

SHOPIFY, INC.

Petitioner

v.

DDR HOLDINGS, LLC

Patent Owner

U.S. Patent 9,639,876

TITLE: METHOD AND COMPUTER SYSTEM FOR SERVING COMMERCE INFORMATION OF AN OUTSOURCE PROVIDER IN CONNECTION WITH HOST WEB PAGES OFFERING COMMERCIAL OPPORTUNITIES

Issue Date May 2, 2017

PETITION FOR INTER PARTES REVIEW UNDER 35 U.S.C. § 312



Petitioners' Exhibit List

Exhibit No.	Description
1001	U.S. Patent No. 9,639,876 ('876 Patent)
1002	Declaration of Michael Shamos
1003	RESERVED
1004	RESERVED
1005	RESERVED
1006	RESERVED
1007	RESERVED
1008	RESERVED
1009	RESERVED
1010	U.S. Patent No. 6,330,575 (<i>Moore</i>)
1011	U.S. Patent No. 6,016,504 (<i>Arnold</i>)
1012	Declaration of Nathaniel Borenstein
1013	"Selling Online with First Virtual," by Pete Loshin (Published 1996)
1014	First Virtual Seller Programs Webpage (June 1997)
1015	First Virtual InfoHaus Guide Webpages (June 1997)
1016	First Virtual InfoHaus HelpMeister (June 1997)
1017	DDR Holdings, LLC, v. Hotels.com, L.P., et al., 773 F.3d 1245 (2014)
1018	BPAI Decision, <i>Ex parte</i> DDR Holdings, LLC, Appeal No. 2009-0013987, Reexamination Control No. 90/008,374, U.S. Patent No. 6,993,572, April 16, 2010
1019	BPAI Decision, Ex parte DDR Holdings, LLC, Appeal No. 2009-0013988, Reexamination Control No. 90/008,375, U.S. Patent No. 6,629,135, April 16, 2010
1020	Affidavit of Christopher Butler, Office Manager at the Internet ArchiveReserved
1021	Definition of "commission" - <u>The American Heritage Collegiate</u> <u>Dictionary</u> 280 (Robert B. Costello et al. eds., 3rd ed. 1997)
1022	Definition of "commission" - Webster's New World Basic Dictionary of American English 167-168 (Michael Agnes et al. eds., 1998)



TABLE OF CONTENTS

				Page		
I.	INTI	RODUC	CTION	14		
II.	MA	MANDATORY NOTICES				
	A.	Real Party in Interest (37 C.F.R. § 42.8(b)(1))				
	B.	Related Matters (37 C.F.R. § 42.8(b)(2))1				
	C.	Lead	Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3))			
	D.	Service Information (37 C.F.R. § 42.8(b)(4))				
III.	GRO	UNDS	FOR STANDING	<u>5</u> 4		
IV.			NT OF PRECISE RELIEF REQUESTED FOR EACH CLAIM GED	<u>5</u> 5		
	A.	Clair	ms for Which Review is Requested (37 C.F.R. § 42.104(b)(1))	<u>5</u> 5		
	B.	Statu	atory Grounds of Challenge (37 C.F.R. § 42.104(b)(2))	<u>5</u> 5		
		1.	The Asserted References are Printed Publications and Available Art			
		2.	The Asserted Grounds are not Cumulative	<u>6</u> 6		
V.		REASONS FOR THE RELIEF REQUESTED UNDER 37 C.F.R. §§ 42.22(a)(2) AND 42.104(b)(4)				
	A.	Back	ground	<u>7</u> 7		
		1.	Field of Technology	<u>7</u> 7		
		2.	Level of Ordinary Skill in the Art	<u>8</u> 7		
		3.	The '876 Patent	<u>8</u> 8		
	В.	Clair	m Construction (37 C.F.R. § 42.104(b)(3))	<u>9</u> 9		
		1.	"merchants" (Claims 1, 3, 7, 11, 13, 17)	<u>9</u> 9		
		2.	"host" (Claims 1, 4, 6, 11, 14, 16)	<u>10</u> 9		
		3.	"commerce object" (Claims 1, 2, 3, 7, 9, 11, 12, 13, 17, 19)	<u>10</u> 10		
		4.	"commission" (Claims 4, 14)	<u>10</u> 10		
	C.	The (Challenged Claims Are Invalid Under 35 U.S.C. § 102 and 103	<u>11</u> 10		
		1.	Ground 1: The Challenged Claims are anticipated by Loshin	<u>11</u> 10		
			(a) Summary of Loshin	<u>14</u> 14 <u>24</u> 23		
			(d) Claim 3 is anticipated by Loshin	26 25		



