UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC.,

Petitioner

- vs. -

YOUTOO TECHNOLOGIES, LLC

Patent Owner

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# PETITION FOR *INTER PARTES* REVIEW

OF

U.S. Patent No. 9,083,997

(Claims 20-35)

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January 31, 2017

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## I. INTRODUCTION

Pursuant to 35 U.S.C. §§ 311, 314(a), and 37 C.F.R. § 42.100, Twitter, Inc., ("Petitioner") respectfully submits that the present Petition presents a reasonable likelihood that at least 1 claim is unpatentable in view of the prior art and requests that the Board review and cancel as unpatentable claims 20-35 (the "Challenged Claims") of U.S. Patent No. 9,083,997 (Ex-1001, the "'997 Patent").

This IPR concerns well-known social media technology, and particularly pertains to recording and sharing videos over the Internet. Sharing videos is useful because it allows a user to disseminate information about the world around them. For instance, Facebook allows users to set up an account and follow or "like" a business. Since users connected on Facebook may be connected to their own network of "friends," these business videos may also be seen, liked, and shared by the user's network of friends, thereby broadening the distribution of content. In this manner, businesses may record and disseminate videos regarding advertisements, or other notifications. Other social media websites, such as YouTube, have also provided similar video sharing solutions.

In their simplest early form, video recording and sharing websites included the following elements: (1) a web browser operating on an user device; (2) software, accessible through a webpage of the browser, having an interface for allowing the user to capture and share a video; (3) and a multimedia server that

provides the video recorder software and receives the shared video content from the user.

The '997 Patent claims the typical video recording and sharing implementation described above. Ex-1001, claim 1. And, as shown in this Petition, the inventors of the '997 Patent were not the first to consider or use such an implementation. In fact, the references relied upon in this Petition taught this very same video recording and sharing implementation before the priority date of the '997 Patent.

Particularly, U.S. Patent Publication No. 2012/0254925 to Nassiri (Ex-1009, "Nassiri") discloses "computer systems and methods for video capturing, managing, and/or sharing" for social media sites "such as YouTube" and "Facebook," (Ex-1009, ¶¶1-3) with the above noted typical elements. Therefore, as shown below and confirmed in the Declaration of Dr. Almeroth (Ex-1007), Nassiri and the other references presented in this Petition, teach and render obvious the Challenged Claims of the '997 Patent.

## II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

### A. Real Party-in-Interest

The petitioner and real party in interest is Twitter, Inc. ("Twitter").

### B. Related Matters

As of the filing date of this Petition, and to the best knowledge of Petitioner,

the '997 Patent is or has been involved in these matters: *Youtoo Technologies, LCC v. Twitter, Inc.*, Case No. 3:16-cv-00764-N (United States District Court for the Northern District of Texas). Also, Petitioner is concurrently filing another Petition for IPR, challenging claims 1-19 of the '997 Patent.

### C. Lead and Back-up Counsel and Service Information


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## III. GROUNDS FOR STANDING

Petitioner certifies that the '997 Patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting *inter partes* review of the patent claims on the grounds identified in this petition.

## IV. REQUESTED RELIEF

This Petition presents a reasonable likelihood of success that Petitioner will prevail with respect to at least 1 (indeed all) of the Challenged Claims of the '997 Patent. Petitioner therefore asks that the Board review the accompanying prior art and analysis, institute a trial for *inter partes* review, and cancel these claims as unpatentable.

## V. IDENTIFICATION OF CHALLENGES

### A. Challenged Claims

Claims 20-35 of the '997 Patent are challenged under 35 U.S.C. § 103. [1]

### B. Statutory Grounds for Challenges

**Challenge #1**: Claims 20-27, 29, 31-32, and 34-35 are unpatentable under 35 U.S.C. §103(a) over U.S. Publication No. 2012/0254925 to Nassiri ("Nassiri") (Ex-1009) in view of a textbook titled "HTML5 Mastery Semantics, Standards,

[1] Petitioner reserves the right to challenge the claims of the '997 Patent under 35 U.S.C. §112, ¶2 as indefinite, in other forums where appropriate.

and Styling," by Bradford et al., ("Bradford") (Ex-1010) and U.S. Publication No. 2010/0180330 to Zhu ("Zhu") (Ex-1013).

**Challenge #2**: Claims 28, 30, and 33 are unpatentable under 35 U.S.C. §103(a) over Nassiri, Bradford, Zhu, and The New York Times article entitled "Their Pain is His Gain," published on August 22, 2010, regarding the television show Tosh.o ("Tosh.o") (Ex-1017).

Nassiri was filed on April 1, 2011, and is prior art at least under 35 U.S.C. §102(e). Zhu was published on July 15, 2010, and is prior art at least under 35 U.S.C. §102(b).

Bradford is prior art at least under 35 U.S.C. §102(a). As indicated by the copyright.gov website snapshot, the textbook authored by Anselm Bradford and Paul Haine, entitled "HTML5 Mastery," with ISBN-13: 978-1-4302-3861-4 (Ex-1010) was published at least as of November 8, 2011. Ex-1015, ¶2. Further, as Dr. Ingrid Hsieh-Yee—an expert librarian—testifies, the MARC record indicates that the textbook "HTML5 Mastery," by Anselm Bradford and Paul Haine, with ISBN-10: 1430238615 | ISBN-13: 978-1430238614, was catalogued and searchable in WorldCat (a worldwide catalog system), and therefore accessible to the public, at least as early as August 8, 2011, but in any event no later than December 4, 2011. Ex-1011, ¶¶1-16. Further still, automatically captured internet snapshots by the Internet Archive, demonstrate that the publicly accessible website

http://www.html5mastery.com/, had publicized the textbook "HTML5 Mastery" by Anselm Bradford and Paul Haine, at least as of November 28, 2011, and that this textbook ("ISBN-10: 1430238615 | ISBN-13: 978-1430238614") was available for purchase at Amazon.com in electronic format as a "Kindle Edition" and "Paperback," at least as of December 6, 2011. Ex-1016, p. 1-8. Therefore, Bradford is prior art at least under 35 U.S.C. §102(a).

Tosh.o was published on August 22, 2010, by The New York Times, as Dr. Ingrid Hsieh-Yee testifies. Ex-1018. Therefore, Tosh.o is prior art at least under 35 U.S.C. §102(b).

These references were not of record during prosecution.

## VI. THE '997 PATENT

### A. Summary of the '997 Patent

The '997 Patent is titled "Recording and Publishing Content On Social Media Websites." The '997 Patent claims priority to a U.S. Provisional Application, filed May 9, 2012. Accordingly, for purposes of this Petition, Petitioner assumes a priority date of May 9, 2012, without prejudice to challenges to priority support in other forums.

The basic idea of the '997 Patent is to record and share a video. Ex-1001, Abstract. It achieves this by using a **video management server** to provide an **embedded link** on a **webpage**, such as a Facebook webpage, hosted by a **web**

**server system**. Clicking the embedded link invokes **media recorder software** running on the video management server to display a **media recorder interface** within **a displayed instance** of the **webpage**. **Controls** included in the video recorder interface allow a user to capture and transmit a video stream to the video management server, which **stores** the video as a file. Ex-1001, 14:32-34. Figures 1A and 1B below show this arrangement:

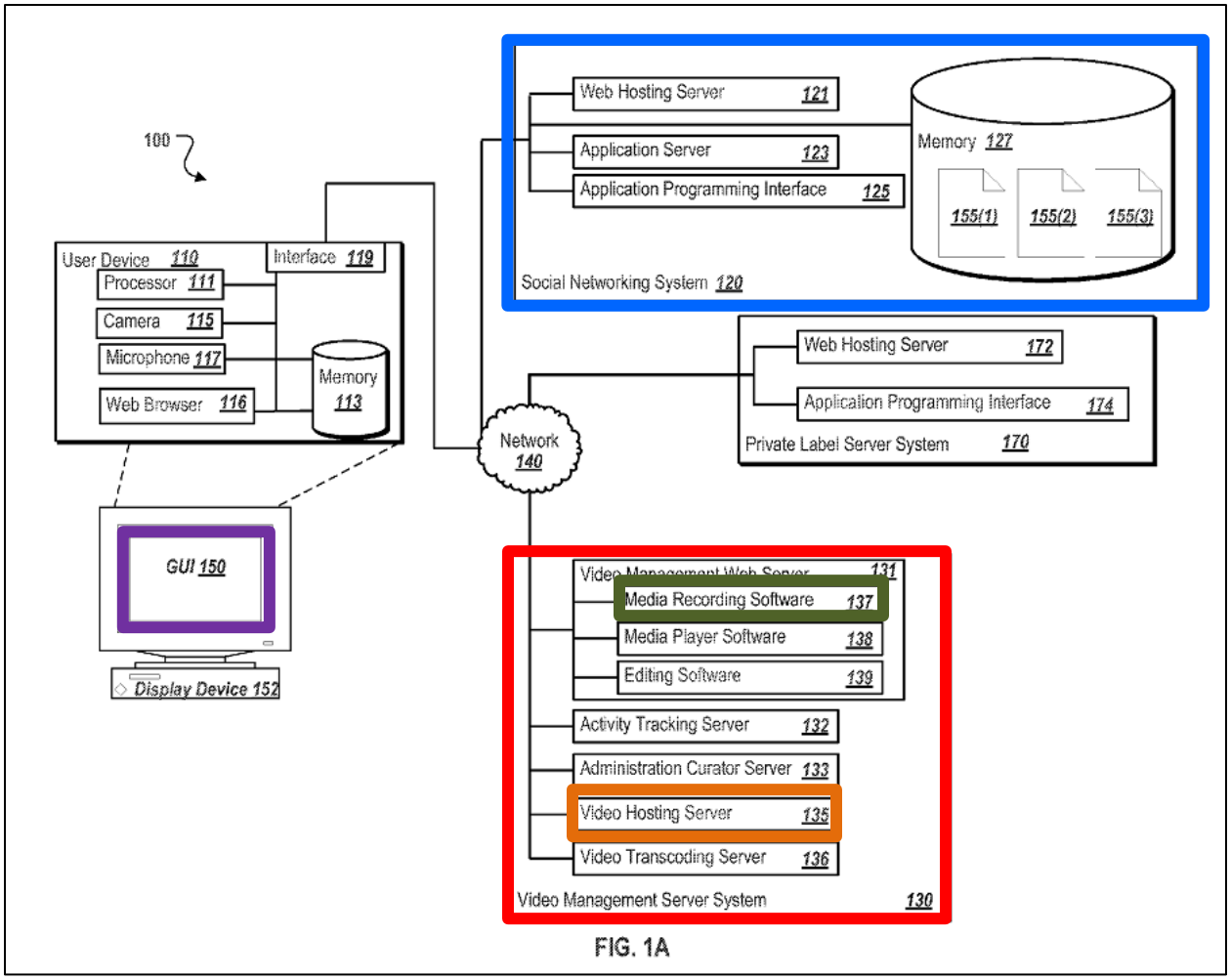
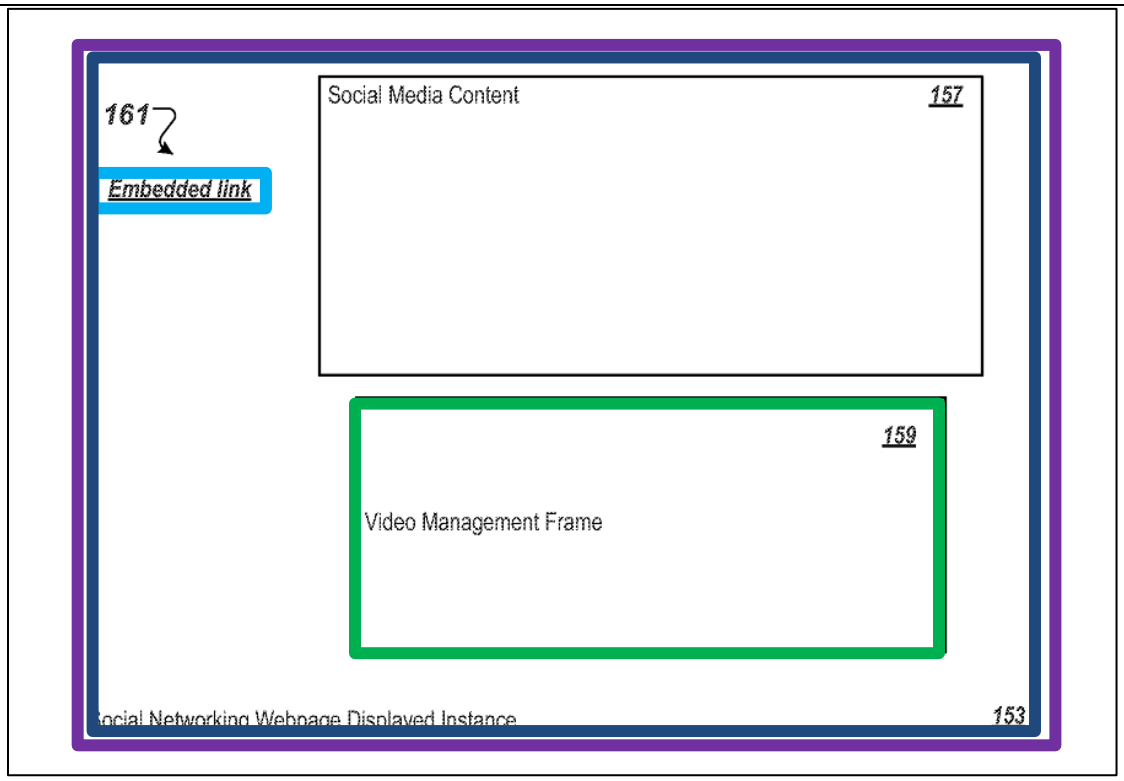



