

Filed on behalf of:  
Google Inc.

Paper No. 1  
Date: September 7, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE INC.,

Petitioner,

v.

ALEX IS THE BEST, LLC

Patent Owner.

---

U.S. Patent No. 8,581,991

IPR2017-02058

---

**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 8,581,991**

**TABLE OF CONTENTS**

	<u>Page</u>
EXHIBIT LIST.....	iv
I. PAYMENT AUTHORIZATION AND MANDATORY NOTICES UNDER 37 C.F.R § 42.8(A)(1).....	1
II. GROUNDS FOR STANDING UNDER § 42.104(A).....	4
III. THE ‘991 PATENT AND THE FIELD OF ART .....	5
IV. IDENTIFICATION OF CHALLENGES UNDER § 42.104(B).....	6
A. Overview Of The Grounds For This Petition.....	7
B. The Earliest Effective Filing Date Of The Claims Subject To This Petition .....	7
C. Prior Art Status Of The References .....	8
D. Level of Ordinary Skill in the Art.....	9
V. CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.104(B)(3) .....	10
VI. <b>GROUND 1: OBVIOUSNESS IN VIEW OF INOUE AND NAIR</b> .....	11
A. Claim 1.....	12
B. Claim 2.....	21
C. Claim 3.....	22
D. Claim 10.....	22
E. Claim 11.....	23
F. Claim 12.....	24
G. Claim 13.....	24

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
H. Claim 14.....	26
I. Claim 21.....	27
<b>VII. GROUND 2: OBVIOUSNESS IN VIEW OF YAMAZAKI AND NICHOLAS.....</b>	<b>27</b>
A. Claim 1.....	29
B. Claim 2.....	39
C. Claim 3.....	40
D. Claim 12.....	42
E. Claim 13.....	43
F. Claim 14.....	45
G. Claim 21.....	45
<b>VIII. GROUND 3: OBVIOUSNESS IN VIEW OF YAMAZAKI AND NAIR...46</b>	
A. Claim 1.....	46
B. Claim 2.....	48
C. Claim 3.....	49
D. Claim 12.....	50
E. Claim 13.....	50
F. Claim 14.....	51
G. Claim 21.....	52

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
IX. GROUND 4: OBVIOUSNESS IN VIEW OF YAMAZAKI, NICHOLAS AND NAIR.....	52
A. Claim 10.....	53
B. Claim 11.....	53
X. GROUND 5: OBVIOUSNESS IN VIEW OF KUSAKA AND NICHOLAS	54
A. Claim 1.....	55
B. Claim 2.....	61
C. Claim 3.....	62
D. Claim 12.....	62
E. Claim 13.....	63
F. Claim 14.....	65
G. Claim 21.....	65
XI. GROUND 6 –KUSAKA IN VIEW OF NICHOLAS AND NAIR .....	66
XII. CONCLUSION AND RELIEF REQUESTED .....	68

**EXHIBIT LIST**

<b>Ex. No.</b>	<b>Brief Description</b>
<b>1001</b>	U.S. Patent No. 8,581,991 to Clemente (“the ‘991 Patent”)
<b>1002</b>	Alleged Priority Document: U.S. Provisional Application Serial No. 60/702,470
<b>1003</b>	Alleged Priority Document: Prosecution History of U.S. Application Serial No. 11/484,373, now Pat. No. 7,633,524
<b>1004</b>	Prosecution History of the ‘991 Patent, U.S. Application Serial No. 13/925,498
<b>1005</b>	U.S. Patent Application Publication No. 2004/0109066 to Inoue, et al., filed December 3, 2003 and published June 10, 2004 (“Inoue”)
<b>1006</b>	U.S. Patent Application Publication No. 2004/0127208 to Nair, et al., filed August 4, 2003 and published July 1, 2004 (“Nair”)
<b>1007</b>	U.S. Patent Application Publication No. 2004/0105008 to Yamazaki, application filed November 25, 1998, divisional application filed November 14, 2003, and published June 3, 2004 (“Yamazaki”)
<b>1008</b>	U.S. Patent Application Publication No. 2004/0133668 to Nicholas, III, provisional application file September 12, 2002, utility application filed September 12, 2003, and published July 8, 2004 (“Nicholas”)
<b>1009</b>	U.S. Patent Application Publication No. 2004/0109063 to Kusaka, et al., filed May 27, 2003 and published June 10, 2004 (“Kusaka”)
<b>1010</b>	Declaration of Vijay Madiseti, Ph.D.

# 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.