EXHIBIT 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UBERFAN, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-842 (MN)
	)	
SNAP INC.,	)	
	)	
Defendant.	)	

DEFENDANT SNAP INC.'S INITIAL INVALIDITY CONTENTIONS

Pursuant to the Court's January 12, 2022 Scheduling Order [D.I. 36], Defendant Snap Inc. ("Snap") hereby provides its Initial Invalidity Contentions and Disclosures with respect to the claims that Plaintiff UberFan, LLC ("UberFan") identified in its disclosure of Asserted Claims dated January 24, 2022 (Plaintiff's Disclosure of Initial Claim Charts Pursuant to Paragraph 7.C of the Proposed Scheduling Order), as set forth in the table below:

No.	Asserted Patent Number	Asserted Claims
1	U.S. Patent No. 9,477,744 ("the '744 Patent")	1, 4, 10, 15, 17, 19-20
2	U.S. Patent No. 9,727,634 ("the '634 Patent")	1-3, 7-9, 14-16, 20-21
3	U.S. Patent No. 10,740,305 ("the '305 Patent")	1, 3, 4, 7-9, 12-13, 15, 17-18
4	U.S. Patent No. 10,963,439 ("the '439 Patent")	1, 8-10, 12-13, 15-16, 18, 21-22

In its Preliminary Invalidity Contentions, with respect to the patents identified above (the "Patents-in-Suit" or "Asserted Patents") and the asserted claims identified by UberFan from each of the Patents-in-Suit (the "Asserted Claims"), Defendant: (i) identifies each currently known item of prior art that anticipates, renders obvious or otherwise invalidates each Asserted Claim under AIA 35 U.S.C. § 102 and/or § 103; (ii) specifies whether each such item of prior art anticipates

and/or renders obvious the applicable Asserted Claim; (iii) submits charts for illustrative prior art references identifying where each limitation of each Asserted Claim is disclosed or rendered obvious by the prior art; (iv) identifies combinations and illustrative reasons to combine prior art references where a combination of prior art references makes an Asserted Claim obvious, (v) identifies grounds for invalidating Asserted Claims based on indefiniteness, enablement, and/or written description under 35 U.S.C. § 112; and (vi) identifies the grounds for invalidating Asserted Claims under 35 U.S.C. § 101 for failure to claim patent eligible subject matter.

I. RESERVATION OF RIGHTS

Defendant reserves its right to amend, modify, and/or supplement this disclosure, and Initial Invalidity Contentions. Specifically, Defendant reserves the right to amend based upon the Court's claim construction. Defendant additionally reserves the right to amend its Contentions if UberFan later provides any information that it failed to provide in its Infringement Contentions, or if UberFan amends or alters its Infringement Contentions in any way. Further, these Initial Invalidity Contentions are based on information obtained by Defendant to date. Discovery in this case is on-going. In particular, fact discovery is not complete, the Asserted Claims have not been construed, and expert discovery has not begun. Defendant intends to seek discovery from UberFan and third parties regarding public use and/or the on-sale bar under AIA 35 U.S.C. § 102, additional prior art under AIA 35 U.S.C. §§ 102 and 103, applicant's failure to comply with 35 U.S.C. §§ 112 and 101, and/or other grounds of invalidity and/or unenforceability. Based on discovery, Defendant may identify additional prior art and invalidity arguments, and the Court's construction of one or more terms from any Asserted Claim may require that Defendant supplement or amend these Initial Contentions. Accordingly, Defendant reserves the right to revise and/or supplement these Contentions as this case proceeds. Moreover, Defendant reserves the right to supplement

and/or amend these Contentions based on any findings as to the priority date of the Asserted Claims, and/or positions that UberFan or its expert witnesses may take concerning claim interpretation, infringement, and/or invalidity issues. In addition, none of these Contentions constitutes an admission concerning the proper construction of the claims.

Prior art not included in this disclosure, whether known or unknown to Defendant, may become relevant. In particular, Defendant is currently unaware of the extent, if any, to which UberFan will contend that limitations of the Asserted Claims are not disclosed in the prior art that Defendant identifies, or will contend that any of the identified references do not qualify as prior art under AIA 35 U.S.C. § 102. The identification of any patents and/or patent publications as prior art shall be deemed to refer to the application that was submitted for the same and to include identification of any foreign counterpart patents and applications as well as international applications. To the extent that such an issue arises, Defendant reserves the right to identify additional teachings in the same references or in other references that anticipate or would have rendered the addition of the allegedly missing limitation to the device or method obvious. Defendant's claim charts submitted as part of these Initial Invalidity Contentions cite to particular teachings and disclosures of the prior art as applied to features of the Asserted Claims. Persons having ordinary skill in the art, however, may view an item of prior art generally in the context of other publications, literature, products, and understanding. Accordingly, the cited portions are only examples, and Defendant reserves the right to rely on uncited portions of the prior art references and on other publications and expert testimony as aids in understanding and interpreting the cited portions, as providing context thereto, and as additional evidence that a claim limitation is known or disclosed. Where Defendant cites to a particular figure in a reference, the citation should be understood to encompass the caption and description of the figure and any text in the reference

relating to the figure. Similarly, where Defendant cites to particular text referring to a figure, the citation should be understood to include the figure and caption as well. Where Defendant cites to a time or portion of a video, the citation should be understood to include the video as well as the corresponding audio, including all content relevant to provide context to the specifically cited portion. Where Defendant cites to portions of a reference with respect to an element of a dependent claim, these citations should be understood to include the relevant citations provided in the claim(s) from which that dependent claim depends, and vice versa. Defendant further reserves the right to rely on uncited portions of the prior art references, other publications, and testimony to establish bases for combinations of certain cited references that render the Asserted Claims obvious. Further, for any combination, Defendant reserves the right to rely additionally on information generally known to those skilled in the art and/or common sense.

The references discussed in the claim charts may disclose elements of the Asserted Claims explicitly and/or inherently, and/or they may be relied upon to show the state of the art in the relevant time frame. The suggested obviousness combinations are sometimes provided in the alternative to Defendant's anticipation contentions and are not meant to suggest that any reference included in the combinations is not by itself anticipatory. Furthermore, nothing stated herein shall be treated as an admission or suggestion that Defendant's Accused Instrumentalities meet any limitation of any Asserted Claim. Defendant denies that they infringe any and all claims of the Patents-in-Suit.

II. IDENTIFICATION OF PRIOR ART

Subject to Defendant's reservations of rights set out above, Defendant identifies the following references on which it may rely as invalidating one or more of the Asserted Claims of the Patents-in-Suit. In addition to the references cited on the face of the Patents-in-Suit, the

admitted prior art in the specifications of the Patents-in-Suit, and the prosecution histories of the Patents-in-Suit, the prior art references, systems, and products listed below disclose the elements of the Asserted Claims either explicitly or inherently, or otherwise teach or suggest the elements alone or via an obvious combination, and may also be relied upon to show the state of the art in the relevant timeframes.

Defendant further incorporates by reference the prior art references related to the Patents-in-Suit, including without limitation all prior art produced by or otherwise known to Plaintiff and all prior art known to the named inventors, any past or current owner, or any individual substantively involved in the prosecution of any or all of the Patents-in-Suit.

Defendant contends that at least some of the systems and products disclosed in one or more of the prior art references identified here or in the attached exhibits are prior art under AIA 35 U.S.C. §§ 102 and/or 103. Defendant's reference to any particular component, device, machine, or other product in these Invalidity Contentions should also be interpreted as a reference to the product itself and any corresponding patents, publications, or product literature cited here or in the attached exhibits that relate to the cited component, device, machine, or other product. As discovery is ongoing, Defendant does not yet have complete information regarding the dates by which some of the cited products were publicly disclosed, used, sold, or offered for sale, the circumstances under which the research, design, and development activities were conducted, and the identities of the particular individuals involved in such activities through publicly available patents, publications, and product literature. Defendant anticipates that the actual dates, circumstances, and identities of individuals will be the subject of third-party discovery during this lawsuit.