FIG. 1A

**'997 Patent, Ex-1001, FIG. 1A (annotated); Ex-1007, ¶¶39-40.**

Figure 1A above shows "a functional block diagram of an architecture 100 for embedding a media recorder in a social networking website." Ex-1001, 6:45-47. The architecture 100 includes a user device 110, a social networking system 120, and a video management server 130. *Id*., 6:46-49. Communication between devices 110, 120, and 130 is performed via network 140. *Id*., 6:51-54. According to the '997 Patent, the "the social networking system 120 provides one or more social networking webpages 155(1), 155(2), 155(3) to the user device 110." *Id*., 7:1-3. "The social networking webpage 155 may include a link that launches media recorder software 137 stored on the server system 130." *Id*., 7:7-9. According to the '997 Patent "[t]he social networking webpage 155 can be displayed on a particular user device 110 as a displayed instance 153." Ex-1001, 14:13-15; Ex-1007, ¶42.

Also, at Figure 1B below, the '997 Patent describes the "social networking webpage displayed in the user device of FIG. 1A." Ex-1001, 14:9-10.




**'997 Patent, Ex-1001, FIG. 1B (annotated); Ex-1007, ¶¶42-43.**

"[W]hen the social networking web hosting server 121 receives a request from the user device 110 to invoke media recorder software 137 within the displayed instance 153, a video management frame 159 is displayed in the displayed instance 153." *Id*., 14:25-53. "[A] video recorder interface is [then] instantiated within the video management frame 159," which can be implemented "using an iFrame." *Id*., 14:32-34. The "media recorder software 137 provides functionality enabling users to record a video." *Id*. 7:9-12.

Claim 20 is illustrative:

> [20.0] A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that

when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:

[20.1.1] providing a **content capture user interface** within **displayed instances** of a **first graphical user interface** [20.1.2] that includes display elements hosted on a **web server system** [20.1.3] in response to a user selection of a **link** included in a graphical user interface that includes display elements hosted on the web server system,

[20.2.1] wherein the content capture user interface is provided within a frame displayed in the first graphical user interface [20.2.2] and the content capture user interface is adapted to allow users to provide user submissions to a **user content management server system** using **controls** included within the frame that includes the content capture user interface, [20.2.3] and the user submissions are captured using content capture software executing on the user content management server system [20.2.4] through a communication interface between the web server system and the user content management server system;

[20.3] receiving a plurality of user submissions,

[20.4.1] wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface [20.4.2] and each user submission is captured using the content capture software executing on the user content management server system;

[20.5] generating a plurality of user submission content files

based on the received user submissions; and

[20.6] **storing** the user submission content files on the user content management server system.

As analyzed below, and confirmed by Dr. Almeroth, the '997 Patent simply claims elements that already existed and implementation details that were well-known. Ex-1007, ¶¶44-46.

## VII. CLAIM CONSTRUCTION

For purposes of this review, the claim language is "given its broadest reasonable construction in light of the specification of the patent in which it appears." 37 C.F.R. §42.100(b); *Cuozzo Speed Techs. v. Lee,* 579 U.S. (Jun 20, 2017) (slip. op., at 16-17). Terms not specifically construed below are given their plain and ordinary meaning under the broadest reasonable interpretation. *See id*.

Because the standard for claim construction at the USPTO is different than that used in other forums, Petitioner reserves the right to argue in other forums, a different construction for any term, as appropriate to that proceeding. *See In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364, 1369 (Fed. Cir. 2004).

### A. Level of Ordinary Skill in the Art

The level of ordinary skill in the art may be reflected by the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc*., 57 F.3d 1573, 1579 (Fed. Cir. 1995). A person of ordinary skill in the art ("POSITA") would have had (i) a Bachelor's degree in Computer Science,

Electrical and/or Computer Engineering, or equivalent training, and (ii) approximately three years of experience in/network architecture and website design, including the design of Internet applications. Additional education could substitute for work experience, and additional work experience/training could substitute for formal education. Ex-1007, ¶¶47-51.

### B. Construed Terms

#### 1. "linear television program" Claims 28, 30, and 33

The '997 Patent specification does not provide a specific definition for this term. However, the '997 Patent at 5:33-36 incorporates by reference US Appl. No. 13/185,471, which issued as U.S. Patent No. 8,464,304 (the "'304 patent") (Ex.1005) to the same inventors. The '304 Patent explains that "traditional television programming for a television network is linear." Ex.1005, 2:12-21. The '304 Patent describes using "a set top box . . . that receives" traditional television programming signals and "play[s them] on a television or monitor." Ex.1005, 17:23-25; Ex-1007, ¶¶54-56. Therefore, the broadest reasonable interpretation of "*linear television program*" is "traditional television programming." Ex-1007, ¶56.

#### 2. "user submission[s]" Claims 20-22 and 30-34

The specification of the '997 Patent discloses that as "video data is generated [by the user], the video data is cached and a predetermined amount of video data is intermittently transmitted from the client computing device to the one

or more back-end servers." *Id*., 10:16-19. Further, the '997 Patent describes "uploading of crowd-sourced video…or other user-generated content." *Id*., 10:58-63. Thus, a POSITA would understand that "user-generated content" includes video content. Ex-1007, ¶¶57-59.

This is consistent with the claim language. For example, claim 19 recites that the "*user-generated content*" is provided "*for display*," claim 22 recites that the "*user submissions comprise video*," and claim 32 recites that the "user submissions comprise user-generated video." Ex-1001, claims 19, 22, and 32. Ex-1007, ¶60. Therefore, the broadest reasonable interpretation of "*user submission[s]*" includes user-generated video. Ex-1007, ¶60.

**3. "display elements" Claims 20, 25, and 31**

The specification of the '997 Patent does not use this term. It does, however, note that "GUI . . . may provide interactive elements that allow a user to interact with a particular component within and/or external to the social networking webpage." Ex-1001., 15:37-48. The language of claim 23 further explains that the "*graphical user interface [that includes display elements] comprises a first webpage*." *Id*., claim 23; Ex-1007, ¶¶61-63. A POSITA would have understood, therefore, that the claimed "*display elements*" includes webpage components that are displayed. Ex-1007, ¶63.

This is confirmed by a contemporaneous computer dictionary, which defines

the term "element" as "[i]n HTML, a distinctive component of a document's structure, such as a title, heading, or list. HTML divides elements into two categories: head elements (such as the document's title) and body elements (headings, paragraphs, links, and text)." Ex-1012, 126. A POSITA would have understood that, in HTML, not all components of a document's structure are displayed when a web page is rendered for display; for example, some content within head elements, like a meta tag, is not displayed when a web page is rendered. Ex-1007, ¶64.

Therefore, a POSITA would have understood the broadest reasonable interpretation of the term "*display elements*" includes webpage components that are displayed. Ex-1007, ¶64.

## VIII. IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE

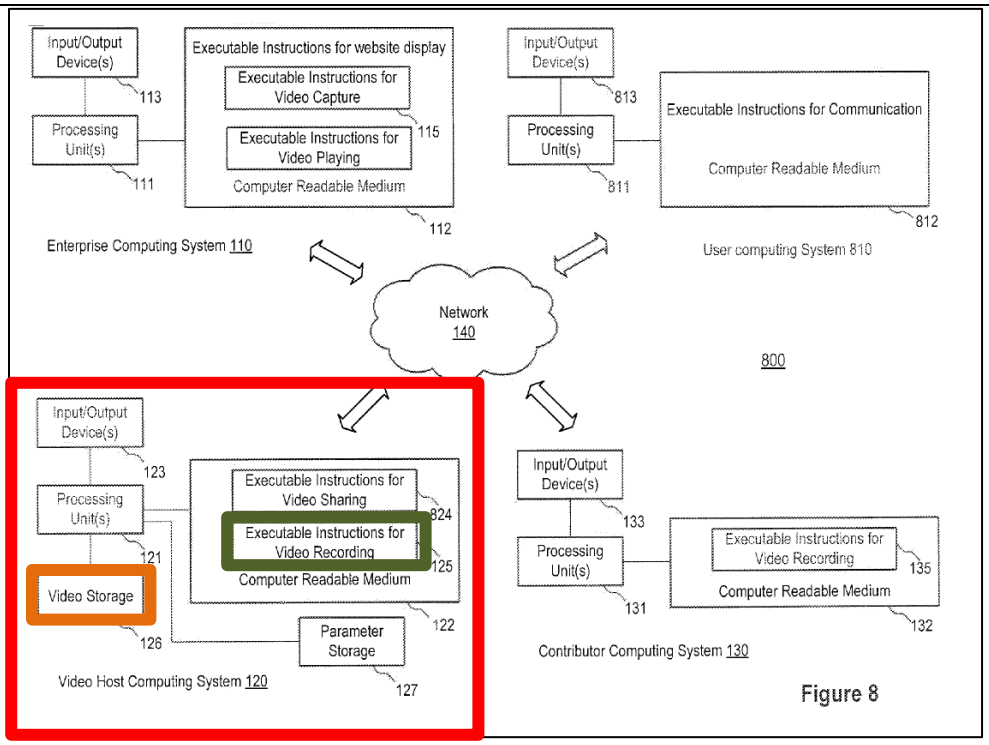
### A. Ground 1: Claims 20-27, 29, 31-32, and 34-35 are obvious under 35 U.S.C. §103 over Nassiri, Bradford, and Zhu

#### 1. Overview of Nassiri

The primary reference presented in this Petition is Nassiri. Nassiri, similar to the '997 patent, discloses "Computer Systems and Methods for Video Capturing, Managing, and/or Sharing" over the Internet. Ex-1009, Title. To facilitate capturing and sharing videos, Nassiri describes an "enterprise computing system … implemented as … a web server" that displays a "website associated with the enterprise." *Id*., ¶16. According to Nassiri, a "**video host computing system**"

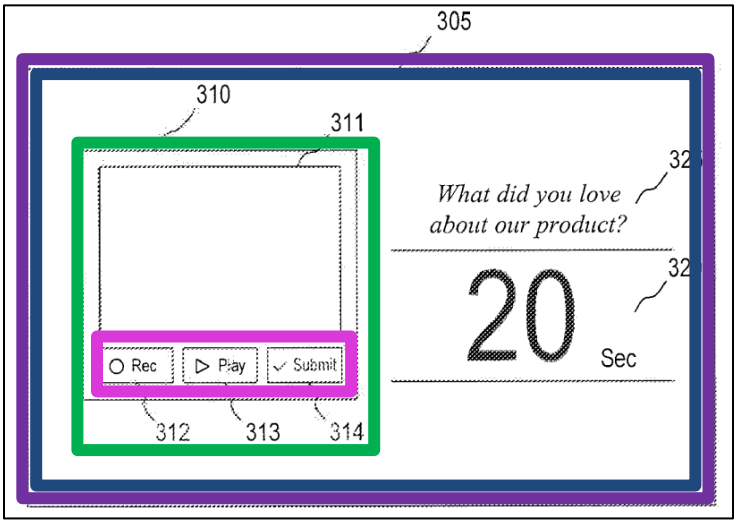
includes "**executable instructions for video recording**" which instantiate a "**video recorder**" within a webpage. *Id*., ¶¶20-21, FIG. 3; Ex-1007, ¶¶73-76.

