

Petitioner's Demonstratives

December 16, 2022

IPR2021-01413
U.S. Patent 10,621,228

Unified Patents, LLC
v.
MemoryWeb, LLC

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

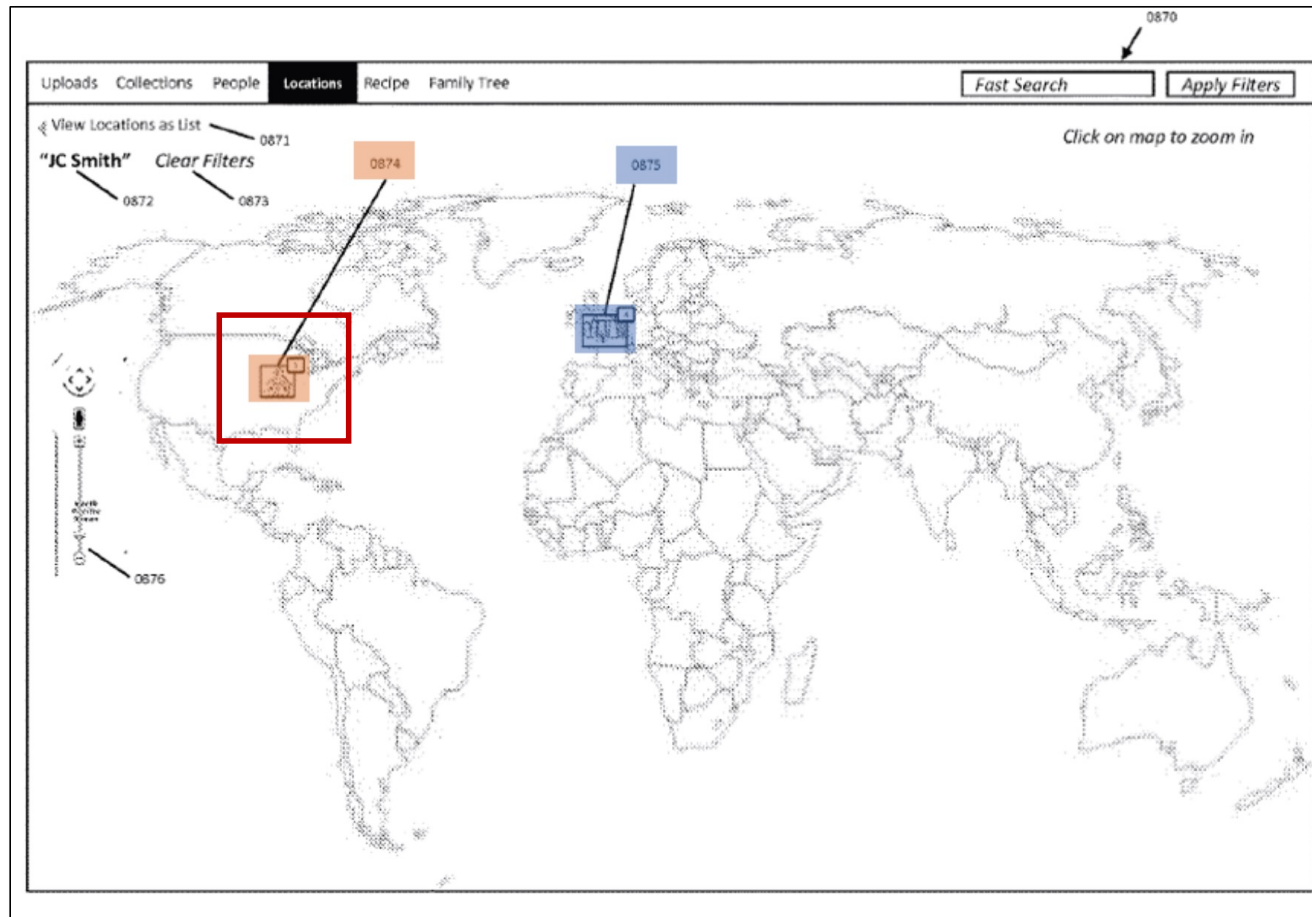
UNIFIED PATENTS EXHIBIT 1041
UNIFIED PATENTS, LLC v. MEMORYWEB, LLC
IPR2021-01413
Page 1 of 65

Summary



- **Overview of U.S. Patent 10,621,228**
- Overview of the Prior Art
 - Okamura
 - Flora
 - Wagner
 - Gilley
- Disputed Issues
- Unified is the Sole Real Party-In-Interest

Challenged Patent – U.S. 10,621,228

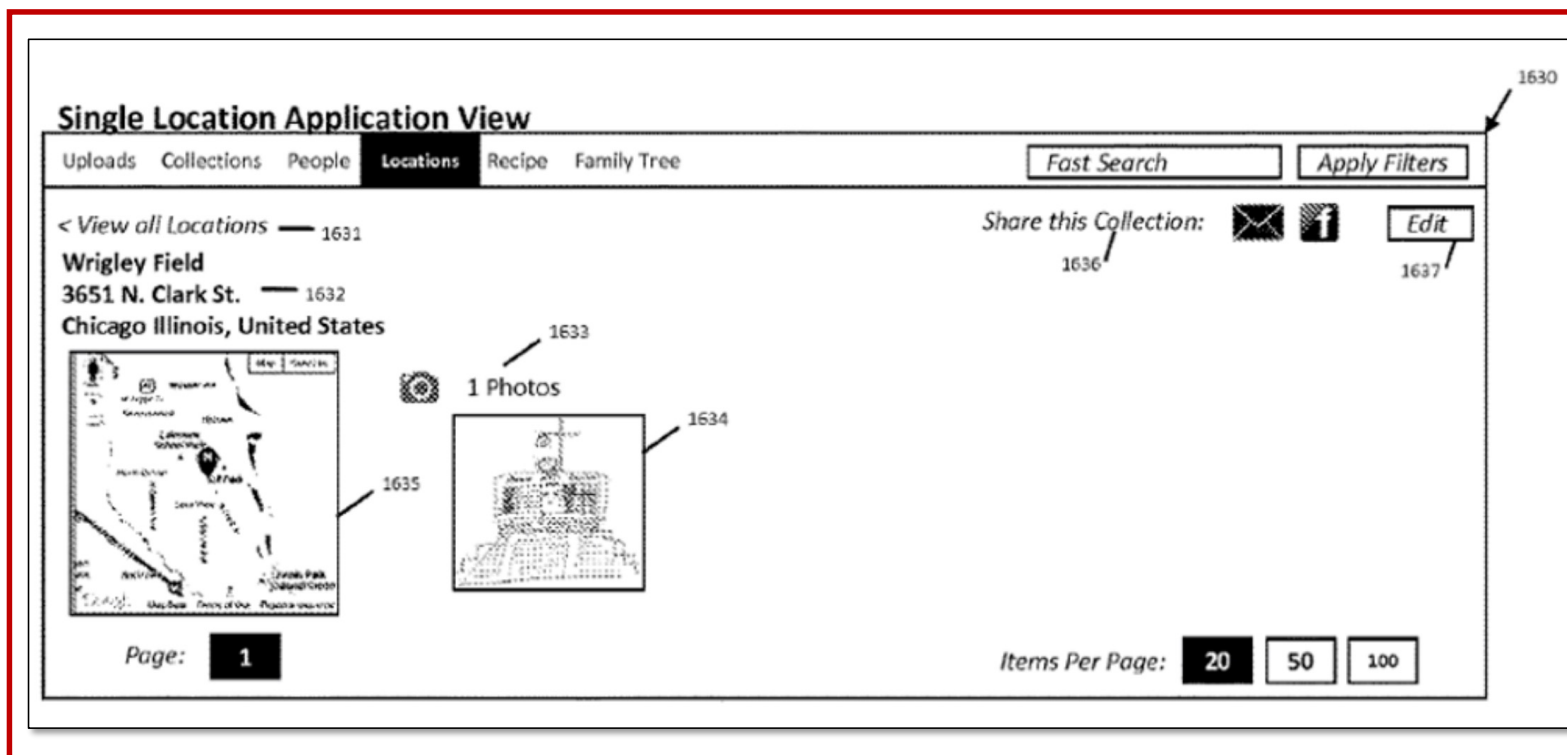


EX1001, Fig. 41
(annotated)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

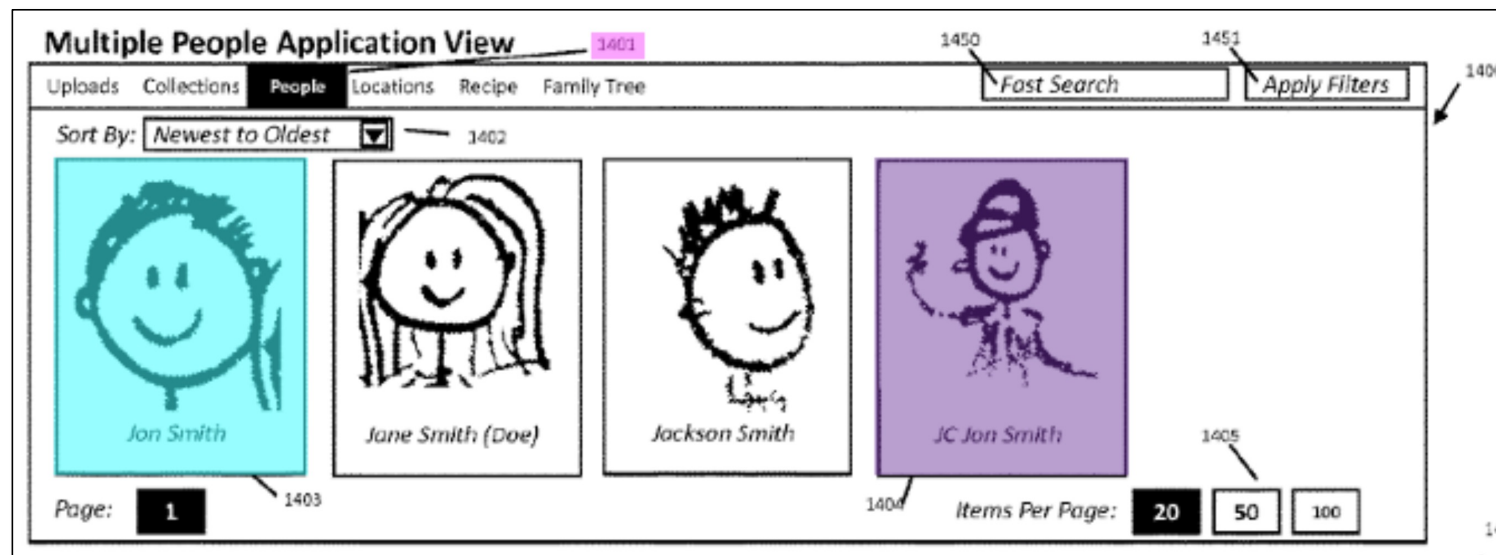
Pet., 4-6

Challenged Patent – U.S. 10,621,228



EX1001, Fig. 34 (annotated) (in part)

Challenged Patent – U.S. 10,621,228

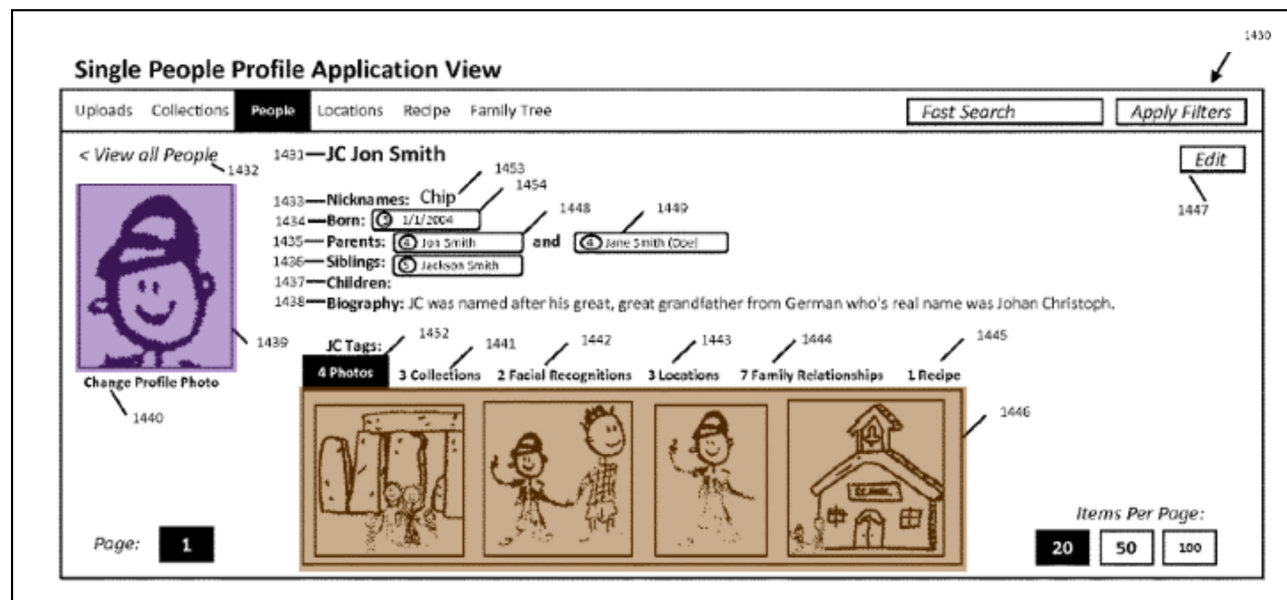


EX1001, Fig. 32 (annotated) (in part)

sort. For each person, a thumbnail of their face along with their name is depicted. In this figure, Jon Smith (1403) and JC Jon Smith (1404) along with some other people are illustrated. Also, the user can determine if they want to have

EX1001, 23:1-4

Challenged Patent – U.S. 10,621,228



EX1001, Fig. 32
(annotated) (in part)

In the second People Application View within FIG. 32, a single people profile (1430) is illustrated. The individuals

EX1001, 23:12-13

associated to a person. In this example, the system illustrates that there are four photos (1452) associated with that person and will also illustrate thumbnails of each of the four photos (1446). These thumbnails can be selected and then the user

EX1001, 23:22-25

File History



- Patent Owner filed a preliminary amendment adding new claim 40 (eventually issued as claim 1)
 - Claim 40 lacked limitations regarding a “people view”

EX1003, 72-79, 372

40. (New) A method comprising:
causing a map view to be displayed on an interface, the map view including:
 (i) an interactive map;
 (ii) a first selectable thumbnail image at a first location on the interactive map;
 and
 (iii) a second selectable thumbnail image at a second location on the interactive map;
responsive to an input that is indicative of a selection of the first selectable thumbnail image, causing a first location view to be displayed on the interface, the first location view including (i) a first location name associated with the first location and (ii) at least a portion of one digital file in a first set of digital files, each of the digital files in the first set of digital files being produced from outputs of one or more digital imaging devices, the first set of digital files including digital files associated with the first location; and
responsive to an input that is indicative of a selection of the second selectable thumbnail image, causing a second location view to be displayed on the interface, the second location view including (i) a second location name associated with the second location and (ii) at least a portion of one digital file in a second set of digital files, each of the digital files in the second set of digital files being produced from outputs of the one or more digital imaging devices, the second set of digital files including digital files associated with the second location.

EX1003, 76

Pet., 8

File History



- **First-action notice of allowance**
EX1003, 350
- **Patent Owner agreed to an Examiner’s Amendment incorporating limitations regarding the “people view”**
 - *These limitations were identified as rendering the claim allowable*

Authorization for this examiner’s amendment was given in a telephone interview with Mr. Bradley M. Taub on 11/20/2019.