It is understood that a person of ordinary skill in the art reads a prior art reference as a whole and in the context of other publications, literature, and general knowledge in the field. To understand and interpret any specific statement or disclosure in a prior art reference, a person of ordinary skill in the art also relies upon other information including other publications and general scientific, engineering or other relevant knowledge. Defendant reserves the right to rely upon the general scientific, engineering or other relevant knowledge in the field in interpreting the disclosure of the prior art references. In addition, Defendant reserves the right to rely upon other publications and on expert testimony to provide context and to aid in the understanding of the prior art references. For example, Defendant reserves the right to rely on well-known prior art publications, such as relevant camera, global positioning, metadata, sports broadcasting, social media, and digital composition and editing standards or specifications to demonstrate the state of the art at the relevant time period. Defendant also reserves the right to rely upon other portions of the prior art references, other publications, and the testimony of experts to establish that the alleged inventions would have been obvious to a person of ordinary skill in the art, including the basis for modifying or combining the prior art references. Furthermore, Defendant reserves the right to rely upon any admissions relating to prior art found in the intrinsic evidence for the Patents-in-Suit.

Each exemplary printed publication listed below that describes or relates to a prior art system should be understood to discuss the system's capabilities generally and also to discuss specific implementation examples of specific installations of the particular system. To the extent the exemplary references describe various implementations of the same underlying system, that underlying system is a single reference under 35 U.S.C. §102. The exemplary references are evidence of the capabilities of the prior art system, and each chart provided for a prior art system should be understood to incorporate by reference all printed publications describing or relating to

that prior art system and all charts provided for those printed publications. In addition, each of the references itself also qualifies as prior art on separate grounds as a publication under 35 U.S.C. §102. Even if the exemplary references are not treated as a single prior art reference, at the very least it would have been obvious to combine the features described in those references inasmuch as the individual references discuss the same system.

A. Patent References

Exhibits A-01 to D-22.2 include charts directed to the following prior art patents and/or prior art patent publication references which are identified below by patent/publication number, name, country of origin and issue date. Each listed patent became prior art at least as early as the dates provided on the face of the document. Defendant reserves the right to rely upon earlier dates of publication or public availability to the extent such information is uncovered during discovery.

No.	Number and Name	Country of Origin	Filing/Priority Date	Issue Date/Date of Publication
01	6,378,132 to Grandin et al.	US	August 19, 1999	April 23, 2002
02	7,988,560 to Heller et al.	US	September 29, 2005	August 2, 2011
03	2013/008238 to Hogeg et al.	WO	July 12, 2011	January 17, 2013
04	7,479,949 to Jobs et al.	US	September 5, 2007	January 20, 2009
05	2010/0043040 to Olsen	US	August 18, 2008	February 18, 2010
06	2013/0325869 to Reiley et al.	US	June 1, 2012	December 5, 2013
07	2015/0178968 to Salmi et al.	US	July 13, 2012	June 25, 2015
08	2010/0123830 to Vunic	US	November 17, 2008	May 20, 2010

09	2010/0005485 to Tian et al.	US	December 19, 2005	January 7, 2010
10	2012/0076367 to Tseng	US	September 24, 2010	March 29, 2012
11	9,081,798 to Wong	US	March 26, 2012	July 14, 2015
12	2004/0064207 to Zacks et al.	US	September 30, 2002	April 1, 2004

B. Prior Art Systems and Knowledge

Each of the patents and publications identified above evidence prior knowledge under AIA 35 U.S.C. § 102 and/or 103. Discovery is ongoing, however, and Defendant reserves the right to assert any of the preceding items of prior art under AIA 35 U.S.C. §102 and/or 103. Additionally, Defendant reserves the right to identify and rely upon as prior art under AIA 35 U.S.C. §§ 102 and/or 103 any system, product, or public knowledge or use that embodies or otherwise incorporates any of the prior art patents or publications listed above. Defendant also identifies the following systems that were offered for sale and/or publicly known in the United States.

No.	Item Offered for Sale or Publicly Used or Known	Date	Person or Entity
13	Dartfish	At least by March 4, 2013	Dartfish (U.S.A.), Inc.
14	ESPN Goals Mobile Application	At least by 2011	ESPN, Inc. and/or The Walt Disney Company
15	Everpix	At least by September 12, 2011	33cube Inc.
16	Instagram	At least by 2010	Meta Platforms, Inc.
17	Orad Playmaker	At least by January 17, 2011	Orad Ltd.

18	Performa Sports	At least by 2012	Performa Sports Ltd.
19	Rocco	At least by 1998	Deutsches Forschungszentrum für Künstliche Intelligenz
20	Sharp HiMPACT	At least by 2006	Sharp Laboratories of America, Inc.
21	SportsData	At least by April 2012	SportsData, LLC and/or Sportradar US
22	WSC Interactive Video Platform/Scouting Tool	At least by November 27, 2011	WSC Technology Inc.

D. Invalidity Charts

Each Asserted Claim is anticipated and/or rendered obvious by the prior art. Defendant has provided the accompanying exemplary charts for the Asserted Claims as listed in the table below. Individual claim charts illustrate examples of where each element of each Asserted Claim can be found in each item of the listed prior art. To the extent that any reference identified in the Exhibits does not identify every aspect of an element, the reference still anticipates the Asserted Claim(s) for at least the reason that any such aspect of an element is inherently disclosed. For all of the reasons stated herein, Defendant reserves the right to supplement the charts, and the table below. Additionally, Defendant reserves the right to substitute one reference for a similar reference based on the results of discovery. To the extent that the Court finds that a reference does not expressly disclose certain limitations in the Asserted Claims, such limitations would have been inherent and/or obvious. By mapping the claim language of the Patents-in-Suit to the references, Defendant does not imply or admit that the claim language satisfies Section 112 of the Patent Act and meets all other standards and requirements for patentability. Citations from the listed references are not a ratification or acceptance of the manner in which UberFan applies particular claim elements to

the features and functions of the Accused Instrumentalities. The citations are instead intended to demonstrate that, if certain claim elements are applied against the prior art in the same manner as UberFan applies them in its Infringement Contentions, then certain prior art discloses those claim elements to the same extent. The prior art may also disclose these same claim elements if the claim elements are applied differently than in the Infringement Contentions. Nothing in these invalidity contentions is in any way an admission that the Infringement Contentions correctly describe the scope of the Patents-in-Suit or that Defendant infringes the Patents-in-Suit.

In the tables below, "Prior Art No." corresponds to the number of the prior art reference identified above. "A" indicates where Defendant has charted anticipation, "O" indicates where Defendant has charted obviousness, and "A/O" indicates where Defendant has charted both anticipation and obviousness. "Chart" refers to the designation of the attached charts that identify where specifically in each item of prior art each Asserted Claim is found, including for each element governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function.