Also like the '997 Patent, Nassiri teaches that a "user may follow [an] **embedded . . . link** and utilize the **video recorder** functionality provided by the executable instructions for video recording" within **a displayed instance** of the **webpage**. *Id.*, ¶26. Nassiri further teaches that "an HTML iframe may be used to embed a video recorder in a webpage provided by the enterprise computing system." *Id.*, ¶19. Video recorder interface **controls** (e.g., start/record and stop buttons), allow a user to "capture video and submit the video to the video host computing system." *Id.*, ¶¶32-33, 38. "[T]he video may be transmitted to the video host computing system 120…in part as it is being recorded." *Id.*, ¶35. The "video host computing system 120 may receive and **store** [the captured] videos." *Id.*, ¶20; Ex-1007, ¶77; *see also id*., 79-94. This system is shown at annotated Figure 8 below.




**Nassiri, Ex-1009, FIG. 8 (annotated); Ex-1007, ¶77.**

Nassiri at Figure 3, reproduced below and annotated, illustrates its **video recorder** 310 including interface **controls**, which may be embedded within a **displayed instance** of a **webpage** using an HTML iframe. Ex-1009, ¶19.




**Nassiri, Ex-1009, FIG. 3 (annotated). Ex-1007, ¶78.**

**2. Overview of Bradford**

Bradford is a textbook on HTML. Ex-1010, 1. Like Nassiri, Bradford discloses the use of iframes. Ex-1010, 157. Bradford explains that in "HTML5 the iframe element, [is] known as an inline frame. This element allows an entire HTML page (or snippets of HTML code) to be embedded in another page." Ex-1010, 157-158. "The ability to embed one page in another is useful for incorporating third-party HTML code into your own web page." Ex-1010, 157-158. According to Bradford, iframes may be used with social media websites such as Facebook or YouTube. *Id*., 157-158 and 161; Ex-1007, ¶¶95-98.

Bradford further teaches using the "name" attribute to allow a hyperlink to control content of iframes:

> The iframe has one last attribute—which isn't new—the ***name attribute***, which can be used to identify a particular inline frame among other inline frames used on a page. Doing so means ***a particular inline frame can be used as a target for links when the target attribute is set to a particular inline frame's name.***
> Ex-1010, 161.

Bradford provides the following example of how to change contents of iframes using a link in a webpage to target an iframe using the "name" attribute:

```
<iframe name="terms" src="tnc.html">
          <a href="tnc.html" target="_blank">View Terms and Conditions</a>
</iframe>
<a href="page2.html" target="terms">Next page</a>
```

In this case, when the "Next page" hyperlink text is clicked, the page2.html page is loaded into the "terms" inline frame.

Ex-1010, 161; Ex-1007, ¶99. Bradford notes that using iframes "video can now be integrated anywhere other HTML elements can be used." *Id*., 161-162.

**3. Overview of Zhu**

Like Nassiri, Zhu describes a networked server system for providing content from different sources in a webpage. Ex-1009, ¶16; Ex-1013, ¶¶1, 24. In this context, Zhu discloses that each "***server [] includes*** . . . an ***interface 216 for enabling communication*** over network 180." Ex-1013, ¶25, FIG. 2A. Zhu also discloses using "***APIs (Application Program Interfaces)*** [for including] information provided by a first website [within a webpage] provided by a second website." *Id.,* ¶1; Ex-1007, ¶¶100-101.

**4. Reasons to Combine Nassiri and Bradford**

As discussed below, a POSITA would have found it obvious to look to and combine the teachings of Nassiri and Bradford. Ex-1007, ¶102.

Nassiri and Bradford are in the same field of endeavor. Nassiri provides for capturing and sharing videos over the Internet using webpages written in HTML. *See supra* § VIII.A.1. Bradford is a reference book on HTML that would have been informative to anyone developing webpages. *See supra* § VIII.A.2. Further, both

references address the need of using iframes to provide content from another source. *Id*.; *KSR Int'l Co. v. Teleflex Inc*., 550 U.S. 398, 402 (motivation to combine references to address "any need or problem known in the field of endeavor at the time of invention and addressed by the patent"). Thus, a POSITA would have looked to and consulted an HTML reference book, as Bradford, for further explanation and details about implementing HTML webpages that Nassiri describes. Ex-1007, ¶103.

Nassiri and Bradford disclosed complementary approaches to linking iframes in a webpage. In particular, Nassiri teaches that its webpage includes a link to a recorder and that a video recorder can be provided in an HTML iframe by a third-party system. Ex-1009, ¶¶18, 19. Nassiri further notes that "the iframe…may appear within the context of a web page . . . hosted by the enterprise computing system." *Id*., Bradford supplements Nassiri and gives an example of how to use the name attribute of an iframe —which is available for the iframe of Nassiri—such that "a particular inline frame can be used as a target for links" in the currently displayed webpage. Ex-1010, 157-158, 161-162. Bradford explains that "when the [] hyperlink text is clicked, [a new HTML] page is loaded into the [] inline frame" of the currently displayed webpage. *Id*., 161. Bradford's using a link, that when clicked, loads content in an iframe of the currently displayed webpage was sensible and applicable to Nassiri for numerous reasons discussed below. Ex-1007, ¶104.

A POSITA would have recognized that by combining Bradford's teachings of using a link to target an iframe in the currently displayed webpage and Nassiri's video recorder within an iframe in the displayed webpage, only users who expressed an intention to record a video—by clicking the link within the webpage—would cause the video recording software to execute and present a video recorder interface in the iframe in the currently displayed webpage, thereby sparing valuable resources on the video host computing system (since the video recorder is not displayed if the link is not clicked). Thus, a POSITA would have used Bradford's link teachings in Nassiri because it would allow for targeting a specific iframe with a link to load a video recorder in the currently displayed webpage only when the user intended, thereby sparing valuable resources on the video host. Ex-1007, ¶105.

Also, a POSITA would have been further motivated to use Bradford's teachings with Nassiri's system because doing so would allow Nassiri's video recorder interface to be presented to the user within the context of the currently displayed webpage, and without causing the web browser to load an entirely new webpage. Ex-1007, ¶106. Loading an entirely new webpage is slower and requires more resources (e.g., bandwidth and CPU utilization) than loading a portion of a webpage (e.g., loading only the iframe portion). *Id.* Accordingly, it would have been obvious to a POSITA that more efficient resource usage and faster webpage

loading times could be achieved by using a link within the webpage that, when selected, loads the video recorder interface within an iframe of the currently displayed webpage. *Id*. Thus, a POSITA would have used the name attribute for the iframe of Nassiri, as Bradford's teaches, because it would load a video recorder (from another server) within the iframe when the user clicks a link embedded in the webpage, while maintaining the rest of the content of the webpage in order to more efficiently use resources and minimize webpage loading times. *Id*.

**5. Reasons to Combine Nassiri and Zhu**

A POSITA would have looked to and considered the teachings of Nassiri and Zhu together because they both describe similar server systems for providing content. Ex-1009, ¶16; Ex-1013, ¶24; *see supra* § VIII.A.1 and 3; Ex-1007, ¶¶107-108.

Nassiri discloses that its video host computing system and the enterprise computing system communicate with each other through "network 140" to provide content to a user. Ex-1009, ¶¶16, 32, FIG. 8. Zhu complements Nassiri's video server system teachings and explains that "***as known in the art***," each "***server [] includes*** . . . an ***interface 216 for enabling communication over network***." Ex-1013, ¶25. A POSITA would have recognized that Zhu's well known network interface provides an efficient way to allow communication through a network using standard protocols (e.g., Ethernet for wired and Wi-Fi for wireless) at the

link layer. Ex-1007, ¶109. Therefore, it would have been obvious to utilize a network interface, as Zhu teaches, with the servers of Nassiri (which connect to "wired or wireless" networks) for the purpose of "enabling communication over the network" in an efficient way at the link layer. Ex-1009, ¶16; Ex-1013, ¶¶24-25;1007, ¶109.

Zhu further discloses using "***APIs (Application Program Interfaces)*** to create . . . a first website [within a webpage] provided by a second website." Ex-1013, ¶1. A POSITA would have understood that Zhu's APIs are standardized subroutines, typically defined in a library. Ex-1014, ¶3. And, it was known that APIs can be easily used by a developer of web-based systems to interface with other systems and provide content. *See e.g.*, Ex-1014, ¶3 ("An API allows an application programmer to ***efficiently develop an application program capable of interfacing with the computing platform*** because the ***interface work is already done by the API***."); Ex-1007, ¶110.

Nassiri's system includes a video host computing system 120 and an enterprise computing system 110 may be two "***distinct computing systems 110, 120 [as] shown in FIG. 1***." Ex-1009, ¶17. Because Nassiri's computing systems may be distinct, the software developers of these distinct systems would need a standardized software solution for interfacing at the application level. APIs provide this functionality. To provide for interfacing amongst distinct computing systems,

"[t]he programmer simply incorporates the needed API functions from the API library into the application program." Ex-1014, ¶3. Therefore, a POSITA would have used APIs, as Zhu teaches, in the system of Nassiri, to provide an efficient and standardized interface at the application level for communicating amongst the distinct computing systems. Ex-1009, ¶32; Ex-1014, ¶3; Ex-1007, ¶111.

Combining Zhu's teachings with Nassiri's server system would be merely the use of a known technique (e.g., using well-known network interfaces and APIs as Zhu teaches) to improve similar devices (Nassiri's similar server systems) in the same way (e.g., (1) provide a network interface to enable communication over the network in an efficient way at the link layer and (2) provide an efficient and standardized interface at the application layer for communication between distinct computing systems.) Ex-1007, ¶112.

**6. Analysis**

**Claim 20**

***[20.0] A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

Nassiri teaches the preamble.

First, Nassiri discloses that "***non-transitory computer readable medium [is] encoded with executable instructions***," and in particular that "the computing

systems generally may also include one or more ***computer readable medium . . . that encodes executable instructions***. Substantially any type of computer readable medium may be used including, but not limited to, RAM, ***ROM, hard disk storage***," which teaches "*non-transitory computer storage medium encoded with a computer program*." Ex-1009, ¶16, claim 8; Ex-1007, ¶¶113-114.

Second, Nassiri teaches that "***[t]he encoded executable instructions may operate in cooperation with the processing unit(s) to perform the functions described herein***" which discloses "*the program comprising instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations."* Ex-1009, ¶16; Ex-1007, ¶115.

Therefore, Nassiri's teaching of one or more computer non-transitory readable medium (e.g., ROM, disk) encoded executable instructions, operating in cooperation with processing units, teaches a "*non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations*." Ex-1007, ¶116.

***[20.1.1] providing a content capture user interface within displayed instances of a first graphical user interface***

Nassiri teaches this limitation.

First, Nassiri teaches displayed instances of a website. Ex-1009, ¶17 ("The ***executable instructions for website display may display any webpage associated***

***with the enterprise*** including but not limited to, ***informational pages, purchasing pages, or combinations thereof***...") A POSITA would have understood that Nassiri's webpage is a "*graphical user interface.*" Ex-1007, ¶¶117-119*; See also* Ex-1001, claim 23.

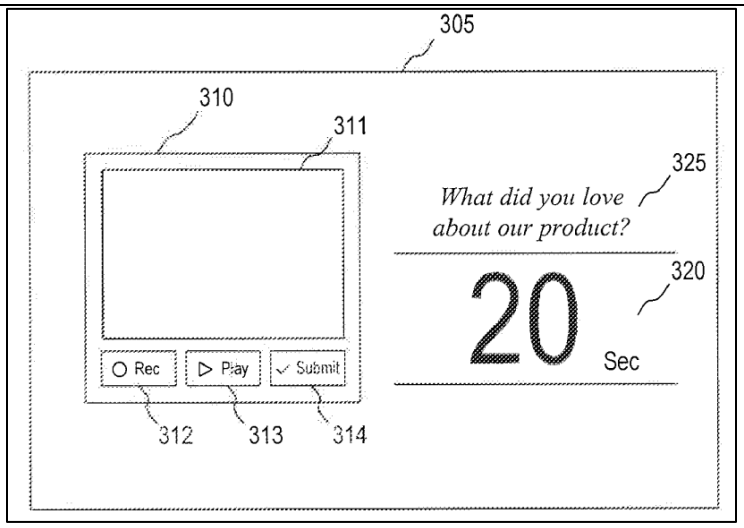
Further, Nassiri discloses that its "video recorder functionality [] may be accessed by ***one or more users***." Ex-1009, ¶21. A POSITA would have understood that each user is provided a respective displayed instance of a webpage, and with multiple users, corresponding multiple displayed instances of the webpage would be provided. Ex-1007, ¶120.