EX1003, 355, 366

The prior art neither discloses nor suggests the following limitation, in combination with the remaining elements as disclosed in Claim 40:

“responsive to a second input that is subsequent to the first input, causing a people view to be displayed on the interface, the people view including:

- (i) a first person selectable thumbnail image including a representation of a face of a first person, the first person being associated with a third set of digital files including digital photographs and videos;
- (ii) a first name associated with the first person, the first name being displayed adjacent to the first person selectable thumbnail image;
- (iii) a second person selectable thumbnail image including a representation of a face of a second person, the second person being associated with a fourth set of digital files including digital photographs and videos; and
- (iv) a second name associated with the second person, the second name being displayed adjacent to the second person selectable thumbnail image”.

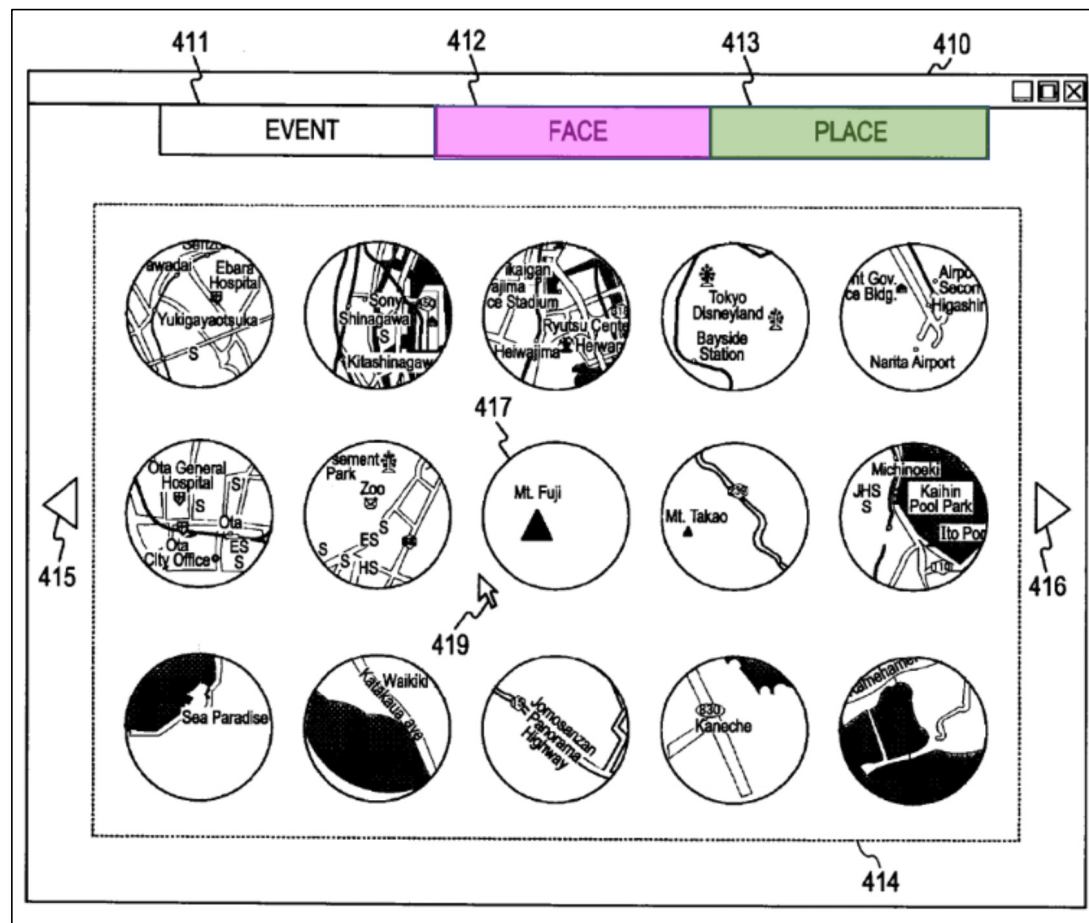
EX1003, 360-363

Summary



- Overview of U.S. Patent 10,621,228
- **Overview of the Prior Art**
 - Okamura
 - Flora
 - Wagner
 - Gilley
- Disputed Issues
- Unified is the Sole Real Party-In-Interest

Okamura (EX1004)

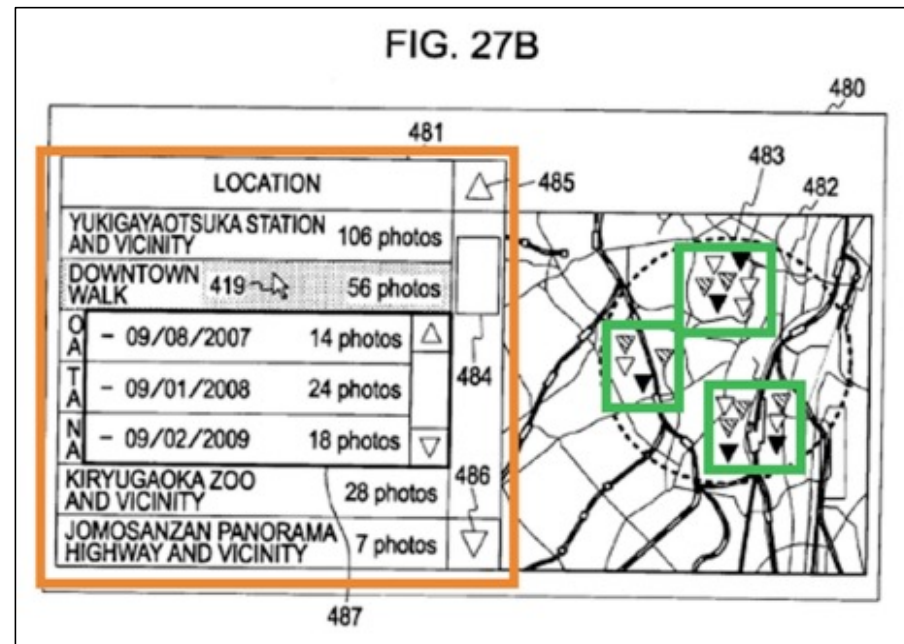
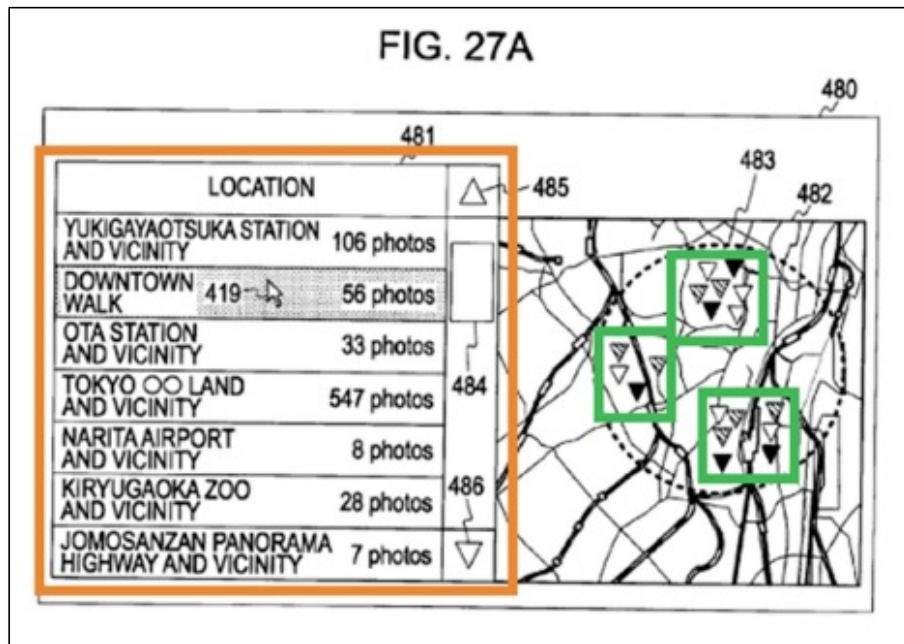


Okamura (EX1004), Fig. 18 (annotated)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Pet., 9-11; EX1004, ¶¶0091, 0232-0247

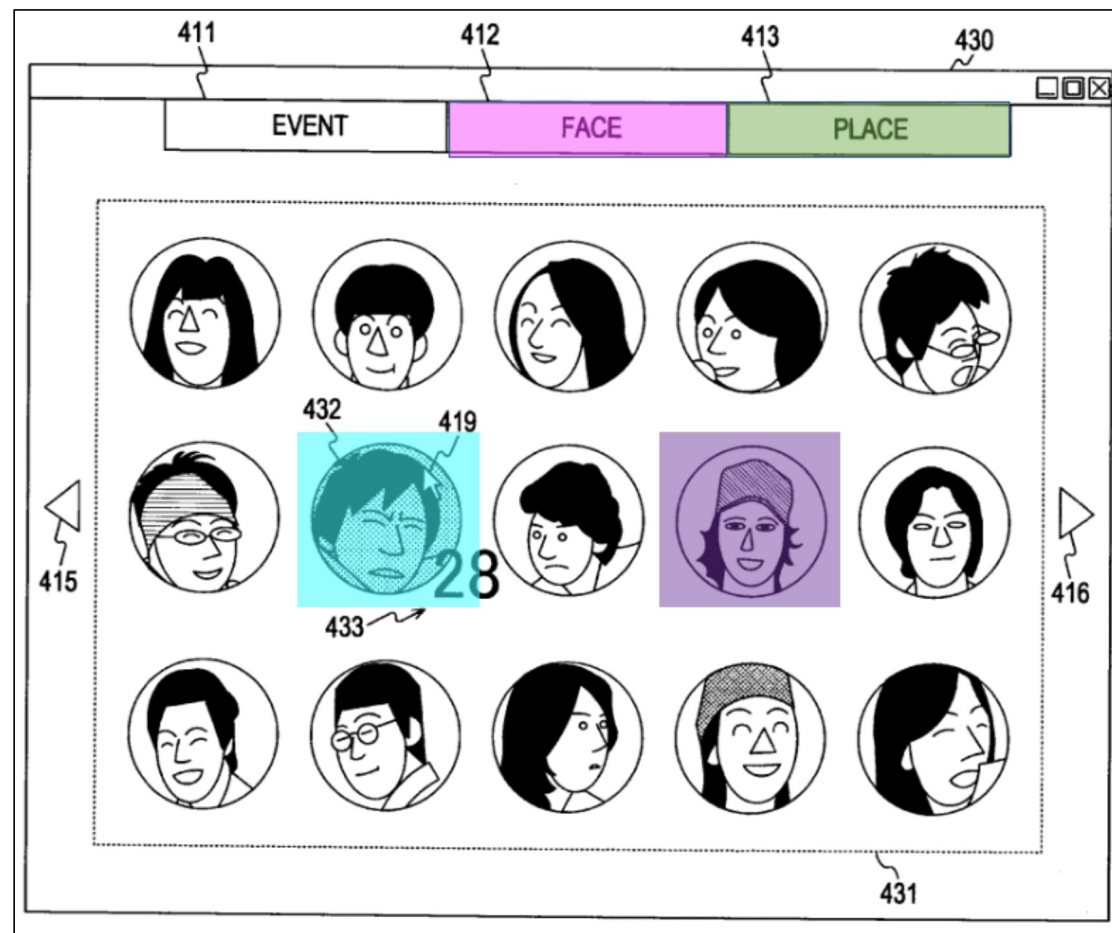
Okamura (EX1004)



Okamura (EX1004), Figs. 27A and 27B (annotated)

EX1004, ¶¶0232-0234, 0275-0281;
 EX1002, ¶¶62, 69, 76, 82; EX1038, ¶53

Okamura (EX1004)

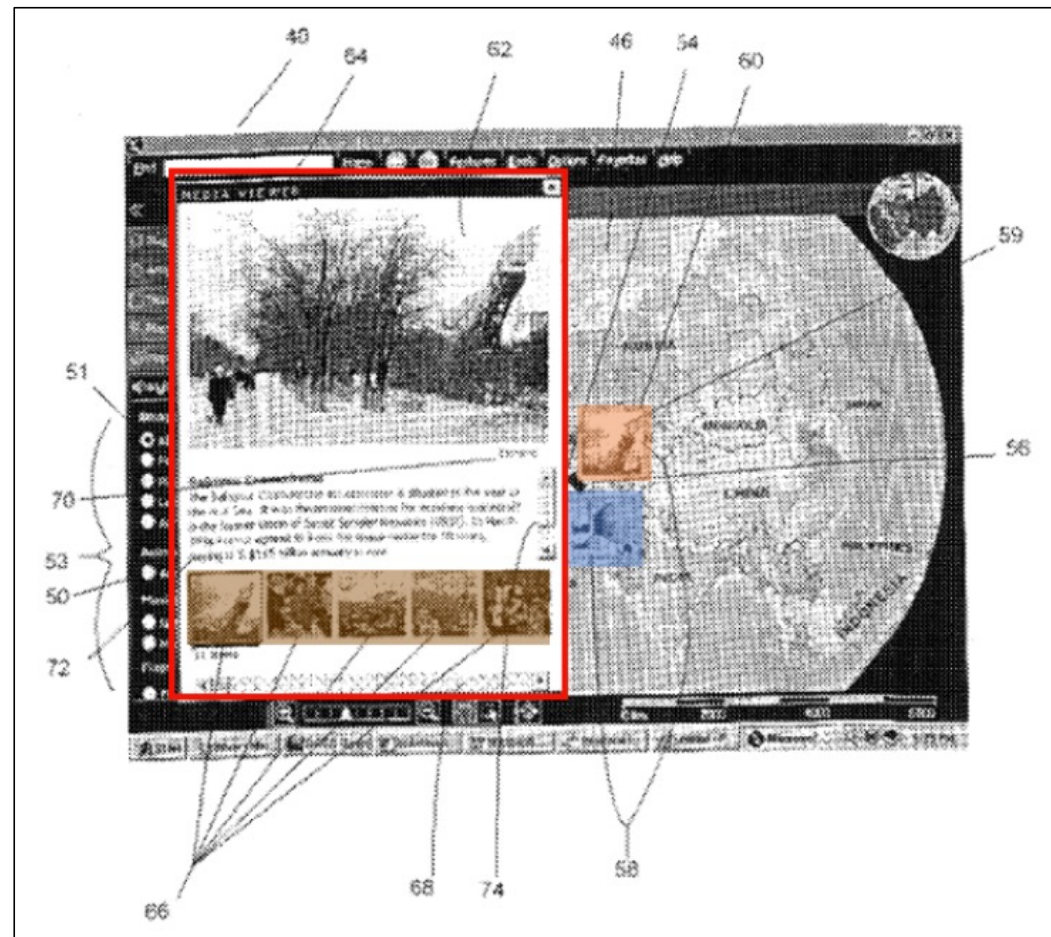


Okamura (EX1004), Fig. 21 (annotated)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Pet., 9-11; EX1004, ¶¶0236, 0246

Flora (EX1005)



Flora (EX1005), Fig. 3 (annotated)

