UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP INC. and FACEBOOK, INC.

Petitioner

v.

TRIPLAY, INC.

Patent Owner

IPR2015-00740

Patent 8,332,475 B2

PATENT OWNER'S RESPONSE

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I. INTRODUCTION

Claims 1, 12, 23, 37, 39 and 41 are not obvious over Coulombe because each of the claims requires that the media block be "configured to select, before transmitting, at least one message format and message layout . . . ." Petitioner contends that Coulombe meets this limitation because "determine" and "select" mean the same thing. They do not. Coulombe's flexible delivery system does not have a fixed set of layout choices, and, thus, it necessarily must "determine," rather than "select," a layout.

Claims 6, 9, 17, 18, 28, 40, and 42 are not obviousness over Coulombe in view of Druyan and Tittel. First, none of the references disclose "a layout based on a template" or "selection and conversion in accordance with at least one predefined layout." As to the latter, Petitioner does not contend that Tittel discloses a "predefined layout" and admits that the purported predefined layouts in Druyan (the derivative style sheets) are created after the content has been requested. In addition, with the benefit of testimony from Petitioner's messaging system expert, Dr. Surati, it is apparent that the three asserted prior art references are fundamentally different from each other, and Petitioner has not, and cannot, demonstrate a reason why a person of ordinary skill in the art would combine them. Moreover, Dr. Surati has shown that any combination of the three would not yield predictable results and would hinder the basic operation of Coulombe's flexible messaging system.

For the foregoing reasons, Petitioner has failed to prove that any of the

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