

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

BRUCE ZAK,
Patent Owner.

Case IPR2017-00003
Patent 9,141,720 B2

Before KALYAN K. DESHPANDE, TREVOR M. JEFFERSON, and
JOHN F. HORVATH, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108(a)

I. INTRODUCTION

Facebook, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 11–30 of U.S. Patent No. 9,141,720 (Ex. 1001, “the ’720 patent”). Paper 1 (“Pet.”). Bruce Zak (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” After considering the Petition and associated evidence, we conclude that Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of claims 11–30 of the ’720 patent. Thus, we do not authorize institution of an *inter partes* review of claims 11–30 of the ’720 patent.

A. *Related Proceedings*

The parties indicate that the ’720 patent is involved in *Zak v. Facebook, Inc.*, Case No. 15-13437 (E.D. Mich.). Pet. 1; Paper 4, 2.

B. *The ’720 Patent (Ex. 1001)*

The ’720 patent describes a system and method for the automated management of content on a network interface. Ex. 1001, 1:13–15. A network interface can be a web site on the World Wide Web, an Internet location, an intranet location, and extranet location, or some other form of a network interface location. *Id.* at 2:21–24. The disclosed system is a web site management system that allows non-technical users to control the content of a web site without the assistance of technical personnel. *Id.* at 2:25–27.

The system uses profiles to determine what menu options are visible to a user. *Id.* at 10:30–31. A profile can relate to a user, a subgroup, a group, an organization, or an Application Service Provider (ASP). *Id.* at 10:28–29. The system further uses business rules to automate the administration of the web site, and the management of web site content. *Id.* at 2:33–34, 10:34–37. Content for various applications and links are received as input, and the system automatically creates, modifies, or deletes one or more applications. *Id.* at 10:52–53. Links are similarly created, modified or deleted. *Id.* at 10:53–55. Links pointing to active applications are automatically embedded into the network site. *Id.* at 10:56–57.

C. Illustrative Claim

Petitioner challenges claims 11–30 of the '720 patent. Pet. 3–88. Claim 11 is the only independent claim at issue and is reproduced below:

11. A system, including a computer, for managing content displayable on a collection of web pages to multiple users of the system who have profiles stored on the system, the users including an administrator of the collection of web pages, comprising:

a plurality of configurable applications that are managed by the computer, including at least a first configurable application and a second configurable application, wherein the first and second configurable applications each includes content displayable on the collection of web pages, wherein the content includes at least one of text, graphics, sounds, documents, and multi-media content;

wherein the first configurable application is a biography application that displays biographical information about the administrator of the collection of web pages;

wherein the second configurable application is generated by the computer at least in part based on content received from the administrator and at least in part based on content received from one or more of the other users of the system;

at least one application link on at least one of the web pages that points to at least one of the plurality of configurable applications so as to enable the users to selectively activate the configurable application to which the application link points;
a first business rule that is configurable by the administrator, wherein the system uses the first business rule and information in user profiles to determine which content of the second configurable application is viewable by which of the other users of the system; and
a second business rule that is configurable by the administrator, wherein the system uses the second business rule and information in user profiles to determine which of the other users of the system are permitted to provide content to the second configurable application.

Ex. 1001, 24:42–25:11.

D. The Alleged Ground of Unpatentability

The information presented in the Petition sets forth a proposed ground of unpatentability of claims 11–30 of the '720 patent under 35 U.S.C. § 103(a) as follows (*see* Pet. 15–88):¹

References	Claims Challenged
Boyce ² and Parker ³	11–30

II. ANALYSIS

A. Claim Construction

We interpret claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which

¹ Petitioner supports its challenge with the Declaration of David Klausner. Ex. 1002.

² Jim Boyce, MICROSOFT OUTLOOK VERSION 2002 INSIDE OUT, (2001) (Ex. 1005, “Boyce”).

³ U.S. Patent No. 5,729,734, issued on March 17, 1998 (Ex. 1004, “Parker”).

they appear. *See* 37 C.F.R. § 42.100(b); *see Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2142–46 (2016). Under the broadest reasonable construction standard, claim terms are generally given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

1. Agreed Upon Claim Terms

Petitioner and Patent Owner agree as to the meaning of the following terms:

Claim Term(s)	Meaning
“profile information,” “profile,” “user profile”	“information comprising attributes relating to a user of the system”
“biographical application”	“application that provides biographical information”
“biographical information”	“information about a person or group of persons”
“administrator portal”	“interface for managing applications and/or business rules of the system”
“business rule”	“rule incorporated into the system that controls how the system functions”
“communications application”	“application that provides a mechanism for transmitting information or interacting with others”

Pet. 4, 6–8; Prelim. Resp. 5–6. Because the meaning of these claim terms is not in dispute, we adopt these agreed upon constructions for the purposes of this Decision.

