:44–61, 6:29–33, 7:8–11, 7:56–59, Fig. 1).

Dr. Neuman testifies that a “POSITA would have further understood that in the combined Ziff-Saito system that uses distributed processors for Ziff’s submission application system 32 and Ziff’s writer system 32, the subsystems would still be operatively coupled to each other because the subsystems are connected over the network and distributed systems were

well-known at the time to be interconnected in order to relay data for proper functioning.” Ex. 1003 ¶ 168.

Other than those unpersuasive arguments discussed above, Patent Owner does not present any additional argument addressing these limitations. *Compare* PO Resp. 16–20, *with supra* § II.D.7.b.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(c).

i) [1(c)(1)] one or more second data processing apparatus

Petitioner contends that the combined teachings of Ziff and Saito teach, or render obvious, this limitation. Pet. 62. As explained above, Petitioner contends Ziff’s “subsystems are software applications cooperatively executed by CPU 42, *Saito* teaches a distributed processor system for cooperatively executing a plurality of programs,” and a person of ordinary skill in the art would have been motivated “to make the simple modification allowing *Ziff*’s non-distributed subsystems to execute on distributed processors as taught by *Saito*—resulting in the *Ziff-Saito* System.” *Id.* at 62–63. Thus, Petitioner contends that “the combination of *Ziff* and *Saito* teach, or at least render obvious, *electronic multimedia creator server subsystem* (e.g., writer system 32) includes *one or more second data processing apparatus* (e.g., *Saito*’s second distributed processor).” *Id.* at 63.

Dr. Neuman testifies that “Ziff teaches the claimed electronic multimedia creator server subsystem (e.g., writer system 34) as a software application executed by the same CPU and server as Ziff’s other subsystems.” Ex. 1003 ¶ 170. Dr. Neuman further testifies that a “POSITA

would have been motivated to modify Ziff's non-distributed processing system to utilize separate processors to execute Ziff's different software subsystems, as taught by Saito, with a reasonable expectation of success." *Id.* Dr. Neuman testifies that as "incorporated into Ziff's system, Saito's express teachings that each computer in Saito's distributed processing architecture which execute different software applications comprises its own processor teaches, or at least renders obvious, the claimed one or more second data processing apparatus in the claimed electronic multimedia creator server subsystem." *Id.* ¶ 171.

Other than those unpersuasive arguments discussed above, Patent Owner does not present any additional argument addressing these limitations. *Compare* PO Resp. 16–20, *with supra* § II.D.7.b.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito's and Ferrel's teachings, satisfy the limitations recited in 1(c)(1).

- j) *[1(c)(2)] an electronic content filter configured to apply criteria associated with at least one user of the plurality of users to obtain a plurality of electronic media submissions from the one or more database and to develop multimedia content to be electronically available for viewing on at least one user device associated with the first user*

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation. Pet. 63. Petitioner submits that, as discussed above in connection with limitation 1(a)(3)–1(a)(3)(i), a person of ordinary skill in the art would have understood that "*criteria are associated with at least one user*

of the plurality of users because criteria data are stored in records in database 40 along with the first name and last name of the submitter, and there may be a plurality of submissions from a plurality of submitters.” *Id.* at 66–67 (citing Ex. 1003 ¶ 175). Thus, Petitioner contends that

Ziff’s electronic content filter (e.g., writer system 34’s user interface pages) is *configured to apply criteria* (e.g., criteria) *associated with at least one user of the plurality of users* (e.g., submission data stored and associated with Submitter#1–Submitter#N) *to obtain a plurality of electronic media submissions* (e.g., one or more stories which match the search criteria) *from the one or more database* (e.g., database 40).

Id. at 67.

Petitioner also contends that Ziff teaches, or at least renders obvious, this limitation by disclosing that “writer system 34’s user interface pages are *configured to develop multimedia content* (e.g., the pre-publication processes) *to be electronically available for viewing on at least one user device associated with the first user* (e.g., viewable on a submitter’s computer).” Pet. 67. Petitioner also contends that the submitter may be the user. *Id.* at 68–69 (citing in part Ex. 1004, 2:33–37, 2:61–65).