	(e)	Claim 4 is anticipated by Loshin	<u>2726</u>
	(f)	Claim 5 is anticipated by Loshin	<u>28</u> 27
	(g)	Claim 7 is anticipated by Loshin	<u>29</u> 28
	(h)	Claim 8 is anticipated by Loshin	<u>3231</u>
	(i)	Claim 11 is anticipated by Loshin	<u>33</u> 32
	(j)	Claim 12 is anticipated by Loshin	<u>33</u> 32
	(k)	Claim 13 is anticipated by Loshin	<u>3332</u>
	(1)	Claim 16 is anticipated by Loshin	
	(m)	Claim 17 is anticipated by Loshin	<u>34</u> 33
	(n)	Claim 18 is anticipated by Loshin	<u>34</u> 33
2.	Grou	nd 2: The Challenged Claims are obvious in view of Loshin a	
2.		Haus Documents	
	(a)	Summary of the InfoHaus Documents	
	(b)	Claim 1 is rendered obvious by Loshin in view of the InfoH	
		Documents	
	(c)	Claim 7 is rendered obvious by Loshin in view of the InfoH	
		Documents	
	(d)	Claim 11 is rendered obvious by Loshin in view of the Info	
		Documents	
	(e)	Claim 16 is rendered obvious by Loshin in view of the Info	
		Documents	
	(f)	Claim 17 is rendered obvious by Loshin in view of the Info	
		Documents	<u>45</u> 44
3.	Grou	nd 3: The Challenged Claims are obvious in view of Loshin ar	nd
		re	
		Summary of Moore	
	(a)	· · · · · · · · · · · · · · · · · · ·	
	(b)	Motivation to Combine Loshin and Moore	
	(c)	Claim 1 is rendered obvious by Loshin in view of Moore	
	(d)	Claim 2 is rendered obvious by Loshin in view of Moore	
	(e)	Claim 3 is rendered obvious by Loshin in view of Moore	
	(f)	Claim 4 is rendered obvious by Loshin in view of Moore	
	(g)	Claim 5 is rendered obvious by Loshin in view of Moore	
	(h)	Claim 7 is rendered obvious by Loshin in view of Moore	
	(i)	Claim 8 is rendered obvious by Loshin in view of Moore	
	(j)	Claim 11 is rendered obvious by Loshin in view of Moore.	
	(k)	Claim 12 is rendered obvious by Loshin in view of Moore.	
	(1)	Claim 13 is rendered obvious by Loshin in view of Moore.	
	(m)	Claim 14 is rendered obvious by Loshin in view of Moore.	
	(n)	Claim 15 is rendered obvious by Loshin in view of Moore.	
	(o)	Claim 17 is rendered obvious by Loshin in view of Moore.	
	(p)	Claim 18 is rendered obvious by Loshin in view of Moore.	<u>67</u> 66
CONCLUSI	ON		<u>6</u> 8 67



VI.

TABLE OF AUTHORITIES

	Page(s)
Cases	
DDR Holdings, LLC v. Booking.com B.V., Civil Action No. 17-499(D. Del. 2017)	1
DDR Holdings, LLC, v. Hotels.com, L.P., et al., 773 F.3d 1245 (2014)	2
DDR Holdings, LLC, v. Hotels.com, L.P., et al., 954 F.Supp.2d 509 (E.D. Tex. 2013)	2
DDR Holdings, LLC v. Priceline.com, LLC, Civil Action No. 17-498 (D. Del. 2017)	1
DDR Holdings, LLC v. Shopify, Inc., Civil Action No. 17-501 (D. Del. 2018)	2
DDR Holdings, LLC v. TicketNetwork, Inc., Civil Action No. 17-500 (D. Del. 2017)	1
DDR Holdings, LLC v. Travel Holdings, Inc., and Tourico Holidays, Inc., Civil Action No. 17-502 (D. Del. 2017)	2
Priceline Group Inc. v. DDR Holdings, LLC, IPR2018-00482	4
Statutes	
35 U.S.C. § 101	2
35 U.S.C. § 102	2, 3, 4, 5
35 U.S.C. § 102 and 103	10
35 U.S.C. §§ 102 and 103(a)	67
35 U.S.C. § 103(a)	5, 34, 44
35 U.S.C. § 312	1
California Rules of Court	
Rule 42.104(b)(4)	10
Other Authorities	
37 C.F.R. § 42.6(e)	68



DOCKET

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.