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

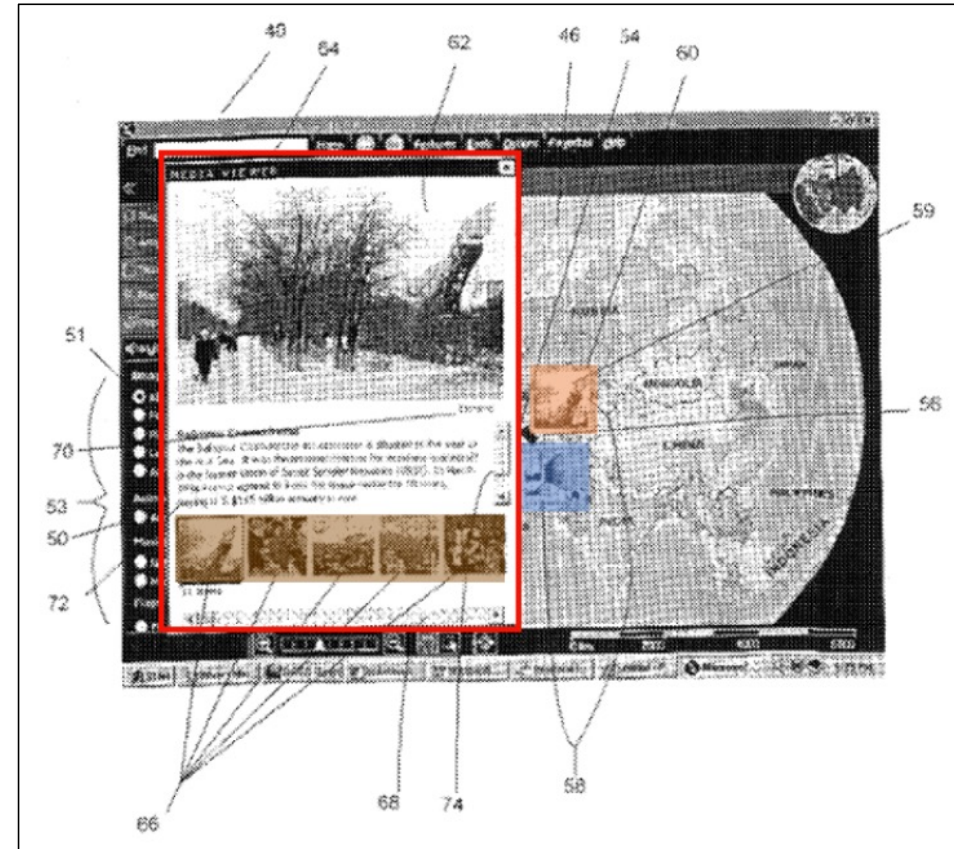
Pet., 11-13; EX1005, 7:1-13, 1:7-11

Flora (EX1005)



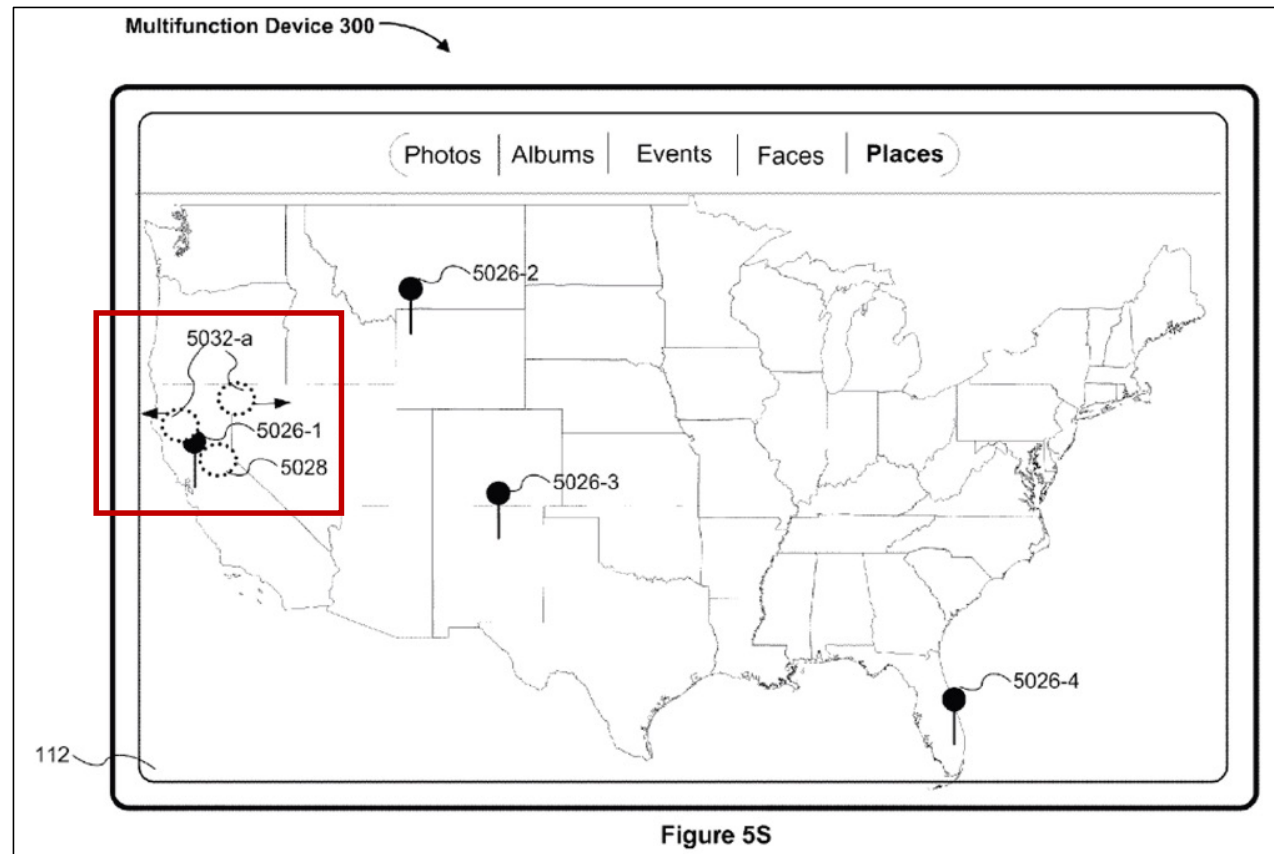
As shown in FIG. 3, the user has moved the cursor 56 so as to contact one of the presented icons 59. The user has further selected the icon 59 by way of user input, such as a mouse click, so as to be given direct access to a full-size display of one of the media items 62 represented by the icon 59. To provide such access, an additional window (or media viewer) 64 is opened and displays the full-size image of the media item 62 therein. In this embodiment, the location associated with the media item 62 is also associated with additional media items. Upon selection of the icon 59, one of the media items 62 represented by the icon is arbitrarily selected and displayed in the media viewer 64. Also, the user can access all other media items associated with the map location and that are cycled in the icon window 60 by selecting among the icons 66 associated with those other media items from a scrolling list 68 of icons 66 within the media viewer 64. In order to access the additional media items, the user can contact the desired media item's icon 66 with the cursor 56 and select the media item through a mouse click.

Flora (EX1005), 7:23-42



Flora (EX1005), Fig. 3 (annotated)

Wagner (EX1006)

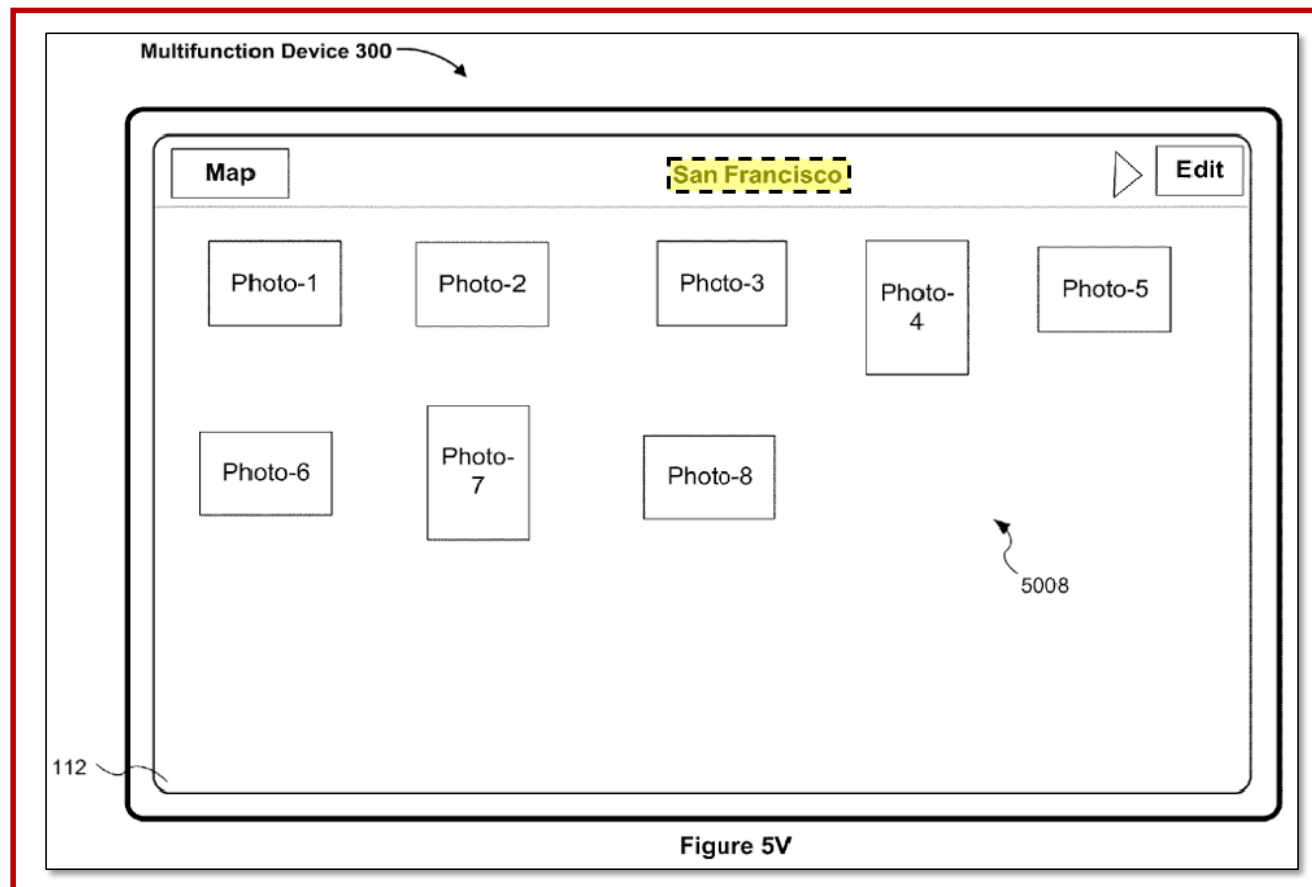


Wagner (EX1006), Fig. 5S (annotated)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

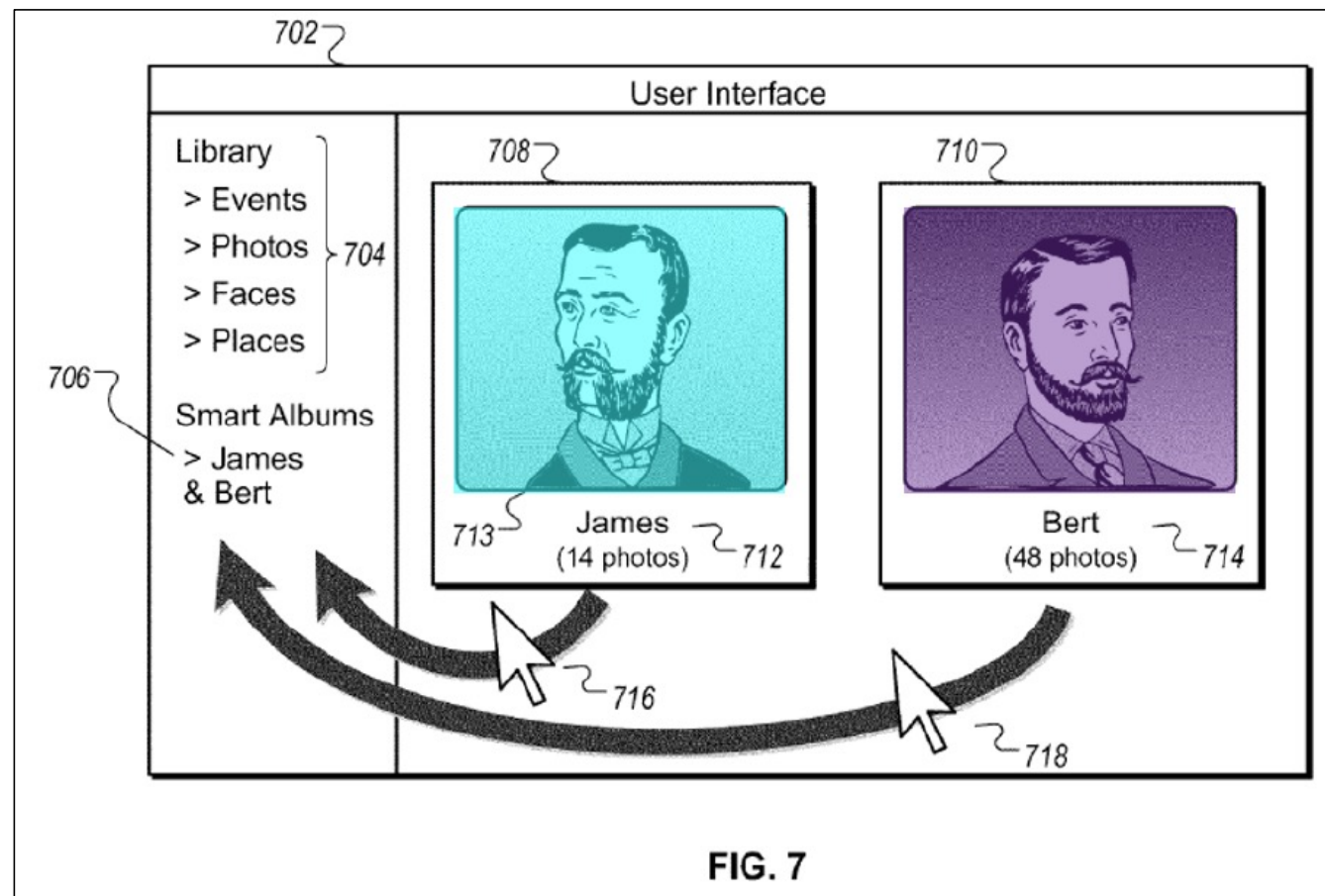
Pet., 69, 75-79, 81-84; EX1006, ¶¶0183, 0228

Wagner (EX1006)



Wagner (EX1006), Fig. 5V (annotated)

Gilley (EX1007)



Gilley (EX1007), Fig. 7 (annotated)

Summary



- Overview of U.S. Patent 10,621,228
- Overview of the Prior Art
 - Okamura
 - Flora
 - Wagner
 - Gilley
- **Disputed Issues**
- Unified is the Sole Real Party-In-Interest

Grounds



Ground	Claims	Statute	Art
1	1-7	103	Okamura and Flora
2	1-7	103	Okamura, Flora, and Wagner
3	1-7	103	Okamura, Flora, and Gilley
4	1-7	103	Okamura, Flora, Wagner, and Gilley

Disputed Issues



Issue 1: Whether a POSITA would have been motivated to combine Okamura and Flora

[1c] the map view including: (i) an interactive map; [1d] (ii) a first location selectable thumbnail image at a first location on the interactive map; and [1e] (iii) a second location selectable thumbnail image at a second location on the interactive map;

Issue 2: Grounds 2-4 motivations to combine

Issue 3: Whether Grounds 1-4 render obvious the following claim elements

- *map*
- *responsive to a first input...*
- *location name*
- *thumbnail image*
- *first name and second name*
- *limitations of claims 3 and 5*

