

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

MEMORYWEB, LLC,  
Patent Owner.

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IPR2022-00033  
Patent 10,423,658 B2

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Before LYNNE H. BROWNE, NORMAN H. BEAMER, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
*35 U.S.C. § 314, 37 C.F.R. § 42.4*

## I. INTRODUCTION

Apple Inc. (“Petitioner”) filed a Petition (Paper 1 (“Pet.” or “Petition”)) requesting institution of an *inter partes* review of claims 1–15 of U.S. Patent No. 10,423,658 B2 (Ex. 1001, “the ’658 Patent”). MemoryWeb, LLC (“Patent Owner”) timely filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Additionally, on April 4, 2022, we authorized Petitioner to file a preliminary reply, limited solely to addressing whether the Aperture 3 User Manual (A3UM) (Ex. 1005) qualifies as a printed publication; we further authorized Patent Owner to file a preliminary sur-reply, limited solely to addressing Petitioner’s arguments and evidence presented in the reply brief. Paper 9, 2–3. Petitioner timely filed a Preliminary Reply (Paper 10, “Prelim. Reply”) and Patent Owner timely filed a Sur-reply to Petitioner’s Reply (Paper 11, “Prelim. Sur-reply”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and the evidence of record, we conclude that the information presented in the Petition establishes that there is a reasonable likelihood that Petitioner would prevail in challenging at least one of claims 1–15 of the ’658 Patent as unpatentable under the grounds presented in the Petition. Pursuant to § 314, we hereby institute an *inter partes* review as to the challenged claims of the ’658 Patent.

### A. *Real Parties in Interest*

In its Petition and most recently updated Mandatory Notices, Petitioner identifies itself, Apple Inc., as the only real party-in-interest. Pet. 2; Paper 6, 1. In its original and most recently updated Mandatory

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Notices, Patent Owner identifies itself, MemoryWeb, LLC, as the only real party in interest. Paper 3, 2; Paper 7, 2.

*B. Related Matters*

The parties state that the '658 Patent is related to the following U.S. Patents: 9,098,531 (“the '531 Patent”); 9,552,376 (“the '376 Patent”); 10,621,228 (“the '228 Patent”); 11,017,020 (“the '020 Patent”); 11,163,823 (“the '823 Patent”), and 11,170,042 (“the '042 Patent”). Paper 6, 1; Paper 7, 2. The parties further state that the '658 Patent is related to pending U.S. Patent Application 17/459,933. Paper 6, 1; Paper 7, 3.

The parties identify the following as related district court matters:

- *MemoryWeb, LLC v. Apple Inc.*, No. 6:21-cv-00531 (W.D. Tex.);
- *MemoryWeb, LLC v. Samsung Electronics Co., Ltd. et al.*, No. 6:21-cv-00411 (W.D. Tex.); and
- *MyHeritage (USA), Inc. et al. v. MemoryWeb, LLC*, No. 1:21-cv-02666 (N.D. Ill.).

Paper 6, 1–2; Paper 7, 2.

Further, the parties identify the following petitions that the related patents are the subject of:

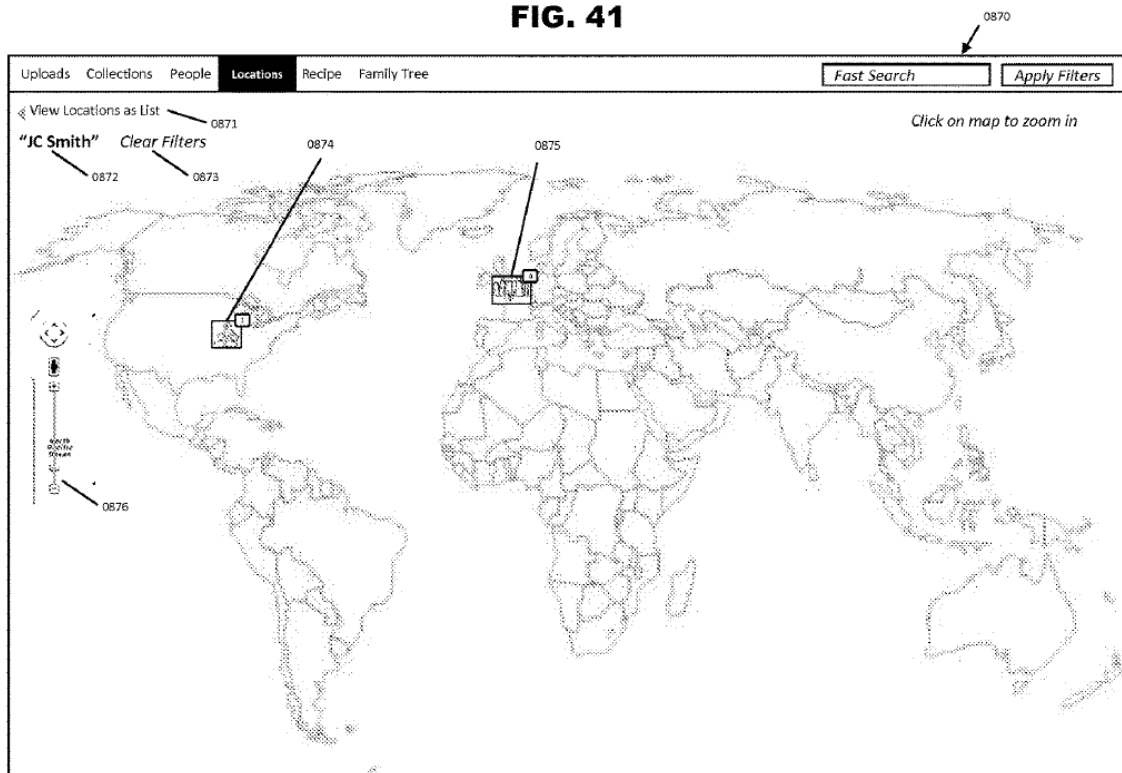
- *Unified Patents, LLC v. MemoryWeb, LLC*, IPR2021-01413 ('228 Patent);
  - *Samsung Electronics Co., Ltd., v. MemoryWeb, LLC*, IPR2022-00222 ('228 Patent);
  - *Apple Inc. v. MemoryWeb, LLC*, IPR2022-00031 ('228 Patent);
  - *Apple Inc. v. MemoryWeb, LLC*, IPR2022-00032 ('376 patent);
  - *Apple Inc. v. MemoryWeb, LLC*, IPR2022-00111 ('020 patent);
- and