'744 Patent			
Prior Art No.	**Prior Art Reference**	**Anticipation/ Obviousness**	**Chart**
01	6,378,132 to Grandin et al.	A/O	A-01
02	7,988,560 to Heller et al.	A/O	A-02
04	2010/0043040 to Olsen	A/O	A-04
05	2013/0325869 to Reiley et al.	A/O	A-05
06	2015/0178968 to Salmi et al.	A/O	A-06
07	2010/0123830 to Vunic	A/O	A-07
08	2010/0005485 to Tian et al.	A/O	A-08
09	2012/0076367 to Tseng	O	A-09

10	9,081,798 to Wong	A/O	A-10
11	2004/0064207 to Zacks et al.	A/O	A-11
12	Dartfish	A/O	A-12
13	ESPN Goals Mobile Application	A/O	A-13
14	Everpix	A/O	A-14
16	Orad Playmaker	A/O	A-16
17	Performa Sports	A/O	A-17
18	Rocco	A/O	A-18
19	Sharp HiMPACT	A/O	A-19
20	SportsData	O	A-20
21	WSC Interactive Video Platform/Scouting Tool	A/O	A-21

’634 Patent			
Prior Art No.	**Prior Art Reference**	**Anticipation/ Obviousness**	**Chart**
01	6,378,132 to Grandin et al.	A/O	B-01
02	7,988,560 to Heller et al.	A/O	B-02
04	2010/0043040 to Olsen	A/O	B-04
05	2013/0325869 to Reiley et al.	A/O	B-05
06	2015/0178968 to Salmi et al.	A/O	B-06
07	2010/0123830 to Vunic	A/O	B-07
08	2010/0005485 to Tian et al.	A/O	B-08
09	2012/0076367 to Tseng	O	B-09
10	9,081,798 to Wong	A/O	B-10
11	2004/0064207 to Zacks et al.	A/O	B-11
12	Dartfish	A/O	B-12
13	ESPN Goals Mobile Application	A/O	B-13

14	Everpix	O	B-14
16	Orad Playmaker	A/O	B-16
17	Performa Sports	A/O	B-17
18	Rocco	A/O	B-18
19	Sharp HiMPACT	A/O	B-19
20	SportsData	O	B-20
21	WSC Interactive Video Platform/Scouting Tool	A/O	B-21

’305 Patent			
Prior Art No.	**Prior Art Reference**	**Anticipation/ Obviousness**	**Chart**
01	6,378,132 to Grandin et al.	A/O	C-01
02	7,988,560 to Heller et al.	A/O	C-02
04	2010/0043040 to Olsen	A/O	C-04
05	2013/0325869 to Reiley et al.	A/O	C-05
06	2015/0178968 to Salmi et al.	A/O	C-06
07	2010/0123830 to Vunic	A/O	C-07
08	2010/0005485 to Tian et al.	A/O	C-08
09	2012/0076367 to Tseng	O	C-09
10	9,081,798 to Wong	A/O	C-10
11	2004/0064207 to Zacks et al.	A/O	C-11
12	Dartfish	A/O	C-12
13	ESPN Goals Mobile Application	A/O	C-13
14	Everpix	A/O	C-14
15	Instagram	O	C-15
16	Orad Playmaker	A/O	C-16
17	Performa Sports	A/O	C-17

18	Rocco	A/O	C-18
19	Sharp HiMPACT	A/O	C-19
20	SportsData	O	C-20
21	WSC Interactive Video Platform/Scouting Tool	A/O	C-21

’439 Patent			
Prior Art No.	**Prior Art Reference**	**Anticipation/ Obviousness**	**Chart**
01	6,378,132 to Grandin et al.	O	D-01
02	7,988,560 to Heller et al.	O	D-02
03	2013/008238 to Hogeg et al.	A/O	D-03
04	2010/0043040 to Olsen	O	D-04
05	2013/0325869 to Reiley et al.	O	D-05
06	2015/0178968 to Salmi et al.	A/O	D-06
07	2010/0123830 to Vunic	A/O	D-07
09	2012/0076367 to Tseng	O	D-09
10	9,081,798 to Wong	A/O	D-10
11	2004/0064207 to Zacks et al.	O	D-11
12	Dartfish	A/O	D-12
13	ESPN Goals Mobile Application	A/O	D-13
14	Everpix	A/O	D-14
15	Instagram	O	D-15
16	Orad Playmaker	O	D-16
17	Performa Sports	A/O	D-17
18	Rocco	O	D-18
19	Sharp HiMPACT	A/O	D-19
20	SportsData	O	D-20

21	WSC Interactive Video Platform/Scouting Tool	A/O	D-21
22.1	7,479,949 to Jobs et al.	O	D-22.1
22.2	iPhone User Guides	O	D-22.2

E. Obviousness

In determining whether a claim is obvious, "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). In that regard, a patent claim may be obvious if the combination of elements was obvious to try or there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent's claims. The obviousness determination includes consideration of inferences and creative steps that a person of ordinary skill in the art might use. A reference may be deemed analogous prior art where the reference (i) is from the same field of endeavor, regardless of the problem addressed; and (ii) if not within the same field of endeavor, is reasonably pertinent to the particular problem with which the challenged claim is involved. *In re Bigio*, 381 F.3d 1320, 1325. In addition, when a reference is available in one field of endeavor, "design incentives and other market forces can prompt variations of it, either in the same field or a different one." *KSR*, 550 U.S. at 417. "If a person of ordinary skill can implement a predictable variation, [35 U.S.C.] § 103 likely bars its patentability." *Id.*

No showing of a specific motivation to combine prior art is required to combine the references disclosed above and in the attached charts, as each combination would have expected

results, and at most would simply represent a known alternative to one of skill in the art. *See KSR* at 415-18 (2007) (rejecting the Federal Circuit's "rigid" application of the teaching, suggestion, or motivation to combine test, instead espousing an "expansive and flexible" approach); *Q.I. Press Controls, B.V. v. Lee*, 732 F.3d 1371, 1379 (Fed. Cir. 2014). Indeed, the Supreme Court held that a person of ordinary skill is "a person of creativity, not an automaton" and "in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* at 420-21; *see also* Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Telefax Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Nevertheless, in addition to the information contained elsewhere in these contentions, Defendant hereby identifies exemplary motivations and reasons to combine which apply to each of the 103 combinations provided.

One or more combinations of the prior art references identified above would have been obvious because these references would have been combined using: known methods to yield predictable results; known techniques in the same way; a simple substitution of one known, equivalent element for another to obtain predictable results; and/or a teaching, suggestion, or motivation in the prior art generally. *See Q.I. Press Controls*, 732 F.3d at 1379; *Randall Mfg. v. Rea*, 733 F.3d 1355, 1363 (Fed. Cir. 2013). In addition, it would have been obvious to try combining the prior art references identified above because there were only a finite number of predictable solutions and/or because known work in one field of endeavor prompted variations based on predictable design incentives and/or market forces either in the same field or a different one. *See KSR*, 127 S. Ct. at 1742; *Sanofi-Aventis Deutschland GmbH v. Glenmark Pharms. Inc., USA*, 748 F.3d 1354, 1360 (Fed. Cir. 2014); *Comaper Corp. v. Antec, Inc.*, 596 F.3d 1343, 1352 (Fed. Cir. 2010); *In re Kubin*, 561 F.3d 1351, 1359 (Fed. Cir. 2009). Further, the combinations of

the prior art references identified above and in the claim charts would have been obvious because the combinations represent known potential options with a reasonable expectation of success. *See InTouch Techs., Inc. v. VGO Comms., Inc.*, 751 F.3d 1327, 1347 (Fed. Cir. 2014).

The Asserted Claims essentially describe associating data with media content items. Associating data with media content items has been commonplace for decades. Similarly, using contextual information to associate data with media content fails to add something new. Any annotation, caption, tag, label, title, and/or other information added to a media content item generally "depend[s] on or relat[es] to the circumstances that form the setting for the photo," which is the definition of contextual. For example, date stamps on printed photographs in the 70's provided a text-based description of the date and/or time the photo was taken (i.e., based on the context of the photo). This early example of "auto-tagging" media content items (e.g., photos) based on contextual information associated with the photos (e.g., when the photo was taken) has evolved into a wide variety of systems and methods for adding data to media content items based on contextual information associated with the media content items.

By the 1990s, film and digital cameras were widely available that automatically associated metadata, such as produced by internal clocks, GPS sensors, and user text input, with images. For example, the Kodak Advantix 5800MRX included a real-time clock, and recorded the date and time images were captured on the film's magnetic track. The camera also recorded an optional caption, which could describe an event or an action such as "Baby's first step". When the film was scanned and the digitized images were stored on a Kodak Picture CD, the capture date and time, and the image caption, was stored as Exif metadata within the appropriate image file.