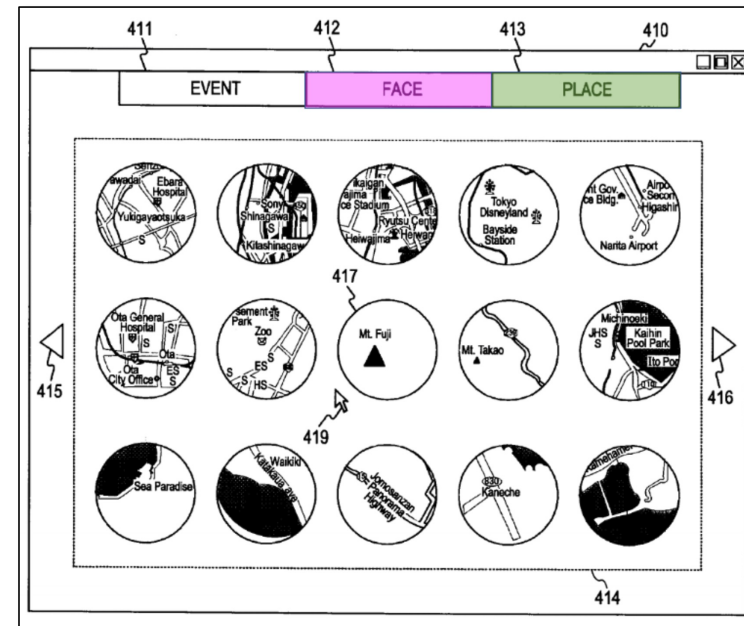
A POSITA would have been motivated to combine Okamura and Flora



[1c] the map view including: (i) an interactive map; **[1d]** (ii) a first location selectable thumbnail image at a first location on the interactive map; and **[1e]** (iii) a second location selectable thumbnail image at a second location on the interactive map;

- Okamura’s cluster map display area 414 (the map view) includes cluster maps 417 arranged in a 3x5 matrix (an interactive map)
 - Arranged cluster maps 417 show geographic map areas where content has been captured
 - Each cluster map changes color
 - Information 418 displayed for each cluster map

EX1004, ¶¶0018, 0110, 0130-0135, 0139, 0213, 0232-0248, 0275-0281, Figs. 18-19; EX1002, ¶176



Okamura (EX1004), Fig. 18 (annotated)

A POSITA would have been motivated to combine Okamura and Flora



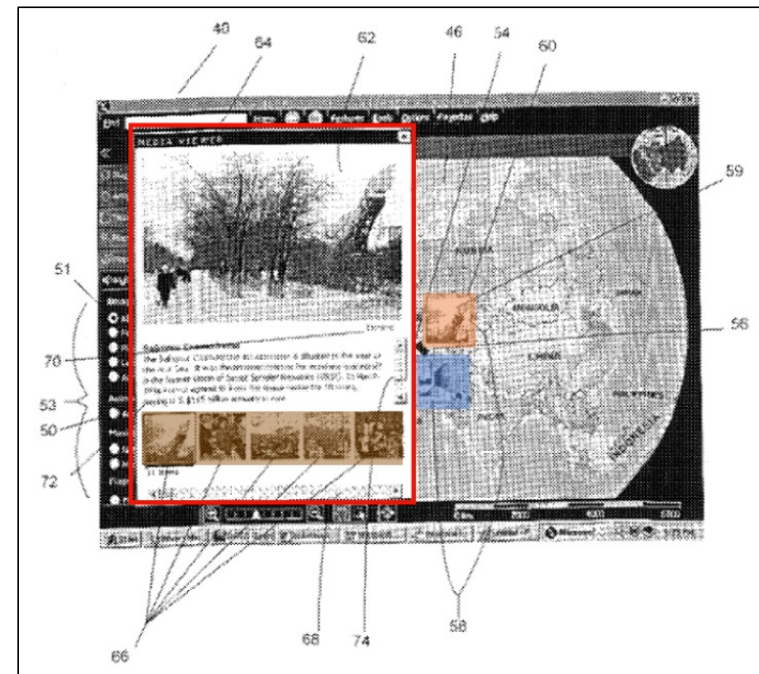
[1c] the map view including: (i) an interactive map; **[1d]** (ii) a first location selectable thumbnail image at a first location on the interactive map; and **[1e]** (iii) a second location selectable thumbnail image at a second location on the interactive map;

- Flora describes a scalable geographic map 46 (an interactive map) with “icons [] (or thumbnail versions)” of “media items” (icons 58 and 59) at various locations

EX1005, 5:65-6:11, 6:66-7:42, Figs. 2, 3

- Map 46: “scalable and can show fine levels of geography, such as individual cities and towns”
- A user can “click” an icon to “obtain direct access to the content of the associated media item”

EX1005, 6:11-7:42, Figs. 2, 3; *id.*, 2:4-37;
EX1002, ¶¶77-80



Flora (EX1005), Fig. 3 (annotated)

A POSITA would have been motivated to combine Okamura and Flora



- The combination of Okamura and Flora:
 - when organizing content according to location, Okamura’s cluster map display area 414 displays content as taught by Flora’s geographic map 46 and media viewer 64
 - Okamura’s content is indicated at various locations on the map by Flora’s icons 58 and 59 and Flora’s media viewer 64 provides a window for viewing Okamura’s content associated with the locations, shown by icons 66
Pet., 22; EX1002, ¶¶81-82
- Rationale
 - ✓ *Enhances how Okamura displays content associated with various locations, using Flora’s scalable geographic map with icons and media viewer, improving user experience*
 - ✓ *Provides improved awareness regarding locations associated with content*
 - ✓ *Predictable result*
 - ✓ *Reasonable expectation of success*

Okamura (EX1004), ¶¶0018, 0091-0093, 0103-0106, 0110, 0123, 0130, 0135-0143, 0213-0220, 0222, 0225, 0232-0241, 0267, 0272; Flora (EX1005), 1:55-56, 2:2-9, 3:22-46, 6:66-7:52, Fig. 3; EX1002, ¶¶82-86

A POSITA would have been motivated to combine Okamura and Flora



✓ **TSM:**

- Okamura explains its displayed cluster maps help a user “easily grasp[]” areas where content has been captured and allow a user to “easily grasp the distribution of the location of generation of contents” included in the cluster

- enhancing Okamura with Flora’s discussed teachings furthers these goals
 - Flora’s system improves how a user views content organized by location

 - “allow[ing] a user to interface with” a map displaying content and “facilitate[] [ing] access to content associated with locations of the electronic map”

Okamura (EX1004), ¶¶0018, 0110, 0123, 0130, 0139, 0213-0215, 0222, 0272; Flora (EX1005), 1:55-56, 2:2-9, 3:22-46; EX1002, ¶82

A POSITA would have been motivated to combine Okamura and Flora



- ✓ **Combining prior art elements**
 - Okamura's cluster map display area 414; Flora's geographic map 46 with icons 58 and 59 and media viewer 64
 - ✓ **according to known methods**
 - known programming techniques to adjust the software of Okamura's content playback application
 - ✓ **to yield predictable results**
 - using Flora's geographic map 46 with icons 58 and 59 and media viewer 64 to organize and display Okamura's content on cluster map display area 414 according to location associated with content
-

- ✓ **Simple substitution of one known element**
 - Flora's geographic map 46 with icons 58 and 59 and media viewer 64
- ✓ **for another**
 - Okamura's cluster map display area 414
- ✓ **to obtain predictable results**
 - using Flora's geographic map 46 with icons 58 and 59 and media viewer 64 to organize and display Okamura's content according to location associated with content

A POSITA would have been motivated to combine Okamura and Flora



Okamura's related art description of using geographic maps having different scales is not a teaching away

POR, 37-49; Okamura (EX1004),
¶¶10004-00012

- The Board preliminarily recognized as much in the institution decision

Okamura, however, does not overtly “criticize, discredit, or otherwise discourage” investigation into the use of a scalable map for such a display as Patent Owner argues. Moreover, some of Okamura’s embodiments describe the use of maps with changing or differing scales as a way of displaying their information. *See, e.g.*, Ex. 1004 ¶¶ 19–20, 93, 215, 219.

D.I., 55

Compare POPR, 49-54,
with POR, 39-44

A POSITA would have been motivated to combine Okamura and Flora



➤ Okamura uses the very characteristics Patent Owner argues it disparages

- Patent Owner: Okamura disparages maps having different scales

POR, 40-43, 49

- Okamura uses maps having changing or differing scales

- “the map information storing section 220 stores **map data corresponding to a plurality of scales**” ***Not addressed by Patent Owner***

Okamura (EX1004), ¶10093

- “Background map generating section 610 **acquires map information from the map information storing section 220, and generates a background map...**”

EX1004, ¶¶10093, 0312, 0314

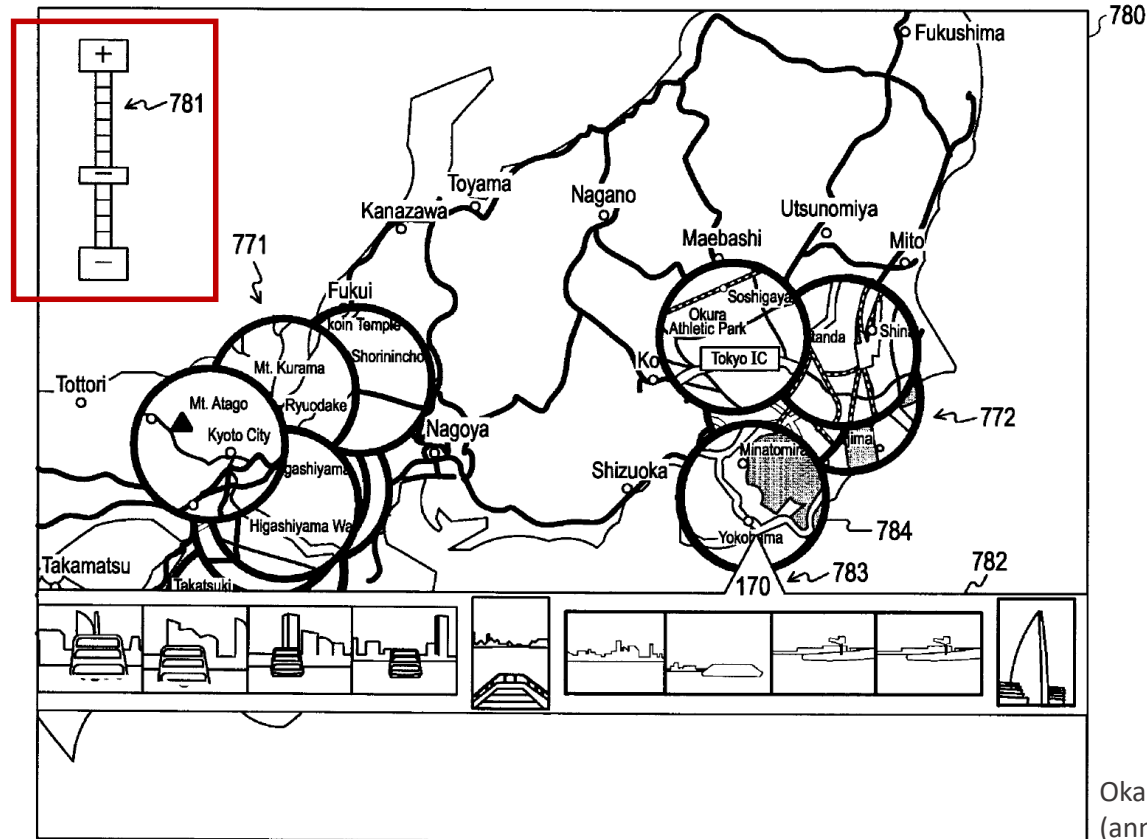
- The **background map is displayed as part of a map view**, which includes a “map view screen 780” having a “**scale-changing bar 781**” by which a user can change map scale

EX1004, ¶¶0321, 0355, 405-407, Fig. 41

A POSITA would have been motivated to combine Okamura and Flora



FIG. 41



Okamura (EX1004), Fig. 41
(annotated)



A POSITA would have been motivated to combine Okamura and Flora

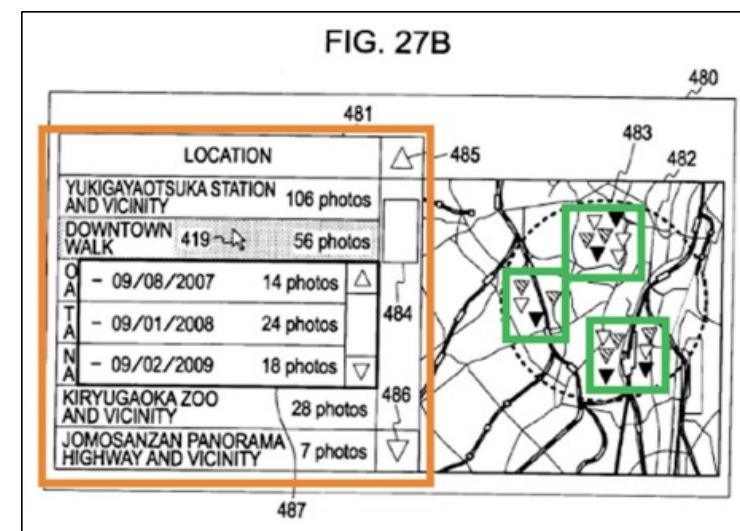
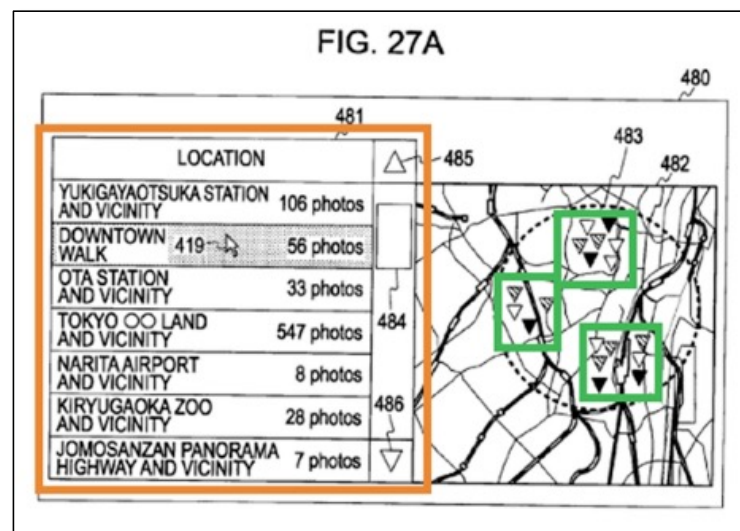
➤ Okamura uses the very characteristics Patent Owner argues it disparages

- Patent Owner: Okamura disparages using geographic maps

POR, 38-40

- Okamura uses geographic maps

Okamura (EX1004), ¶¶0139, 0213, 0275-0281, Figs. 27A-27B (annotated);
EX1002, ¶¶169, 76, 82; EX1038, ¶153; EX1034, 123:3-125:20, 129:19-130:2



DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Reply, 5-8; Pet., 15, 19

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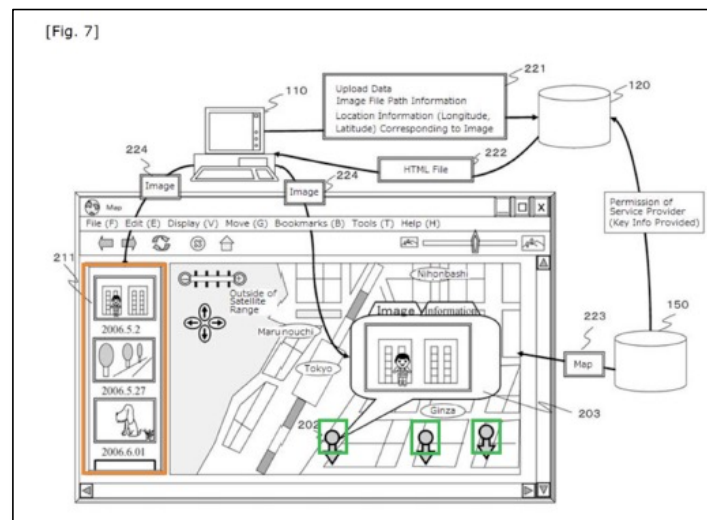


A POSITA would have been motivated to combine Okamura and Flora

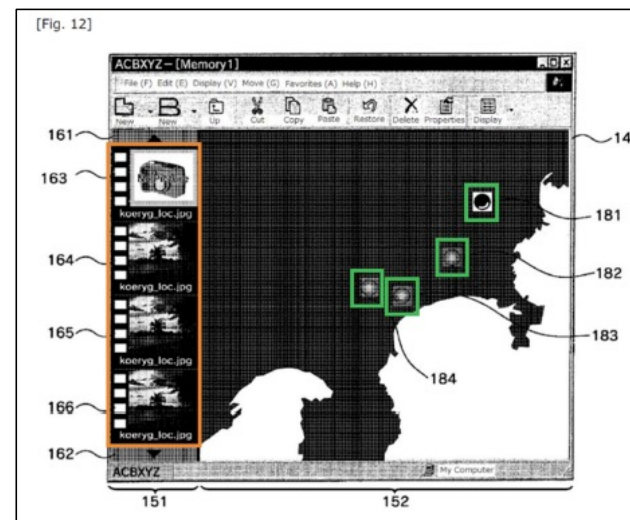
➤ Okamura's related art is different from Flora

[0008] However, in the related art described above, images representing contents, and marks indicating the generated positions of these contents are displayed relatively far apart from each other, which supposedly makes it difficult to intuitively grasp the geographical correspondence between individual contents.