2. “application” / “configurable application”

Petitioner argues that the ’720 patent specification defines the term “application” to mean “a unit of content provided on the network site.”

Pet. 4–5 (quoting Ex. 1001, 5:20–24) (emphasis and numerals omitted). Petitioner further argues that the ’720 patent specification further provides examples of what an application can include, specifically “executable software programs, opportunities to exchange data with an outside user, files, text, graphics, sound, and other forms of applications.” *Id.* at 4–5 (quoting Ex. 1001, 5:20–24; citing Ex. 1002 ¶ 33). Accordingly, Petitioner argues that the broadest reasonable construction of “application” is a “unit of content on a network site.” *Id.* at 5 (citing Ex. 1001, 5:20–24).

Patent Owner argues that Petitioner’s proposed construction is unreasonably broad because, in the context of the challenged claims, “network site” should be limited to “web site,” which is a particular type of “network site,” because the challenged claims are all directed towards “a collection of web pages on a web site.” Prelim. Resp. 6 (citing Ex. 1001, 24:42–43). Accordingly, Patent Owner argues that the broadest reasonable interpretation of “application” is “a unit of content provided on a web site.” *Id.* (emphasis omitted).

On this record, we are not persuaded to limit the scope of the term “application” to content provided on a “web site.” We agree with Petitioner and Patent Owner that the ’720 patent specification defines an “application” as “a unit of content provided on the network site.” *See* Ex. 1001, 5:20–21. Although we agree with Patent Owner that the challenged claims are directed towards the management of a “web site,” we see no reason to limit the scope of the term “application” itself. Rather, independent claim 11 recites a system “managing content displayable on a collection of web pages.” Ex. 1001, 24:42–46. Accordingly, although additional limitations narrow the scope of the claims to a “web site,” the broadest reasonable

interpretation of the term “application” is “a unit of content provided on a network site.”

Petitioner further argues that the ’720 patent specification discloses that “[c]onfigurable applications are those applications that can be modified or configured by the content provider,” and further discloses that a “content provider” includes “potentially any person, machine, device or system that is responsible for providing content to a web site.” Pet. 5 (quoting Ex. 1001, 5:45–46, 3:53–55) (numerals omitted). Accordingly, Petitioner argues that the broadest reasonable construction of “configurable application” is an “application that can be modified or configured.” *Id.* (citing Ex. 1002 ¶ 34) (emphasis omitted).

Patent Owner argues that the challenged claims recite that “the first configurable application is a biography application.” Prelim. Resp. 6 (quoting Ex. 1001, 24:55–56). Patent Owner further argues that the ’720 patent specification discloses that a “biography object allows persons affiliated with an organization to manage the display of biographical information using the biography application.” *Id.* at 6–7 (quoting Ex. 1001, 17:64–66) (emphasis and numerals omitted). Patent Owner also argues that the challenged claims recite “wherein the second configurable application is generated by the computer at least in part based on content received from the administrator and at least in part based on content received from one or more of the other users of the system.” *Id.* at 7 (citing Ex. 1001, 24:58–62). Accordingly, Patent Owner argues that the broadest reasonable interpretation of “configurable application” is “an application that can be modified and/or configured by users of the web site.” *Id.* at 6.

On this record, we are not persuaded to narrow the scope of the term “configurable application” to mean an application that can be modified or configured “by users of the web site.” As identified by Petitioner, the ’720 patent specification defines a “configurable application” as “applications that can be modified or configured by the content provider.” Although we agree with Patent Owner that the challenged claims recite that “the first configurable application is a biographical application” and “wherein the second configurable application is generated by the computer at least in part based on content received from the administrator and at least in part based on content received from one or more of the other users of the system” (*Id.* at 6–7 (quoting Ex. 1001, 24:55–56, 24:58–62)), we see no reason to narrow the scope of the term “configurable application” to include these limitations. Rather, the recited limitations narrow the scope of “configurable applications” to include these features. We also do not agree with Petitioner that the limitation “by the content provider” should be omitted from the definition of “configurable application.” The ’720 patent specification includes a definitions section, and, within the definitions section, “configurable application” is given a definition. Accordingly, on this record, applying the definition provided in the ’720 patent specification, we find that the broadest reasonable interpretation of “configurable application” is “application that can be modified or configured by the content provider.”

