

Paper No. \_\_\_\_

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

APPLE, INC.

Petitioner

v.

MEMORYWEB, LLC

Patent Owner

Patent No. 9,552,376

---

*Inter Partes* Review No. IPR2022-00032

---

**PATENT OWNER'S RESPONSE**

## TABLE OF CONTENTS

	Page(s)
I. INTRODUCTION .....	1
II. OVERVIEW OF THE ‘376 PATENT .....	1
A. The ‘376 Patent “Views” .....	2
B. The Claimed Methods Provide Easy Navigation of These Views .....	5
III. SUMMARY OF PETITIONER’S REFERENCES .....	5
1. The Browser/Viewer .....	6
2. The Toolbar .....	8
3. The Inspector Pane .....	8
4. Places and Faces Views .....	9
B. Belitz (Ex. 1006) .....	15
C. Rasmussen (Ex. 1025) .....	16
IV. LEVEL OF SKILL IN THE ART .....	17
V. CLAIM CONSTRUCTION .....	18
VI. PETITIONER HAS NOT MET ITS BURDEN .....	18
A. Petitioner Has Not Established That A3UM Qualifies as Prior Art .....	18
1. Petitioner Has Not Established that the Website Version of A3UM was Publicly Accessible to a POSITA .....	19
2. Petitioner Has Not Established That Ex. 1005 Accurately Represents What Was Shown on the Aperture 3 User Manual Page Before June 2010 .....	26
3. Petitioner’s “Evidence” of Sales Fails to Establish Public Accessibility .....	29
4. Petitioner’s Reliance on the Aperture 3 Installation DVD Falls Short .....	30
5. Aperture 3 Installed on a Mac Computer is Not a Printed Publication .....	41

6.	Mr. Birdsell’s Testimony Lacks Credibility .....	44
B.	Other Non-Prior Art .....	46
C.	Independent Claim 1 .....	48
1.	Petitioner failed to meet its burden to show A3UM discloses “the interactive map comprising a majority portion of the first screenshot” .....	48
2.	Petitioner fails to meets its burden to show “responsive to a click or tap of the [first/second] user selectable thumbnail image, displaying a [first/second] location view” .....	52
3.	Petitioner fails to meets its burden to show A3UM renders obvious a “[first/second location view” including a “[first/second] map image” .....	56
4.	Petitioner failed to meet its burden to show that a POSITA would combine A3UM and Belitz .....	62
D.	Independent Claim 5 .....	72
E.	Independent Claim 12 .....	78
1.	Petitioner fails to meet its burden to show a POSITA would combine A3UM, Belitz, and Rasmussen .....	78
2.	Petitioner has failed to establish that A3UM discloses the “first mini-search engine tag” and “second mini-search engine tag” .....	79
VII.	CONCLUSION .....	80

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>Cases</b>	
<i>Acceleration Bay, LLC v. Activision Blizzard Inc.</i> , 908 F.3d 765, 772 (Fed. Cir. 2018) .....	<i>passim</i>
<i>Arctic Cat Inc. v. Polaris Indus., Inc.</i> , 795 F. App'x 827 (Fed. Cir. 2019) .....	66
<i>ATD Corp. v. Lydall, Inc.</i> , 159 F.3d 534 (Fed. Cir. 1998) .....	75
<i>B/E Aerospace, Inc. v. C &amp; D Zodiac, Inc.</i> , 709 F.App'x 687 (Fed. Cir. 2017) .....	29
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015) .....	74
<i>Blue Calypso, LLC v. Groupon, Inc.</i> , 815 F.3d 1331 (Fed. Cir. 2016) .....	20
<i>Capsugel Belgium NV v. Innercap Techs., Inc.</i> , IPR2013-00331, Paper 9 (PTAB Dec. 9, 2013) .....	44
<i>Centripetal Networks, Inc. v. Cisco Sys., Inc.</i> , 847 F. App'x 869 (Fed. Cir. 2021) .....	24
<i>Checkpoint Sys., Inc. v. All-Tag Sec.; S.A.</i> , 412 F.3d 1331 (Fed. Cir. 2005) .....	45
<i>Cheese Sys., Inc. v. Tetra Pak Cheese &amp; Powder Sys., Inc.</i> , 725 F.3d 1341 (Fed. Cir. 2013) .....	75
<i>Cisco Sys., Inc. v. Centripetal Networks, Inc.</i> , IPR2018-01436, Paper 40 (PTAB Jan. 23, 2020) .....	39

<i>Electronic Frontier Foundation v. Personal Audio, LLC</i> , IPR2014-00070, Paper 21 (PTAB Apr. 18, 2014) .....	26, 27, 28
<i>Eli Lilly &amp; Co. v. Teva Pharms. Int’l GmbH</i> , 8 F.4th 1331 (Fed. Cir. 2021) .....	46
<i>Ex Parte Stuart A. Nelson</i> , No. 2020-004978, 2020 WL 8186425 (PTAB Dec. 31, 2020)).....	44
<i>GoPro, Inc. v. Contour IP Holding LLC</i> , 908 F.3d 690 (Fed. Cir. 2018) .....	24
<i>In re Cronyn</i> , 890 F.2d 1158 (Fed. Cir. 1989) .....	32
<i>Instradent USA, Inc. v. Nobel Biocare Services AG</i> , IPR2015-01786, Paper 106 (PTAB Feb. 15, 2017).....	19, 41
<i>InTouch Techs., Inc. v. VGO Commc’ns, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014) .....	74
<i>Kinetic Concepts, Inc. v. Smith &amp; Nephew, Inc.</i> , 688 F.3d. 1342 (Fed. Cir. 2012) .....	68
<i>Linear Tech. Corp. v. Impala Linear Corp.</i> , 379 F.3d 1311 (Fed. Cir. 2004) .....	45
<i>Nautilus, Inc. v. Icon Health Fitness Inc.</i> , IPR2017-01363, Paper 33 (PTAB Nov. 28, 2018).....	22
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.</i> , 868 F.3d 1013 (Fed. Cir. 2017) .....	18
<i>Ohio Willow Wood v. Alps South</i> , 735 F.3d 1333 (Fed. Cir. 2013) .....	45
<i>Pers. Web Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017) .....	74

# 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.