#### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. Petitioner

v.

MEMORYWEB, LLC Patent Owner

Patent No. 10,423,658

Inter Partes Review No. IPR2022-00033

PATENT OWNER'S REQUEST FOR REHEARING



# **LISTING OF EXHIBITS**

Exhibit No.	Description
2001	WITHDRAWN
2002	Hyunmo Kang et al., Capture, Annotated, Browse, Find, Share: Novel Interfaces for Personal Photo Management, International Journal of Human-Computer Interaction, 23(3), 315-37 (2007) ("Kang")
2003	Jaffe et al., Generating Summaries and Visualization for Large Collections of Geo-Referenced Photographs, Proceedings of the 8th ACM SIGMM International Workshop on Multimedia Information Retrieval, MIR 2006, October 26-27, 2006 ("Jaffe")
2004	RESERVED
2005	RESERVED
2006	Feb. 8, 2022 eBay Order Confirmation for "Apple Aperture 3 Upgrade for Mac Brand New Photography"
2007	Apple Inc. Aperture Software License Agreement
2008	Declaration of John Leone, Cisco Systems, Inc. v. Centripetal Networks, Inc., IPR2018-01436, EX1005 (July 20, 2018)
2009	Aperture 3 User Manual, <a href="http://documentation.apple.com/aperture/usermanual">http://documentation.apple.com/aperture/usermanual</a> (Archive.org: July 26, 2010)
2010	Aperture 3 User Manual, <a href="http://documentation.apple.com/aperture/usermanual">http://documentation.apple.com/aperture/usermanual</a> (Archive.org: Feb. 17, 2010)
2011	RESERVED
2012	RESERVED



Exhibit No.	Description
2013	Apple, Inc., www.apple.com, (Archive.org: Mar. 12, 2010)
2014	Devin Coldewey, <i>Review: Aperture 3</i> , CrunchGear (https://techcrunch.com/2010/03/19/review-aperture-3/) (last accessed Feb. 2, 2022)
2015	Hilary Greenbaum, <i>Who Made Google's Map Pin?</i> , The New York Times, (Apr. 18, 2011)
2016	Google Developers, Customizing a Google Map: Custom Markers (last accessed Feb. 17, 2022)
2017	KML4Earth, Google Earth/Maps Public Icons, <a href="http://kml4earth.appspot.com:80/icons.html">http://kml4earth.appspot.com:80/icons.html</a> (Archive.org May 27, 2012)
2018	Declaration of Angelo J. Christopher
2019	RESERVED
2020	RESERVED
2021	Apple, Inc., "Apple Human Interface Guidelines" (Aug. 20, 2009)
2022	Wilbert O. Galitz, "The Essential Guide to User Interface Design: An Introduction to GUI Design Principles and Techniques," Wiley Publishing, Inc. (3 <sup>rd</sup> Ed.) (2007)
2023	Transcript of Deposition of Dr. Loren Terveen (Vol. I)
2024	Transcript of Deposition of Dr. Loren Terveen (Vol. II)
2025	Declaration of Rajeev Surati, Ph.D
2026	Transcript of Deposition of Matthew Birdsell
2027	Affidavit of Nathaniel E Frank-White



Exhibit No.	Description
2028	Cambridge English Dictionary, definition of "responsive"
2029	Webster's Third New International Dictionary, definition of "responsive"
2030	RESERVED
2031	RESERVED
2032	eBay Receipt (August 15, 2022)
2033	Jennifer Tidwell, Designing Interfaces, O'Reilly (1st Ed. 2005)



### **TABLE OF CONTENTS**

	Pa	ge(s)
I.	INTRODUCTION	1
II.	STANDARDS FOR REHEARING	1
III.	REQUESTED RELIEF	1
IV.	ARGUMENT	2
A.	The Board Should Rehear its Denial of Patent Owner's Motion to Exclude	2
	1. The Decision Misapprehended the Deadline for Evidence Objections	2
	2. The Decision Misapprehended and Overlooked Testimony Regarding Purported Authenticity of Ex. 1005	•
В.	The Board Should Rehear its Unpatentability Findings for Dependent Claims 3-4	5
	1. Factual Background	6
	2. The Decision Misapprehended Patent Owner's Arguments Regarding Petition's Failure to Address All Limitations	
	3. The Decision Misapprehended the Obviousness Argument in the Peti and Overlooked Petitioner's Improper Reply Argument	
	4. The Decision Overlooked Evidence Refuting Petitioner's New Obviousness Theory	10
C.	The Board Should Rehear its Unpatentability Findings for Dependent Claims 8 and 11	12
D.	. The Decision Misapprehended Patent Owner's Claim Construction Proposals	14
V	CONCLUSION	15



# 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.