Takakura, Fig. 7 (annotated)



Fujiwara, Fig. 12 (annotated)



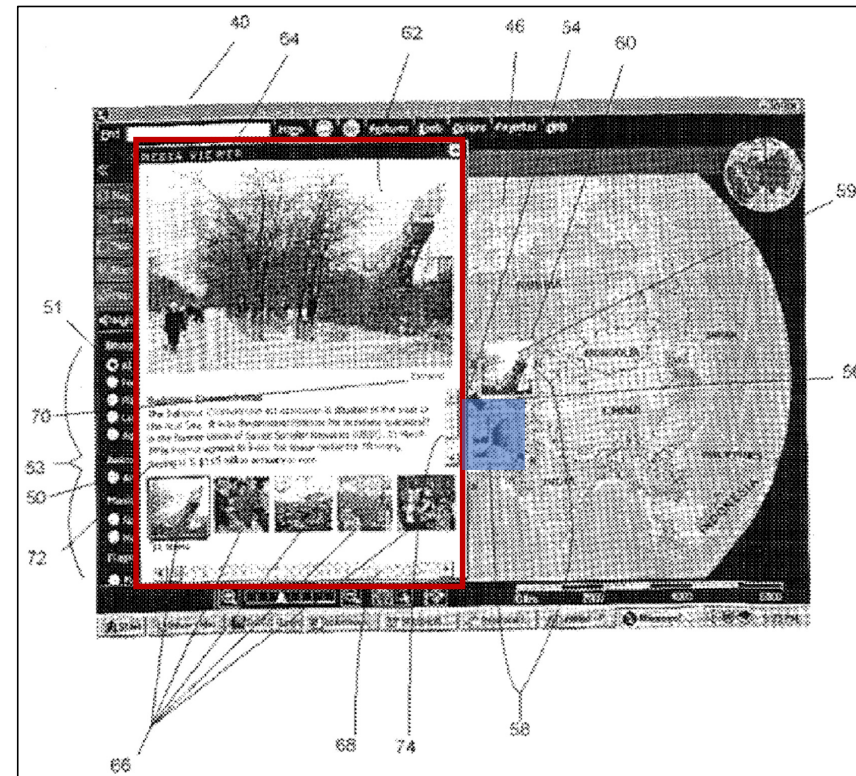
Okamura (EX1004),
¶¶0004-0012; EX1038,
¶¶39-48

A POSITA would have been motivated to combine Okamura and Flora



- **Okamura's related art is different from Flora**
 - No "correspondence" issues between content
 - **Thumbnail icons** are arranged at locations of the map
 - **Media viewer 64**, displayed after selection of an icon, shows media items at icon's location

EX1005, 6:29-32, 7:1-13, 7:23-39, Figs. 2, 3; EX1038, ¶¶47-48



Flora (EX1005), Fig. 3 (annotated)

Disputed Issues



Issue 1: Whether a POSITA would have been motivated to combine Okamura and Flora

Issue 2: Grounds 2-4 motivations to combine

Issue 3: Whether Grounds 1-4 render obvious the following claim elements:

- *map*
- *responsive to a first input...*
- *location name*
- *thumbnail image*
- *first name and second name*
- limitations of claims 3 and 5

Ground 2-4 Motivations to Combine



Ground	Claims	Statute	Art
2	1-7	103	Okamura, Flora, and Wagner
3	1-7	103	Okamura, Flora, and Gilley
4	1-7	103	Okamura, Flora, Wagner, and Gilley

Pet., 71-73, 76-79, 81-84, 88-93, 95-96

Disputed Issues



Issue 1: Whether a POSITA would have been motivated to combine Okamura and Flora

Issue 2: Grounds 2-4 motivations to combine

Issue 3: Whether Grounds 1-4 render obvious the following claim elements:

- *map*
- *location name*
- *first name and second name*
- *responsive to a first input...*
- *thumbnail image*
- **limitations of claims 3 and 5**

Disputed Issues



Element	Patent Owner	Petitioner
<i>map</i>	Not taught by Okamura	Taught by Okamura Taught by Okamura and Flora (undisputed)
<i>location name</i>	Not taught by Okamura and Flora	Taught by Okamura and Flora Taught by Okamura, Flora, and Wagner (undisputed) Taught by Okamura, Flora, Wagner, and Gilley (undisputed)
<i>first name and second name</i>	Not taught by Okamura	Taught by Okamura Taught by Okamura, Flora, and Gilley (undisputed) Taught by Okamura, Flora, Wagner, and Gilley (undisputed)

Disputed Issues



Element	Patent Owner	Petitioner
<i>responsive to a first input...</i>	Not taught by Okamura and Flora	Taught by Okamura and Flora
<i>thumbnail image</i>	Not taught by Okamura and Flora* <i>*under a construction Patent Owner “does not agree with”</i>	Taught by Okamura and Flora
limitations of claims 3 and 5	Not taught by Okamura and Flora	Taught by Okamura and Flora

Limitations [1b], [1d], and [1e] – responsive to a first input...



[1b] responsive to a first input, causing a map view to be displayed on an interface,
[1c] the map view including: (i) an interactive map;

[1d] (ii) a first location selectable thumbnail image at a first location on the interactive map; and

[1e] (iii) a second location selectable thumbnail image at a second location on the interactive map;

Limitations [1b], [1d], and [1e] – responsive to a first input...



Patent Owner	Petitioner
Plain meaning requires no intervening inputs between the claimed “ first input ” and display of the “ map view ” POR, 27-28	Plain meaning encompasses intervening inputs, as well as no intervening inputs , between the claimed “ first input ” and display of the “ map view ” Reply, 1-2; EX1038, ¶¶21-26

- Intrinsic record does not impose Patent Owner’s restrictive interpretation
 - No restriction in claim language
 - No restriction in specification
 - EX1001 at 23:34-35, 29:41-56, and Figure 41 do not exclude intervening inputs
 - No restriction in file history

Reply, 1-2; EX1038, ¶¶21-26

- Dr. Reinman (Patent Owner’s expert): Figure 41 is not limiting
 EX1034, 51:14-19, 52:4-53:5

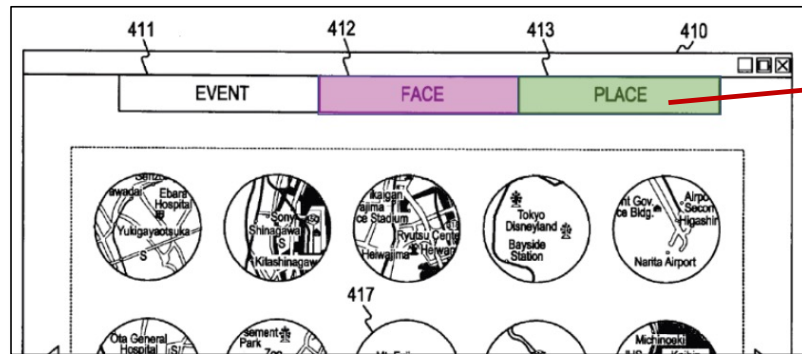
The Grounds render this limitation obvious under either interpretation

Limitations [1b], [1d], and [1e] – responsive to a first input...

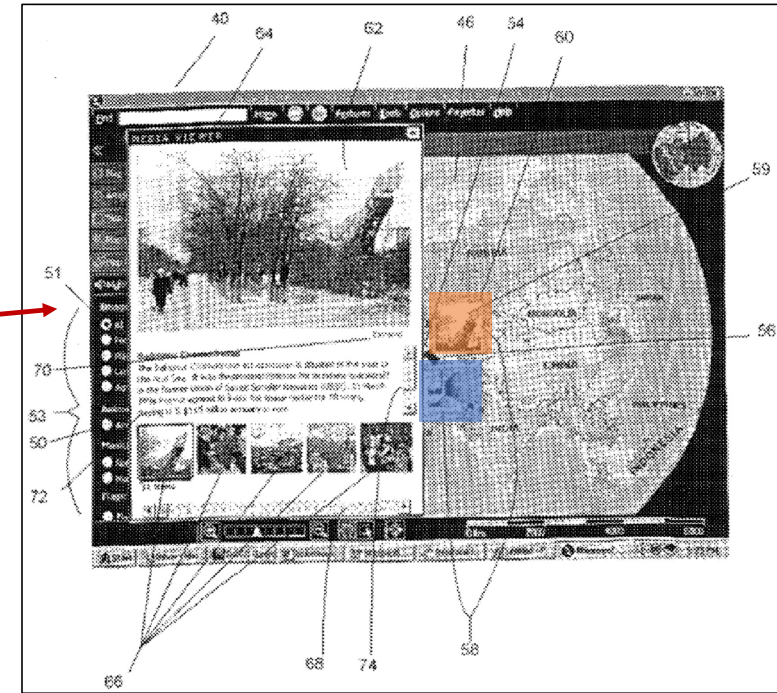


- Depressing **PLACE tab 413** (responsive to a first input) causes display of cluster map display area 414 (causing a map view to be displayed) without any intervening inputs

Pet., 14-20; Okamura (EX1004), ¶¶0232-0247, Figs. 17-19



Okamura (EX1004), Fig. 18 (in part, annotated)



Flora (EX1005), Fig. 3 (annotated)

- Combined** with Flora, geographic map 46 (interactive map) having thumbnails 58 and 59 is displayed responsive to depressing **PLACE tab 413**

Pet., 20-30; EX1002, ¶¶81-86; EX1005, 5:65-6:11, 6:66-7:42, Figs. 2, 3

Reply, 17-18

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Limitations [1b], [1d], and [1e] – responsive to a first input...



- Patent Owner: the combination requires separate inputs to cause display of Flora’s icons 58 and 59
POR, 52-54
- Patent Owner misunderstands the combination, separate inputs are not required

A POSITA would have been motivated to combine Okamura and Flora such that when organizing content according to location, Okamura’s cluster map display area 414 displays content as taught by Flora’s geographic map 46 and media viewer 64, where Okamura’s content is indicated at various locations on the map by Flora’s icons 58 and 59 and Flora’s media viewer 64 provides a window for viewing Okamura’s content associated with the locations, shown by icons 66. EX1002, ¶81.

Pet., 22

Limitations [1d], [1e], [1f], [1i] – *thumbnail image*



Patent Owner	Petitioner
Flora does not teach <i>thumbnail image</i> under a construction proposed by “an accused infringer” <i>thumbnail image</i> = “reduced-size duplicate of an image”	Whether this construction is adopted or not, Flora teaches <i>thumbnail image</i> Reply, 17; EX1038, ¶¶61-63

POR, 50-51

- Flora: Icons 58 and 59 can be “thumbnail[s]”
EX1005, 7:5-22
- **Unrebutted** expert testimony demonstrates Flora’s disclosure encompasses:
 - ✓ duplicate having smaller dimensions and fewer pixels than the original
 - ✓ cropped portion of the original
 - ✓ Flora never limits how original images become reduced into icons 58 and 59 (e.g., shrunken duplicate or cropped portion)
EX1038, ¶¶61-63; EX1005, 7:5-22

Limitation [1c] - *map*



UNDISPUTED: Even if Okamura's cluster map array is not found as a map, Flora teaches this via geographic map 46

Flora (EX1005), 5:65-6:11, 6:66-7:42, Figs. 2, 3;
EX1002, ¶¶77-80; EX1038, ¶37; POR, 34-37; Reply, 3-4

- Okamura's cluster maps 417 arranged in a 3x5 matrix teach a *map*
 - Cluster maps 417 show geographic map areas where content has been captured, arranged on "map display area 414"
- A POSITA would have understood or at least found obvious Okamura's cluster map arrangement forms a map:
 - arrangement provides information about particular geographic areas, showing geographic locations where content has been captured

Pet., 18-19; Okamura (EX1004), 0232-0248, Figs. 18-19; EX1002, ¶76

Reply, 3-4; EX1038, ¶¶32-37

Limitations [1g] and [1j] – *location name*



UNDISPUTED:

- **Ground 2: Okamura, Flora, and Wagner**
- **Ground 4: Okamura, Flora, Wagner, and Gilley**

- Wagner’s **media viewer** displays the city name “San Francisco” associated with content

Wagner (EX1006), ¶¶10183, 0228, Fig. 5V

- Patent Owner questions reliance on Wagner for *location name* because “Okamura already accomplishes this function”

POR, 70-71

- Wagner explicitly specifies that the displayed **location name in a media viewer is a city name associated with content**

Pet., 77-78; EX1002, ¶¶139-141; EX1038, ¶168

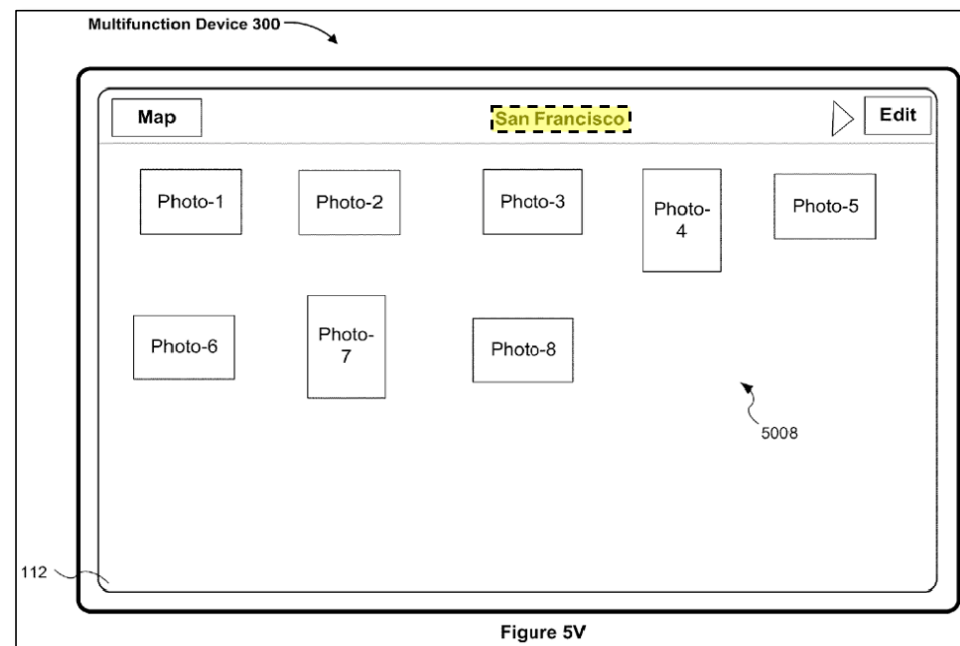


Figure 5V

Wagner (EX1006), Fig. 5V (annotated)

