

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and TWITTER, INC.
Petitioner

v.

SUMMIT 6 LLC
Patent Owner

Case: IPR2015-00687
Patent No. 7,765,482

Title: Web-Based Media Submission Tool

**PATENT OWNER'S
PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107**

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	1. Mattes does not teach or suggest “receiving an identification of digital content” (Ground 1: claims 13, 14, 19, 21–23, 40 and Ground 2: claims 16–18, 20) or “receiving an identification of said digital content for transmission prior to said pre-processing” (Ground 1: claim 40).....	19
	2. Mattes does not teach or suggest “pre-processing said [identified digital content / selected digital content / digital content] at said client device in accordance with one or more pre-processing parameters” (Ground 1: claims 13, 14, 19, 21–23, 38, 40–42, 44, 45, 49 and Ground 2: claims 16–18, 20, 35, 46).	23
	3. Mattes does not teach or suggest “pre-processing parameters [controlling / enabling] said client device [in a placement of / to	

	place] said [identified group of one or more items of digital content / digital content] into a specified form in preparation for publication” (Ground 1: claims 13, 14, 19, 21–23, 38, 40–42, 44, 45, 49 and Ground 2: claims 16–18, 20, 35, 46).	25
4.	Mattes does not teach or suggest “retrieving information that enables identification of a user, said retrieved information being available to said client device prior to said received identification” (Ground 1: claims 13, 14, 19, 21–23).....	30
5.	Petitioner has not shown that Mattes or Creamer teaches or suggests “displaying a preview image of said selected digital content, said preview image having a reduced size relative to said selected digital content” or “transmitting a message that includes said pre-processed digital content to said server device for subsequent publishing to said one or more devices that are remote from said server device and said client device” in claim (Ground 2: claim 35).....	32
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EXHIBIT LIST

- Exhibit 2001 [PROTECTIVE ORDER MATERIAL] RIM–Summit 6 License and Settlement Agreement (executed October 17, 2012).
- Exhibit 2002 [PROTECTIVE ORDER MATERIAL] Facebook–Summit 6 License and Settlement Agreement (February 8, 2013).
- Exhibit 2003 Jury Charge and Verdict Form, *Summit 6 LLC v. Research in Motion Corp. et al.*, Civil Action No. 3:11-cv-00367-O (N.D.Tex., April 5, 2013).
- Exhibit 2004 Excerpts of Trial Testimony of Dr. Mark Jones, *Summit 6 LLC v. Research in Motion Corp. et al.*, Civil Action No. 3:11-cv-00367-O, N.D.Tex. (April 4, 2013).
- Exhibit 2005 Summit6-1876—Correspondence, T. Anderson to H. Latham of Moore Data Management Services (September 15, 1998).
- Exhibit 2006 Summit6-4346—Correspondence, T. Anderson to J. Graff of RealSelect, Inc., Proposal to integrate Rimfire system with Realtor.com (April 26, 1999).
- Exhibit 2007 Summit6-1606—Press Release, “New Prepare and Post Technology from PictureWorks Technology, Inc. Revolutionizes Use of Photos in Internet Marketing of Real Estate,” (November 7, 1998).
- Exhibit 2008 Summit6-1962—Press Release, “Moore Data Management Services and PictureWorks Technology, Inc., Announce Partnership to Revolutionize Use of Real Estate Photos on the Internet,” (Business Wire, November 6, 1998).
- Exhibit 2009 Excerpts of Trial Testimony of Lisa Wood, *Summit 6 LLC v. Research in Motion Corp. et al.*, Civil Action No. 3:11-cv-00367-O, N.D.Tex. (March 29, 2013).
- Exhibit 2010 Rimfire Functional Specification Version 1.0 Core Feature Set, revision 4 (April 12, 1999).
- Exhibit 2011 Summit6-4341—Press Release, “PictureWorks Technology’s PictureBay Solves #1 Frustration of eBay Members, Adding Pictures to Auctions,” (April 12, 1999).

- Exhibit 2012 Summit6-2415—pBay Marketing Plan (PictureWorks Technology, Inc., March 24, 1999).
- Exhibit 2013 Summit6-5246—Press Release “PictureWorks Technology's Auction Photo Service, Picturebay, Serves Over Two Million Images to eBay, Amazon.com and Auction Universe,” (August 3, 1999).
- Exhibit 2014 White Paper, “Rimfire: The End-to-End Imaging Solution for Content Capture and Delivery,” (Internet Pictures Corporation, 2000).
- Exhibit 2015 Market Study, “Image Servers - Early Adopter Case Studies,” (Tony Henning and Future Image, Inc., 2001).
- Exhibit 2016 Summit6-5178—Excerpts of Woerner et al., “eBay for Dummies,” (IDG Books Worldwide, Inc., 1999).
- Exhibit 2017 Press Release, “iPIX Acquisition Locks up Internet Picture Market,” (March 9, 2000).
- Exhibit 2018 Press Release, “iPIX to Acquire PictureWorks Technology, Inc. to form End-to-End Internet Imaging Solutions Company,” (PictureWorks Technology, Inc., March 8, 2000 [Exhibit 99.1 to 8-k filing]).
- Exhibit 2019 iPIX Presentation, “Enhancing Classified Advertising with Visual Data,” (Don Strickland and Sarah Pate, October 2, 2003).
- Exhibit 2020 [PROTECTIVE ORDER MATERIAL] Confidential Information Memorandum, “AdMission” (Swiftsure Capital LLC, December 13, 2004).
- Exhibit 2021 [PROTECTIVE ORDER MATERIAL] Amendment No. 3 to the Visual Content Services Agreement Between eBay and iPIX (June 27, 2003).
- Exhibit 2022 Excerpts of Trial Testimony of Scott Lewis, *Summit 6 LLC v. Research in Motion Corp. et al.*, Civil Action No. 3:11-cv-00367-O, N.D.Tex. (April 1, 2013).

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