3. “*link*” / “*application link*” / “*configurable link*”

Petitioner and Patent Owner agree that “application link” should be construed the same way as “configurable link.” Pet. 5–6; Prelim. Resp. 7–8. Petitioner’s analysis is predicated upon Petitioner’s understanding that the term “application link” should be construed to mean the same thing as a

“configuration link.” Accordingly, for the purpose of this Decision, we adopt Petitioner and Patent Owner’s interpretation, and construe the term “application link” identically with the term “configuration link.” *See id.*

Petitioner argues that the ’720 patent specification defines the term “link” to mean “the mechanism by which the user of a network site activates the application.” Pet. 5 (quoting Ex. 1001, 5:53–54) (numerals omitted). Petitioner further argues that the ’720 patent specification further provides that links “can encapsulate an URL (uniform resource locator), a TCP/IP address, of any other form of identifying the location of applications on the network site.” *Id.* (quoting Ex. 1001, 5:54–57) (numerals omitted). Accordingly, Petitioner argues that the broadest reasonable construction of “link” is a “mechanism to activate an application on a network site.” *Id.* (citing Ex. 1002 ¶ 36) (emphasis omitted).

Patent Owner argues that Petitioner’s proposed construction is unreasonably broad because the ’720 patent specification “states that ‘[a] link is the mechanism by which *the user* of a network site activates the application.’” Prelim. Resp. 7–8 (citing Ex. 1001, 5:53–55) (numerals omitted). Specifically, Patent Owner argues that “link” should be tied to activation by a user, as opposed to “leaving open the possibility of activation by a machine.” Prelim. Resp. 8. Patent Owner further argues that Petitioner’s proposed construction is unreasonably broad because the challenge claims are all directed towards management of content on a “web site,” which is narrower than a “network site.” *Id.* Specifically, Patent Owner argues that, in the context of the challenged claims, “network site” should be limited to “web site.” *Id.* Accordingly, Patent Owner argues that

the broadest reasonable interpretation of “link” is a “mechanism by which users activate an application on a web site.” *Id.* at 8 (emphasis omitted).

We agree with Petitioner and Patent Owner that the ’720 patent specification defines “link” as “the mechanism by which the user of a network site activates the application.” *See* Ex. 1001, 5:53–54.

Accordingly, on this record, we agree with Patent Owner that the term “link” should be tied to activation by a user based on the definition provided by the ’720 patent specification.

On this record, however, we are not persuaded by Patent Owner to limit the scope of “link” to a mechanism by which users activate an application on a “web site.” Independent claim 11 recites a system “managing content displayable on a collection of web pages.” Ex. 1001, 24:42–46. Although we agree with Patent Owner that the challenged claims are directed towards the management of a “web site,” we see no reason to limit the scope of the term “link” itself in this manner. Rather, the additional limitations cited by Patent Owner narrow the scope of the claims to management of a “web site.” Accordingly, given the clear definition of “link” provided by the ’720 patent specification, we determine that the broadest reasonable interpretation of the term “link” is “a mechanism by which a user of a network site activates an application.”

Petitioner further argues that the ’720 patent specification defines the term “configurable link” to mean “a link that can be modified or configured by the content provider as permitted by any relevant business rules.” Pet. 5–6 (citing Ex. 1001, 5:62–65) (numerals omitted). Petitioner also argues that the ’720 patent specification provides a broad description of “content provider.” *Id.* at 6 (citing Ex. 1001, 3:53–55). Accordingly, Petitioner

argues that the broadest reasonable construction of “configurable link” is a “link that can be modified or configured as permitted by any relevant business rules.” *Id.* (citing Ex. 1002 ¶ 37) (emphasis omitted).

Patent Owner argues that Petitioner’s proposed construction is unreasonably broad because it “improperly leaves out that the application link can be modified or configured by a content provider (i.e. a user of the website).” Prelim. Resp. 8–9. Patent Owner further argues that, although the ’720 patent specification describes a “content provider” as “any person, machine, device or system that is responsible for providing content to a web site,” the challenged claims describe the content provider as users of the web site and “configurable link” should thus be limited to modification or configuration by “users.” *Id.* at 9 (citing Ex. 1001, 3:53–56, 24:58–62). Accordingly, Patent Owner argues that the broadest reasonable interpretation of “configurable link” is “link that can be modified or configured by users as permitted by any relevant business rules.” *Id.* at 8 (emphasis omitted).