Limitations [1g] and [1j] – location name



- **Grounds 1-4: Okamura and Flora (1st way)**

- Flora’s viewer 64 displays a location name of “Baikanur Cosmodrome”

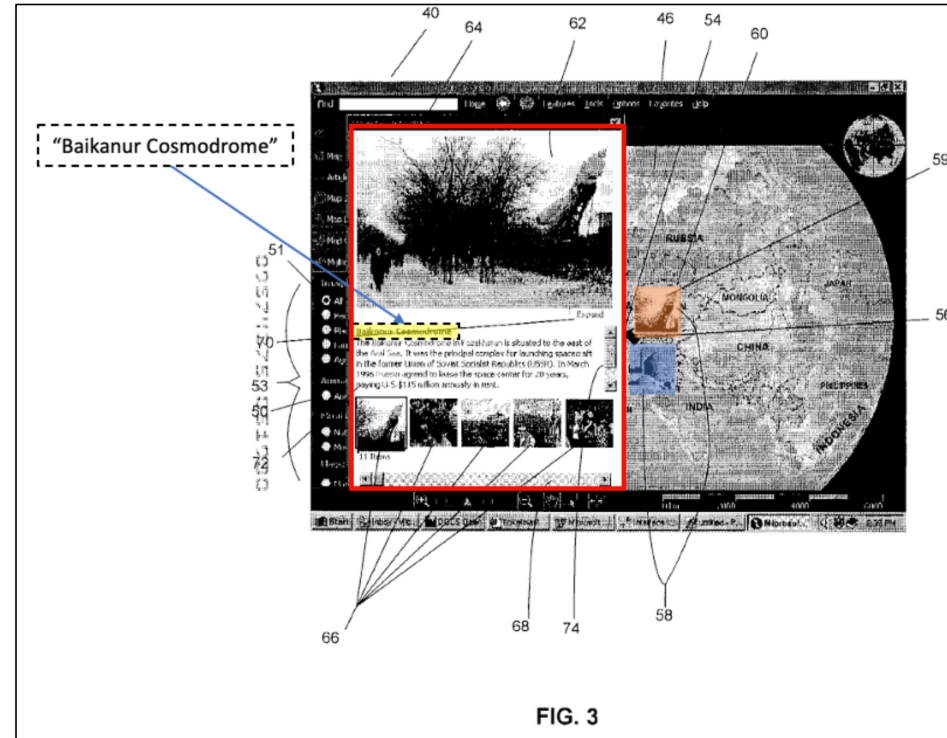
Flora (EX1005), 7:23-51, Fig. 3; EX1002, ¶193

- Flora’s file history (EX1008):
 - at least corroborating evidence a POSITA would have understood Figure 3 recites “Baikanur Cosmodrome”

EX1008, 40; EX1038, ¶165

UNDISPUTED: Flora’s Figure 3 is a copy of the same figure from its file history

POR, 57-59



Flora’s File History (EX1008), 40 (Fig. 3) (annotated)

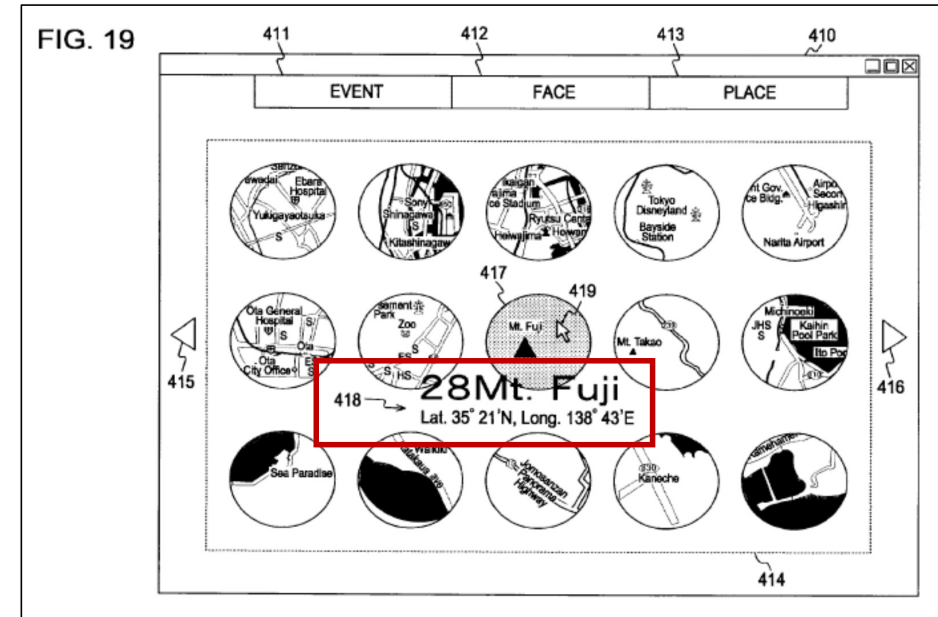
Limitations [1g] and [1j] – *location name*



- **Grounds 1-4: Okamura and Flora (2nd way)**
 - Okamura’s “information 418” includes the location name where content was captured
 - “Mt. Fuji” Okamura (EX1004), ¶¶0018, 0110, 0135-0143, 0213, 0225, 0240, Fig. 19
 - Other example location names:
 - “Tokyo-prefecture”
 - “Saitama-prefecture”
 - Address:
 - “Tokyo prefecture Shinagawa-ward Osaki 1-chome” EX1004, ¶¶0122-0127, 0136, 0229, 0240

Patent Owner concedes Okamura describes displaying a location name

POR, 69-70; Sur-Reply, 19



Okamura (EX1004), Fig. 19

Limitations [1n] and [1p] – *first name and second name*



Patent Owner	Petitioner
Plain meaning requires “ people view ” must include displaying a “ first name ” and “ second name ” <u>simultaneously</u> in the same view	Plain meaning encompasses “ people view ” displaying a “ first name ” and “ second name ” both <u>simultaneously and at different times</u> in the same view

POR, 28-29

Reply, 2-3; EX1038, ¶¶16-20

- Intrinsic record does not impose Patent Owner’s restrictive interpretations
 - No restriction in claim language
 - No restriction in specification
 - EX1001 at 22:59-23:4 and Figures 32 and 41 do not require simultaneous display
 - No restriction in file history

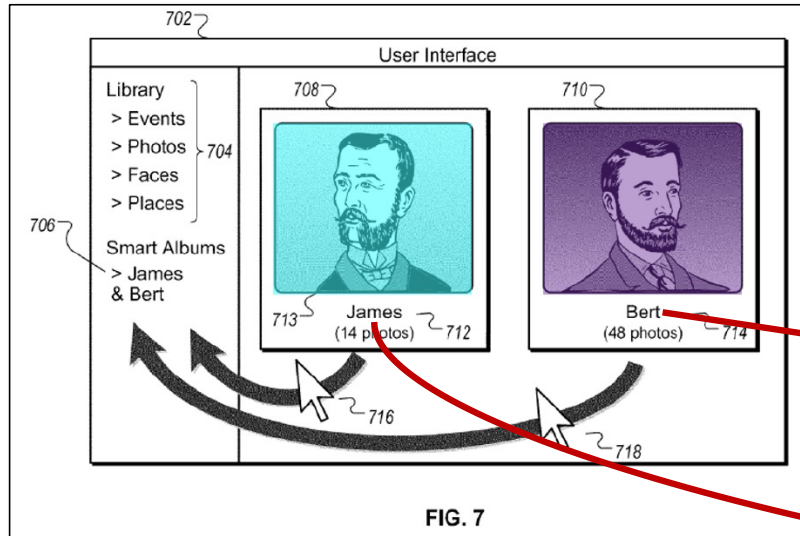
Reply, 2-3; EX1038, ¶¶16-20

The Grounds render this limitation obvious under either interpretation

Limitations [1n] and [1p] – first name and second name



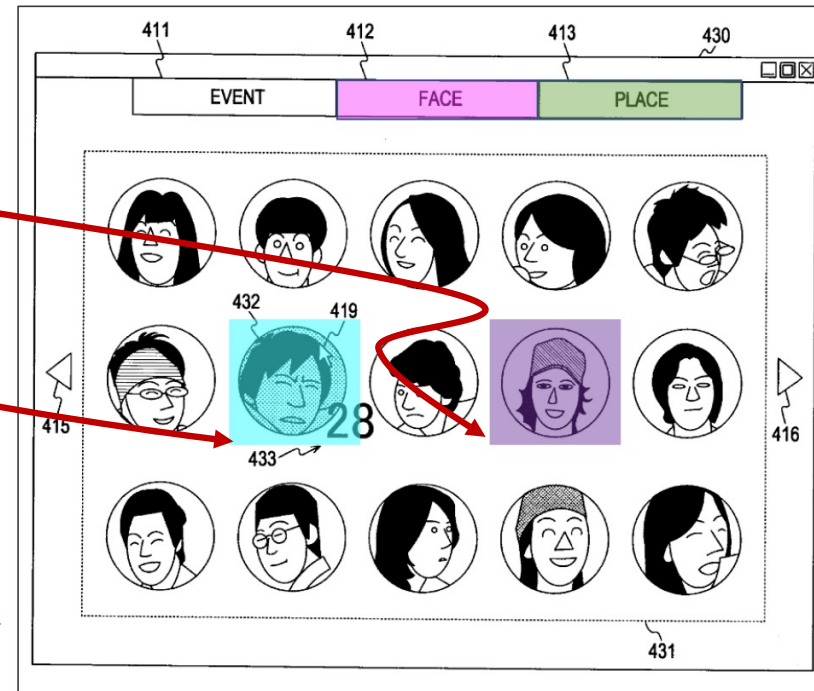
- **Grounds 1-4:** Okamura's information 433 of each thumbnail image includes a person's name associated with the thumbnail Pet., 55-61
- **Grounds 3 and 4: Undisputed** that Gilley displays thumbnail images of people in content with the name of each person ("Bert," "James"); names displayed simultaneously POR, 73-75



Gilley (EX1007), Abstract, ¶¶0002, 0005, 0014-0016, 0099-0103, Figs. 7 (annotated), 8; EX1002, ¶¶152-164

Okamura (EX1004), ¶¶0247, Figs. 20, 21 (annotated); EX1002, ¶¶110-114, 118-122

Reply, 20; Pet., 55-61, 85-96



DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Limitations [1n] and [1p] – *first name and second name*



Patent Owner contends that the Petition only identified what a POSITA “would have been able to do”

POR, 74

The combination would have provided benefits: displaying the name a person next to a thumbnail image representing a set of content including that person would have helped a user understand how content is organized and which content features specific people identified by name, providing an intuitive system that improves content management system accessibility. *Id.* Gilley recognizes these benefits, stating its system provides an organizational scheme “intuitive for users of an image system, enabling users to quickly understand the functioning of the system” and improved “accessibility, organization and usability” of images in a library. *Id.*; EX1007, ¶¶0014-0016; EX1002, ¶¶156-157.

Pet., 90

Limitations [1n] and [1p] – *first name and second name*



- Grounds 1-4: Okamura and Flora

- Okamura describes information 433 of each thumbnail image as including a person’s name corresponding to the thumbnail’s face

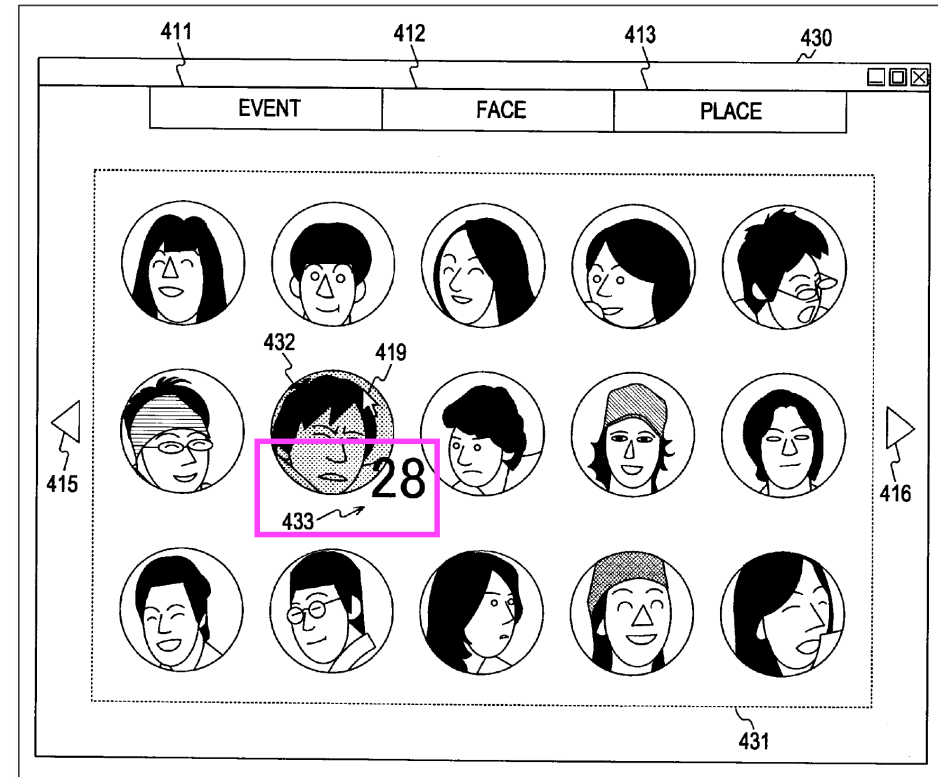
Okamura (EX1004), ¶0247, Fig. 21

- Patent Owner does not address the Petition’s analysis under the proper plain meaning where “people view” encompasses displaying a “first name” and “second name” simultaneously and at different times in the same view

POR, 63

- Patent Owner instead bases its argument solely on its incorrect “simultaneous” interpretation

POR, 63



Okamura (EX1004), Fig. 21 (annotated)

Claim 3



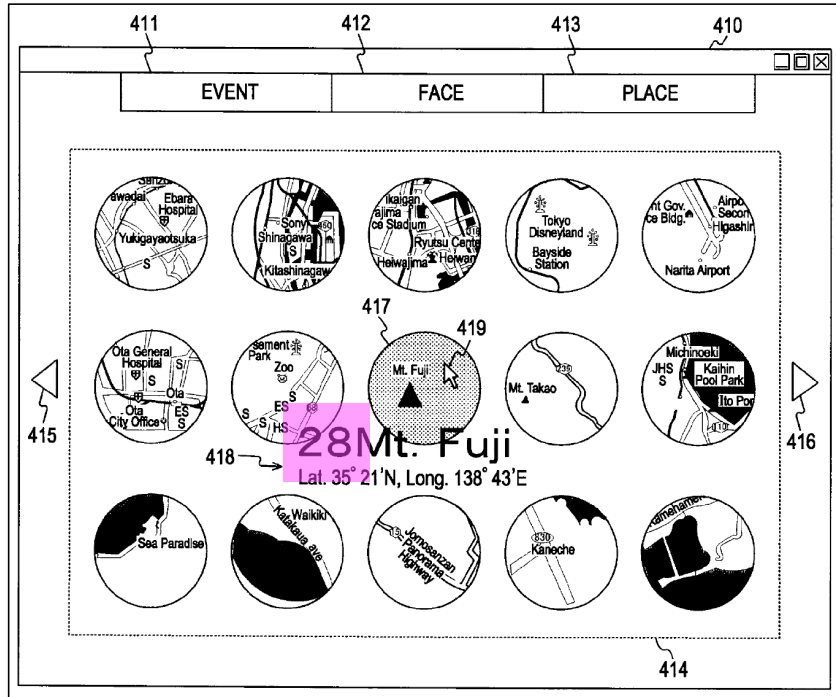
Claim 2: *The method of claim 1, wherein the map view further includes a first indication feature associated with the first location selectable thumbnail image, the first indication feature being based on a number of digital files in the first set of digital files.*

