UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

IPR2022-00032
Patent 9,552,376 B2

Before LYNNE H. BROWNE, NORMAN H. BEAMER, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision

Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

Dismissing Patent Owner's Motion to Exclude
37 C.F.R. § 42.64

I.   INTRODUCTION

Apple Inc. ("Petitioner") filed a petition requesting *inter partes* review of claims 1–12 of U.S. Patent No. 9,552,376 B2 (Ex. 1001, "the '376 patent"). Paper 1 ("Pet."). On July 8, 2022, we instituted a review of all challenged claims based on all grounds in the Petition. Paper 12 ("Inst. Dec."). Patent Owner filed a Response. Paper 20 ("PO Resp."). Petitioner filed a Reply. Paper 39[1] ("Reply"). Patent Owner filed a Sur-reply. Paper 31 ("Sur-reply"). An oral hearing was held on March 14, 2023. A transcript of that hearing has been entered into the record. Paper 41 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued under 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has not shown by a preponderance of the evidence that claims 1–12 are unpatentable.

A.   Related Matters

Patent Owner identifies the following related matters: *MemoryWeb, LLC v. Samsung Electronics Co., Ltd. et al.*, No. 6-21-cv-00411 (W.D. Tex.); *MemoryWeb, LLC v. Apple Inc.*, No. 6-21-cv-00531 (W.D. Tex.); *MyHeritage (USA), Inc. et al. v. MemoryWeb, LLC*, No. 1-21-cv-02666 (N.D. Ill.); IPR2022-00111; PGR2022-00006; IPR2022-00033; IPR2022-00031; IPR2022-00222; and IPR2021-01413. Paper 6, 2–3 ("Patent Owner's Updated Mandatory Notice").

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[1] As authorized by the Board, Petitioner filed a corrected Reply to change incorrect citations to the deposition transcript of Patent Owner's expert, Dr. Surati. *See* Ex. 3002 (email from the parties, and response from the Board). Patent Owner did not oppose. *Id.*
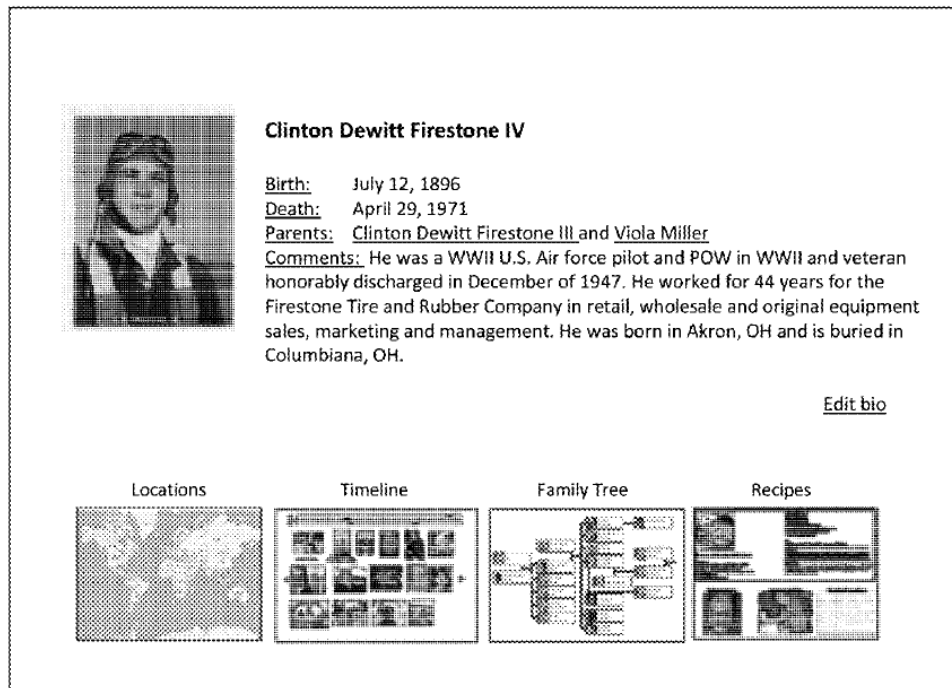
B.   *The '376 Patent*

The '376 patent relates to a platform for managing and using digital files, such as digital photographs. *See* Ex. 1001, 1:14–17. Through the platform's interface, a user can tag and select files to create views. *See id.* at 5:26–35. For example, the "people view" is shown below. *Id.* at 6:20–26, Fig. 6.

FIG. 6

The people view, above, shows thumbnail photos of all the people in the system. *Id.* Clicking on the thumbnail causes a "profile view," shown below, to be displayed. *See id.*

FIG. 7

The profile view, above, displays a person's image, date of birth, date of death, parents' names, and other biographical information. *Id.* The profile view also displays links to other views containing information about the person: Locations, Timeline, Family Tree, and Recipes. *Id.* at 6:27–49. The Locations view, for example, has an interactive map showing where the digital files were taken. *Id.* at 6:14–19.

C. Claims

Of the challenged claims, claims 1, 5, and 12 are independent. Claim 5 is reproduced below.

5. A computer-implemented method, comprising:

storing, on one or more non-transitory computer-readable storage media, a plurality of digital files, each of the digital files having a content data portion and a metadata portion including tags, the content data including a digital photograph or image or video;

displaying, on a video display device associated with a client device, the digital photograph or image or video of a first of the digital files and overlaying thereon:

(i) a first user selectable element, all of the digital files associated with a person tag being members of a first set of digital files, the first user selectable element having a first boundary with alphanumeric text therein indicating (i) a name of a person corresponding to the person tag and (ii) the number of digital files in the first set of digital files, and

(ii) a second user selectable element, all of the digital files associated with a geotag being members of a second set of digital files, the second user selectable element having a second boundary with alphanumeric text therein indicating (i) a location name corresponding to the geotag and (ii) the number of digital files in the second set of digital files;

responsive to a click or tap of the first user selectable element via a user interface device of the client device, displaying a people view on the video display device, the displaying the people view including displaying (i) the name of the person corresponding to the person tag and (ii) all of the digital photographs or images or videos in the first set of digital files; and

responsive to a click or tap of the second user selectable element via the user interface device of the client device, displaying a location view on the video display device, the displaying the location view including displaying (i) the location name corresponding to the geotag, (ii) all of the digital photographs or images or videos in the second set of digital files, and (iii) a map image indicating geographic coordinates of the geotag.

Ex. 1001, 36:43–37:14.

D.   References

Name	Reference	Exhibit No.
A3UM	Aperture 3 User Manual, Apple Inc. (2010)	1005
Belitz	US 2010/0058212 A1	1006
Rasmussen	US 7,620,496 B2	1025

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