Second, Nassiri teaches providing a video recording interface within the displayed instances of the webpage:

> ***A video recorder accessible*** through the embedded or stand alone link ***may be displayed on an input/output device 133***. ***A user may . . . utilize the video recorder functionality***. Ex-1009 ¶26.

> ***[A]n HTML iframe may be used to embed a video recorder in a web page*** provided by the enterprise computing system 110. The iframe may point users to the video host computing system 120." Ex-1009, ¶19.

Nassiri illustrates its video recorder interface in Figure 3, where a display "present[s] a contributor with a video recorder 310." Ex-1009 ¶38; Ex-1007, ¶¶121-122.




**Nassiri, Ex-1009, FIG. 3.**

As illustrated, the video recorder 310 includes "record button 312, a play button 313, and a submit button 314" for user interface. Ex-1009, ¶38. Nassiri's video recorder interface is "*a content capture user interface*." Ex-1007, ¶123.

Therefore, Nassiri providing a video recorder user interface within displayed instances of a webpage teaches "*providing a content capture user interface within displayed instances of a first graphical user interface*." Ex-1007, ¶124.

***[20.1.2] that includes display elements hosted on a web server system***

Nassiri teaches this limitation.

First, Nassiri teaches that the webpage includes display elements, such as "a timer 320 . . . [a] prompt 325" and "an HTML iframe" which displays a "video recorder" 310. Ex-1009 ¶¶19, 39, FIG. 3; Ex-1007, ¶¶125-126.

Second, Nassiri teaches that the webpage is hosted on an enterprise web server system. Ex-1009, ¶17 ([The] ***webpage [is] associated with the enterprise***");

Ex-1009, ¶19 (***[A]n HTML iframe may be used to embed a video recorder in a web page provided by the enterprise computing system 110***. . . ***[T]he iframe*** generated on the website … may ***appear within the context of a web page or other content hosted by the enterprise computing system 110*** using the iframe"); Ex-1007, ¶127. Further, Nassiri teaches that the enterprise computing system 110 may "be ***implemented as all or a portion of a web server system***." Ex-1009, ¶17; Ex-1007, ¶127.

Therefore, Nassiri's webpage that includes display elements (e.g., 320, 325) that are hosted on enterprise computing system 110 (which may be implemented as a web server system) teaches that the first graphical user interface "*includes display elements hosted on a web server system*." Ex-1007, ¶128.

***[20.1.3] in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system***

Nassiri in combination with Bradford teaches this limitation.

First, Nassiri teaches that a link is included in the webpage hosted by enterprise computing system 110:

> ***A video recorder accessible through [a] link . . .*** *displayed on an input/output device 133.* ***A user may follow the. . . link and utilize the video recorder functionality****. Ex-1009 ¶26.*
>
> ***The link may, in some examples, be provided in a page . . .provided by the enterprise computing system 110****.* Ex-1009, ¶18.

> ***web page** or other content **hosted** by the enterprise computing system **110** using the iframe*. Ex-1009, ¶19.

Thus, Nassiri including a link in the webpage that includes display elements hosted on enterprise computing system 110 discloses *"a link included in a graphical user interface that includes display elements hosted on the web server system*." Ex-1007, ¶¶129-131.

Second, Nassiri teaches that the video recorder interface is provided in response to selection of the link:

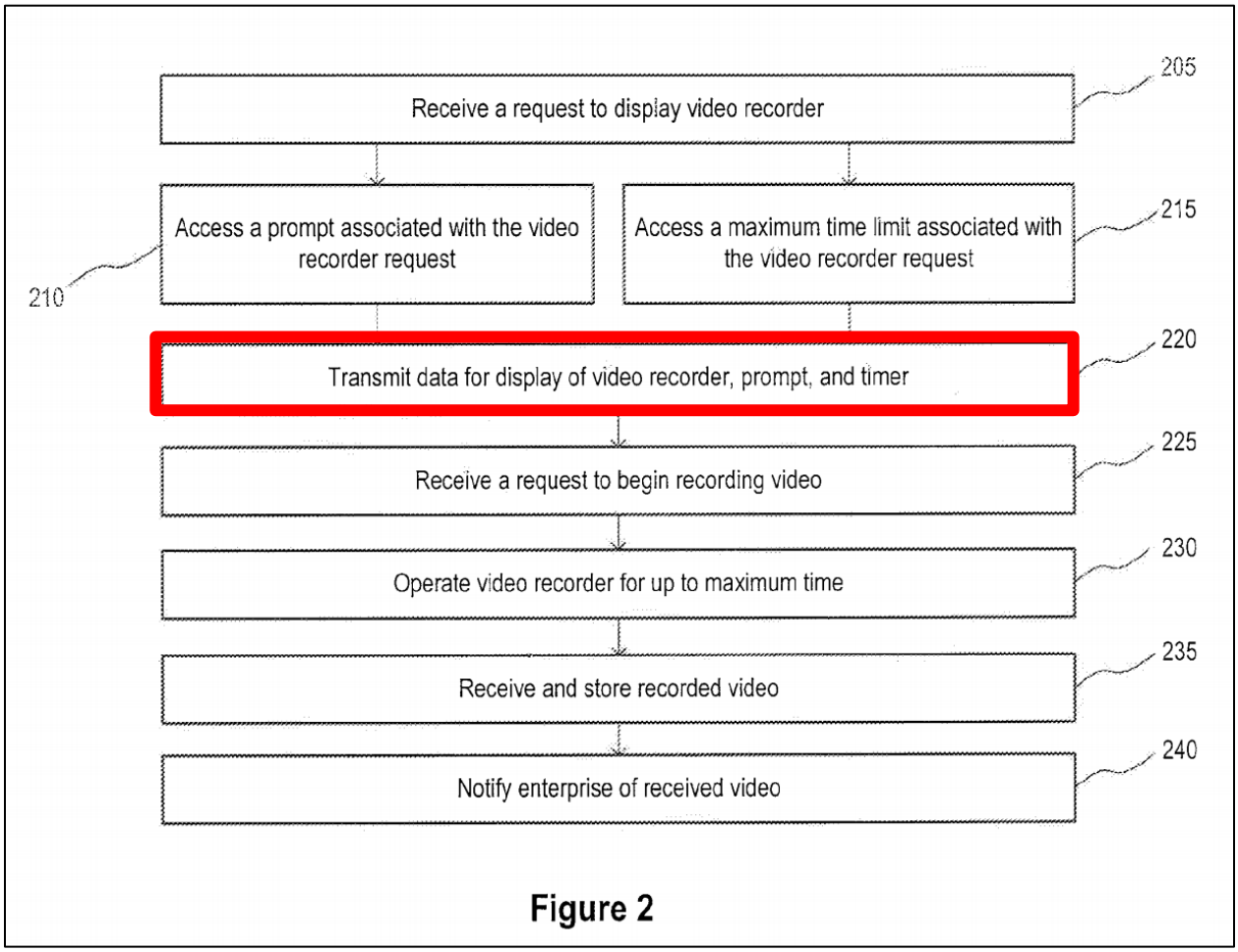
> ***A video recorder accessible through [a] link . . .** displayed on an input/output device 133. **A user may follow the. . . link and utilize the video recorder functionality**. Ex-1009 ¶26.*

> In block 205, ***a request may be received to display or otherwise access a video recorder**… **The request may be received by the video host computing system 120***. Ex-1009, ¶30.

> *. . . **the executable instructions for video recording 125 may allow the video host computing system 120 to provide video recorder functionality that may be accessed by one or more users***. Ex-1009, ¶21.

Further, Nassiri at Figure 2 below annotated, discloses that the "display of a video recorder" occurs in response to the request to display a video recorder (e.g.,

clicking the link). Ex-1009, Fig. 2; ¶18. Specifically, the display (step 220) occurs in response to the request (step 205) because the intervening steps (210 and 215) are both optional. *See* Ex-1009, ¶31 ("In some examples, neither may be accessed."); Ex-1007, ¶¶132-134.




**Nassiri, Ex-1009, FIG. 2 (annotated); Ex-1007, ¶134.**

As discussed in more detail below at [21.2.1], Nassiri teaches that "an HTML iframe may be used to embed [the provided] video recorder in a web page." Ex-1009, ¶19; Ex-1007, ¶135.

Third, Bradford supplements Nassiri's disclosure and teaches how a link within a webpage can target an iframe within the same webpage:

```
<iframe name="terms" src="tnc.html">
          <a href="tnc.html" target="_blank">View Terms and Conditions</a>
</iframe>
<a href="page2.html" target="terms">Next page</a>
```

Ex-1010, 161; Ex-1007, ¶136. Bradford explains that "when the 'Next page' hyperlink text is clicked, the page2.html is loaded into the 'terms' inline frame." Ex-1010, 161. That is, the page2.html webpage content is provided in the iframe in the currently displayed webpage. Accordingly, Bradford provides a coding example of providing updated content in an iframe in response to a user selecting/clicking a link included in the currently displayed webpage. Ex-1007, ¶137.

Therefore, Nassiri's teaching of providing the video recorder interface (within the iframe) in response to a user selection of a link included in the webpage hosted by enterprise computing system 110 (which may be implemented as a web server system), in combination with Bradford's teaching of providing updated content in an iframe in response to a user selecting/clicking a link included in the currently displayed webpage teaches providing the content capture user interface "*in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system*." Ex-1007, ¶138.

***[20.2.1] wherein the content capture user interface is provided within a frame***

***displayed in the first graphical user interface***

Nassiri teaches this limitation. Nassiri teaches that "***[a] video recorder*** accessible through the embedded or standalone link ***may be displayed*** on an input/output device 133" and that an "***HTML iframe may be used to embed a video recorder in a web page provided by the enterprise computing system***." Ex-1009, ¶¶19, 26, FIG. 3. Notably, the '997 Patent similarly uses an iframe. Ex-1001, 14:32-34; FIG. 1B; Ex-1007, ¶¶139-140.

Therefore, Nassiri's video recorder interface that is embedded within an iframe displayed on the webpage discloses that "*the content capture user interface is provided within a frame displayed in the first graphical user interface*." Ex-1007, ¶141.