We agree with Petitioner and Patent Owner that the ’720 patent specification defines “configurable link” as “a link that can be modified or configured by the content provider as permitted by any relevant business rules.” *See* Ex. 1001, 5:62–64. Accordingly, on this record, we determine that the term “configurable link” is tied to modification or configuration by a content provider.

We are not persuaded, however, to narrow the scope of the term “configurable link” to require modification or configuration of the link “by users,” as Patent Owner contends. Although we agree with Patent Owner that the challenged claims recite that “the second configurable application is generated . . . at least in part based on content received from one or more of

the users of the system” (Prelim. Resp. 9 (quoting Ex. 1001, 24:58–62) (emphasis added)), we see no reason to narrow the scope of the term “configurable link” itself to include these limitations. Accordingly, on this record, we find the ’720 patent specification defines “configurable link” to mean “link that can be modified or configured by a content provider as permitted by any relevant business rules.”

B. Obviousness of Claims 1–10 and 31 over Boyce and Parker

Petitioner contends that claims 11–30 of the ’720 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Boyce and Parker. Pet. 15–88. For the reasons discussed below, the evidence, on this record, indicates there is not a reasonable likelihood that Petitioner would prevail in showing that claims 11–30 of the ’720 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Boyce and Parker.

1. Boyce (Ex. 1003)

Boyce, titled *Microsoft Outlook Version 2002 Inside Out*, is a reference book for Outlook, an information management tool. Ex. 1003, xli, xliv. Outlook offers features such as e-mail, calendar, and contacts. *Id.* at 4–9.

A feature called Outlook Web Access (OWA) allows a user to perform most Outlook tasks, including accessing e-mail, calendar, and contacts, using a web browser (e.g., when the user does not have access to the user’s personal Outlook installation). *Id.* at 101, 872, 892, 897, 898. Figure 36-1 of Boyce illustrates a window displaying a user’s e-mail inbox accessed through a web browser:

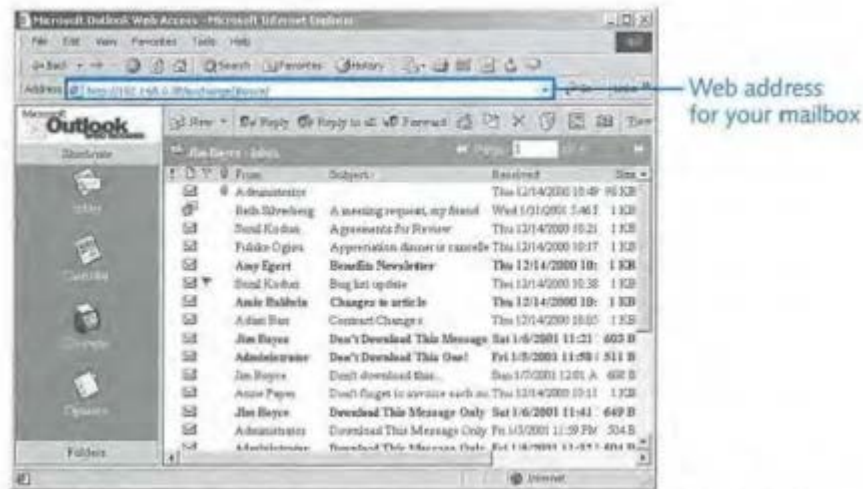


Figure 36-1. Using OWA, you can access your Inbox through a Web browser.

Id. at 872 (markups in original). As shown in Figure 36-1, a left pane contains clickable icons including “Inbox,” “Calendar,” and “Contacts.” The user may switch between viewing the contents of Inbox, Calendar, and Contacts folders in the right pane by clicking the corresponding icons in the left pane. *Id.* at 890, 897, 898.

Outlook allows a user to identify delegates (other users), and to grant and restrict delegate access to the user’s folders. *Id.* at 679–680. Figure 20-5 of Boyce illustrates an interface for the user to control delegate access has to the user’s folders:

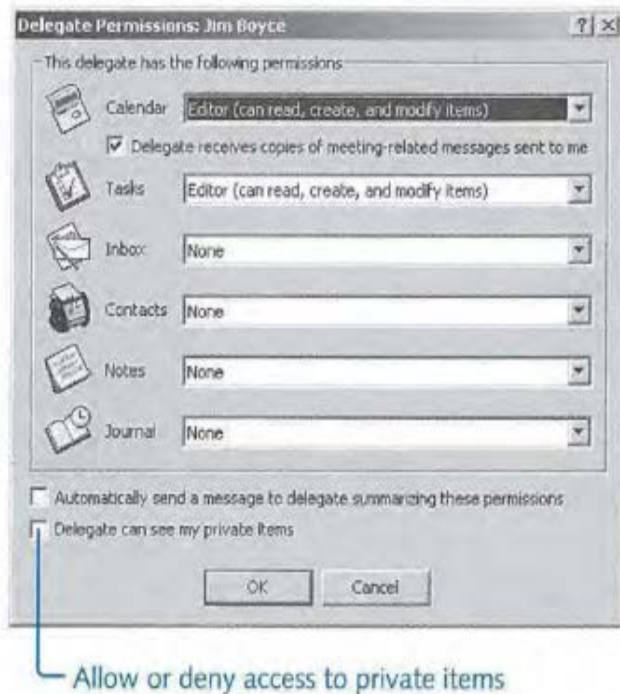


Figure 20-5. Use the Delegate Permissions dialog box to control the visibility of private items.

Id. at 553 (markups in original). As shown in Figure 20-5, the user may control a delegate’s access to the user’s e-mail, calendar, contacts, and other Outlook data. The user may also prevent a delegate from viewing items marked as private. *Id.* at 809.

2. *Parker (Ex. 1004)*

Parker discloses a method of displaying a user account’s access privilege to a sharepoint (e.g., a file, folder, volume, hard disk, etc.). *Ex. 1004*, Abstract, 2:24–26. A network administrator may modify the access privilege for the user account, and the sharepoint and user privilege are displayed to the administrator on a computer screen through the administrator account. *Id.* at Abstr., 1:19–21. “[T]he administrator is viewing from user C’s perspective (i.e., in accordance with user C’s access privileges as if the administrator was sitting at user C’s client terminal).” *Id.*

at 11:32–35. Figure 7 of Parker shows a window displaying sharepoints in accordance with a user’s access privilege as follows:

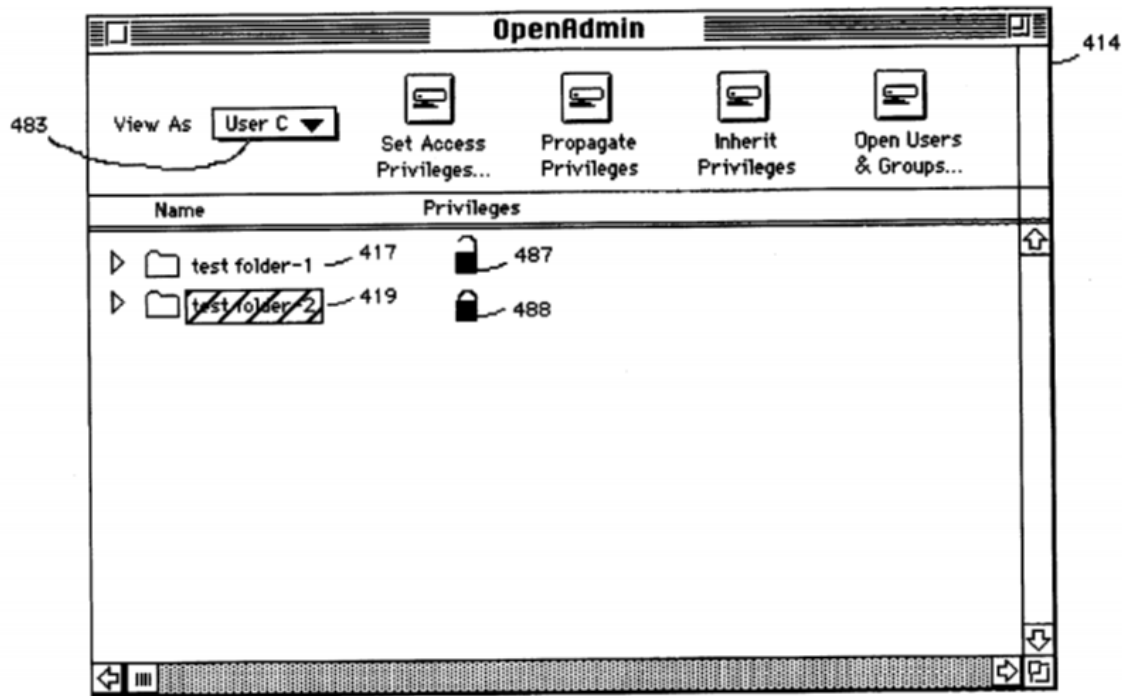


FIG. 7

As shown in Figure 7, sharepoint 417 (“test folder-1”) is displayed with open lock icon 487 to indicate that user C has access privileges to sharepoint 417. *Id.* at 11:39–49. Sharepoint 419 (“test folder-2”) is displayed in a ghosted state with closed lock icon 488 to show no access privileges to sharepoint 419 for user C. *Id.* Alternatively, sharepoint 419 may be grayed out, shaded, or hidden altogether. *Id.* Other icons for indicating access privileges may include “eye glasses” to indicate read privileges, a “lock and key” to indicate no access, and a “writing instrument” to indicate write privileges. *Id.* at 11:60–64.

