

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

ANGEL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2023-00057
Patent 8,954,432

Case IPR2023-00058
Patent 9,959,291

Case IPR2023-00059
Patent 10,417,275

Case IPR2023-00060
Patent 10,628,480

**DECLARATION OF MARK FRIGON
UNDER 37 C.F.R. § 1.131**

I, Mark Frigon, declare:

1. I am over eighteen years of age and in all respects fully competent to make this Declaration. I have personal knowledge of the facts, as stated herein, and all are true and correct.

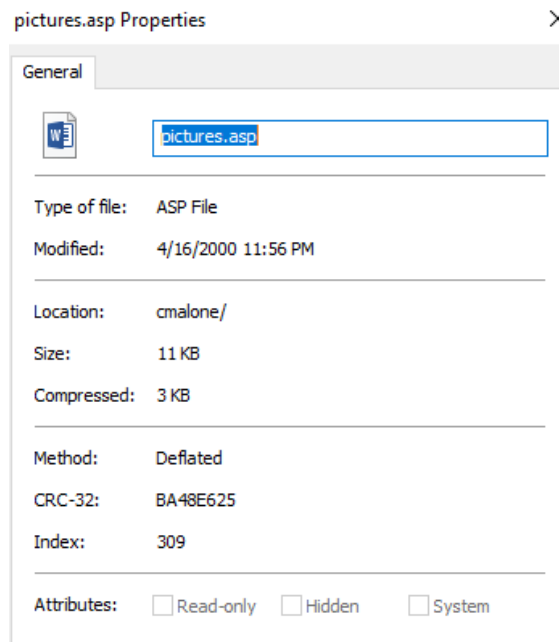
2. I am the named inventor of U.S. Patent No. 8,954,432, entitled "Users Tagging Users in Photos Online," U.S. Patent No. 9,959,291, entitled "Users Tagging Users in Media Online" U.S. Patent No. 10,417,275, entitled "Artificial Intelligence Assisted Tagging of Users in Digital Media Online," and U.S. Patent No. 10,628,480, entitled "Linking Tags to user Profiles."

3. Prior to September 26, 2000, I conceived and reduced to practice my invention as described and claimed in the provisional application (U.S. Provisional Application No. 60/248,994) filed on November 15, 2000, from which each of the above identified patents claim priority. The provisional application was drafted in the summer of 2000 and finalized on August 15, 2000 while I was living in New York. I paid for and filed the application upon my relocation to Colorado on November 15, 2000.

4. As discussed below, the code developed by April 2000 demonstrate that I had a tested prototype embodying the elements of the invention claimed, and had seen that it worked for its intended purpose prior to September 26, 2000. As further evidence of this, and as detailed below, the functioning www.sacko.com website was developed between April and prior to September 26, 2000 and was selectively available to users over the internet for testing during that time period.

5. What was recoverable of the code, database, and log files demonstrated the claimed invention had been conceived, coupled with reasonably continuous due diligence to reduce the invention to practice, on or before April 16, 2000. I personally wrote the code submitted herewith which embodied the elements of the invention claimed using Microsoft FrontPage, a popular web

authoring platform at the time, and Microsoft Access as the database. The code was written while authoring a photo-oriented website “cmalone.com” for a friend and roommate, Chris Malone. Attached hereto as Exhibits 2006-2012 are what I believe to be true and correct copies of that code. Each of Exhibits 2006-2012 provide code that was last modified on April 16, 2000, as corroborated by the code’s metadata for each of Exhibits 2006-2013.



6. The code in Exhibit 2006 for inputting a picture (pict_inpt.asp) allows for users to upload a picture to the website, provide information about the picture, and for a user to identify which people exist in the photograph. The code along with the database in Exhibit 2007 (picture.mdb) generates a unique image identifier for any images uploaded by a user.

7. The code in Exhibit 2008 for updating a picture (pict_upd.asp) allows any user, not just the user uploading the picture, to identify people in the photo.

8. The code in Exhibit 2009 for displaying a single picture (picture.asp) retrieves from the database a listing of any people identified within the selected picture and including the unique user identifiers for each user.

9. The code in Exhibit 2010 for showing all tags of users in photos (links.asp) displays a listing of all user-generated identifications along with each picture identifier (“File_ID”) and each user’s identifier (“Person_ID”). The code retrieves these relationships between the picture identifier and the user identifier from a database table (“People_in_Pict”) on line 52 of “links.asp”. This table embodies the Identifications database detailed in my specifications with a record mapping a “Person_ID” (line 89 of “links.asp”) and a “File_ID” (line 82 of “links.asp”) for each identification. The presence of this table discloses the “Identifications database 240 links information in Users database 230 with information in Images database 250” as disclosed in each of the above identified patents. It further demonstrates the conception and reduction to practice of three separate tables detailed in the specification of each of the above identified patents: the users table, an identifications table, and an images table.

10. Exhibit 2011 displays a sample log file (ex0006.log, dated June 17, 2000) from the web server running the cmalone.com website, at IP address 4.22.121.22. The log files demonstrates the software was accessed by multiple users across a network with each user being identified by a unique IP address as denoted by the client ip address (the “c-ip” column). Lines 10 and 19 also corroborate this with a 3rd party Alumni network website (www.infophil.com) linking into the cmalone.com website as is indicated by the user’s referring website via the cs(referrer) column. Details on Info Phil’s Alumni network at that time can be found on the Internet Archives snapshot dated June 20th, 2000: <https://web.archive.org/web/20000620055601/http://www.alumni.net/>.

11. Exhibit 2012 demonstrates a code file (“messages_post.html”) which receiving naming information from a user and storing a users database. On Line 25 the code presents a form to a user comprising an input field (line 38) that allows users to include naming information to the

system. Upon submission of the form by clicking the submit button (line 64) the information is sent to web server at “_vti_bin/shhtml.dll/messages_post.htm” (line 25) for insertion into a users database.

12. Exhibits 2006-2012 provide code which can be mapped to each and every element of the ‘432 Patent, as evidenced in the table below.

Claim Element	Code
<p>6. In a multi-user computer network, a method for obtaining and displaying information relating to existence of at least one user of a computer network in an image comprising:</p>	<p>The code files for the web server and the log files in Exhibit 2011 shows a multi-user computer network (see log files) and the display of information relating to a user of the network an image. The presence of multiple users is demonstrated by the multiple client devices identified by different IP addresses on line 5, line 10, line 11, line 19, and line 25.</p>
<p>identifying users of said computer network and assigning a unique user identification to a user of said computer network;</p>	<p>The web server log files sample, (“ex0006.log”) also anticipates identifying users by the clients IP address (“c-ip” field) and the clients username (“c-username” field). Ex-2010.</p> <p>Additionally, the code on lines 38, 52, and 89 of “links.asp” demonstrates the presence of an assigned unique user identifier “Person_ID” in the “People_in_Pict” table for any identification of a user in a picture. In the prototype, the “People_in_Pict” table was the precursor to the Identifications table discussed in the specification.</p>

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