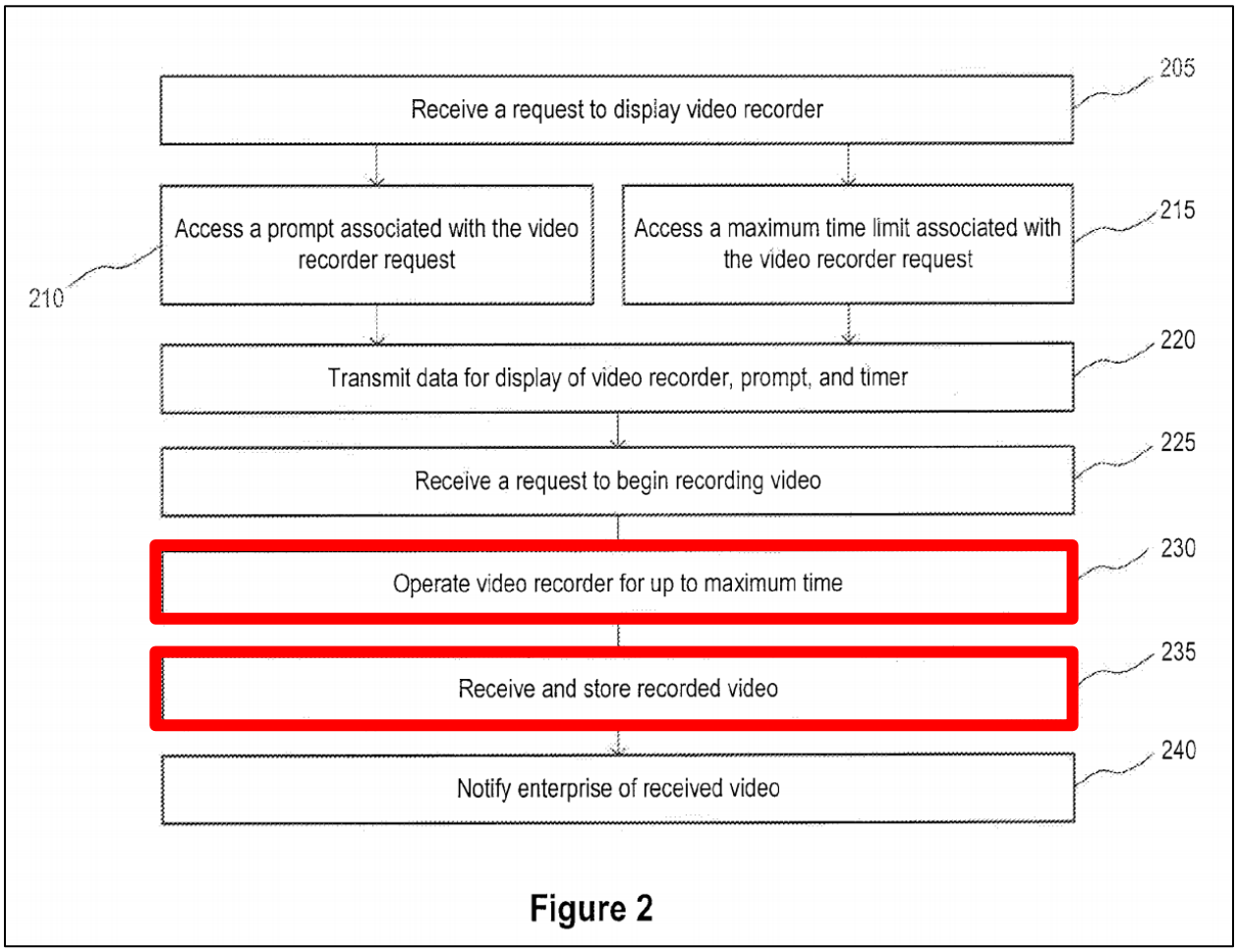
***[20.2.2] and the content capture user interface is adapted to allow users to provide user submissions to a user content management server system using controls included within the frame that includes the content capture user interface,***

Nassiri teaches this limitation.

First, Nassiri teaches that video recorder user interface is adapted to allow users to transmit user generated videos to a video host computing system 120. In particular, Nassiri teaches that the "***video generated using the video recorder may be transmitted to the video host computing system 120***" and that the "***[r]eceived videos may be stored by the video host computing system 120***." Ex-1009, ¶¶28

and 35. And, as discussed in the claim construction the term "*user submissions*" includes transmitted video content. *See supra* § VII.B.4; Ex-1007, ¶¶142-143.

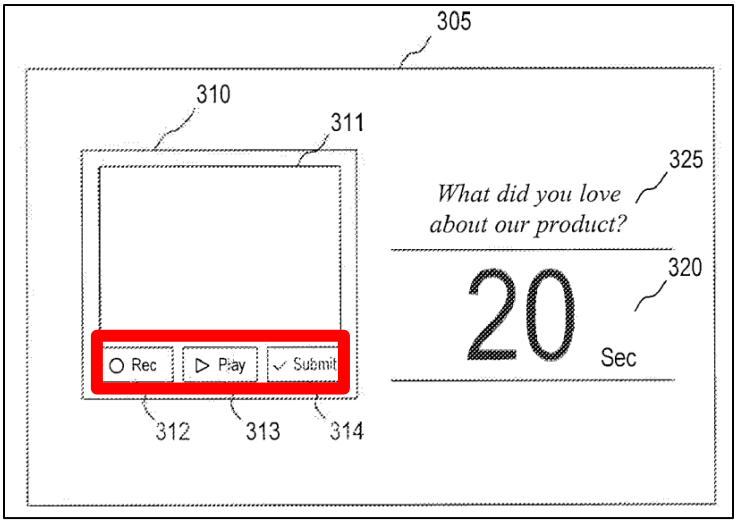
Operating the video recorder interface and receiving video is illustrated by Nassiri at Figure 2, annotated below.




**Nassiri, Ex-1009, FIG. 2 (annotated); Ex-1007, ¶143.**

Second, Nassiri teaches that the submitted video is captured using button controls included within the iframe that includes the video recorder. In particular, Nassiri states that the video is "***generated using the video recorder***," which has

"***controls* including start, stop, pause, or the like**" and "***record button 312, a play button 313, and a submit button 314***." Ex-1009, ¶28. Nassiri further explains that "press[ing] the start button" (or the "record button") begins the video recording and "clicking a stop button" to end the video recording. *Id*., ¶¶33, 34, and 38, FIG.3; Ex-1007, ¶144. This is shown by Nassiri at Figure 3, reproduced below and annotated.




**Nassiri, Ex-1009, FIG. 3 (annotated); Ex-1007, ¶144.**

Thus, Nassiri's teaching that the video recorder interface is adapted to allow users to submit user generated videos to a video host computing system 120 (which may be implemented as a web server system) using button controls included within the iframe that includes the video recorder interface, teaches that "*the content capture user interface is adapted to allow users to provide user submissions to a user content management server system using controls included within the frame that includes the content capture user interface*." Ex-1007, ¶145.

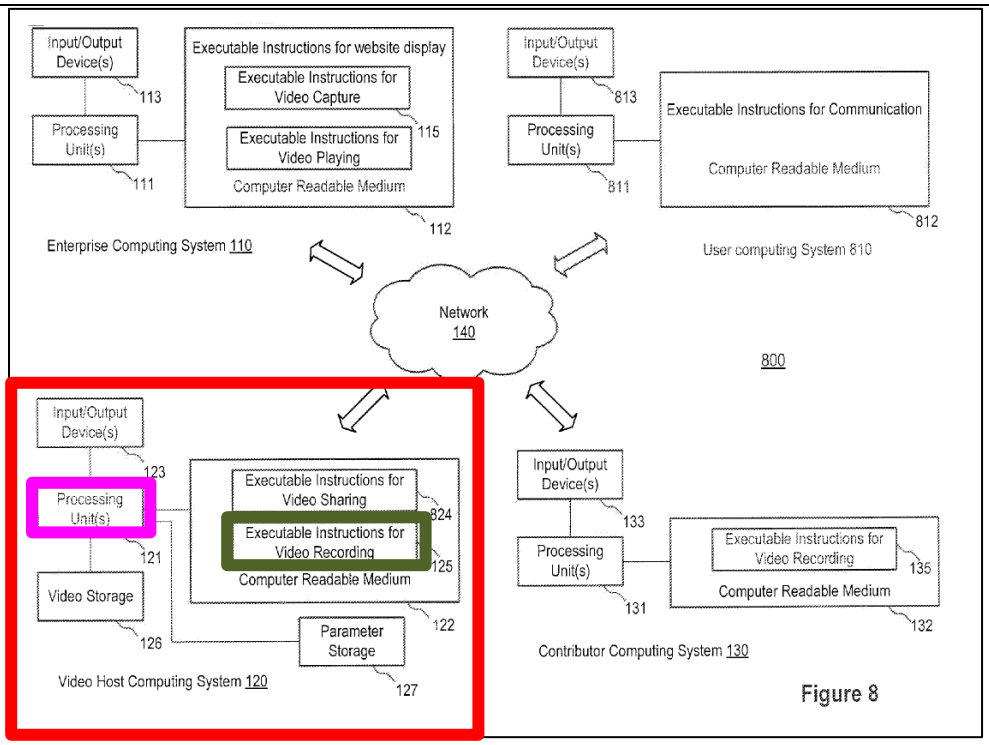
***[20.2.3] the user submissions are captured using content capture software executing on the user content management server system***

Nassiri teaches this limitation. In particular, Nassiri teaches that the submitted videos are captured using executable instructions for video recording 125 that are executing on the processing units 121 of the video host computing system 120:

> The ***executable instructions for video recording 125*** ***may operate in cooperation with the processing unit(s) 121 to provide a video recorder functionality***. Ex-1009, ¶21.

A POSITA would have understood that recording video includes capturing video. Ex-1009, ¶15 ("***Video, as used herein, generally refers to electronically encoded data representing a captured video and/or audio data***."). Nassiri additionally discloses that the "video recorder," provided by the executable instructions for video recording 125, "may be used to ***capture video***" Ex-1009, ¶38; Ex-1007, ¶¶146-147.

As illustrated in Figure 8, reproduced below annotated, processing units 121 which execute the executable instructions for video recording 125 are part of the video host computing system 120. Ex-1007, ¶148.




**Nassiri, Ex-1009, FIG. 8 (annotated); Ex-1007, ¶148.**

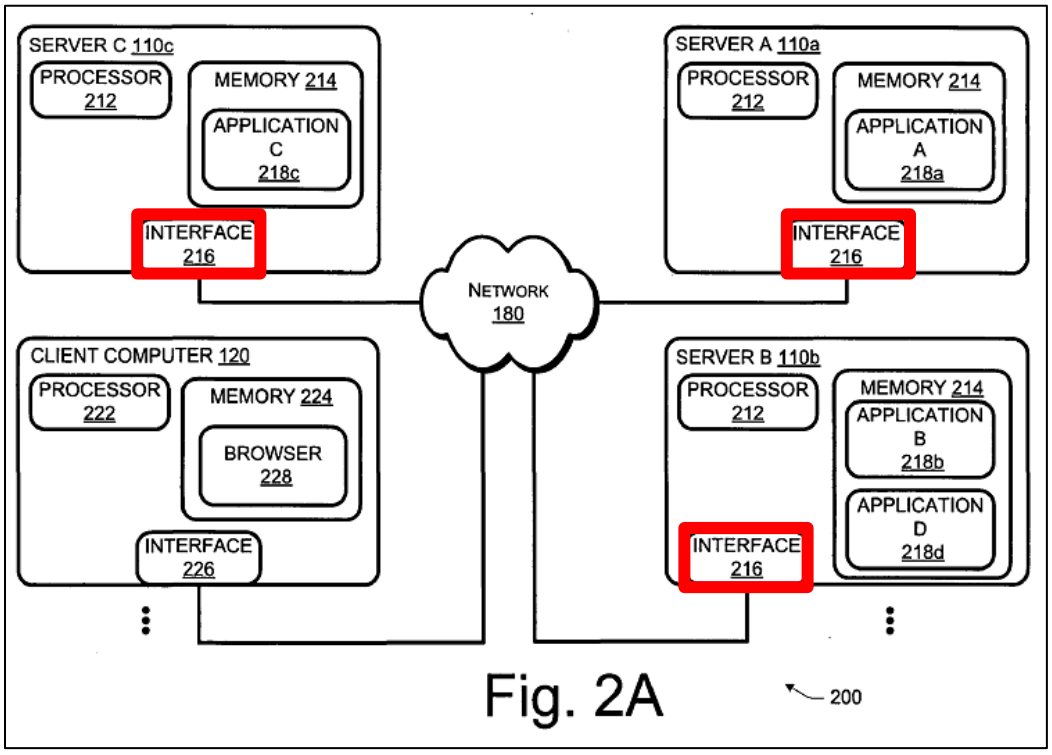
Thus, Nassiri's teaching the user submitted videos are captured using executable instructions for video recording 125 that are executing on the video host computing system 120 teaches that "*user submissions are captured using content capture software executing on the user content management server system*." Ex-1007, ¶¶149-150.

***[20.2.4] through a communication interface between the web server system and the user content management server system***

Nassiri in combination with Zhu discloses this limitation. First, Nassiri teaches that data may be transmitted between the video host computing system 120 and the user's contributor computing system 130 "***through the enterprise computing system 110 as an intermediary***." Ex-1009, ¶32, FIG. 8. Further, Nassiri

at Figure 8 illustrates the video host computing system (*user content management server system*) and the enterprise computing system (*web server system*) have interconnects (*communication interface*) for communicating with each other through "network 140." Ex-1009, ¶16, FIG. 8; Ex-1007, ¶¶151-152.

Second, Zhu supplements Nassiri and teaches multiple communication interfaces. For instance, Zhu discloses that "***each application server [] includes*** . . . an ***interface 216 for enabling communication*** over network 180." Ex-1013, ¶25, FIG. 2A. This is shown in Figure 2A, reproduced below and annotated.




**Zhu, Ex-1013, FIG. 2A (annotated); Ex-1007, ¶153.**

Zhu also discloses using "***APIs (Application Program Interfaces)*** to create web mashups [which] overlays [] information provided by a first website [within a

webpage] provided by a second website." *Id.,* ¶1; Ex-1007, ¶153.