3. Analysis

The evidence set forth by Petitioner indicates there is not a reasonable likelihood that Petitioner will prevail in showing that claims 11–30 would have been obvious over Boyce and Parker. Pet. 15–88.

Claim 11 recites, *inter alia*, “at least one application link . . . that points to at least one of the plurality of configurable applications so as to enable the users to selectively activate the configurable application to which the application link points.” As discussed above, the term “configurable application” means an “application that can be modified or configured by the content provider.” *See* Section II.A.2. As also discussed above, the term “link” means a “mechanism by which users activate an application on a web site,” and the term “application link” is construed, for the purposes of this Decision, identically to the term “configurable link” to mean “a link that can be modified or configured by the content provider as permitted by any relevant business rules.” *See id.* at II.A.3. Independent claim 11 requires that the “application link” points to a “configurable application.”

Petitioner argues that Boyce discloses this limitation. Pet. 37–41. Petitioner specifically argues that Boyce discloses “clickable icons and associated functionality shown in a left pane (‘Outlook Bar’) of the display below:

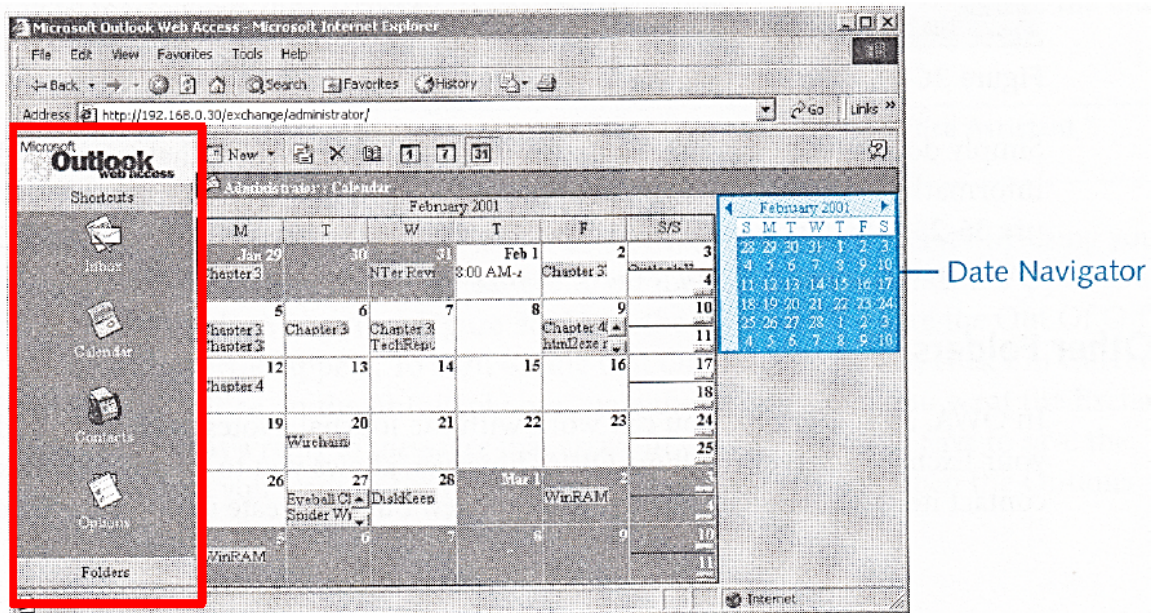


Figure 36-23. You can view and modify your schedule in OWA.

