

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

FACEBOOK, INC.  
Petitioner

v.

WINDY CITY INNOVATIONS, LLC  
Patent Owner

---

Case No. IPR2016-01155  
Case No. IPR2017-00622  
Patent No. 8,694,657

---

**DECLARATION OF CHRISTOPHER SCHMANDT  
IN SUPPORT OF PETITIONER'S REPLY**

## Table of Contents

	Page
I. INTRODUCTORY COMMENTS.....	1
II. CLAIM CONSTRUCTION .....	2
A. Response to Dr. Carbonell’s Opinions Regarding the Meaning of “Database” .....	2
B. Response to Dr. Carbonell’s Opinions Regarding the Meaning of “Censor” .....	4
C. Other Claim Terms.....	5
III. OPINIONS PERTAINING TO THE OBVIOUSNESS OF THE CHALLENGED CLAIMS .....	6
A. Standards Applied .....	6
1. Legal Standards.....	6
2. Response to Dr. Carbonell’s Opinions Regarding the Level of Ordinary Skill in the Art.....	6
B. Response to Dr. Carbonell’s Opinions Regarding Disclosure of Challenged Claim Limitations in the Prior Art.....	8
1. Response to Dr. Carbonell’s Opinions Regarding the Limitation “database which serves as a repository of tokens for other programs to access” .....	8
2. Response to Dr. Carbonell’s Opinions Regarding the Limitation “determining whether the first user identity and the second user identity are able to form a group to send and to receive real-time communications” .....	13
C. Response to Dr. Carbonell’s Opinions Regarding Motivation to Combine the Cited Prior Art .....	17
1. My Previous Analysis .....	17
2. Response to Dr. Carbonell’s Opinions Regarding Motivation to Use Prior-Art Internet Connectivity .....	18
3. Response to Dr. Carbonell’s Opinions Regarding where a Person of Ordinary Skill in the Art Would have been Motivated to Combine the Teachings of Brown with Social Web .....	24

**Table of Contents**  
(continued)

**Page**

IV. CONCLUSION.....30

I, Christopher Schmandt, declare as follows:

**I. INTRODUCTORY COMMENTS**

1. I have been retained by counsel for Facebook, Inc. (“Petitioner”) in this case as an expert in the relevant art.

2. I am the same expert who submitted a declaration in this proceeding in support of Petitioner Microsoft Corporation. My previous declaration was submitted as Ex. 1003 in this proceeding.

3. I have reviewed the Decision Instituting *Inter Partes* Review (Paper 12 (“DI” or “institution decision”)) in this case, the Patent Owner’s Response (Paper 27), and the evidence submitted in support of that Response, including the expert declaration of Dr. Jaime G. Carbonell and the transcript of Dr. Carbonell’s deposition. After considering the evidence and arguments offered by Patent Owner and its expert, I maintain my opinions as stated in my previous declaration. I have prepared this declaration to offer my opinions in response to the evidence and arguments made in Patent Owner’s Response.

4. I understand that in this proceeding, trial has been instituted on the following ground:

1) All challenged claims unpatentable under 35 U.S.C. § 103(a) in view of Brown and Sociable Web.

5. I further understand that in the proceeding as it currently stands with

Facebook as a joined Petitioner, claims 189 and 465 are challenged as unpatentable within the instituted ground noted above.

## II. CLAIM CONSTRUCTION

### A. Response to Dr. Carbonell's Opinions Regarding the Meaning of "Database"

6. Dr. Carbonell opines that "database" should be construed as "a collection of logically related data which is stored with persistence and associated with tools for interacting with the data such as a DBMS." (*See* Ex. 2006 at ¶¶ 25-32.)

7. I respectfully disagree with Dr. Carbonell's opinion. A person of ordinary skill in the art would have understood that the patent and claims use the term "database" consistent with its broad ordinary meaning. The patent's written description uses the term in only one paragraph. (Ex. 1001 at 7:52-59.) The patent states that a control computer database stores tokens, which are pieces of information associated with user identity. (*Id.*) The written description does not impose any specific requirements or restrictions on the meaning of the term "database." (*See id.*) The written description also does not state or require that the database includes any "tools" for interacting with the data such as a DBMS, contrary to Dr. Carbonell's proposed construction.

8. I have reviewed the discussion of claim construction in the Board's

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.