With the advancement of technology from film cameras to digital cameras and finally to camera phones (e.g., the iPhone), auto-tagging photos based on context has similarly evolved to

become more detailed and applicable to a wider variety of media content items. By way of another example, Facebook released its facial recognition automatic photo tagging in December of 2010. Facebook's facial recognition feature used the contextual information (i.e., the faces depicted) in a photograph to automatically suggest tags for the photograph.

Tagging photos and/or videos, overlaying relevant information on to photos and/or videos, attaching data or metadata to photos and/or videos in a database, organizing media content by analyzing and/or associating photos based on context, and adding user annotations to photos and/or videos all describe the association of data with media content items - which was nothing new or novel in 2013. The claims attempt to mask this reality by repeating various types of data that are assigned to media content items. However, even the specific types of data in the Asserted Claims have been associated with media content items in a variety of fields well before the alleged priority date of the Asserted Patents.

In sports, the concept of using contextual information to annotate media content items with sporting event data was known before the 70s. In fact, sporting-event data feeds, which were well-known to persons of ordinary skill in the art well before 2012, provided detailed real-time reports of various sports broken down according to the logical segments of the particular sports that could be associated with or added to media content. SportsData is a specific example of such a system that is identified by the asserted '744 Patent itself as being usable with its system. (See '744 Patent at 12:44-46 indicating "one example of a suitable event-related data feed provider 108 is the data feed service provided by SportsData LLC of St. Paul, Minn.") This data has been used for decades, for example, by major league stadiums in order to display the current scores and/or statistics of other games around the applicable league. Between the 1970's and 2012, associating the event data from these sporting event feeds became a standard practice for a variety of technologies

related to sports broadcasting, sports highlight generation and game analytics, and user content creation and organization, among others.

The sports broadcasting industry started adding this type of sports data to media content (e.g., live video) in 1965. By the 1975 World Series, stats were overlaid on the television screen and updated throughout the game. In 1996, the "FoxBox" was developed by SportsVision. The FoxBox is the constant graphic displayed on the screen during every sporting event on television that provides real-time information relating to the sporting event. For a baseball game, the FoxBox typically shows the teams playing, the score, the inning, the runners on base, the balls and strikes, and/or information about a given player. In 1998, the "1st and Ten" line (i.e., the yellow first down indicator) that everyone is familiar with debuted during a Bengals vs. Ravens game. Each of these early innovations used contextual information related to an event (or game) and/or captured content, to tag or display event data, segment data, and discrete action data associated with the sporting event. All of these systems would have been well-known to persons of ordinary skill in the art prior to 2000. Some examples of prior art references related to the above-mentioned technology include Grandin, Rocco, Olsen, Zacks, and/or Sharp HiMPACT.

Sports highlight generation technologies known to persons of ordinary skill in the art prior to 2012-2013 also associated event data with media content (i.e., media content with metadata) and used such associations to provide highlight's to users via their computers and/or mobile devices. These systems defined and/or extracted highlight clips of particular plays or segments of sporting events based on metadata associated with the video or images showing those plays or segments, such that specific highlights a user wanted to see (e.g., all of Ronaldo's goals) could be easily accessed. Some mobile applications geared towards providing game highlights to users would utilize the contextual information associated with a user device to provide relevant game

highlights to that user based on their location. *See e.g.*, ESPN Goals Application. Examples of prior art references related to sports highlights generation includes Dartfish, ESPN Goals, Heller, Orad Playmaker, Performa Sports, Reiley, SportsData, Tian, Vunic, WSC Interactive Video Platform, and/or Zacks.

User content creation and organization technology utilized event data, including sporting event data feeds, to enable users to create content for a specific event and/or organize content related to an event at least by 2011. For example, Everpix, Hogeg, Instagram, Salmi, Tseng, and/or Wong all involved creating, tagging, editing and/or organizing media content associated with event information as early as 2011. The event information associated with the media content items often allows the image files to be searched relative to a known event date or keyword, such as a holiday or type of location. By way of another example, U.S. Patent Application Publication No. 2009/0157680 to Crossley et al., which was cited by the Examiner during prosecution of the '744 patent and other related patents, illustrates that classifying and organizing media content items according to their metadata and adding further metadata to improve the user experience would have been known to persons of ordinary skill in the art in 2011. Crossley teaches: (i) associating location, time, or date information with a digital media file when it is created (steps 101-102); (ii) matching the location, time, or date tags with information in a database correlating events with such information (step 103); (iii) tagging the digital media file with the matching event (step 105); (iv) and providing user access to the digital media files based on the tagged information (steps 106-108). See, e.g., Crossley at FIG. 2 and ¶¶[0046]-[0051] and [0055]-[0058].

By the mid-2000s, in addition to associating data with media content items, many camera phones and/or platforms (e.g., social media platforms such as Instagram) available to users via smartphones enabled to users to further edit and/or apply special effects to media content items.

Sometimes overlaying the event and/or sports data onto the media content itself provided the special effect, whereas sometimes other editing options separate from the event and/or sports data enabled the user to add a special effect.

All of the aforementioned systems and patent references were directed towards solving the same problems and goals identified by the Asserted Patents using the basic concept of associating data to media content based on contextual information. The Asserted Patents attempt to address concerns with respect to "a large volume of digital content" that is "largely disorganized and lacking in contextual information" such that it is "difficult for people to find and use the digital content." See '744 Patent at Background. This was the same fundamental problem in sports broadcasting, sports highlight generation and game analytics, and user content creation and organization that led to the development of using contextual information to associate data with media content in each of the prior art references long before the Alleged Priority Date of the Asserted Patents. For example, in sports broadcasting, associating sports data with the sports media content based on contextual information from the media content and/or the game itself enabled users to consume the sports media content in a more organized and effective manner (e.g., game annotations or information displayed during a baseball game indicate what the event is by indicating which teams are playing, what the segment is by indicating which inning it is, and what the discrete actions are by increasing the score after a running touches home plate). Similarly, the highlight generation technology described in the prior art focuses on the same goal of organizing a large volume of content into segments or highlights that are relevant to the user via associating data with the media content item according to the context and filtering the segments or highlights according to the associated data (e.g., see Vunic, WSC, etc.). One subset of the highlight generation technology of the mid 2000s is sports analysis software (e.g., Dartfish, Orad Playmaker, and/or

Performa sports) which is explicitly designed to enable a user to tag and review highlights or important segments of a game without having to review the entire game. Finally, user content creation and organization platforms aimed to create relevant media content by associating data with the media content according to contextual information related to the media content item (e.g., what is depicted in the photo and/or video) and/or the user's mobile device (e.g., location), as well as organizing media content according to the associated data with it so a user can search or filter for the content they want to view (e.g., see Everpix, Salmi, etc.). Persons of ordinary skill in the art would have been well aware of the various methods of associating data with media content (i.e., using metadata of media content) to more effectively enable users to "find and use" the digital content they want long before the Alleged Priority Date of the Asserted Patents. As such, it would have been obvious to a person of ordinary skill in the art to combine one or more references from one or more of the aforementioned categories.

The state of the prior art, existing systems and technologies illustrate the motivation of a person of ordinary skill in the art, including to use contextual information to associate data with media content so digital content is easier to "find and use," all of which existed long before the Alleged Priority Date of the Asserted Patents.

Additional evidence of motivation to combine the prior art references identified above includes the interrelated teachings of multiple prior art references; the effects of demands known to the media content community or present in the marketplace; the existence of a known problem (e.g., see the background section of the Asserted Patents) for which there was an obvious solution encompassed by the asserted claims; the existence of a known need or problem in the field of the endeavor at the time of the alleged invention(s); and the background knowledge that would have been possessed by a person having ordinary skill in the art. *See Norgren Inc. v. Int'l Trade*

Comm'n, 699 F.3d 1317, 1322-23 (Fed. Cir. 2012); *Rolls-Royce, PLC v. United Techs. Corp.*, 603 F.3d 1325, 1339 (Fed. Cir. 2010); *Honeywell Int'l, Inc. v. U.S.*, 609 F.3d 1292, 1306-07 (Fed. Cir. 2010).