Id. at 37 (quoting Ex. 1003, 897) (emphasis in original). Petitioner argues that the “Outlook Bar” includes “icons” for “Inbox, Contacts, and Calendar” and a “user may navigate among OWA pages by clicking these icons.” *Id.* at 37. Petitioner argues that a “user ‘selectively activates’ the associated page (‘application’) to view it on the OWA web site (‘network site’).” *Id.* at 38 (emphasis omitted). Petitioner further argues that the “clickable icons” are “configurable” because Boyce “teaches that their display to a delegate depends on the delegate’s privileges, which are configurable by the mailbox owner as permitted by the OWA software (i.e. ‘by any relevant business rules’).” *Id.* Petitioner specifically argues that “each of the clickable icons in the Outlook Pane (e.g., Inbox, Contacts, Calendar) refers to a *folder* in Outlook,” and that “each delegate may or may not have “Folder Visible” privileges for a particular folder.” *Id.* at 39–40 (citing Ex. 1003, Fig. 36-21, 684, 895). Figure 36-21 is reproduced below:

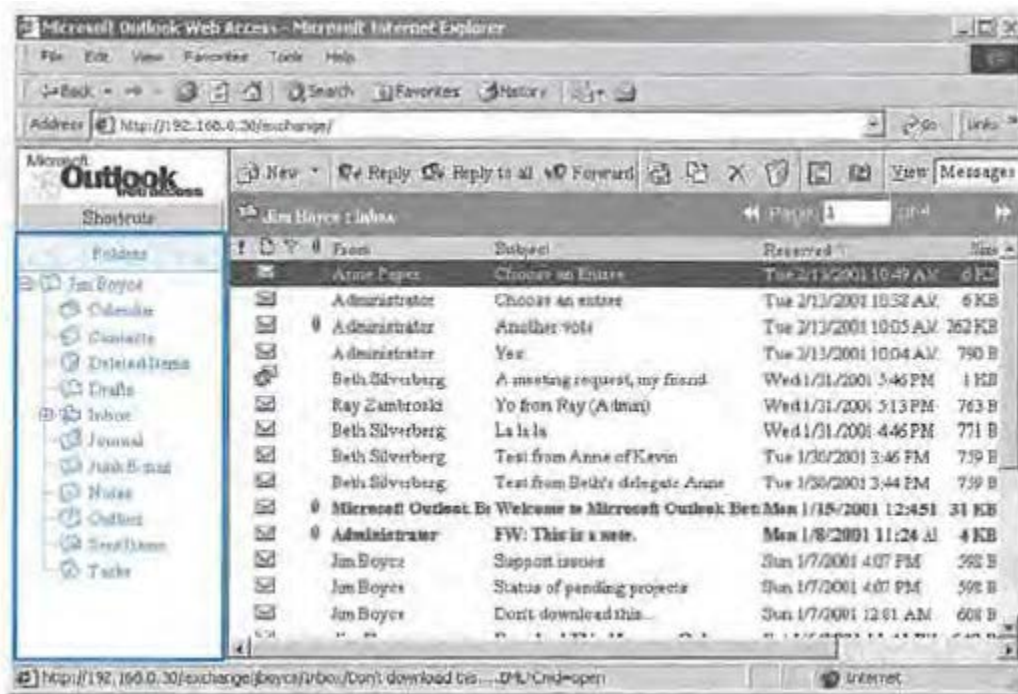


Figure 36-21. Drag messages to the folder list to copy or move them.

As such, Petitioner argues that Boyce’s “clickable icons” are the same as the claimed “application link” because a user will only see folders the user has been granted access to. *Id.* at 40–41 (citing Ex. 1002 ¶ 134).

Patent Owner argues that the “clickable icons” in Boyce are not “configurable.” Prelim. Resp. 18. Patent Owner argues that the “delegation” functionality of Boyce, which is relied upon by Petitioner, is limited to a “traditional desktop version of Outlook/Exchange” and Boyce does not disclose that such functionality is available in the web-based OWA. *Id.* at 18–22 (citing Ex. 1003, 876–878; Ex. 2001 ¶¶ 53–54). Patent Owner further argues that “there is no suggestion that a user logged into his/her own Outlook account through OWA would see selectively-displayed icons or shortcuts to other user’s folders in the Outlook Bar (left-hand pane).” *Id.* at 22 (emphasis omitted). Patent Owner argues that Boyce discloses that a user

will only view “the logged-in user’s view of his/her *own* ‘Inbox,’ ‘Calendar,’ ‘Contacts,’ and ‘Options.’” *Id.* at 22–23.

For the reasons discussed below, we agree with Patent Owner that Petitioner has failed to demonstrate that Boyce teaches or suggests “at least one application link . . . that points to at least one of the plurality of configurable applications so as to enable the users to selectively activate the configurable application to which the application link points.” Specifically, we agree with Patent Owner that Petitioner has not demonstrated that the “delegation” functionality of Boyce is included in the OWA functionality disclosed by Boyce or that such functionality would have been obvious to include in the OWA. *See* Prelim. Resp. 18–22. We are also not persuaded that even if the “delegation” functionality of Boyce is available in OWA, that Petitioner has demonstrated the “delegation” functionality meets the claimed “application links” as Petitioner contends. Furthermore, we agree with Patent Owner that Petitioner has failed to show that Boyce’s “clickable icons” are “application links” that are configurable, and, therefore, has failed to show that Boyce discloses the claimed “application link.”

