UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION.
Petitioner,

v.

WINDY CITY INNOVATIONS LLC
Patent Owner

Patent No. 8,694,657
Issued: April 8, 2014
Filed: September 20, 1999
Inventor: Daniel L. Marks
Title: REAL TIME COMMUNICATIONS SYSTEM

Inter Partes Review No. IPR2016-01155

DECLARATION OF CHRISTOPHER SCHMANDT REGARDING
U.S. PATENT NO. 8,694,657

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. INTRODUCTION 1

A. Engagement 1

B. Background and Qualifications 1

C. Compensation and Prior Testimony 2

D. Information Considered 3

I. LEGAL STANDARDS FOR PATENTABILITY 3

A. Anticipation 5

B. Obviousness 6

II. BACKGROUND 12

III. THE 657 PATENT 18

A. Effective Filing Date of the 657 Patent 18

B. Other Patent Family Members 18

C. Overview of The 657 Patent 18

D. The Prosecution History of the 657 Patent 24

E. Claims of the 657 Patent 37

F. Construction of Terms Used in the 657 Patent Claims 88

1. "*an Internet network*" (All Petition Claims) 89
2. "*token*" (All Petition Claims) 91
3. "*authenticated [first/second] user identity*" and "*[first/second] authenticated user identity*" (All Petition Claims) 93
4. "*pointer*" (Claims 1, 2, 51, 65, 79, 114, 126, 138, 156, 189, 190, 226, 238, 250, 280, 292, 304, 322, 353, 465, 597, 606, 616, 625, 633, 641, 649, 650, 651, 652, 653, 654, 655, 656, 666, 667, 668, 669, 670) 95
5. "*multimedia*" (Claims 1, 43, 189, 220, 353, 465, 649, 650, 651, 652, 653, 654, 655, 656, 659, 660, 666, 667, 668, 669, 670, 671) 96

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

6. "*a pointer-triggered message on demand*" (Claims 597, 606, 616, 625, 633, 641) 98

G. Level of Ordinary Skill in the Art 102

IV. COMPARISON OF THE PRIOR ART TO THE 657 Patent 103

A. U.S. Patent No. 5,941,947 to Brown et al. ("Brown") (Ex. 1012) 103

B. Donath et al, *The Sociable Web*, ("Sociable Web") (Ex. 1019) 108

C. Independent Claims 1, 189, 353, 465, 597, 606, 616, 625, 633, 641, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 666, 667, 668, 669, 670, 671 111

1. Claim 1 Is Unpatentable 111

a. Preamble 111

b. Affording Information Responsive to Authenticated Identity 128

c. Determining Whether Able to Form a Group 137

d. Determining Whether Individually Censored from Receiving Data 144

e. Forming a Group and Facilitating Receiving 152

f. Internet URL 155

g. Not Presenting Censored Data 159

2. Claim 189 Is Unpatentable 162

a. Preamble 162

b. Affording Information Responsive to Authenticated Identity 162

c. Determining Whether Able to Form a Group 163

d. Determining Whether Individually Censored from Sending Data 163

e. Forming a Group and Facilitating Sending 167

f. Internet URL 169

g. Not Presenting Censored Data 169

3. Claim 353 Is Unpatentable 170

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

a. Preamble 170
b. Determines Whether Able to Form a Group 171
c. Determines Whether Individually Censored from Data 172
d. Forms a Group and Facilitates Receiving 172
e. Internet URL 172
f. Not Presenting Censored Data 173
4. Claim 465 Is Unpatentable 173
a. Preamble 173
b. Determines Whether Able to Form a Group 174
c. Determines Whether Individually Censored from Sending Data 174
d. Forms a Group and Facilitates Sending 174
e. Internet URL 175
f. Not Presenting Censored Data 175
5. Claim 597 Is Unpatentable 176
a. Preamble 176
b. Communicating a Pointer in Real-Time 176
c. Determining Whether Individually Censored from Content in Pointer-Triggered Message 180
d. If Censored, Disallow Pointer-Triggered Message from Being Presented 181
e. If Not Censored, Allow Pointer-Triggered Message to Be Presented 182
6. Claim 606 Is Unpatentable 183
a. Preamble 183
b. Affording Information Responsive to Authenticated User Identity 183
c. Communicating a Pointer in Real-Time 184
d. Determining Whether Individually Censored from Content in Pointer-Triggered Message 184

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

e. If Censored, Disallowing Pointer-Triggered Message from Being Presented 184
f. If Not Censored, Allowing Pointer-Triggered Message to Be Presented 185
7. Claim 616 Is Unpatentable 185
a. Preamble 185
b. Affording Information Responsive to Authenticated User Identity 185
c. Determining Whether Individually Censored From Receiving Pointer-Triggered Message 186
d. Determining Whether Able to Form a Group 186
e. Forming a Group and Facilitating Receiving 187
f. Internet URL 187
g. Not Presenting Censored Data 187
8. Claim 625 Is Unpatentable 188
a. Preamble 188
b. Affording Information Responsive to Authenticated User Identity 188
c. Determining Whether Able to Form a Group 189
d. Determining Whether Individually Censored From Sending Pointer-Triggered Message 189
e. Forming a Group and Facilitating Sending 189
f. Internet URL 190
g. Not Presenting Censored Pointer 190
9. Claim 633 Is Unpatentable 190
a. Preamble 190
b. Determine Whether Individually Censored From Receiving Pointer-Triggered Message 191
c. Allow Receiving Communications Not Censored 192
d. Internet URL 192
e. Not Presenting Censored Data 192

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.