Dr. Neuman testifies that

Ziff teaches, or at least renders obvious, an electronic content filter configured to develop multimedia content to be electronically available for viewing on at least one user device associated with the first user (e.g., a submitter’s computer 24) because writer system 34’s user interface pages allow the submitter to view and develop the content throughout the process. See, e.g., Ziff, 2:33–37, 61–65 (establishing the submitter may be the end user), 5:19–43, Fig. 1 (identifying the submitter’s computer 24), 9:32–33 (“A unique status page may be generated for each user of the system”), 10:21–26 (“Each status page also provides an individually customized overview of the entire process from the perspective of the writer, editor,

administrator or other authorized user (i.e., each user views his own personalized status page based on the stories for which the user has responsibility).”), 11:15–19 (“the story is ready for publishing and is awaiting the final review by the editor, customer and possibly the person/organization featured in the story and the posting of a date after which the story may be published.”); see also Ziff, 3:9–16, 4:8–15, 5:30–35, 7:14–26, 9:2–5, 14:31–36 (collectively describing that any user may view the processes in writer system 34’s user interface pages). To be sure, Ziff expressly contemplates the submitter may also be the writer. Compare Ziff, Fig. 5A (identifying “Bill Cattell” as the submitter) with Fig. 10C (identifying “Bill Cattell” as the author). A POSITA would have recognized these disclosures and understood the submitter could view and help develop the content.

Ex. 1003 ¶ 178 (emphases omitted). As can be seen above, Dr. Neuman’s cogent testimony provides multiple citations to the record with clear explanations as to the relevancy of each citation.

Other than those unpersuasive arguments discussed above, Patent Owner does not present any additional argument addressing these limitations. Compare PO Resp. 16–20, with *supra* § II.D.7.b.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(c)(2).

k) [1(c)(3)] wherein data identifying a respective user is maintained for each electronic media submission within the multimedia content

Petitioner contends that Ziff teaches, or at least renders obvious, this limitation by disclosing “*data identifying a respective user (e.g., access level information about a writer) is maintained for each electronic media*

submission within the multimedia content (e.g., stored in database 40 with all submission data, including associated multimedia).” Pet. 69–70. Petitioner submits that Ziff teaches “different types of users (for example a submitter, writer, or editor) may access different user interface pages of writer system 34.” *Id.* at 70 (citing Ex. 1004, 6:65–7:12).

Dr. Neuman testifies that a “POSITA would have understood that Ziff’s system stores a writer’s access level to different submissions” and that the “POSITA would have further understood that storing a writer’s access level for different submissions would require data that identifies both the writer and which submissions a writer has access to—allowing the writer to access the user interface pages of writer system 34.” Ex. 1003 ¶ 180 (emphasis omitted). Based on this, Dr. Neuman further testifies that “Ziff teaches, or at least renders obvious, data identifying a respective user (e.g., access level information about a writer) is maintained for each electronic media submission within the multimedia content (e.g., stored in database 40 with all submission data, including associated multimedia).” *Id.* (emphasis omitted).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(c)(3).

- l) *[1(d)] an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, including one or more third data processing apparatus and configured to make the multimedia content electronically available for viewing on a plurality of user devices*

Petitioner contends that the combined Ziff-Saito system teaches, or at least renders obvious, this limitation by disclosing “*an electronic release subsystem (e.g., publisher system 38) operatively coupled (e.g., allows for data communication) to the electronic multimedia creator server subsystem (e.g., writer system 34).*” Pet. 71. Petitioner submits that Ziff teaches its (1) server-based system “house[s] one or more sub-systems” including “publisher system 38” (citing Ex. 1004, 5:19–24, 6:29–33) and (2) “publisher system 38 is *operatively coupled (e.g., allows data communication) to the electronic multimedia creator server subsystem (e.g., writer system 34)*” (citing Ex. 1004, Figure 1). Pet. 71. According to Petitioner, a person of ordinary skill in the art would have understood that, “in the combined *Ziff-Saito* system using distributed processors for *Ziff*’s publisher system 38 and *Ziff*’s writer system 32, the subsystems would still be *operatively coupled* to each other because the subsystem are connected over the network” and “distributed systems were well-known at the time to be interconnected in order to relay data for proper functioning.” *Id.* at 72 (citing Ex. 1003 ¶¶ 184–187).