Boyce describes Microsoft Outlook 2002. Ex. 1003, xli, xliv. Boyce discloses a feature of Microsoft Outlook 2002 that allows users to access their mailboxes through a web browser called the Outlook Web Access (OWA). *Id.* at 871. Although Boyce discloses “delegation” functionality (*see* Ex. 1003, 680–689), Patent Owner argues Boyce does not disclose how the “delegation” functionality affects OWA or whether the delegation functionality is available in OWA. *See* Prelim. Resp. 18–22. Petitioner provides insufficient evidence as to whether OWA includes “delegation” functionality or whether modifying Boyce’s OWA to include “delegation”

functionality would have been obvious to a person of ordinary skill in the art. Accordingly, on this record, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that Boyce's description of OWA includes the "delegation" functionality.

Furthermore, Petitioner has not established that the "delegation" functionality meets the claimed "application link." Specifically, Petitioner has not pointed to sufficient evidence in Boyce that demonstrates exactly what a user granted delegate authority will be able to see. *See* Pet. 40–41 (citing Ex. 1002 ¶ 134). As argued by Patent Owner, we are left speculating as to what the user will see, and whether the user will see "clickable icons" that are selectively displayed based on their configuration. *See* Prelim. Resp. 22. Although Boyce discloses that the folders shown in Figure 36-21 represent "configurable applications," Petitioner has not established a reasonable likelihood that the "clickable icons" or folders are "application links" that are configurable or modifiable based on the "delegation" functionality. Figure 36-21 of Boyce demonstrates that the "configurable applications" are represented by folders, but Petitioner does not provide any persuasive evidence to show that the "clickable icons" or links pointing to the folders can be modified or configured based on some "delegation" authority. As such, on this record, we are not persuaded that Petitioner has demonstrated a reasonable likelihood in showing that Boyce's "delegation" functionality meets the claimed "application link."

Additionally, Petitioner fails to identify any disclosure in Boyce that the "clickable icons" or links shown in Figure 36-23 that point to the "configurable applications" of "Inbox," "Contacts," "Calendar," and "Options" can themselves be modified or configured as "application links,"

regardless of the “delegation” functionality. Figure 36-23 only shows “clickable icons” pointing to these applications, but does not demonstrate that these “clickable icons” are configurable “application links.” *See* Ex. 1003, 897. Similarly, Figure 36-21 demonstrates that the “configurable applications” can be represented by links to folders, but Petitioner does not point to any sufficient evidence to show that the links to the folders can be modified or configured. As such, on this record, we are not persuaded that Petitioner has demonstrated a reasonable likelihood it will prevail in showing that Boyce discloses “application link.”

Petitioner argues that “[t]o the extent that there is any question that Boyce alone fully discloses and suggests that the clickable icons in the left pane are modifiable visually in accordance with the accessing user’s permission, this feature would have been obvious in view of Parker.” Pet. 41 (citing Klausner ¶ 135) (emphasis omitted). That is, Petitioner relies on Parker solely to disclose that “clickable icons” are “modifiable visually,” and, as such, Boyce’s “clickable icons in the left pane are modifiable visually.” *Id.* at 41. We, however, are not persuaded by Petitioner that a “clickable icon” of Boyce is an “application link,” and, therefore, Parker does not cure the deficiency in Boyce discussed above.

Accordingly, on this record, Petitioner has not established a reasonable likelihood it will prevail in showing that the combination of Boyce and Parker discloses the claimed “application link.”

4. Conclusion

For the foregoing reasons, we are not persuaded that Petitioner has met its burden of showing a reasonable likelihood that claims 11–30 of the ’720 patent are unpatentable over Boyce and Parker.

III. ORDER

Accordingly, it is ORDERED that *inter partes* review of U.S. Patent No. 9,141,720 B2 is not instituted based on this Petition.

For PETITIONER:

Heidi Keefe
Phillip Morton
Andrew Mace
COOLEY LLP
hkeefe@cooley.com
pmorton@cooley.com
amace@cooley.com

For PATENT OWNER:

Glenn Forbis
David Utykanski
Matthew Cutler
James Luchsinger
HARNESS, DICKY & PIERCE, P.L.C.
gforbis@hdp.com
davidu@hdp.com
mcutler@hdp.com
bluchsinger@hdp.com