Notably, the claimed "*communication interface*," as disclosed by the '997 Patent, includes communication network interfaces and APIs. Ex-1001, 8:66-9:3, 20:32-34; Ex-1007, ¶153.

Thus, Nassiri's teaching that the submitted user videos are captured through communication network interconnects between the video host computing system and the enterprise computing system (which acts as an intermediary), in combination with Zhu's teaching that servers include a network interface and APIs for communication teaches that the user submissions are captured "*through a communication interface between the web server system and the user content management server system*." Ex-1007, ¶155.

***[20.3] receiving a plurality of user submissions,***

Nassiri teaches this limitation. Nassiri teaches that "***videos may be captured by any number of contributors using*** any number of computing systems," that the "video host computing system 120 may ***receive and store videos from any number of contributor computing systems 130,***" and that "the "***[r]eceived videos may be stored by the video host computing system 120***." Ex-1009, ¶¶20, 35, 37; Ex-1007, ¶¶156-157.

Receiving the video is illustrated by Nassiri at Figure 2, element 235.

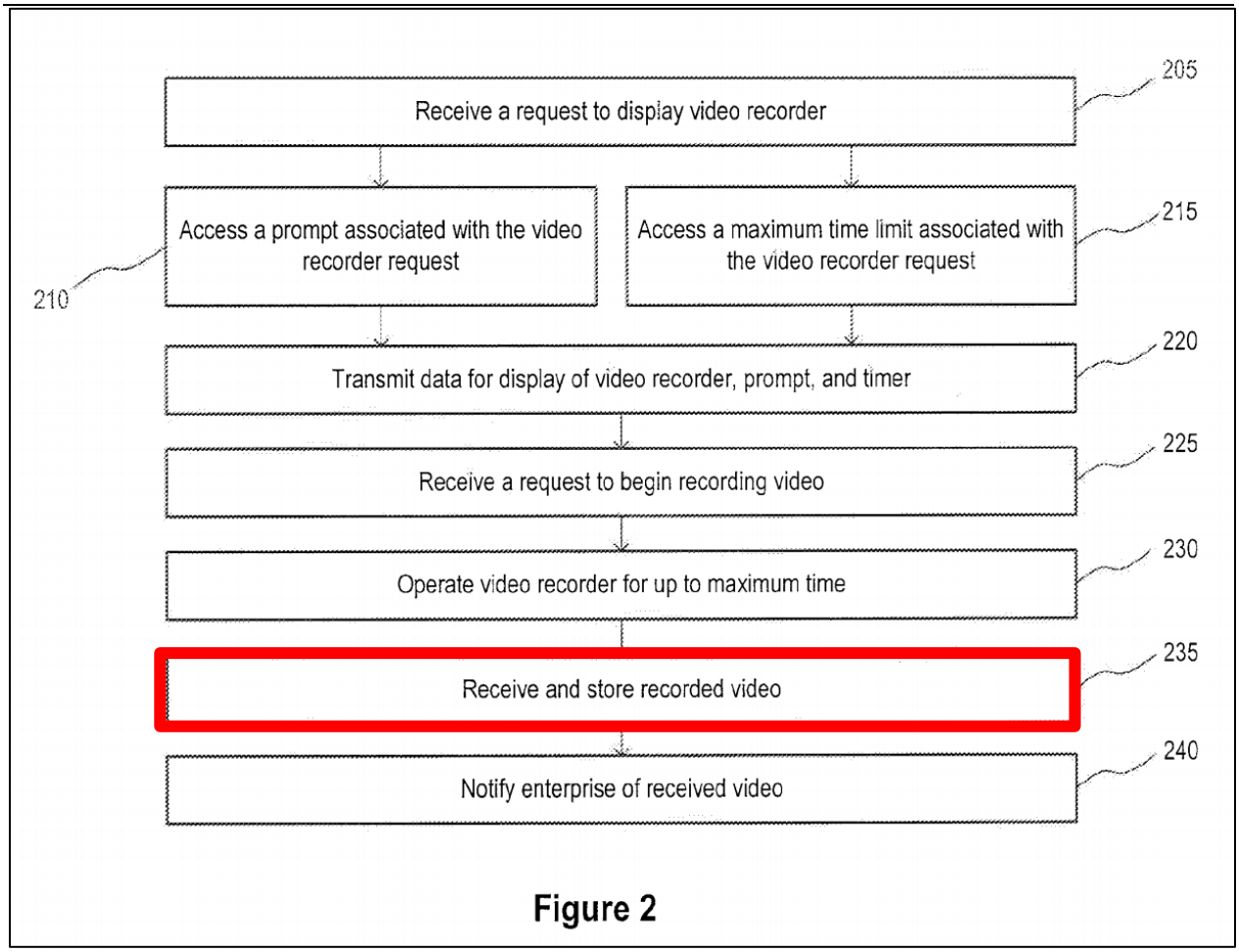



Figure 2

**Nassiri, Ex-1009, FIG. 2 (annotated); Ex-1007, ¶158.**

Thus, Nassiri's teaching of receiving videos submitted by any number of contributors, teaches "*receiving a plurality of user submissions*." Ex-1007, ¶159.

***[20.4.1] wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface***

Nassiri teaches this limitation.

First, Nassiri teaches that each user submitted video defines content captured through the video recorder interface. Nassiri states that the video is "***generated***

***using the video recorder***," which has "***controls* including start, stop, pause, or the *like***" and "***record button 312, a play button 313, and a submit button 314***." Ex-1009, ¶28. Nassiri further explains that "press[ing] the start button" (or the "record button") begins the video recording and "clicking a stop button" to end the video recording. *Id*., ¶¶33, 34, and 38, FIG.3; Ex-1007, ¶¶160-161. Nassiri further teaches that its "video recorder functionality [] may be accessed by ***one or more users***" and that there are a plurality of user submitted "***videos [that] may be stored by the video host computing system 120***." Ex-1009, ¶¶21, 28 and 35. Thus, each of the user submitted videos defines video content captured using controls (e.g., buttons) included in the video recorder interface, which teaches that "*each user submission defines content captured through the content capture user interface*." Ex-1007, ¶¶161-162.

Second, as discussed at [20.1.1], Nassiri teaches providing a video recorder user interface within displayed instances of a webpage. Further, a POSITA would have understood that because the "video recorder functionality [] may be accessed by ***one or more users***" to capture "***videos . . . using any number of computing systems****"* each user would be provided a "*respective displayed instance"* of the webpage on the computing system display. Ex-1009, ¶¶21, 37; Ex-1007, ¶163.

Therefore, Nassiri's teaching that each of the user submitted videos defines video content captured using controls (e.g., buttons) included in the video recorder

interface on a respective displayed instance of the webpage teaches that "*each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface*." Ex-1007, ¶164.

***[20.4.2] and each user submission is captured using the content capture software executing on the user content management server system;***

Nassiri teaches this limitation. As discussed at [20.4.1] Nassiri teaches that each of the user submitted videos defines video content captured using the video recorder interface and further as discussed at [20.2.3], Nassiri teaches that the user submitted videos are captured using the executable instructions for video recording 125 (which provide the video recorder interface) that are executing on the processing units 121 of the video host computing system 120, which teaches that "*each user submission is captured using the content capture software executing on the user content management server system."* Ex-1007, ¶¶165-167.

***[20.5] generating a plurality of user submission content files based on the received user submissions;***

Nassiri teaches this limitation. Nassiri teaches that the "***[r]eceived videos may be stored by the video host computing system 120***." Ex-1009, ¶35. Nassiri further teaches that the video storage includes "a ***plurality of captured videos***." *Id*., claim 1; *see also Id*., ¶50, FIG. 7. The "***videos may generally be . . . stored in any suitable file format***." Ex-1009, ¶15. A POSITA would have understood and it

would have been obvious that, for the video host computing system 120 to store the received videos in a file format, Nassiri generates a plurality of video files from the received user videos. Ex-1009, ¶¶15, 28; Ex-1007, ¶¶168-170.

Thus, Nassiri generating a plurality of user submitted video files based on the received user submitted videos teaches "*generating a plurality of user submission content files based on the received user submissions*." Ex-1007, ¶171.

***[20.6] storing the user submission content files on the user content management server system.***

Nassiri teaches this limitation. Nassiri teaches that the "[r]eceived videos may be ***stored by the video host computing system 120, for example in video storage 126."*** Ex-1009, ¶35; FIG. 8. Nassiri further teaches that the video storage includes "a ***plurality of captured videos***." *Id*., claim 1; *see also Id*., ¶50, FIG. 7. The "***videos may generally be . . . stored in any suitable file format***." Ex-1009, ¶15; Ex-1007, ¶¶172-173.

Thus, Nassiri storing the user submitted video files in video storage 126 on the video host computing system 120 teaches "*storing the user submission content files on the user content management server system*." Ex-1007, ¶174.

**Claim 21**

***[21.1] The computer storage medium of claim 20 wherein the user submissions are received by the user content management server system as the content is captured through the content capture user interface***

Nassiri teaches this limitation. Nassiri teaches that the video submissions are received by the video management server system as the video is captured through the video recorder interface. For instance, Nassiri teaches that "[t]he ***video generated using the video recorder may be transmitted to the video host computing system 120 for storage in video storage 126 . . . while it is being recorded***." Ex-1009, ¶28; *see also id.,* ¶35. A POSITA would have understood that recording video includes capturing video. Ex-1009, ¶15 ("***Video, as used herein, generally refers to electronically encoded data representing a captured video and/or audio data***."). Nassiri additionally discloses that the "video recorder" including "record button 312" "may be used to ***capture video***" Ex-1009, ¶38; Ex-1007, ¶¶175-176.

Thus, Nassiri's teaching that video submissions are received by the video management server system as the video is captured through the video recorder interface teaches that "*the user submissions are received by the user content management server system as the content is captured through the content capture user interface*." Ex-1007, ¶177.

**Claim 22**

***[22.1] The computer storage medium of claim 20 wherein the user submissions comprise video captured using the content capture user interface and the content capture software comprises video recorder software.***

Nassiri teaches this limitation. First, as discussed at [20.2.2] and [20.4.2],

Nassiri teaches that the user submissions comprise video captured using the video recorder interface. Second, as discussed at [20.2.3], Nassiri teaches that the content capture software comprises executable instructions for video recording. Therefore, Nassiri teaches this limitation. Ex-1007, ¶¶178-181.

**Claim 23**

***[23.1] The computer storage medium of claim 20 wherein the user content management server system is external to the web server system and the first graphical user interface comprises a first webpage.***

Nassiri teaches this limitation. First, Nassiri teaches that the video host computing system 120 ("*user content management server system*") is external from the enterprise computing system 110 ("*web server system*"). In particular, Nassiri further teaches that "[t]he computing system [120] . . . may be ***separated*** from the enterprise's computing system [110]" and that there may be "***distinct computing systems 110, 120***." Ex-1009, ¶¶16, 37, FIG. 8. Second, as discussed at [20.1.1], Nassiri teaches that the first graphical user interface comprises a first webpage. Therefore, Nassiri teaches this limitation. Ex-1007, ¶¶182-185.

**Claim 24**

***[24.0] The computer storage medium of claim 20 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data

processing apparatus to perform operations. Ex-1007, ¶186.

***[24.1.1] providing a selected stored user submission content file for display***

Nassiri teaches this limitation.

First, Nassiri teaches selecting the stored video file. Ex-1009, ¶51 ("***a 'share' button to allow for sharing the video to another webpage or account***. . . In this manner, ***a single click (or touch in some examples) may be used to add a particular video***."); see also *id*. ¶¶56, 64-66. A POSITA would have understood that selecting the stored video file (clicking a "share" button is "*selecting"* the stored video file." Ex-1007, ¶¶187-188.

Second, Nassiri provides the selected stored video file for display. Specifically, Nassiri "***display[s] videos stored by the video host computing system 120***." Ex-1009, ¶55; Ex-1007, ¶189.

Therefore, Nassiri providing the selected stored video file for display, teaches "*providing a selected stored user submission content file for display."* Ex-1007, ¶190.

***[24.1.2] within a plurality of displayed instances of one or more webpages hosted on one or more web server systems external to the user content management server system.***

Nassiri teaches this limitation.