Petitioner contends that, while Ziff “does not expressly teach the *release subsystem* includes *one or more third data processing apparatus,*” Ziff’s subsystems, as explained above, “are software applications cooperatively executed by CPU 42, *Saito* teaches a distributed processor system for cooperatively executing a plurality of programs,” and a person of

ordinary skill in the art would have been motivated “to make the simple modification allowing *Ziff*’s non-distributed subsystems to execute on distributed processors as taught by *Saito*—resulting in the *Ziff-Saito* system.” Pet. 72. Petitioner, thus, contends that “the combination of *Ziff* and *Saito* teach, or at least render obvious, the *electronic release subsystem* (e.g., publisher system 38) includes *one or more third data processing apparatus* (e.g., *Saito*’s third distributed processor).” *Id.*

Petitioner further contends that *Ziff* teaches, or at least renders obvious, this limitation by disclosing that *Ziff*’s “publisher system 38 is *configured to make the multimedia content electronically available for viewing on a plurality of user devices* (e.g., client computers 24 in Figure 1).” Pet. 73.

Dr. Neuman testifies that

Ziff teaches publisher system 38 is configured to make the multimedia content electronically available for viewing on a plurality of user devices (e.g., client computers 24). *Ziff* teaches “publisher 38 may generate a downloadable version of the generated success story” and “may also forward the completed, read-to-be published success story to the corporate website 28.” Ex. 1004, *Ziff*, 7:32–37. *Ziff* also teaches that after the publication date, “the story is published on a web site and may be viewed by anyone accessing the web site.” Ex. 1004, *Ziff*, 13:17–18; see also, *Ziff*, 5:62–6:1 (“the resultant story (STORY) may be output over a communications link, such as the Internet or e-mail, to a corporate web site 28 which stores the finished success stories in a database 30 [sic] and displays the success stories to client computers who access the corporate web site.”). A POSITA would have understood the finalized content is available for viewing on multiple electronic devices.

Ex. 1003 ¶ 190.

Other than those unpersuasive arguments discussed above, Patent Owner does not present any additional argument addressing these limitations. *Compare* PO Resp. 16–20, *with supra* § II.D.7.b.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in 1(d).

m) Conclusion

Petitioner has demonstrated by a preponderance of the evidence that independent claim 1 would have been obvious over the combination of Ziff, Saito, and Ferrel.

8. *Claim 2*

Claim 2 depends from claim 1 and further recites, “wherein the first electronic media submission includes one or more images and text.” Ex. 1001, 40:1–3.

Petitioner submits that Ziff’s “submission form 50 includes fill-in-the-blank fields allowing a user to include text with the submission.” Pet. 74 (referencing limitation 1(a)(3)). In addition to referencing Petitioner’s prior treatment of limitation 1(a)(3), Petitioner cites to Ziff’s disclosure that its

[M]ultimedia processor system 45 may receive multimedia (e.g., images, video, audio, animation, etc.) for a particular story and store the multimedia in the database 40. A unique identifier may be generated for each piece of multimedia received to identify the story with which the multimedia is associated. The multimedia may then be processed to fit into the publication requirements of the system and published with the story once the story has been completed.

Ex. 1004, 7:66–8:7; *see also* Pet. 74 (quoting the same).

Patent Owner does not present any additional argument addressing these limitations.

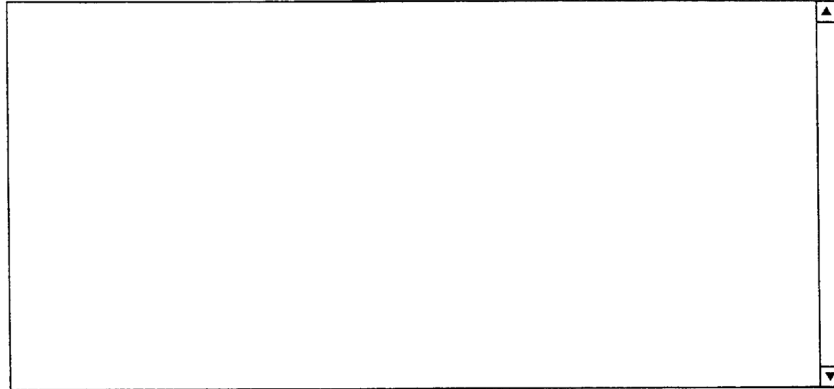
Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 2.