The motivation to combine the teachings of the prior art references disclosed herein is also found in the references themselves and in: (1) the nature of the problem being solved; (2) the express, implied and inherent teachings of the prior art; (3) the knowledge of persons having ordinary skill in the art; (4) the predictable results obtained in combining the different elements of the prior art; (5) the predictable results obtained in simple substitution of one known element for another; (6) the use of a known technique to improve similar devices, methods, or products in the same way; (7) the predictable results obtained in applying a known technique to a known device, method, or product ready for improvement; (8) the finite number of identified predictable solutions that had a reasonable expectation of success; and (9) known work in various technological fields that could be applied to the same or different technological fields based on design incentives or other market forces. *KSR*, 550 U.S. at 415–21.

Any reference or combination of references that anticipates or makes obvious an asserted independent claim also makes obvious any Asserted Claim dependent on that independent claim because every element of each dependent claim was known by a person of ordinary skill at the time of the alleged invention, and it would have been obvious to combine those known elements with the independent claims at least as a matter of common sense and routine innovation. The motivation and/or incentive to combine each of the prior art references identified in the accompanying Exhibits A-01 to D-22.2 comes from many sources, including, but not limited to, the known, published prior art references and products themselves, the knowledge of those of ordinary skill in the art, the common field of technology of the references, the commonality of the

objectives and purposes of the references, and the teachings in the references directed to solving the problems that the Patents-in-Suit were allegedly directed to solving.

Accordingly, the teachings of the individual prior art references disclosed in these Invalidity Contentions, combined with the industry knowledge of a person of ordinary skill in the art at the time of the alleged invention of the Patents-in-Suit would render obvious the Asserted Claims. Provided below are some additional examples of motivations to combine the various prior art references disclosed in these Invalidity Contentions. These are only examples of the teachings, suggestions, motivations and/or reasons a person of ordinary skill in the art would have had to modify or combine the prior art noted in Exhibits A-01 to D-22.2. Such combinations and teachings are also further identified in Exhibits A-01 to D-22.2 with reference to disclosure of particular limitations. Exhibits A-01 to D-22.2 describe example points in the prior art references at which a particular aspect of the claims are taught. Each of these teachings noted in Exhibits A-01 to D-22.2 would teach, suggest, motivate, and/or provide a reason to a person of ordinary skill the art to modify or combine prior art references in relation to the distribution and use of digital image processing functions, digital media content processing functions, and image processing functions as claimed. For these reasons and others, a person of ordinary skill in the art would have been motivated to combine any one of the prior art references listed in Exhibits A-01 to D-22.2, or herein, with one or more of those prior art references list in Exhibits A-01 to D-22.2 or herein.

1. Illustrative Obviousness Combinations for the ’744 Patent

	Claims	**Primary Reference**	**Secondary Reference(s)**
1	1, 17, 19	Dartfish	Performa; Tseng

2	1, 17, 19	Grandin	Olsen; Salmi
3	1, 17, 19	Grandin	Performa; Dartfish
4	1, 17, 19	Grandin	SportsData
5	1, 17, 19	Grandin	WSC
6	1, 17, 19	Performa	Dartfish; Tseng
7	1, 17, 19	Reiley	Dartfish; Zachs; Tian
8	1, 17, 19	Salmi	Everpix
9	1, 17, 19	Salmi	Performa; Dartfish
10	1, 17, 19	Salmi	Vunic; Wong; Tian
11	1, 17, 19	Wong	SportsData; Dartfish
12	1, 17, 19	WSC	Performa; Dartfish
13	1, 17, 19	WSC	Heller; Reiley
14	1, 17, 19	WSC	Vunic; Salmi; Tseng
15	1, 17, 19	WSC	Wong; Olsen

	Claims	Incorporated Independent Claim Combinations	Secondary Reference(s)
1	4	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Performa and/or Playmaker
2	10	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Wong and/or Everpix
3	15	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Reiley and/or Grandin
4	20	*See* Combinations from Independent claim 19 plus Secondary Reference(s).	Reiley and/or Olsen

2. Illustrative Obviousness Combinations for the ’634 Patent

	Claims	Primary Reference	Secondary Reference(s)
1	1, 20, 21	Dartfish	Performa; Tseng
2	1, 20, 21	Grandin	Olsen; Salmi
3	1, 20, 21	Grandin	Performa; Dartfish
4	1, 20, 21	Grandin	SportsData
5	1, 20, 21	Grandin	WSC
6	1, 20, 21	Performa	Dartfish; Tseng
7	1, 20, 21	Reiley	Dartfish; Zachs; Tian

8	1, 20, 21	Salmi	Everpix
9	1, 20, 21	Salmi	Performa; Dartfish
10	1, 20, 21	Salmi	Vunic; Wong; Tian
11	1, 20, 21	Wong	SportsData ; Dartfish
12	1, 20, 21	WSC	Performa; Dartfish
13	1, 20, 21	WSC	Heller; Reiley
14	1, 20, 21	WSC	Vunic; Salmi; Tseng
15	1, 20, 21	WSC	Wong; Olsen

	Claims	**Incorporated Independent Claim Combinations**	**Secondary Reference(s)**
1	2	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Vunic; Grandin; and/or Tian
2	3	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Tian and/or Grandin
3	7	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Vunic; Playmaker; and/or Grandin
4	8	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Salmi; Everpix; and/or Wong
5	9	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Wong and/or Everpix

6	14	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Reiley and/or Tian
7	15	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Performa and/or Playmaker
8	16	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Reiley and/or SportsData

3. Illustrative Obviousness Combinations for the ’305 Patent

	Claims	**Primary Reference**	**Secondary Reference(s)**
1	1, 13, 17	Dartfish	Performa; Tseng
2	1, 13, 17	Grandin	Olsen; Salmi
3	1, 13, 17	Grandin	Performa; Dartfish
4	1, 13, 17	Grandin	SportsData
5	1, 13, 17	Grandin	WSC
6	1, 13, 17	Performa	Dartfish; Tseng
7	1, 13, 17	Reiley	Dartfish; Zachs; Tian
8	1, 13, 17	Salmi	Everpix
9	1, 13, 17	Salmi	Performa; Dartfish

10	1, 13, 17	Salmi	Vunic; Wong; Tian
11	1, 13, 17	Wong	SportsData; Dartfish
12	1, 13, 17	WSC	Performa; Dartfish
13	1, 13, 17	WSC	Heller; Reiley
14	1, 13, 17	WSC	Vunic; Salmi; Tseng
15	1, 13, 17	WSC	Wong; Olsen

	Claims	**Incorporated Independent Claim Combinations**	**Secondary Reference(s)**
1	3	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Performa and/or Playmaker
2	4	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Salmi; Everpix; and/or Wong
3	7	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Everpix and/or Wong
4	8	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Tian; Grandin; and/or Wong
5	9	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Wong and/or Instagram
6	12	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Wong and/or Salmi
7	15	*See* Combinations from Independent claim 13 plus Secondary Reference(s).	Reiley and/or SportsData

8	18	*See* Combinations from Independent claim 17 plus Secondary Reference(s).	Reiley and/or Olsen

4. Illustrative Obviousness Combinations for the ’439 Patent

	Claims	**Primary Reference**	**Secondary Reference(s)**
1	1, 10, 16	Hogeg	Performa; Dartfish
2	1, 10, 16	Hogeg	Playmaker
3	1, 10, 16	Playmaker	Jobs/iPhone; Salmi
4	1, 10, 16	Playmaker	WSC; Salmi
5	1, 10, 16	Salmi	Dartfish
6	1, 10, 16	Salmi	Hogeg
7	1, 10, 16	Salmi	Instagram; Jobs/iPhone
8	1, 10, 16	Salmi	Playmaker
9	1, 10, 16	Salmi	WSC
10	1, 10, 16	Salmi	WSC; Jobs/iPhone
11	1, 10, 16	WSC	Dartfish