Claim 3: *The method of claim 2, wherein the first indication feature is connected to the first location selectable thumbnail image.*

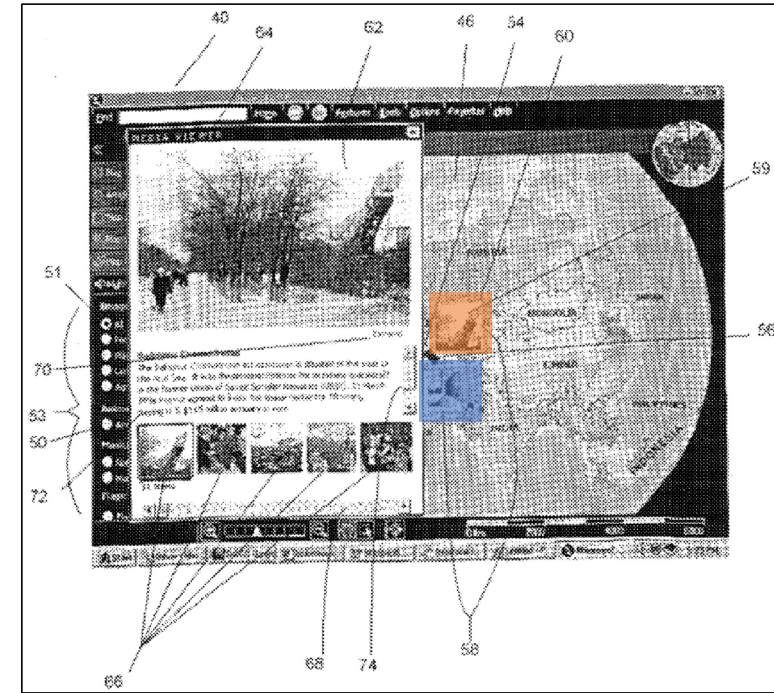
Patent Owner	Petitioner
Plain meaning requires <u>no intervening inputs</u> between the claimed “ first input ” and display of the “ map view ” POR, 27-28, 30	Plain meaning <u>encompasses intervening inputs, as well as no intervening inputs</u> , between the claimed “ first input ” and display of the “ map view ” Reply, 1-2; EX1038, ¶¶21-26

- No restriction as Patent Owner alleges for the same reasons discussed for limitations [1b], [1d], and [1e]
- Depressing **PLACE tab 413** (*responsive to a first input*) causes display of cluster map display area 414 (*causing a map view to be displayed*) without any intervening inputs
 Pet., 14-20; Okamura (EX1004), ¶¶0232-0247, Figs. 17-19
- **Combined** with Flora, geographic map 46 (*interactive map*) having thumbnails 58 and 59 is displayed responsive to depressing **PLACE tab 413**
 Pet., 20-30; Flora (EX1005), 5:65-6:11, 6:66-7:42, Figs. 2, 3
- Okamura’s information 418 teaches displaying the number of contents for each thumbnail and would have been connected to each thumbnail by overlapping as taught by Okamura’s Figures 19-21
 Pet., 62-67; Okamura (EX1004), ¶¶0234-0241, Figs. 19-21; Flora (EX1005), 7:8-42, Fig. 3; EX1002, ¶¶123-125; EX1038, ¶72

Claim 3



Okamura (EX1004), Fig. 19 (annotated)



Flora (EX1005), Fig. 3 (annotated)

Claim 5



Claim 2: The method of claim 1, wherein the map view further includes a first indication feature associated with the first location selectable thumbnail image, the first indication feature being based on a number of digital files in the first set of digital files.

Claim 5: The method of claim 2, wherein the map view further includes a second indication feature associated with the second location selectable thumbnail image, the second indication feature being based on a number of digital files in the second set of digital files.

Patent Owner	Petitioner
Plain meaning requires “map view” must include displaying a “first indication feature” and “second indication feature” <u>simultaneously</u> in the same view	Plain meaning encompasses “map view” displaying a “first indication feature” and “second indication feature” <u>simultaneously and at different times</u> in the same view

POR, 32

Reply, 2-3; EX1038, ¶¶27-30

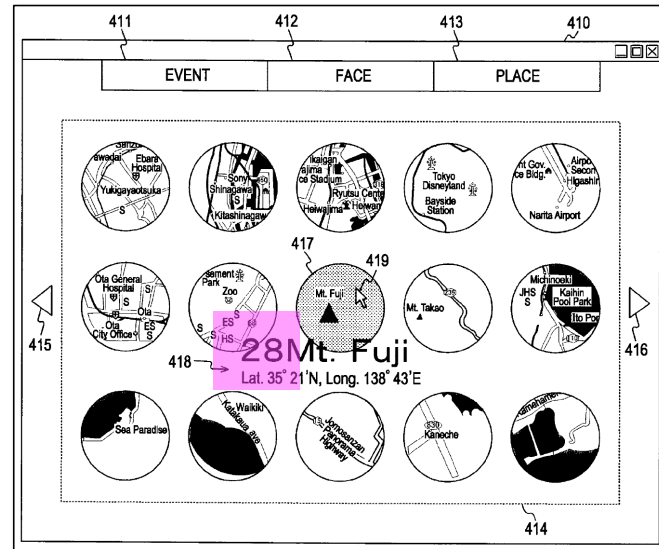
- No restriction as Patent Owner alleges for the same reasons discussed for limitations [1n] and [1p]

Claim 5



- Okamura displays “information 418” including “the number of contents [] belonging to a cluster corresponding to the cluster map 417” (Fig. 19, “28”)

Okamura (EX1004), ¶0240, Fig. 19; EX1038, ¶¶73-74
- Okamura and Flora combined:
 - Okamura’s cluster map display area 414 (the *map view*) includes displayed information 418 showing number of contents displayed with the **first** and **second** of thumbnails 58 and 59

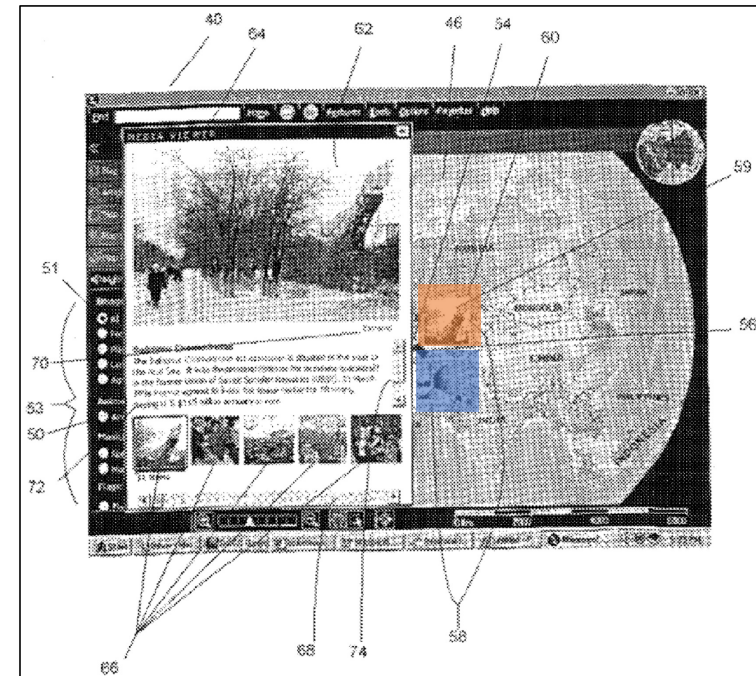


Okamura (EX1004), ¶¶0234-0241, Figs. 19 (annotated)-21; Flora (EX1005), 7:8-42, Fig. 3; EX1002, ¶¶123-125

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Reply, 21-22; Pet. 62-68; EX1038, ¶¶73-74

Flora (EX1005), Fig. 3 (annotated)



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Summary



- Overview of U.S. Patent 10,621,228
- Overview of the Prior Art
 - Okamura
 - Flora
 - Wagner
 - Gilley
- Disputed Issues
- **Unified is the Sole Real Party-In-Interest**

Unified is the Sole RPI



- Unified solely directed, controlled, and funded this IPR
 - Unified operates independently, and has not acted at another's behest
 - No pre-filing communications; no post-filing communications with any member other than generic reporting of public filings
 - Unified exercises "sole and absolute discretion over its decision to contest patents"
 - Unified does not coordinate with members regarding its filings
 - Members do not exercise any direction or control over Unified's filings
 - Members do not control Unified's filings through funding

Patent Owner's contentions are legally insufficient

Uniloc 2017 LLC v. Facebook Inc., 989 F.3d 1018, 1029 (Fed. Cir. 2021)

Unified is the Sole RPI



- No time bar
- Alleged unnamed RPIs filed their own petitions after Unified
 - Patent Owner itself acknowledged the “conflicting positions of different petitioners”
POR, 50-51
 - Other petitions challenge different claims
 - Unified challenged claims 1-7; other petitions challenged claims 1-19
 - Other petitions used different prior art
 - None of the other petitions use Flora, Wagner, or Gilley

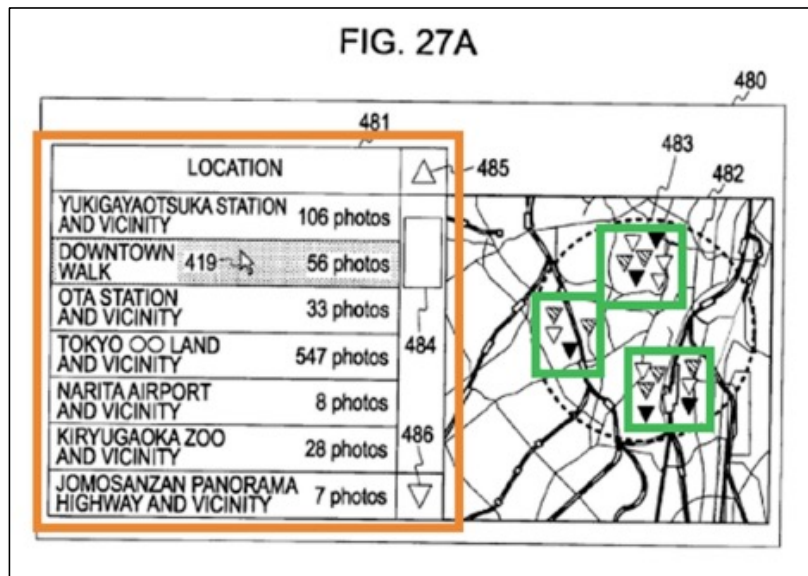


APPENDIX

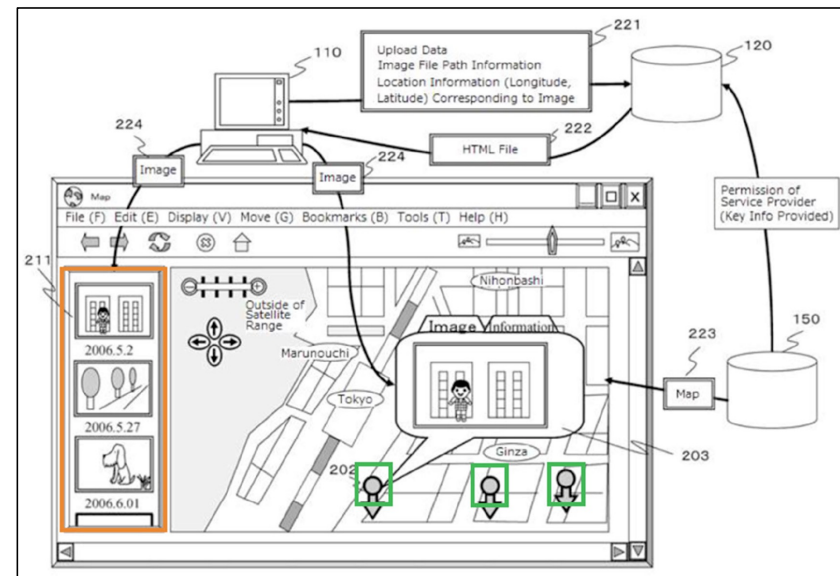
DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

57

A POSITA would have been motivated to combine Okamura and Flora



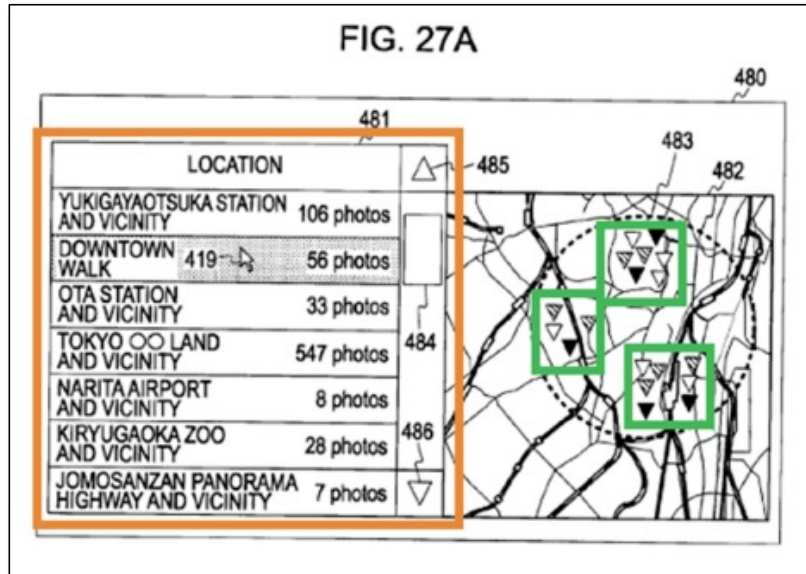
Okamura (EX1004), Fig. 27A (annotated)



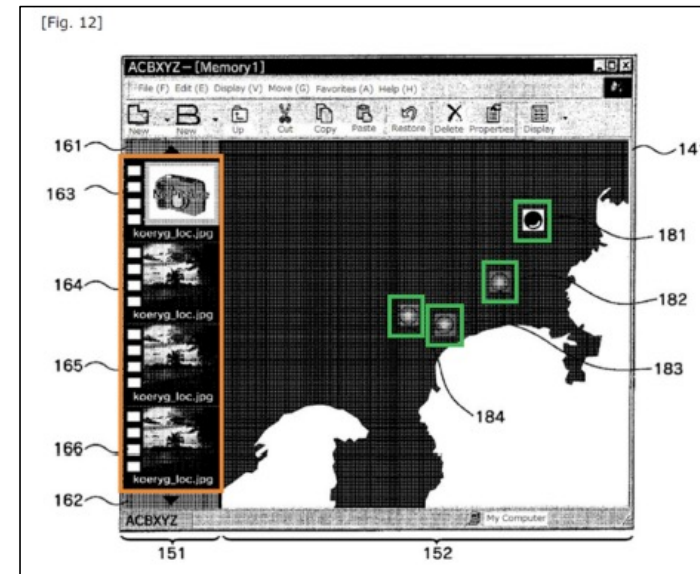
Takakura (EX2040), Fig. 7 (annotated)

EX1004, ¶¶0275-0281, Figs. 27A-27B; EX1002, ¶¶69, 82; EX1038, ¶¶53-54; EX2040, Fig. 7; Pet, 15, 19