9. *Claim 4*

Claim 4 depends from claim 1 and further recites, “wherein the first electronic media submission includes data text.” Ex. 1001, 40:8–9.

Petitioner references its challenge to limitations 1(a)(3)–1(a)(i) and claim 2. *See* Pet. 74. We reproduce Figure 2B of Ziff, below:

TELL US YOUR STORY, WHAT MAKES IT SO SPECIAL AND WHY WAS IT SO SUCCESSFUL?



take as much room as you like for your story, field will adjust

IS THERE A WEBSITE THAT WE CAN LEARN MORE FROM?

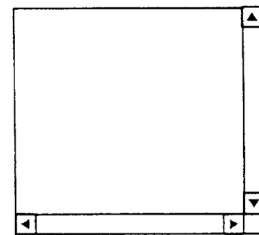
URL

WHAT INDUSTRY ARE YOU IN?

HOW BIG IS THE COMPANY?

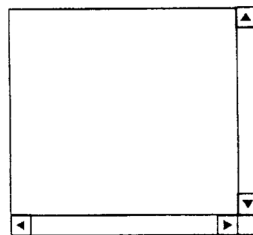
PLEASE TELL US ABOUT THE MAIN HARDWARE AND SOFTWARE USED ON THIS PROJECT

HARDWARE



use one line for each item

SOFTWARE



use one line for each item

FIGURE 2B

Figure 2B, reproduced above, depicts an example of Ziff's submission form. *See Ex. 1004, 4:33–34.* We find that this figure, along with related Figures 2A and 2C, depicts a submission form that includes fields allowing the submitter to input information describing the content of a submission,

including the “tell us your story” field, which would include data text. *See also* Pet. 49 (referencing the same).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 4.

10. Claim 5

Claim 5 depends from claim 1 and further recites, “wherein the computer-based system further includes an editing subsystem configured to enable the first user to edit the multimedia content.” Ex. 1001, 40:10–13.

Petitioner submits that Ziff’s “writer system 34 may comprise ‘a plurality of user interface pages, shown in FIGS. 4–11, which manage the story creation process.’” Pet. 75 (quoting Ex. 1004, 8:67–9:2). Petitioner quotes Ziff’s disclosure that “[e]ach of the writer pages may include a notes section (not shown) which permits the person using the page to enter notes about the story.” *Id.* (quoting Ex. 1004, 9:2–5). Petitioner contends that these “pages expressly include ‘a story writing page in FIGS. 8A and 8B’ and ‘an editing page as shown in FIGS. 9A and 9B,’” and that Ziff further teaches that “‘additional pages may be added to provide more functionality to the system, such as a page for managing multimedia components and multimedia production.’” *Id.* (quoting Ex. 1004, 9:6–24) (emphasis added). We reproduce Figure 9A of Ziff, below:

92
140

Editor:

Initial OK:

Requested (1.3)

Authorized (1.4)

Copy Edit:

Requested (4.6)

Spell Checked (5.1.1)

Format Checked (5.1.2)

WebReady

Authorized (5.2)

Spiked (1.5)

Writer:

Data Complete:

Releases:

Verbal (2.1.3)

Emailed (2.3)

Fax (3.1)

Original (4.1)

Story data (2.1.4)

Quotes (2.1.5)

Web Cont. (2.1.6)

Pix (4.2.1)

Audio (4.2.2)

Implemented:

Data Verified (4.3)

Headline (3.2.1)

Capsule (3.2.2)

Lead (3.3.4)

Body (3.2.4)

Quotes (3.3)

Categorized (3.5)

Web info (4.3)

Pix in DB (4.5.1)

Audio in DB (4.5.2)

4. WebData - Complete Web Display Data

Serial # 10253

Client: Quantum

Story Name: 142
 Greyhound

4.1 Confirm that the original **hardcopy release** has arrived.

4.2 Confirm arrival of the **images/audio/video** that were supposed to come in - follow up if they haven't. Check we've begun our internal processing to prepare them for the Web

1. Images

2. Audio and/or Video

4.3 Verify that all the information required for the Web is **complete and confirmed accurate**.

4.4 Fill in the **Definitive hardware and software** listings (to be visible on the Web). Add new products and companies as necessary.