12	1, 10, 16	WSC	ESPN; Salmi
13	1, 10, 16	WSC	Everpix; Instagram
14	1, 10, 16	WSC	Hogeg
15	1, 10, 16	WSC	Performa

	Claims	**Incorporated Independent Claim Combinations**	**Secondary Reference(s)**
1	8	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Vunic; Jobs/iPhone; and/or Instagram
2	9	*See* Combinations from Independent claim 1 plus Secondary Reference(s).	Instagram; WSC; and/or Hogeg
3	12	*See* Combinations from Independent claim 10 plus Secondary Reference(s).	Salmi and/or Performa
4	13	*See* Combinations from Independent claim 10 plus Secondary Reference(s).	Olsen and/or Reiley
5	15	*See* Combinations from Independent claim 10 plus Secondary Reference(s).	Vunic; Jobs/iPhone; and/or Instagram
6	17	*See* Combinations from Independent claim 16 plus Secondary Reference(s).	Olsen and/or Reiley
7	18	*See* Combinations from Independent claim 16 and dependent claim 17, plus Secondary Reference(s).	ESPN Goals and/or Olsen
8	21	*See* Combinations from Independent claim 16 plus Secondary Reference(s).	Everpix and/or Olsen

9	22	*See* Combinations from Independent claim 16 plus Secondary Reference(s).	Everpix and/or Wong

F. Secondary Considerations of Obviousness

Plaintiff has not identified any secondary consideration or other objective evidence of non-obviousness. Defendant reserves its right to submit contentions and evidence to rebut any secondary consideration or other objective or purportedly objective evidence that Plaintiff may later identify.

III. Invalidity Contentions Based on 35 U.S.C. §112

Snap provides below an identification of asserted claims that are—at least as apparently construed by UberFan in its Infringement Contentions—invalid pursuant to 35 U.S.C. § 112 as indefinite, not enabled, and/or lacking a sufficient written description. A more detailed basis for Snap's indefiniteness and lack of enablement and/or written description defenses will be set forth in its expert report(s) on invalidity, to be served in accordance with the Court's Scheduling Order. Snap has not yet taken any depositions related to these issues. Snap specifically reserves the right to amend and/or supplement these Invalidity Contentions based on a failure to comply with the requirements of 35 U.S.C. § 112, which provides that "[t]he specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention."

No invalidity basis under 35 U.S.C. § 112 identified below is meant to suggest that a particular claim term cannot be at least partially understood for the purpose of determining

invalidity in view of prior art as set forth elsewhere herein or to the extent advanced in any review proceeding before the USPTO, such as in an *inter partes* review.

A. '744 Patent

"intelligent media content"

Claims 1 and 19 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term "intelligent media content." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of "intelligent media content" such that infringement can be determined to the extent this term is asserted to mean something different than media content with associated searchable data. Additionally, the claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement "intelligent media content" to the extent "intelligent media content" is asserted to mean something different than the above. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term "intelligent media content," at least to the extent "intelligent media content" is asserted to mean something different than the above.

"media content item(s)"

Claims 1, 15, 17, 19, and 20 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term "media content item(s)." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of

"media content item(s)" such that infringement can be determined. For example, both media content and media content cards, and their interactions with other features of the '744 Patent, are described in the specification. It is unclear whether "media content item" encompasses one or both. Moreover, the claims are invalid under 35 U.S.C. § 112(a) for at least the above reasons.

"determine[ing] that the particular media content item relates to the particular event of the plurality of events based at least in part on the contextual information"

Claims 1, 17, and 19 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art of the scope of the claimed invention with respect to the claim limitation "determine[ing] that the particular media content item relates to the particular event of the plurality of events based at least in part on the contextual information." For example, the term "relates" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of how the media content item would relate to the event in order to satisfy the claims such that they would be infringed.

"compare[ing] the contextual information to the event segment data for the event to identify a relationship between the particular media content item and the particular segment of the event using the at least one computing device" / "compare[ing] the contextual information to the discrete action data for the particular event to identify a relationship between the particular media content item and the particular discrete action" / "compare[ing] the second contextual information to the event segment data for the event to identify a relationship between the second particular media content item and the particular segment of the event"

Claims 1, 17, and 19 of the ’744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations “compare[ing] the contextual information to the event segment data for the event to identify a relationship between the particular media content item and the particular segment of the event using the at least one computing device” “compare[ing] the contextual information to the discrete action data for the particular event to identify a relationship between the particular media content item and the particular discrete action,” and “compare[ing] the second contextual information to the event segment data for the event to identify a relationship between the second particular media content item and the particular segment of the event.” For example, the term “relationship” is vague and ill-defined and given the patent’s disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of “relationship” would satisfy the claims such that they would be infringed. Moreover, the outer metes and bounds of “event segment data for the event” are also unclear to the extent “the event” is not the “particular event.”. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed “relationship” between the particular media content item and the particular segment of the event or particular discrete action that is identified by the comparing.

“automatically tag[ging] the [second] particular media content item with the particular event” / “automatically tag[ging] the [second] particular media content item with the particular segment of the event [as a result of the identified relationship]” / “automatically tag[ging] the particular media content item with the particular discrete action of the particular event as a result of the identified relationship between the particular media content item and the particular discrete

action" / "automatically tagging the particular media content item with the particular segment comprises automatically tagging the particular media content item with the scored segment of the sports game"

Claims 1, 17, 19, and 20 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "automatically tag[ging] the [second] particular media content item with the particular event," "automatically tag[ging] the [second] particular media content item with the particular segment of the event [as a result of the identified relationship]," "automatically tag[ging] the particular media content item with the particular discrete action of the particular event as a result of the identified relationship between the particular media content item and the particular discrete action," and "automatically tagging the particular media content item with the particular segment comprises automatically tagging the particular media content item with the scored segment of the sports game." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed. "Tag[ging]…as a result of the identified relationship" is also vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know the metes and bounds of the relevant limitations. Furthermore, the outer meets and bounds of "tag[ging] the particular media content item with the particular segment of the event," "with the particular discrete action," or "with the scored segment" are indefinite because it is not clear how a media content item can be tagged with a segment or action, as opposed to, for example, data about a segment or action. Additionally, the claims are invalid under 35 U.S.C. § 112(a) because the

specification and claims fail to enable one of skill in the art to implement tagging as a result of a relationship and tagging a media content item with a segment or action as opposed to data about a segment or action. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed "relationship" and how it is used for tagging.

"generate[ing] and store[ing] a text-based contextual description for the particular media content item based at least in part on one or more of the particular segment of the event and the particular discrete action"

Claims 1, 17, and 19 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitation "generate[ing] and store[ing] a text-based contextual description for the particular media content item based at least in part on one or more of the particular segment of the event and the particular discrete action." For example, the term "based at least in part on one or more of the particular segment of the event and the particular discrete action" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of "based on" that would satisfy the claims such that they would be infringed. Nor would one of ordinary skill in the art know with reasonable certainty the outer temporal limits of the occurrence of this limitation that would satisfy the claims such that they would be infringed. Nor would one of ordinary skill in the art know with reasonable certainty the outer metes and bounds of what is performing the "generate[ing] and store[ing]" that would satisfy the claims such that they would be infringed.

"wherein the tagging of the particular segment of the event to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item"

Claims 1, 17, and 19 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitation "wherein the tagging of the particular segment of the event to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed "relationship between the particular media content item and the second particular media content item" that is indicated by the tagging and how such a "relationship" would be indicated by tagging two media content items with a segment of an event.