A POSITA would have been motivated to combine Okamura and Flora



Okamura (EX1004), Fig. 27A (annotated)



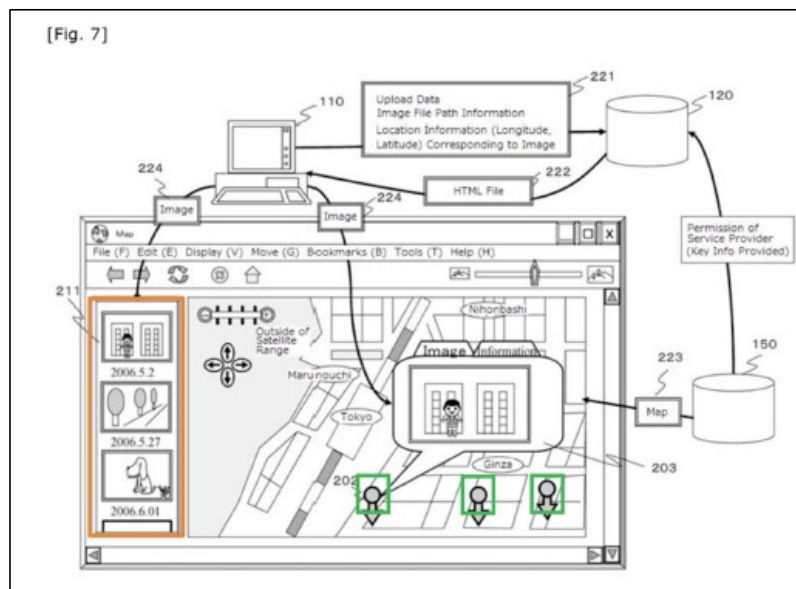
Fujiwara (EX2002), Fig. 12 (annotated)

EX1004, ¶¶0275-0281, Figs. 27A-27B; EX1002, ¶¶169, 82; EX1038, ¶¶153-54; EX2002, Fig. 12; Pet, 15, 19

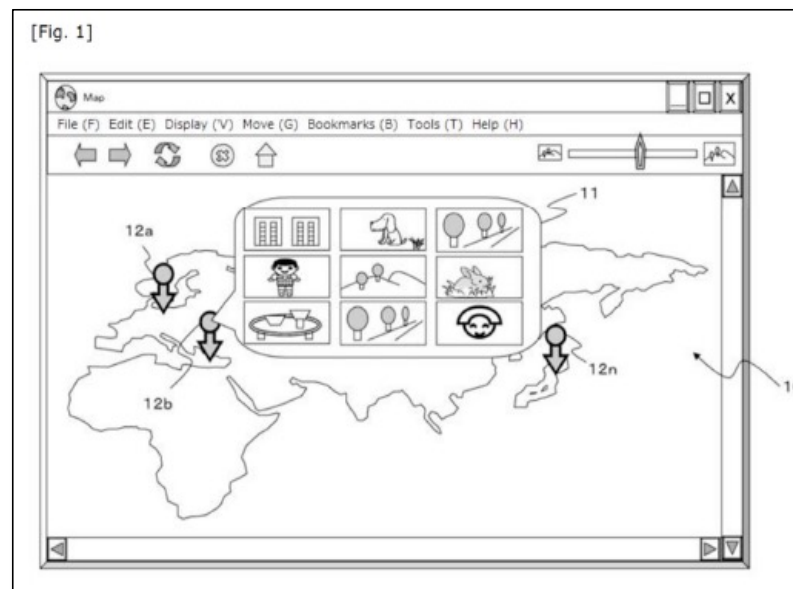


A POSITA would have been motivated to combine Okamura and Flora

- Patent Owner incorrectly equates Flora's Figure 3 with Takakura's Figure 1
- Okamura's related art addresses only Takakura's Figure 7
- Figure 7 shows content arranged side by side — missing from Takakura's Figure 1



Takakura (EX2040), Fig. 7 (annotated)



Takakura (EX2040), Fig. 1

EX1004, ¶10006;
EX2040, Figs. 1, 7

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

Reply, 13-15; Pet., 22-27

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A POSITA would have been motivated to combine Okamura and Flora



- **Patent Owner's cited cases regarding teaching away are distinguishable**
 - *Merck* “criticized”
 - *Trivascular* “destroy[ed] the basic objective”
 - *Application of Ratti* “require[d] a substantial reconstruction and redesign” and “basic principles” change
 - **None present here**
 - Patent Owner: “Okamura’s primary objective is to avoid scaling issues cause [sic] by the use of markers on a map”
 - **Okamura itself displays a scalable map having markers**
- The Petition affirmatively explained over five pages with expert support why and how a POSITA would have been motivated to combine Okamura and Flora

Ground 2-4 Motivations to Combine



Patent Owner does not substantively address the Petition’s motivations to combine

- Wagner

EX2038, ¶171. A POSITA seeking to display a location name associated with content would have relied on Okamura rather than seeking out a separate reference. EX2038, ¶172. Because Okamura already discloses accomplishing this function, Petitioner has not met its burden of showing *why* a POSITA would have combined Okamura and Flora with Wagner. See *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1369 (Fed. Cir. 2012) (finding that where each device

Finally, even if, *arguendo*, combining Okamura, Flora, and Wagner would have been “routine” or “predictable” as Petitioner suggests, this does not establish that a POSITA would have been motivated to further modify Okamura and Flora with Wagner. *InTouch Techs.*, 751 F.3d at 1352 (a showing that “one of ordinary skill in the could combine” but “not that they would have been motivated to do so” does not establish obviousness); *Kahn*, 441 F.3d at 988 (“there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”).

POR, 70-71

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

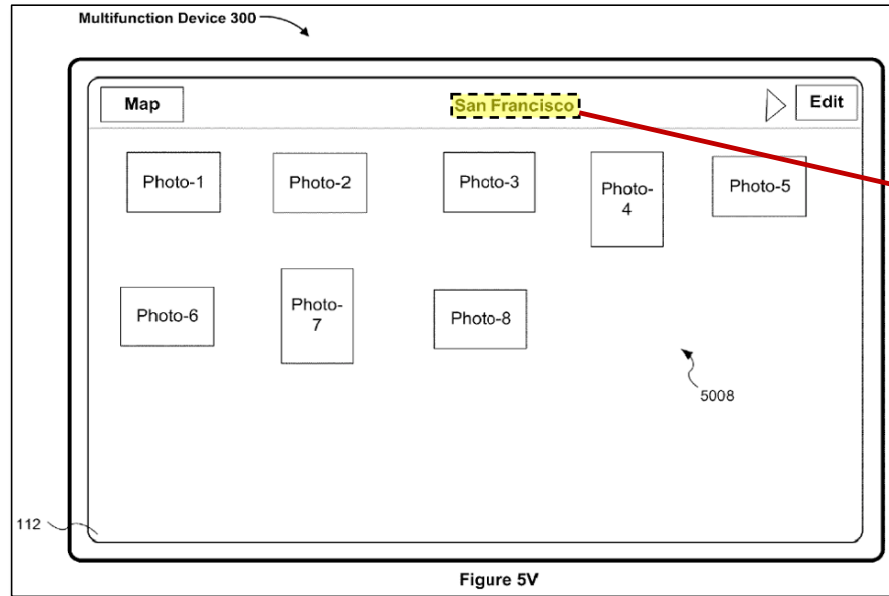
- Gilley

(the second name being displayed adjacent). Petition, 94. Even if Gilley can be credited for displaying first and second names adjacent to thumbnail images, Petitioner improperly focuses on what a skilled artisan would have been able to do, rather than what a skilled artisan would have been motivated to do at the time of the invention. See *InTouch Techs.* 751 F.3d at 1352 (concluding that a party's expert “succumbed to hindsight bias in her obviousness analysis” where such analysis “primarily consisted of conclusory references to her belief that one of ordinary skill in the art could combine these references, not that they would have been motivated to do so”). At most, Petitioner identifies similarities between Okamura, Flora and Gilley and that it would have been possible to combine the references. This is not enough. A statement of similarity does not constitute an articulated reasoning with rational underpinning as to why a POSITA would combine elements of one reference with another, and why a POSITA would modify the teachings of the references to arrive at the claimed invention. Furthermore, to the extent that Petitioner is asserting that a POSITA “could” have combined the references to reach the claimed invention, this is also insufficient for obviousness. See *Personal Web Techs., LLC v. Apple*,

POR, 74

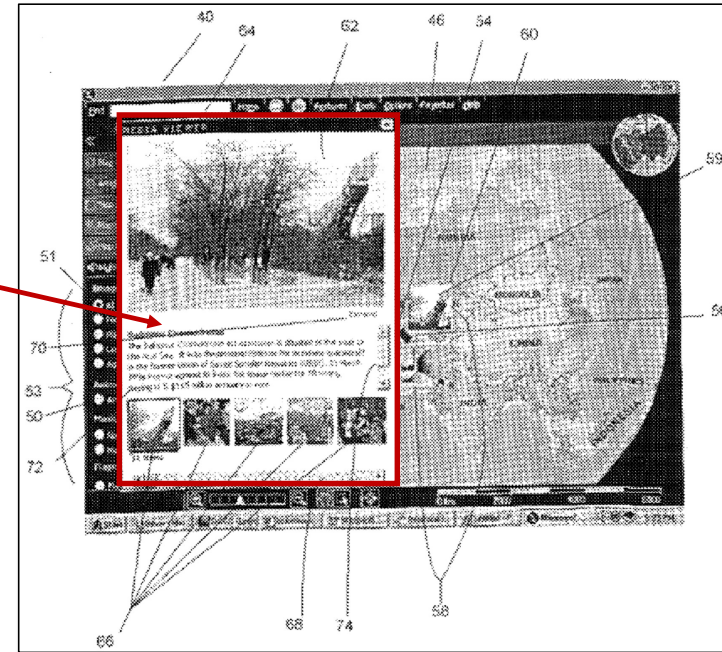
Reply, 19-20, 22

Motivation to combine Okamura, Flora, Wagner (Ground 2)/Okamura, Flora, Wagner, Gilley (Ground 4)



Wagner (EX1006), Fig. 5V (annotated)

A POSITA would have been motivated to combine Okamura and Flora (forming the “Okamura-Flora system”) for the reasons discussed in Section VI.A.3.c and VI.A.3.g, and further motivated to combine the Okamura-Flora system with Wagner such that Okamura-Flora’s **media viewer 64** displays the location name of a location associated with content as described by Wagner. EX1002, ¶¶135-138. In 76



Flora (EX1005), Fig. 3 (annotated)

the combination, **media viewer 64** for the **first icon** (the first location view) would have displayed a first location name associated with the first location that is the location where content for the first icon is captured, and **media viewer 64** for the second icon (the second location view) would have displayed a second location name associated with the second location that is the location where content for the second icon captured. *Id.*; Sections VI.A.3.g, VI.A.3.j.

Pet., 76-79, 95-96; EX1002, ¶¶135-142, 162-164

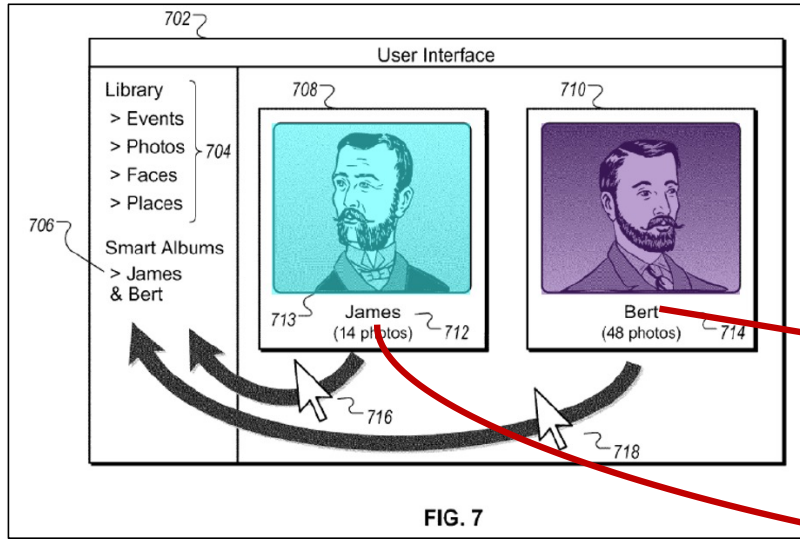
DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Reply, 19-20, 22

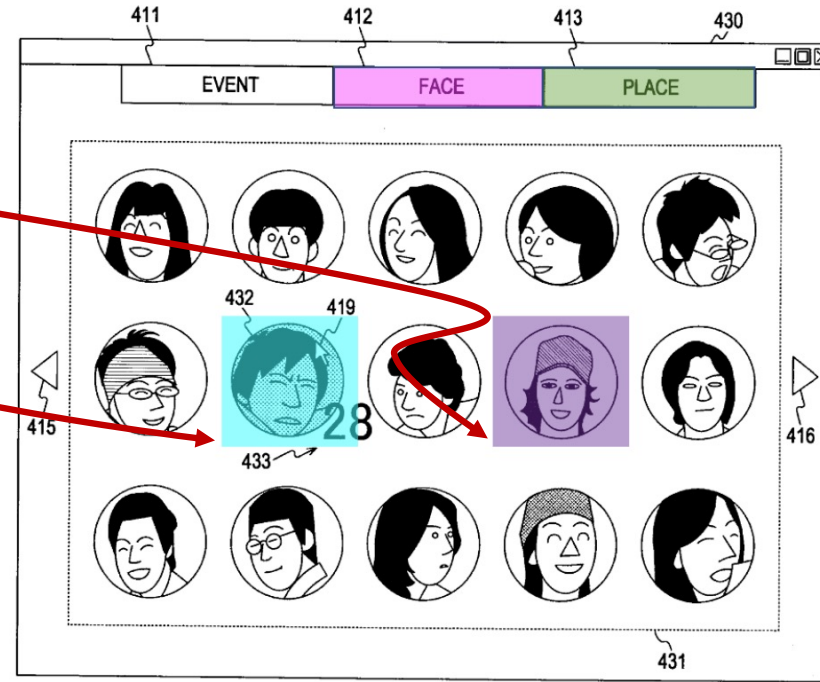
Motivation to combine Okamura, Flora, Gilley (Ground 3)/Okamura, Flora, Wagner, Gilley (Ground 4)



Gilley (EX1007), Fig. 7 (annotated)



A POSITA would have been motivated to combine Okamura and Flora (the “Okamura-Flora system”) for the reasons discussed in Sections VI.A.3.c and VI.A.3.g, and further motivated to combine the Okamura-Flora system with Gilley such that Okamura’s face cluster display area 431 (the people view) displays thumbnail images 432 of people’s faces included in content (including the first and second person thumbnail images) along with the name of each person adjacent to each thumbnail image 432 as taught by Gilley. EX. ¶¶152-154.



Okamura (EX1004), Fig. 21 (annotated)

Limitations [1n] and [1p] – *first name and second name*



Patent Owner	Petitioner
Plain meaning requires “ people view ” must include displaying a “ first name ” and “ second name ” <u>simultaneously</u> in the same view	Plain meaning encompasses “ people view ” displaying a “ first name ” and “ second name ” both <u>simultaneously and at different times</u> in the same view

- Claim 1 (in part)

POR, 28-29

Reply, 2-3; EX1038, ¶¶16-20

(ii) a first name associated with the first person, the first name being displayed adjacent to the first person selectable thumbnail image;

(iii) a second person selectable thumbnail image including a representation of a face of a second person, the second person being associated with a fourth set of digital files including digital photographs and videos; and

(iv) a second name associated with the second person, the second name being displayed adjacent to the second person selectable thumbnail image.

EX1001, Claim 1 (annotated) (in part)