4.5 Confirm that the **image/audio/video materials** are ready to publish. Fill in the links for these materials.

1. Image material

2. Audio/Video materials

4.6 When you've completed all of the above, notify your editor that this story is ready for CopyEdit and Final OK - include the story number and name in the subject when you send your email.

Software Used (as submitted)

LANtegrity

Software

3D Nation

ACT!

Adobe Photoshop

Adobe Premiere

After Effects

AfterImage

Apache

AppleShare

Add

Remove

Software (Visible on the Web)

LANtegrity

Hardware Used (as submitted)

Compaq ProLiant 5000 servers

Quantum DLT 4000 tape drives

FIGURE 9A

Figure 9A, reproduced above, is a diagram “illustrating an example of a user interface page for managing the story publication preparation process in accordance with” Ziff’s invention. Ex. 1004, 4:54–56.

Dr. Neuman testifies that

Ziff teaches system 20 provides different access rights for its various subsystems depending on the user. Ziff, 7:13–14. For example, the user accessing the submission application system 32 may only have rights to access that user’s story, while other editors may have access to multiple stories. Ziff, 7:2–19. *Ziff also teaches the end user may both submit and edit the story before publication.* Ziff, 2:61–3:12 (“end users may submit story submissions to the system,” and “[t]he system allows for more time and space flexibility for everybody in the process since the story creation is not constrained by location or time (i.e., *everybody can work on it from anywhere at any time*)”). Ziff teaches a story writer must check aspects of the story (such as finding the submitter and obtaining images and other media as required), thus establishing the *submitter may edit the multimedia content after submission.* Ziff, 1:40–45. *A POSITA would have recognized these disclosures and understood the submitter may edit the content.* Therefore, it is my opinion that Ziff teaches, or at least renders obvious, Claim 5.

Ex. 1003 ¶ 191 (emphasis replaced).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 5.

11. Claim 6

Claim 6 depends from claim 1 and further recites, “wherein the multimedia content includes video.” Ex. 1001, 40:15–16.

In addressing this claim, Petitioner references its challenge to limitations 1(c)(2) and Ziff. Pet. 76 (citing Ex. 1004, 12:39–49). Ziff discloses that its writer system 34 “confirm[s] any incoming videos or images associated with the story” and “confirm[s] the image and video materials are ready to publish.” *See* Ex. 1004, 12:39–49.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 6.

12. Claim 7

Claim 7 depends from claim 1 and further recites, “wherein the electronic filter applies criteria identifying a media submission’s subject matter.” Ex. 1001, 40:17–19.

To address this claim, Petitioner references its challenge to limitations 1(b) and 1(c)(2). Pet. 76. Petitioner submits that Ziff’s “submission information includes fields for the submitter to describe the story or content as seen in Figure 2C.” *Id.* Petitioner further submits that the “information can then be searched based on keywords as depicted by Figure 11B.” *Id.* at 77. We reproduce Figure 11B of Ziff, below:

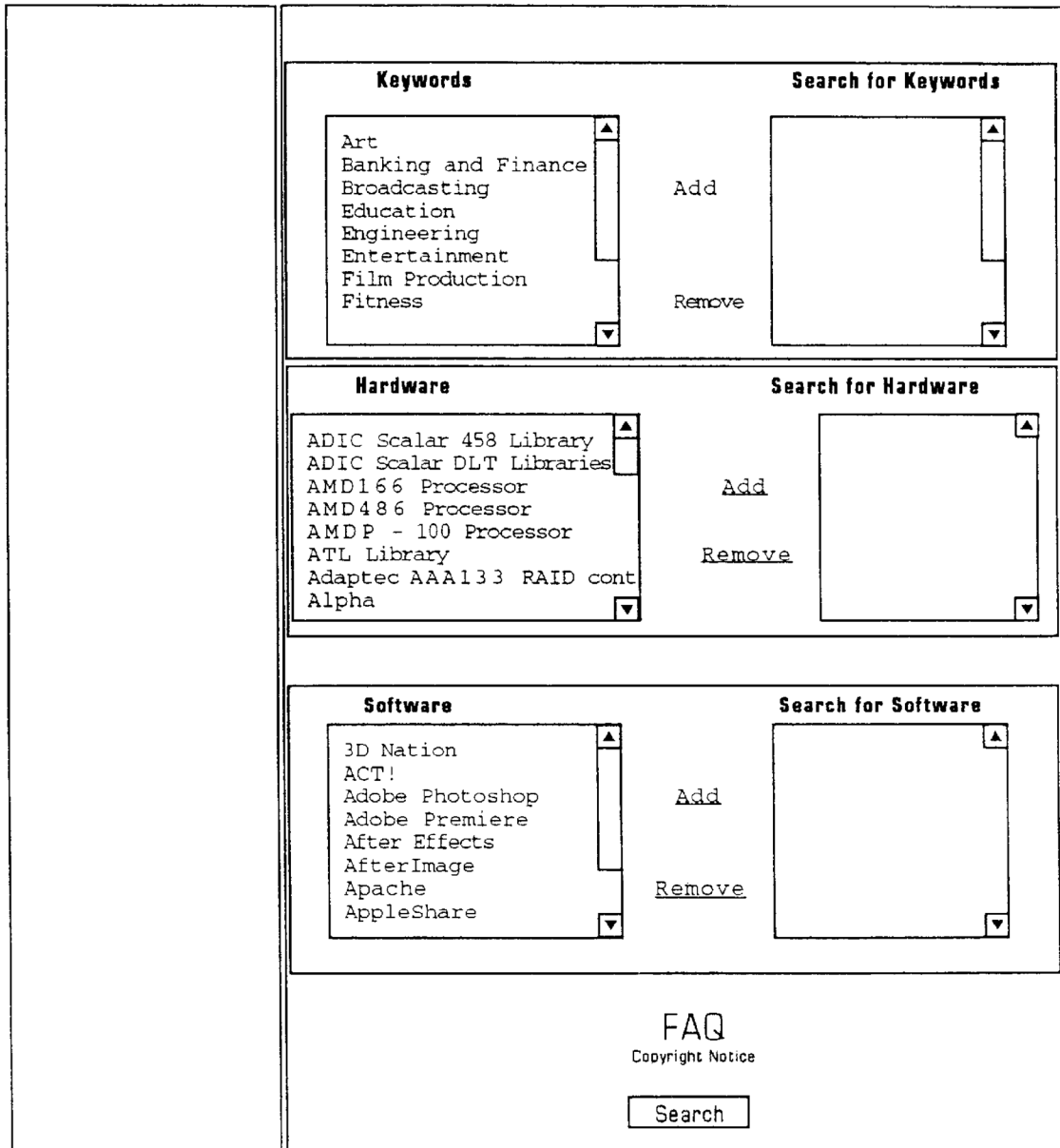


FIGURE 11B

Figure 11B, reproduced above, is a diagram “illustrating an example of a user interface page for searching stories within [Ziff’s] system.” Ex. 1004, 4:60–62. Figure 11B includes a search box titled “Search for Keywords” that allows for adding or removing keywords, such as “Art,” “banking and Finance,” and “Fitness.”

Based on this disclosure, Petitioner submits that Ziff “teaches, or at least renders obvious, the electronic filter applies criteria identifying a media submission’s subject matter (e.g., information about the submitter’s story which were input into the fields of Figure 2C).” Pet. 78–79.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 7.

13. Claim 10

Claim 10 depends from claim 1 and further recites, “wherein the electronic filter applies criteria identifying a media submission’s title.” Ex. 1001, 40:27–29.

In challenging this claim, Petitioner references its challenge to limitations 1(b) and 1(c)(2). Pet. 79. Petitioner further submits that Ziff “teaches, or at least renders obvious, its search page can filter criteria based on ‘Storyname’ as shown in Figure 11A.” *Id.* We reproduce Ziff’s Figure 11A, below:

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito's and Ferrel's teachings, satisfy the limitations recited in claim 10.

14. Claim 11

Claim 11 depends from claim 1 and further recites, "wherein the electronic filter applies criteria identifying a media submission's text." Ex. 1001, 40:30–32.

