

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS COMPANY, AMERICAN EXPRESS TRAVEL
COMPANY, INC., EXPEDIA, INC., HOTELS.COM LP, HOTELS.COM
GP, LLC, HOTWIRE, INC., ORBITZ WORLDWIDE, INC.,
PRICELINE.COM, INC., TRAVELOCITY.COM LP, and YAHOO! INC.
Petitioner

v.

METASEARCH SYSTEMS, LLC.
Patent Owner

Case No. CBM2014-00001
Patent Number 8,326,924 B1

Before the Honorable HOWARD B. BLANKENSHIP, KARL D. EASTHOM, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

**PATENT OWNER'S MOTION FOR OBSERVATION ON CROSS-
EXAMINATION OF PETITIONERS' REPLY WITNESS MR. GARY LIAO**

1. In exhibit 2043, at 8:23-25; 9:21-11:6; 13:4-14:6, Mr. Liao testified regarding his experiences in designing and implementing search and metasearch engines. This testimony is relevant to Mr. Liao's qualifications as an expert presented by Petitioners in Exhibit 1042 at paragraph 1-3. This testimony is relevant because it establishes that Mr. Liao lacks the necessary qualifications to be considered an expert in the field encompassed in the '924 patent.

2. In exhibit 2043, at 14:10-15:8; 16:13-17:1-10, Mr. Liao testified that he did not nor was never asked to combine a either a search engine with an e-commerce site or a metasearch engine with an e-commerce site. This testimony is relevant to Petitioners' argument that the challenged claims are obvious on page 21, paragraph 21 through page 26, paragraph 42, and page 29, paragraph 49 of Exhibit 1042. This testimony is relevant to demonstrate that people in the web development field did not consider combining a metasearch engine with an e-commerce site as claimed in the challenged claims of the '924 patent.

3. In exhibit 2043, at 20:7-21:19, Mr. Liao testified that his definition of one of ordinary skill in the art would have experience in "Web technology, knowledge of search engines" and "technologies in metasearch engines." This testimony is relevant to Mr. Liao's ultimate opinion that one of skill in the art would combine Knowledge Broker and Mamma.com to render the challenged claims obvious on page 21, paragraph 21 through page 26, paragraph 42, and page 29, paragraph 49

of Exhibit 1042. This testimony is relevant because it demonstrates that Mr. Liao did not have the qualifications and experiences that he believes one of ordinary skill in the art would have.

4. In exhibit 2043, at 31:12-21, Mr. Liao testified that his understanding of obviousness legal standard was that “obvious was something that could be fairly anticipated in the future.” This testimony is relevant to Mr. Liao’s ultimate opinion that one of skill in the art would combine Knowledge Broker and Mamma.com to render the challenged claims obvious on page 21, paragraph 21 through page 26, paragraph 42, and page 29, paragraph 49 of Exhibit 1042. This testimony is relevant because Mr. Liao applied the incorrect standard for obviousness in rendering his opinion.

5. In exhibit 2043, at 32:3-11; 32:20-23, Mr. Liao testified that he “never used Knowledge Broker before 2000” and that his understanding of Knowledge Broker was based on “those three article” identified as exhibits 1006, 1007, and 1045. This testimony is relevant to Mr. Liao’s opinions regarding the operation of Knowledge Broker on page 3, paragraph 6 through page 21, paragraph 20; page 23, paragraph 37 through page 26, paragraph 41; and page 28, paragraph 47 through page 30, paragraph 50 of Exhibit 1042. This testimony is relevant because it establishes that Mr. Liao did not have any first-hand knowledge of how

Knowledge Broker operated and that his understanding is limited to that disclosed in the exhibits.

6. In exhibit 2043, at 35:2-23; 36:11-19; 66:2-14, Mr. Liao testified that he “never used Mamma.com,” he “never saw the source code for Mamma.com,” and he “never asked to see the source code for Mamma.com.” This testimony is relevant to Mr. Liao’s opinions regarding the operation of Mamma.com on page 21, paragraph 32 through page 23, paragraph 36 and page 26, paragraph 43 through page 27, paragraph 46 of Exhibit 1042. This testimony is relevant because it establishes that Mr. Liao did not have any first-hand knowledge of how Mamma.com operated and did not speak with Petitioners’ other expert, Dr. Etzioni, who was involved in Mamma.com.

7. In exhibit 2043, at 48:7-14; 51:22-52:7, Mr. Liao testified the Knowledge Broker decomposes the original user query into sub-problems that are then sent to particular external archives. This testimony is relevant to Mr. Liao’s opinion that Knowledge Broker sends the user’s query to the external data sources on page 10, paragraph 15 through page 11, paragraph 16 of Exhibit 1042. This testimony is relevant because it demonstrates that Knowledge Broker does not send the user query to the external host, but rather some decomposed subpart of the query is sent to a specific external database.

8. In exhibit 2043, at 55:2-17, Mr. Liao testified that the exhibit 1007 did not have any text as to how Knowledge Broker would search web crawlers, or search engines. This testimony is relevant to Mr. Liao's that Knowledge Broker is a metasearch engine at page 3, paragraph 6 through page 12, paragraph 18 of Exhibit 1042. This testimony is relevant because it demonstrates that Knowledge Broker was not a metasearch engine within the meaning of the '924 patent.

Respectfully submitted,

/Cyrus A. Morton/
Registration No. 44,954
Robins, Kaplan, Miller & Ciresi L.L.P.
800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402-2015

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