"provide[ing] access to the particular media content item and the second particular media content item based at least in part on the relationship between the particular media content item and the second particular media content item"

Claims 1, 17, and 19 of the '744 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitation "provide[ing] access to the particular media content item and the second

particular media content item based at least in part on the relationship between the particular media content item and the second particular media content item." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what constitutes providing access to reasonably determine if these claims would be infringed. Further, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed. Additionally, the claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement the claimed providing access, at least to the extent the same is not limited to providing copies of media content items. Moreover, the claims are invalid under 35 U.S.C. § 112(b) because the patent lacks adequate written description for the claimed providing access, at least to the extent the same is not limited to providing copies of media content items.

"wherein the event-related data is stored in the at least one computer-readable storage device while the particular event is occurring"

Claim 4 of the '744 Patent (and any claims dependent therefrom) is invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitation "wherein the event-related data is stored in the at least one computer-readable storage device while the particular event is occurring." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of the timing of the storage that would satisfy the claims such that they would be infringed . In addition, claim 4 is invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement storing event-related data while an event is occurring. Further, the claims are invalid under 35

U.S.C. § 112(a) because the patent lacks adequate written description of how storing event-related data while the particular event is occurring would be accomplished.

B. ’634 Patent

“media content item(s)”

Claims 1, 2, 7, 14, 20, and 21 of the ’634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term “media content item(s).” For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of “media content item(s)” such that infringement can be determined. For example, both media content and media content cards, and their interaction with other features of the ’634 Patent, are described in the specification. It is unclear whether “media content item” encompasses one or both. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term “media content item(s)” for at least the above reasons.

“determine[ing] that the particular media content item relates to the particular sports event of the at least one sports event based at least in part on the contextual information”

Claims 1, 17, 20, and 21 of the ’634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art of the scope of the claimed invention with respect to the claim limitation “determine[ing] that the particular media content item relates to the particular sports event of the at least one sports event based at least in part on the contextual information.” For example, the term “relates” is vague and ill-defined and given the patent’s disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes

and bounds of how the media content item would relate to the event in order to satisfy the claims such that they would be infringed.

"compare[ing] the contextual information to the discrete action data for the particular sports event to identify a relationship between the particular media content item and the particular action" / "comparing the contextual information to the scored segment data for the particular sports event to identify a relationship between the particular media content item and the particular scored segment"

Claims 1, 20, and 21 of the '634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "compare[ing] the contextual information to the discrete action data for the particular sports event to identify a relationship between the particular media content item and the particular action" and "comparing the contextual information to the scored segment data for the particular sports event to identify a relationship between the particular media content item and the particular scored segment." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed "relationship" between the particular media content item and the particular action or particular scored segment that is identified by the comparing.

"automatically tag[ging] the particular media content item with a tag identifying the particular action that occurred during the sports game of the particular sports event as a result of

the identified relationship between the particular media content item and the particular action that occurred during the particular sports event" / "automatically tagging the particular media content item with a tag identifying the particular scored segment of the sports game of the particular sports event as a result of the identified relationship between the particular media content item and the particular scored segment of the particular sports event"

Claims 1, 20, and 21 of the '634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "automatically tag[ging] the particular media content item with a tag identifying the particular action that occurred during the sports game of the particular sports event as a result of the identified relationship between the particular media content item and the particular action that occurred during the particular sports event" and "automatically tagging the particular media content item with a tag identifying the particular scored segment of the sports game of the particular sports event as a result of the identified relationship between the particular media content item and the particular scored segment of the particular sports event." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed and cannot know the metes and bounds of these limitations. "Tag[ging]…as a result of the identified relationship" is also vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know the metes and bounds of the relevant limitations. Additionally, the claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement tagging as a result of a relationship. In addition, the claims are invalid under 35 U.S.C.

§ 112(a) because the patent lacks adequate written description relating to the nature of the claimed identified "relationship" and how it is used for tagging.

"wherein the event-related data is stored in at least one computer-readable storage device while the particular sports event is occurring"

Claim 15 of the '634 Patent (and any claims dependent therefrom) is invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitation "wherein the event-related data is stored in at least one computer-readable storage device while the particular sports event is occurring." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of the timing of the storage that would satisfy the claims such that they would be infringed. In addition, claim 15 is invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement storing event-related data while an event is occurring. Further, the claim is invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description how storing event-related data while the particular event is occurring would be accomplished.

C. '305 Patent

"intelligent media content"

Claims 1 and 17 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term "intelligent media content." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of "intelligent media content" such that infringement can be determined to the extent this term is asserted to mean

something different than media content with associated searchable data. Additionally, claims 1 and 17 are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement "intelligent media content" to the extent "intelligent media content" is asserted to mean something different than the above. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term "intelligent media content," at least to the extent "intelligent media content" is asserted to mean something different than the above.

"media content item(s)"

Claims 1, 13, 17, and 18 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term "media content item(s)." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of "media content item(s)" such that infringement can be determined. For example, both media content and media content cards, and their interaction with other features of the '305 Patent, are described in the specification. It is unclear whether "media content item" encompasses one or both. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term "media content item(s)" for at least the above reasons.

"at least one computing device" / "wherein the at least one computing device comprises a plurality of computing devices coupled together" / "the at least one computing device comprises at least one mobile computing device and at least one server"

Claims 1, 13, 15, and 18 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic

record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term "at least one computing device" as well as the limitations of "wherein the at least one computing device comprises a plurality of computing devices coupled together" and "the at least one computing device comprises at least one mobile computing device and at least one server." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of whether the claimed operations performed by the "at least one computing device" must be performed by multiple computing devices as opposed to a single device, or by both a "at least one mobile computing device and at least one server" as opposed to either one of these, in order for the claims to be infringed. Additionally, these claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement each claimed operation performed by multiple computing devices or by both "at least one mobile computing device and at least one server." Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description at least because the claimed operations being performed by multiple computing devices or by both "at least one mobile computing device and at least one server" is not described.

"wherein the contextual information comprises at least one of: data associated with metadata of the particular media content item, and data associated with content of the particular media content item"

Claims 1, 13, and 17 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "wherein the contextual information comprises at least one of: data

associated with metadata of the particular media content item, and data associated with content of the particular media content item." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of "data associated with metadata of the particular media content item" and how it is different than "metadata" itself and whether and how "data associated with content of the particular media content item" is different than "metadata." In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of and relationship between data associated with metadata, metadata, and data associated with content.

"determine[ing] that the particular media content item relates to the particular event of the plurality of events based at least in part on the contextual information"

Claims 1, 13, and 17 of the '634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art of the scope of the claimed invention with respect to the claim limitation "determine[ing] that the particular media content item relates to the particular sports event of the at least one sports event based at least in part on the contextual information." For example, the term "relates" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of how the media content item would relate to the event in order to satisfy the claims such that they would be infringed.

"compare[ing] the contextual information to the event segment data for the event to identify a relationship between the particular media content item and the particular segment of the event using the at least one computing device" / "comparing the second contextual information to the event segment data for the event to identify a relationship between the second particular media

content item and the particular segment of the event" / "compare the contextual information to the discrete action data for the particular event to identify a relationship between the particular media content item and the particular discrete action" / "comparing the second contextual information to the event segment data for the event to identify a relationship between the second particular media content item and the particular segment of the event" / "compare the second contextual information to the discrete action data [for the event] to identify a relationship between the second particular media content item and the particular discrete action"

Claims 1, 13, and 17 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "compare[ing] the contextual information to the event segment data for the event to identify a relationship between the particular media content item and the particular segment of the event using the at least one computing device," "comparing the second contextual information to the event segment data for the event to identify a relationship between the second particular media content item and the particular segment of the event," "compare the contextual information to the discrete action data for the particular event to identify a relationship between the particular media content item and the particular discrete action," "comparing the second contextual information to the event segment data for the event to identify a relationship between the second particular media content item and the particular segment of the event," and "compare the second contextual information to the discrete action data [for the event] to identify a relationship between the second particular media content item and the particular discrete action." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of

what type of "relationship" would satisfy the claims such that they would be infringed. Moreover, the outer metes and bounds of "discrete action data for the event" are also unclear to the extent it is not the "particular event." In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed "relationship" between the particular media content item and the particular segment of the event or particular discrete action that is identified by the comparing.