In addressing this claim, Petitioner references its challenge to limitations 1(b) and 1(c)(2). Pet. 81. Petitioner further submits that Ziff "teaches, or at least renders obvious, its search page can filter criteria based on keywords from a submission's text as shown in Figure 11B." *Id.* Based on Ziff's Figure 11B, Petitioner submits that Ziff's electronic filter applies criteria identifying a media submission's text, such as the keywords in a submission's text. *See id.* at 82.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, we find that Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito's and Ferrel's teachings, satisfy the limitations recited in claim 11.

15. Claim 12

Claim 12 depends from claim 1 and further recites, “wherein the electronic filter applies criteria identifying a media submission’s time of submission.” Ex. 1001, 40:33–35.

To address this claim, Petitioner submits that Ferrel “teaches a computerized system where users of a multimedia publishing system (MPS) are able to search for content.” Pet. 83 (citing Ex. 1006, 4:25–5:40, 39:16–19). Petitioner further submits that Ferrel specifically teaches that as its “stories are received at the MSN [Microsoft Network] data center, they are stamped with the Greenwich Mean Time (GMT) time of their arrival[so t]he publisher can specify the publish date and time as a property to the story before publishing.” *Id.* (quoting Ex. 1006, 40:43–53; citing also Ex. 1006, 22:39–62 (teaching search objects in the multimedia publishing system include “CreatedTime=<CreatedTime><space><Zero terminated string in yyyy/mm/dd **hh:mm:ss** format>”))).

Based on these teachings, Petitioner reasons that a skilled artisan “would have been motivated to combine Ferrel’s timestamp with the Ziff-Saito system with a reasonable expectation of success and without undue experimentation—*specifically to enhance the Ziff-Saito searching capabilities*, as taught by Ferrel.” *Id.* (citations omitted) (emphasis replaced).

Patent Owner argues that the proposed combination would fail to satisfy this limitation. *See* PO Resp. 29–30. As to the particular challenge involving claim 12, Mr. Zatkovich testifies that

For at least the reasons discussed above in connection with why the combination of Ziff-Saito and Ferrel would not be obvious, and more particularly, those at paragraphs 52-54, and

71-82 addressing how Ferrel does not demonstrate or motivate searching according to a timestamp containing a particular time, in my opinion the additionally recited feature of claim 12 of “the electronic filter applies criteria identifying a media submission’s time of submission,” in the context of the invention specified in claim 1, is neither shown nor rendered obvious by the cited references.

Ex. 2001 ¶ 82.

We disagree with Patent Owner and do not find credible Mr. Zatkovich’s testimony. As discussed above in connection with claim 1, we find more credible Petitioner’s expert regarding the teachings of Ziff, Saito, and Ferrel. *See supra* § II.D.6. In particular, based on the teachings of Ziff and Ferrel, we agree with and credit Dr. Neuman’s testimony that a skilled artisan “would have recognized that using a timestamp such as Ferrel’s, which stores the submission time as well as the submission date, would have been one common way to implement Ziff’s ‘predetermined time period.’”

Ex. 1003 ¶ 118 (emphasis omitted). We further credit Dr. Neuman’s testimony that timestamps were well-known in the art at the time of the invention and that “Ziff’s ‘predetermined time period’ could not only be measured in days (such as the submission date in Ziff) but also in hours, minutes, or seconds” and that “[m]easuring Ziff’s ‘predetermined time period’ in hours, for example, instead of days would have allowed for *more accurate updates* to Ziff’s status page.” *Id.* (emphasis replaced).

Having weighed the evidence and competing testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 12.

16. Claim 15

Claim 15 depends from claim 1 and further recites, “wherein the electronic filter applies criteria defined by keywords.” Ex. 1001, 40:43–44.

To address this claim, Petitioner references its challenge to limitations 1(b) and 1(c)(2). Pet. 84. Petitioner submits that Ziff’s “search page allows for submissions to be searched based on keywords as shown in Figure 11B.”

Id.

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 15.

17. Claim 16

Claim 16 depends from claim 1 and further recites, “wherein the electronic filter applies criteria defined by Boolean logic.” Ex. 1001, 40:45–46.

Petitioner submits that Ziff teaches that its “search page may provide one or more different criteria which may be used for the purposes of searching the database for a matching story,” and that Figures 11A and 11B “provide exemplary search criteria,” as explained above in connection with limitation 1(b). Pet. 86 (citing Ex. 1004, 13:21–26). Petitioner submits that Figure 11A teaches “[w]ildcard searches can be done using a ‘*’ sign to indicate that any character/s will satisfy the search criteria.” *Id.* (alteration in original).