• *Apple Inc. v. MemoryWeb, LLC*, PGR2022-00006 ('020 patent).  
Paper 6, 1; Paper 7, 2–3.

### C. The '658 Patent

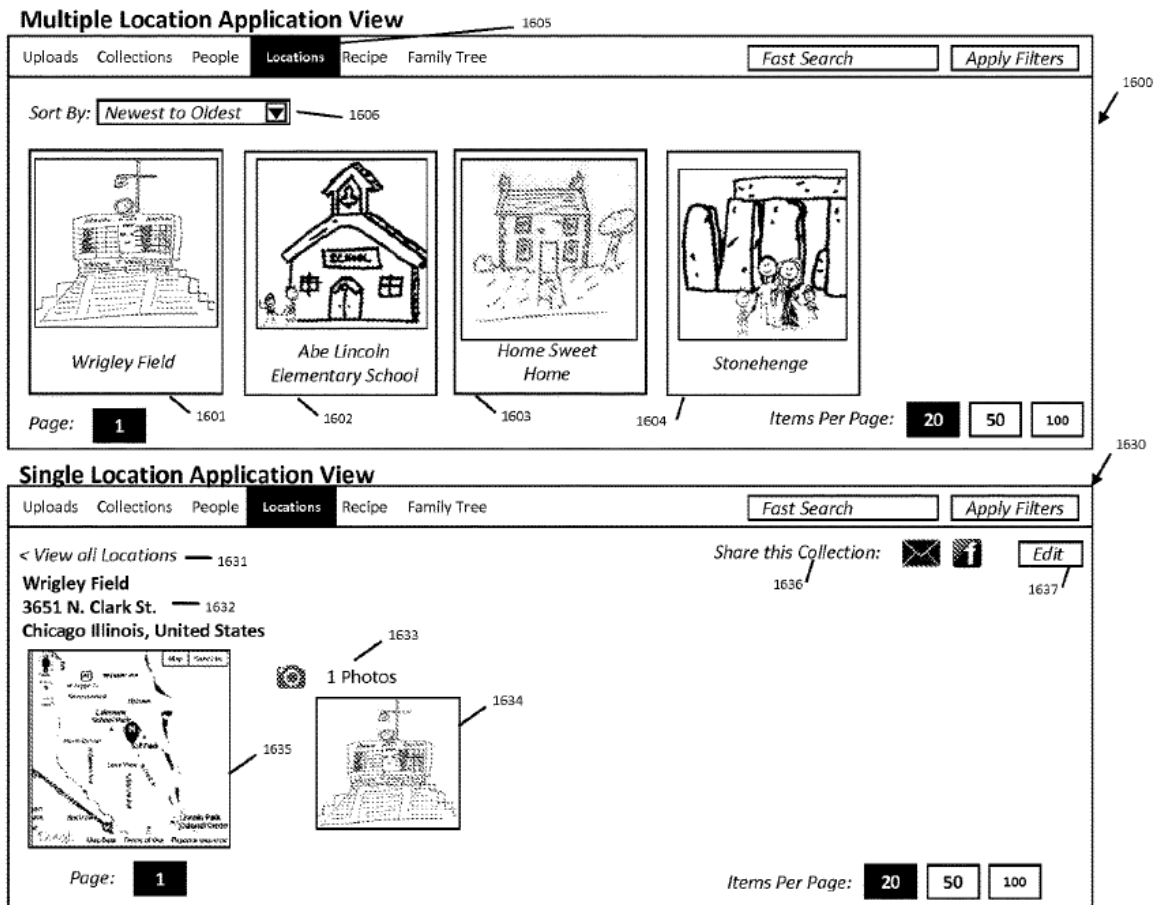
The '658 Patent relates to a computer-implemented system and method for managing and using digital files such as digital photographs. Ex. 1001, 1:16–19. In particular, the '658 Patent aims to provide an “interactive platform” for users to gather, organize, view, navigate, search, share and archive Digital Files, e.g., digital photographs and videos. *Id.* at 13:12–18, 13:56–59. The interactive platform may be provided via an “Application” having various “Application Views” for interaction with and organization of Digital Files. *Id.* at 8:59–9:7. A screenshot of an exemplary type of Application View, a “Location Application View,” is shown in Figure 41, reproduced below. *Id.* at 4:3–4.

**FIG. 41**



As shown in the Location Application View interface of Figure 41, “Digital Files are displayed within an interactive map (Google map shown as an example).” *Id.* at 29:25–29. Further, “[i]n this view, individual or groups of Digital Files are illustrated as photo thumbnails (see indicators 0874 and 0875) on the map and the user can select the thumbnail to see all the Digital Files with the same location.” *Id.* at 29:32–36. In the case that the user selects either one of the thumbnails, a “Single Location Application View” interface corresponding to the location is presented to the user, as shown in the bottom portion of Figure 34, a screenshot reproduced below. *Id.*

**FIG. 34**



Focusing on the single location (1630) Locations Application View, an “individual location name is displayed at the top of the page (1632).” *Id.*

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