First, Nassiri discloses that the share button may "***allow for sharing the video to another webpage***" such as the "***enterprise website***" which may be "***be***

***implemented as … a web server system***." Ex-1009, ¶¶17, 56, 51. Nassiri further teaches keeping track of "***videos [that] where were viewed more frequently.***" Ex-1009, ¶61. Thus, Nassiri's disclosure that stored videos are viewed frequently on the enterprise website, discloses that the stored video file is provided for display "*within a plurality of displayed instances of one or more webpages*." Ex-1007, ¶¶191-192. And Nassiri's enterprise website which may be implemented as a web server system, discloses "*one or more web server systems."* Ex-1007, ¶192.

Second, Nassiri teaches that "[t]he computing system [120] . . . may be ***separated*** from the enterprise's computing system [110]" and that there may be "***distinct computing systems 110, 120***." Ex-1009, ¶¶16, 37, FIG. 8; Ex-1007, ¶193.

Therefore, Nassiri providing stored videos for display within a plurality of displayed instances of webpages hosted on one or more web server systems (e.g., the enterprise computing system 110) external to the video host computing system 120 teaches that the stored video is provided for display *"within a plurality of displayed instances of one or more webpages hosted on one or more web server systems external to the user content management server system."* Ex-1007, ¶194.

**Claim 25**

***[25.1] The computer storage medium of claim 24 wherein the one or more external web server systems include the web server system that hosts the display elements included on the first graphical user interface.***

Nassiri teaches this limitation. As discussed above in [20.1.1]-[20.1.2], and

[24.1.2], Nassiri's enterprise computing system 110 ("*the one or more external web server systems")* also hosts the display elements included on the webpage ("*first graphical user interface*"). Ex-1007, ¶¶195-196.

Therefore, Nassiri's teaching that the enterprise computing system 110 also hosts the display elements included on the webpage teaches that "*the one or more external web server systems include the web server system that hosts the display elements included on the first graphical user interface."* Ex-1007, ¶197.

**Claim 26**

***[26.1] The computer storage medium of claim 25 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations. Ex-1007, ¶198.

***[26.2] receiving, at the external user content management server system, information associated with user accounts for a plurality of displayed instances of one or more webpages hosted on the one or more external web server systems.***

Nassiri teaches this limitation. In particular, Nassiri teaches receiving, at the video host computing system 120 information associated with enterprise accounts for a plurality of displayed instances of one or more webpages that include the video recorder. In particular, Nassiri discloses that enterprise representatives may "***log[] into an account with the video host computing system 120***" to establish

campaigns that allow for the submission of videos using a video recorder. Ex-1009, ¶¶20-22, 45. Nassiri's video recorder is included in a plurality of displayed instances of one or more webpages since the "***video recorder functionality [] may be accessed by <u>one or more users</u>***" to capture "***<u>videos</u>***." aEx-1009, ¶¶21, 22; Ex-1007, ¶¶199-201.

As discussed above in [20.1.1]-[20.1.3], Nassiri teaches that the video recorder software is accessible through a link, to provide a video recorder in displayed instances of one or more webpages hosted on the enterprise computing system 110, which as discussed at [24.1.2] is external to the video host computing system 120. With respect to the link, Nassiri discloses that "each campaign may have a unique…link for submitting videos" which is used "to embed [the video recorder] in a website or other content providing application of the enterprise." Ex. 1009, ¶¶ 45, 47; Ex-1007, ¶202. Accordingly, Nassiri's login information *("information associated with user accounts"*) is for the displayed instances of one or more webpages, because the login information allows the user to create the link which provides the embedded video recorder in the displayed instances of the webpage. Ex-1007, ¶202.

Therefore, receiving, at the video host computing system 120, login information associated with enterprise accounts for a plurality of displayed instances (that include the video recorder) of one or more webpages hosted on

enterprise computing system 110, teaches "*receiving, at the external user content management server system, information associated with user accounts for a plurality of displayed instances of one or more webpages hosted on the one or more external web server systems*." Ex-1007, ¶203.

**Claim 27**

***[27.1] The computer storage medium of claim 24 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations. Ex-1007, ¶204.

***[27.2] monitoring viewer response to the user submission content file;***

Nassiri teaches this limitation. Nassiri teaches that "***information regarding a video may also be stored including but not limited to, the number of likes*** or other hits the video has received." And, in connection with Figure 9 Nassiri teaches that "[t]he ***aforementioned rates and statistics [e.g., number of likes] may be gathered and stored by the video host computing system***." Ex-1009, ¶64Ex-1009, ¶61. Monitoring the number of "likes" is "*monitoring viewer response*." Ex-1007, ¶¶205-206. This is consistent with the '997 Patent, which notes that "***viewer responses include…providing a rating***" and that a "***rating can include number of 'Likes'***." Ex-1001, 3:45-48, 17:43-45.

This is shown by Nassiri at Figure 10, reproduced below and annotated.

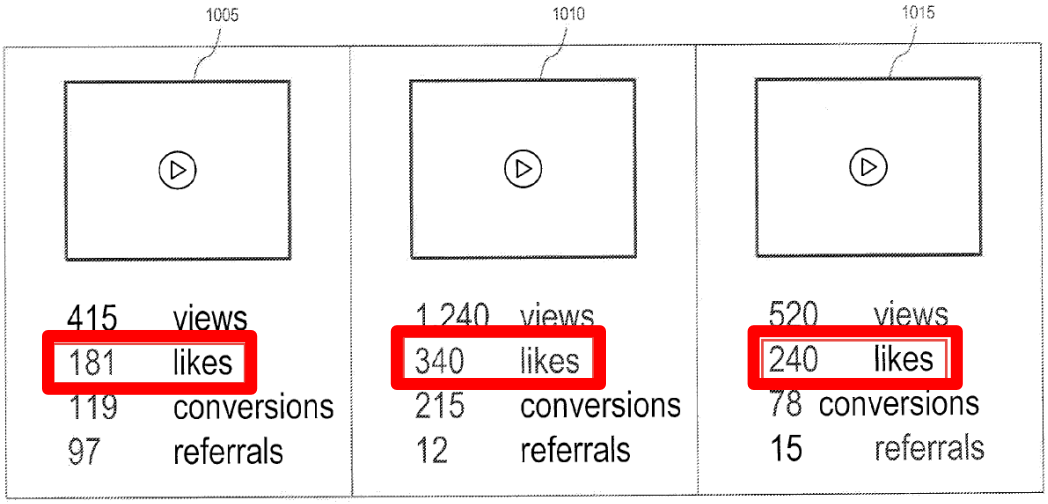



Figure 10

**Nassiri, Ex-1009, FIG. 10 (annotated); Ex-1007, ¶207.**

Accordingly, Nassiri's recording of the number of likes that a video has received teaches "*monitoring user ratings of the video file*." Ex-1007, ¶207.

Therefore, Nassiri monitoring statistics/viewer likes to the video file teaches *"monitoring viewer response to the user submission content file."* Ex-1007, ¶208.

***[27.3] using the viewer response in selecting the user submission content file for inclusion on a webpage hosted on a web server system external to the user content management server system; and***

Nassiri teaches this limitation.

First, Nassiri teaches using the number of likes to select a video for playback, or to determine how likely a video is to be selected for display, on a webpage hosted on the enterprise computing system 110. For instance, Nassiri

teaches that "***[v]ideos may be selected in any of a variety of ways*** by the video host computing system 120 in accordance with the executable instructions for video sharing." Ex-1009, ¶60. Nassiri explains that, "***[v]ideos may be selected for playback or display*** in an order that may be ***based on this information [e.g., number of likes]***" and that "[t]he user of the user computing system 810 may ***view a website hosted by the enterprise computing system 110 and may thereby request one or more videos for playback***." Ex-1009, ¶¶61-63. Nassiri further explains that "the video host computing system 120 may allow an enterprise to share a selected video or videos directly to another website or content provider associated with the enterprise. For example, a user of the ***enterprise computing system 110 or other representative of an enterprise may log in to the video host computing system and share captured videos on facebook, twitter, YouTube, their own enterprise website***." Ex-1009, ¶56; Ex-1007, ¶¶209-211.

The webpage hosted by the enterprise computing system 110, which displays the captured videos based on the number of likes is "*a webpage hosted on a web server system."* Ex-1009, ¶¶61-63, 72. A POSITA would have understood, therefore, that the number of likes of a video is used in the determination of whether the video is selected to be included/displayed in the webpage hosted by the enterprise computing system 110. Ex-1007, ¶212. Also, a POSITA would have understood and it would have been obvious that because a webpage can only

display a finite number of videos, the video files with the greatest number of likes will be selected for display on the webpage. *Id*.

Second, as discussed at [24.1.2], Nassiri's enterprise computing system 110, is external to the video host computing system 120. Ex-1007, ¶213.

Therefore, Nassiri using the number of likes to select a video for playback, or to determine how likely a video is to be selected for display, on a webpage hosted on the enterprise computing system 110 that is external to video host computing system 120, teaches *"using the viewer response in selecting the user submission content file for inclusion on a webpage hosted on a web server system external to the user content management server system."* Ex-1007, ¶214.

***[27.4] providing, in response to the selection of the user submission content file for inclusion on the webpage, the stored user submission content file for display within a plurality of displayed instances of the webpage.***

Nassiri teaches this limitation. First, Nassiri teaches providing, in response to the selection of the stored video file for inclusion on the webpage, the stored video file for display. For instance, Nassiri discloses that, "***[v]ideos may be selected for playback or display*** . . . based on this information [e.g., number of likes]." Ex-1009, ¶61. Nassiri further explains that the video may be shared/displayed to a plurality of users through a webpage hosted by the enterprise computing system 110. Ex-1009, ¶¶56, 62-64; Ex-1007, ¶¶215-217.

A POSITA would have understood and it would have been obvious that

because Nassiri's videos are provided for display to a plurality of users through a webpage hosted by the enterprise computing system 110, the videos are provided for display "*within a plurality of displayed instances of the webpage*." Ex-1007, ¶218.

Therefore, Nassiri providing, in response to the selection of the stored video file for inclusion on the webpage, the stored video file for display, within a plurality of displayed instances of the webpage hosted by the enterprise computing system 110, teaches *"providing, in response to the selection of the user submission content file for inclusion on the webpage, the stored user submission content file for display within a plurality of displayed instances of the webpage."* Ex-1007, ¶219.

**Claim 29**

***[29.1] The computer storage medium of claim 23 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations. Ex-1007, ¶220.

***[29.2] receiving, at the external user content management server system, information associated with a user account for the displayed instance of the first graphical user interface.***

As discussed at [26.2], Nassiri teaches receiving, at the video host

computing system 120, login information associated with user accounts for the displayed instance of the webpage, which teaches this limitation. Ex-1007, ¶221.

**Claim 31**

Claim 31 is very similar to claim 20, as shown in the below side-by-side comparison, with differences underlined in red.

**20**. A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:

providing a content capture user interface within displayed instances of a first graphical user interface that includes display elements hosted on a web server system in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system, wherein the content capture user interface is provided within a frame displayed in the first graphical user interface and the content capture user interface is adapted to allow users to provide user submissions to a user content management server system using controls included within the frame that includes the content capture user interface, and the user submissions are captured using content capture software executing on the user content management server system through a communication interface between the web server system and the user content management server system;

receiving a plurality of user submissions, wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface and each user submission is captured using the content capture software executing on the user content management server system;

generating a plurality of user submission content files based on the received user submissions; and

storing the user submission content files on the user content management server system.

**31**. A system comprising:

one or more user content management servers operable to interact with a plurality of user devices and to:

provide a content capture user interface within displayed instances of a first graphical user interface that includes display elements hosted on a web server system in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system, wherein the content capture user interface is provided within a frame displayed in the first graphical user interface and the content capture user interface is adapted to allow users to provide user submissions using controls included within the frame that includes the content capture user interface, and the user submissions are captured using content capture software executing on one or more of the user content management servers through a communication interface between the web server system and the one or more user content management servers;

receive a plurality of user submissions, wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface and each user submission is captured using the content capture software executing on the one or more user content management servers;

generate a plurality of user submission content files based on the received user submissions; and

store the user submission content files on the user content management server system.

The analysis of claim 20, provided above with respect to "a user content manager server system" also applies to claim 31 recitations of "one or more of the user content management servers." And, the analysis of claim 20 with respect to "providing," "receiving," "generating," and "storing," also applies to claim 31

recitations of "provide," "receive," "generate," and "store," respectively. Ex-1007, ¶221.