Dr. Neuman testifies that a skilled artisan “would have understood that *Ziff*’s teaching specifically relate to using an ‘AND’ operator for more than one key word—as well as using the wildcard asterisk operator—teaches that *the electronic filter applies criteria defined by Boolean logic.*” Ex. 1003 ¶ 193.

Petitioner further points out that Ferrel discloses, “Once the Boolean logic is resolved, it is inconsequential what order these terms are parsed in.” Pet. 86 (quoting Ex. 1006, 40:30–32). Based on Ferrel’s teachings, Petitioner further reasons that a skilled artisan “would have been motivated to combine the Ziff-Saito system with Ferrel with a reasonable expectation of success and without undue experimentation—specifically to enhance searching capabilities, as taught by Ferrel.” *Id.* (emphasis omitted).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 16.

18. Claim 21

Claim 21 depends from claim 1 and further recites, “wherein the submissions electronic interface is configured to receive a third electronic media submission from the first user of a plurality of users over a public network and store said third electronic media submission in said one or more databases.” Ex. 1001, 40:63–67.

To address claim 21, Petitioner references its challenge to limitation 1(a)(3) and submits that Ziff “contemplates that one person may submit

more than one submission.” Pet. 87 (citing Ex. 1004, 5:30–35 (“different people may include one **or** more people **who submit stories** to the system (Submitter #1–Submitter #N).”). Based on this teaching, Dr. Neuman testifies that a skilled artisan “would have understood that one submitter may submit multiple submissions, including at least three submissions. Ziff also teaches submissions are stored in database 40, and submitter computers are connected to server 22 by the Internet.” Ex. 1003 ¶ 198 (citing Ex. 1004, 5:19–24, 6:13–17) (emphasis omitted).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 21.

19. Claim 22

Claim 22 depends from claim 1 and further recites, “wherein the submissions electronic interface is configured to receive a third electronic media submission from a third user of the plurality of users over a public network and store said third electronic media submission in said one or more databases and the third user is not the first user.” Ex. 1001, 41:1–6.

To address claim 22, Petitioner references its challenge to limitation 1(a)(3) and submits that Ziff “contemplates an undefined number of users who may each submit a submission.” Pet. 87 (citing Ex. 1004, 5:30–35). Ziff discloses, “different people may include one or more people who submit stories to the system (Submitter #1–Submitter #N).” Ex. 1004, 5:30–35. Dr.

Neuman testifies that a skilled artisan “would have understood that this may have included at least three submitters, each submitting a submission” and that Ziff “also teaches submissions are stored in database 40, and submitter computers are connected to server 22 by the Internet.” Ex. 1003 ¶ 201 (citing Ex. 1004, 5:19–24, 6:13–17).

Patent Owner does not present any additional argument addressing these limitations.

Having weighed the evidence and testimony, Petitioner has demonstrated by a preponderance of the evidence that Ziff, as modified based on Saito’s and Ferrel’s teachings, satisfy the limitations recited in claim 22.

20. Summary of Claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22

Petitioner has demonstrated by a preponderance of the evidence that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 would have been obvious over the combination of Ziff, Saito, and Ferrel.

III. CONCLUSION

After weighing the evidence of the disclosure of the references, the testimony, and the reasoning to combine the references, Petitioner has shown by a preponderance of the evidence that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 would have been obvious over the combination of Ziff, Saito, and Ferrel.

| Claim(s) | 35 U.S.C. § | Reference(s)/Basis | Claim(s) Shown Unpatentable | Claim(s) Not Shown Unpatentable |
|--|----------------------------|---------------------------|--|--|
| 1, 2, 4–7, 10–12, 15, 16, 21, 22 | 103 | Ziff, Saito, Ferrel | 1, 2, 4–7, 10– 12, 15, 16, 21, 22 | |

IV. ORDER

Accordingly, it is:

ORDERED that claims 1, 2, 4–7, 10–12, 15, 16, 21, and 22 of the '576 patent have been shown to be unpatentable; and

FURTHER ORDERED that any party seeking judicial review must comply with the notice and service requirements of 37 C.F.R. § 90.2.⁴

⁴ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

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