***[31.0.1] A system comprising: one or more user content management servers***

Nassiri teaches this limitation. In particular, Nassiri teaches that "***system 100***" includes "***video host computing system 120,***" which may be implemented as "***server systems***," teaches "*A system comprising: one or more user content management servers"*. Ex-1009, ¶16; Ex-1007, ¶¶223-224.

***[31.0.2] operable to interact with a plurality of user devices and to:***

Nassiri teaches this limitation. Nassiri discloses that the video host computing system 120 interacts with "***contributor computing systems 130***" and receives and stores videos from "one or more users," which teaches that the one or more user content management servers is "*operable to interact with a plurality of user devices*." Ex-1009, ¶¶20-21, FIGS. 2 and 3; Ex-1007, ¶¶225-227.

***[31.1.1] provide a content capture user interface within displayed instances of a first graphical user interface***

As discussed at [20.1.1], the prior art teaches this limitation. Ex-1007, ¶228.

***[31.1.2] that includes display elements hosted on a web server system***

As discussed at [20.1.2], the prior art teaches this limitation. Ex-1007, ¶229.

***[31.1.3] in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system***

As discussed at [20.1.3], the prior art teaches this limitation. Ex-1007, ¶230.

***[31.2.1] wherein the content capture user interface is provided within a frame***

***displayed in the first graphical user interface***

As discussed at [20.2.1], the prior art teaches this limitation. Ex-1007, ¶231.

***[31.2.2] and the content capture user interface is adapted to allow users to provide user submissions using controls included within the frame that includes the content capture user interface,***

As discussed at [20.2.2], the prior art teaches this limitation. Ex-1007, ¶232.

***[31.2.3] and the user submissions are captured using content capture software executing on one or more of the user content management servers***

As discussed at [20.2.3], the prior art teaches this limitation. Ex-1007, ¶233.

***[31.2.4] through a communication interface between the web server system and the one or more user content management servers;***

As discussed at [20.2.4], the prior art teaches this limitation. Ex-1007, ¶234.

***[31.3] receive a plurality of user submissions,***

As discussed at [20.3], the prior art teaches this limitation. Ex-1007, ¶235.

***[31.4.1] wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface***

As discussed at [20.4.1], the prior art teaches this limitation. Ex-1007, ¶236.

***[31.4.2] and each user submission is captured using the content capture software executing on the one or more user content management servers;***

As discussed at [20.4.2], the prior art teaches this limitation. Ex-1007, ¶237.

***[31.5] generate a plurality of user submission content files based on the received user submissions; and***

As discussed at [20.5], the prior art teaches this limitation. Ex-1007, ¶238.

***[31.6] store the user submission content files on the user content management server system.***

As discussed at [20.6], the prior art teaches this limitation. Ex-1007, ¶239.

**Claim 32**

***[32.1] The system of claim 31 wherein the user submissions comprise user-generated video content***

As discussed at [20.2.2] and [20.4.2], Nassiri teaches that the user submissions comprise user generated videos captured using the video recorder interface, which teaches this limitation. Ex-1007, ¶¶240-241.

***[32.2] and the user-generated video content is received by the one or more user content management servers as the content is captured through the content capture user interface.***

As discussed at [21.1], Nassiri teaches that the user generated videos are received by the video management server system as the video is captured through the video recorder interface, which teaches this limitation. Ex-1007, ¶242.

**Claim 34**

***[34.1] The system of claim 31 wherein the one or more user content management servers are further operable to: provide a selected stored user submission content file for display within a plurality of displayed instances of one or more webpages hosted on one or more web server systems;***

Nassiri teaches this limitation. As discussed at [24.1.1], Nassiri provides a selected stored user submission content file for display. And, as discussed at

[24.1.2], it is within a plurality of displayed instances of one or more webpages hosted on one or more web server systems. Ex-1007, ¶¶243-244. Therefore, Nassiri teaches this limitation. Ex-1007, ¶244.

***[34.2] monitor viewer response to the selected user submission content file;***

As discussed at [27.2], Nassiri monitors viewer response (e.g., viewer "likes") to the selected user video file. In the '997 Patent, "viewer responses include…providing a rating" and a "rating can include number of 'Likes'." Ex. 1001, 3:45-48, 17:43-45. Thus, Nassiri teaches this limitation. Ex-1007, ¶¶245-246.

***[34.3] use the viewer response in selecting the user submission content file for inclusion on an additional webpage; and***

As discussed at [27.3], Nassiri uses the viewer response in selecting the user submission content file for inclusion on a webpage ("*additional webpage*") hosted on a web server system, which teaches this limitation. Ex-1007, ¶¶247-248.

***[34.4] provide, in response to the selection of the user submission content file for inclusion on the additional webpage, the stored user submission content file for display within a plurality of displayed instances of the additional webpage.***

As discussed at [27.4], Nassiri provides, in response to the selection of the user submission content file for inclusion on the additional webpage, the stored user submission content file for display within a plurality of displayed instances of the additional webpage, which teaches this limitation. Ex-1007, ¶¶249-250.

**Claim 35**

***[35.1] The system of claim 31 wherein the first graphical user interface comprises a first webpage.***

As discussed at [20.1.1], Nassiri teaches that the first graphical user interface comprises a first webpage. Ex-1007, ¶¶251-252.

### B. Ground 2: Claims 28, 30, and 33 are obvious under 35 U.S.C. §103 over Nassiri, Bradford, Zhu, and Tosh.o

#### 1. Overview of Tosh.o

The New York Times article titled "Their Pain Is His Gain," was published on August 22, 2010. The article features a television show called Tosh.0 that is hosted by Mr. Daniel Tosh. The Tosh.0 television show aired on Comedy Central and featured viral Internet video clips. Ex-1017, pp. 2-3. The videos may be submitted by viewers if they are "Short" (e.g., 15-seconds) "Legal to put on TV" and "Good quality." *Id*.; Ex-1007, ¶¶253-254.

#### 2. Reasons to Combine Nassiri and Tosh.o

A POSITA would have found it obvious to consider the teachings of Nassiri and Tosh.0 together because they both address the problem of displaying videos. Ex-1017, pp. 2-3; Ex-1009, ¶¶61-63, Title; Ex-1007, ¶255.

Nassiri recognizes that it is desirable to broaden the distribution of videos. Ex-1009, ¶3. To achieve this objective, Nassiri teaches displaying submitted videos on a "set top box" based on popularity, e.g., number of likes. Ex-1009, ¶¶16, 61-

63. Tosh.o supplements Nassiri and teaches including popular/viral Internet videos in a television show. Ex-1017, p. 2; Ex-1007, ¶256. It was known in the art that a set top box, like the one disclosed in Nassiri, can be connected to a television for displaying traditional television programming. Ex-1007, ¶256.

A POSITA would have recognized that including user submitted videos in a traditional television program allows for an efficient way to broaden the distribution of the videos. Ex-1007, ¶267. Accordingly, it would have been obvious and desirable to include Nassiri's videos in traditional television programming, as Tosh.o teaches, because the videos would be displayed to a wider segment of the public via commonly utilized set top boxes, thereby "broadening the distribution" of its videos. Ex-1009, ¶3; 1007, ¶257.

**3. Analysis**

**Claim 28**

***[28.1] The computer storage medium of claim 24 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations. Ex-1007, ¶258.

***[28.2] monitoring viewer response to the user submission content file; and***

As discussed at [27.2], Nassiri teaches monitoring statistics/viewer "likes" to

the video file, which teaches this limitation. Ex-1007, ¶¶259-260.

***[28.3] using the viewer response in selecting user submission content defined in the user submission content file***

As discussed at [27.3], Nassiri teaches using the number of likes in selecting the submitted video file for display. A POSITA would have understood and it would have been obvious that the submitted video file defines the video which is liked. Ex-1007, ¶¶261-263.

***[28.4] for inclusion in a linear television program.***

Nassiri discloses that its user system, which is used for displaying videos, "***may [be a] set top box***." Ex-1009, ¶16. A POSITA would have understood and it would have been obvious that set top boxes as taught by Nassiri may be coupled to a television for displaying the videos when included in traditional television programming. Ex-1007, ¶263. And as discussed above in the claim construction section, "*a linear television program*" is "traditional television programming." *See supra* §VII.B.1.

Notably, the '997 Patent discloses the same approach to displaying submitted videos in linear television programming. Specifically, the '997 Patent at 5:33-36 incorporates by reference the '304 Patent, which similarly uses a set top box to display videos in linear television programming. *See e.g.,* Ex.1005, 17:23-25 ("a ***set top box*** or some other gateway or device that receives and decodes the ***signal so that it can be played on a television or monitor***."); Ex-1007, ¶264.

Further, Tosh.o teaches including a short user submitted video for display in a traditional television program. Ex-1017, pp. 2-3 (user submitted "viral Internet videos," which are "Short," "Legal to put on TV," and "Good quality" are "judged" and "chosen videos end up cleared for the broadcast" on Comedy Central's television program Tosh.o, which runs on "Wednesday at 10:30 p.m., Eastern and Pacific times.") Ex-1007, ¶265.

Therefore, Nassiri using a set top box to display the selected (most liked) video in combination with Tosh.o's teaching of including selected popular/viral videos in traditional television programming teaches that the video is selected "*for inclusion in a linear television program*." Ex-1007, ¶266.

**Claim 30**

***[30.1] The computer storage medium of claim 23 wherein the program further includes instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:***

As discussed at [20.0], Nassiri teaches that the program comprises instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations. Ex-1007, ¶267.

***[30.2] transmitting content from a selected user submission content file received through the capture software executing on the external user content management server system***

Nassiri teaches this limitation. First, Nassiri discloses that "video may be transmitted from the video host computing system through the enterprise

computing system to a user computing system," which discloses "*transmitting content*." Ex-1009, ¶65. Second, Nassiri also discloses that the transmitted content is a video received from a contributor using the video recorder software, as discussed above with reference to [24.1.1] (*a selected user submission content file*) and [20.2.3] ("*received through the capture software executing on the external user content management server system"*). Therefore, Nassiri teaches this limitation. Ex-1007, ¶¶268-270.

***[30.3] for inclusion in a linear television program.***

As discussed at [28.4], Nassiri in combination with Tosh.o teaches that the video file is included in a linear television program. Ex-1007, ¶271.

**Claim 33**

***[33.1] The system of claim 32 wherein the one or more user content management servers are further operable to transmit content from a selected user submission content file received through the content capture user interface***

Nassiri teaches this limitation. First, Nassiri discloses that "video may be transmitted from the video host computing system through the enterprise computing system to a user computing system," which discloses "*the one or more user content management servers are further operable to transmit content*." Ex-1009, ¶65. Second, as discussed at [24.1.1], [20.2.2], [20.2.3], and [20.6], Nassiri also discloses that the transmitted content is a video received from a contributor using the video recorder software and stored as a file, which discloses "*a selected*

*user submission content file received through the content capture user interface*.

Therefore, Nassiri teaches this limitation. Ex-1007, ¶¶272-275.

***[33.2] for inclusion in a linear television program.***

As discussed at [28.4], Nassiri in combination with Tosh.o teaches that the video file is included in a linear television program. Ex-1007, ¶276.

## IX. CONCLUSION

For the reasons above, Petitioner asks that the Patent Office order an *inter partes* review trial for claims 20-35 and then cancel these claims as unpatentable.

Respectfully submitted,

January 31, 2017

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Counsel for Petitioner
Registration No. 32,271

## X. CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24, the undersigned attorney for the Petitioner, Twitter, Inc., declares that the argument section of this Petition has less than 14,000 words, according to the word count tool in Microsoft Word™.

/David L. McCombs/
David L. McCombs
Counsel for Petitioner
Registration No. 32,271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Twitter, Inc. | § | Petition for *Inter Partes* Review |
| Petitioner | § | |
| | § | U.S. Patent No. 9,083,997 |
| | § | |
| | § | |

## CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.205, that service was made on the Patent Owner as detailed below.

| | |
|---|---|
| *Date of service* | January 31, 2017 |
| *Manner of service* | FEDERAL EXPRESS |
| *Documents served* | Petition for *Inter Partes* Review, including Exhibit List; Exhibits 1001 through 1018 |
| *Persons served* | Spencer C. Patterson, P.C.<br>1914 Skillman Street, Ste. 110-144<br>Dallas, Texas 75206 |

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