"automatically tag[ging] the particular media content item with the particular event [using the at least one computing device]" / "automatically tagging the particular media content item with the particular segment of the event as a result of the identified relationship using the at least one computing device" / "automatically tag the particular media content item with the particular discrete action of the particular event as a result of the identified relationship between the particular media content item and the particular discrete action" / "automatically tag[ging] the second particular media content item with the particular event" / "automatically tagging the second particular media content item with the particular segment of the event" / "automatically tag the second particular media content item with the particular discrete action"

Claims 1, 13, and 17 of the '305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations "automatically tag[ging] the particular media content item with the particular event [using the at least one computing device]," "automatically tagging the particular media content item with the particular segment of the event as a result of the identified relationship using the at least one computing device," "automatically tag the particular media content item with the particular discrete action of the particular event as a result of the identified relationship between

the particular media content item and the particular discrete action," "automatically tag[ging] the second particular media content item with the particular event," "automatically tagging the second particular media content item with the particular segment of the event," "automatically tag the second particular media content item with the particular discrete action." For example, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed and cannot know the metes and bounds of these limitations. "Tag[ging]…as a result of the identified relationship" is also vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know the metes and bounds of the relevant limitations. Furthermore, the outer metes and bounds of "tag[ging] the particular media content item with the particular event," "with the particular segment of the event," or "with the particular discrete action" are indefinite because it is not clear how a media content item can be tagged with an event, segment, or action, as opposed to, for example, data about an event, segment, or action. Additionally, the claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement tagging as a result of a relationship and tagging a media content item with an event, segment, or action. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed identified "relationship" and how it is used for tagging.

"generating and storing a text-based contextual description for the particular media content item based at least in part on one or more of the particular event and the particular segment of the event" / "generate and store a text-based contextual description for the particular media content item based at least in part on one or more of the particular event and the particular discrete action"

Claims 1, 13, and 17 of the ’305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations “generating and storing a text-based contextual description for the particular media content item based at least in part on one or more of the particular event and the particular segment of the event” and “generate and store a text-based contextual description for the particular media content item based at least in part on one or more of the particular event and the particular discrete action.” For example, the terms “based at least in part on one or more of the particular event and the particular segment of the event” or “one or more of the particular event and the particular discrete action” are vague and ill-defined and given the patent’s disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of “based on” that would satisfy the claims such that they would be infringed. Nor would one of ordinary skill in the art know with reasonable certainty the outer temporal limits of the occurrence of this limitation that would satisfy the claims such that they would be infringed. Nor would one of ordinary skill in the art know with reasonable certainty the outer metes and bounds of what is performing the “generate[ing] and store[ing]” that would satisfy the claims such that they would be infringed.

“wherein the tagging of the particular segment of the event to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item” / “wherein the tagging of the particular discrete action to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item”

Claims 1, 13, and 17 of the ’305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitations “wherein the tagging of the particular segment of the event to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item” and “wherein the tagging of the particular discrete action to the particular media content item and to the second particular media content item indicates a relationship between the particular media content item and the second particular media content item.” For example, the term “relationship” is vague and ill-defined and given the patent’s disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of “relationship” would satisfy the claims such that they would be infringed. In addition, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description relating to the nature of the claimed “relationship between the particular media content item and the second particular media content item” that is indicated by the tagging and how such a “relationship” would be indicated by tagging two media content items with a segment of an event or a discrete action.

“provide[ing] access to the particular media content item and the second particular media content item based at least in part on the relationship between the particular media content item and the second particular media content item in response to a single query received from a user”

Claims 1, 13, and 17 of the ’305 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitation “provide[ing] access to the particular media content item and the second

particular media content item based at least in part on the relationship between the particular media content item and the second particular media content item in response to a single query received from a user." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what constitutes providing access to reasonably determine if these claims would be infringed. Further, the term "relationship" is vague and ill-defined and given the patent's disclosure one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of what type of "relationship" would satisfy the claims such that they would be infringed. Additionally, claims 1, 13, and 17 are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement the claimed providing access, at least to the extent the same is not limited to providing copies of media content items. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the claimed providing access, at least to the extent the same is not limited to providing copies of media content items.

"wherein the event-related data is stored in the at least one computer-readable storage device while the particular event is occurring"

Claim 3 of the '305 Patent (and any claims dependent therefrom) is invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the claim limitation "wherein the event-related data is stored in the at least one computer-readable storage device while the particular event is occurring." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of the timing of the storage that would satisfy the claims such that they would be infringed . In addition, the claim is invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to

implement storing event-related data while an event is occurring. Further, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description how storing event-related data while the particular event is occurring would be accomplished.

D. ’439 Patent

“media content item(s)”

Claims 1, 9, 10, 16, 18, and 21 of the ’439 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that include the term “media content item(s).” For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of “media content item(s)” such that infringement can be determined. For example, both media content and media content cards, and their interaction with other features of the ’439 Patent, are described in the specification. It is unclear whether “media content item” encompasses one or both. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term “media content item(s)” for at least the above reasons.

“identifying the particular event and the event segment”

Claims 1, 10, and 26 of the ’634 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the limitation “identifying the particular event and the event segment.” For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of whether “the particular event and the event segment” or information relating thereto must be displayed in order for these claims to be infringed.

"contextual information associated with the[a] mobile computing device"

Claims 10 and 16 of the '439 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to claim limitations that recite "contextual information associated with the[a] mobile computing device." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of whether and how the claimed "media content item(s)" is associated with the mobile computing device separately from being associated with files stored on or generated by the mobile computing device (e.g., media content)—thus, such a person cannot reasonably determine if these claims would be infringed. In addition, claims 10 and 16 are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to associate contextual information and a mobile computing device, as opposed to associating with media content. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the term "contextual information associated with the[a] mobile computing device," at least because the bulk of the disclosure concerns association with media content and the patent does not clearly explain the relationship and interaction between contextual information and mobile computing devices.

"scrolling the display of the user interface"

Claims 8 and 15 of the '439 Patent (and any claims dependent therefrom) are invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the limitation "scrolling the display of the user interface." For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of whether both the media

content item and special effects control must be scrolled in order for these claims to be infringed. Moreover, the claims are invalid under 35 U.S.C. § 112(a) because the specification and claims fail to enable one of skill in the art to implement scrolling the "special effects control," as claimed. Further, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the concept of scrolling the "special effects control."

"a score of the event segment of the sports game"

Claim 18 of the '439 Patent (and any claims dependent therefrom) is invalid under 35 U.S.C. § 112(b) because the claim language, when read in light of the intrinsic record, fails to inform a person of ordinary skill in the art the scope of the claimed invention with respect to the limitation "a score of the event segment of the sports game" For example, one of ordinary skill in the art cannot know with reasonable certainty the outer metes and bounds of how an event segment can have a score, as the relationship between a segment and a scored segment is not clear; these two things are described in the patent as being different—i.e., a scored segment is made up of a group of segments—and it is unclear how a segment as opposed to a scored segment can have a score. Further, the claims are invalid under 35 U.S.C. § 112(a) because the patent lacks adequate written description for the concept of assigning a score to an "event segment."

IV. Invalidity Contentions Based on 35 U.S.C. §101

Snap provides below an identification of asserted claims that are invalid pursuant to 35 U.S.C. § 101 for failure to claim patent eligible subject matter. Additionally, Snap's Motion to Dismiss (D.I. 11-12) and Reply in Support (D.I. 17) set forth the grounds for Snap's contention that the Asserted Claims are invalid as non-statutory/patent ineligible under 35 U.S.C. § 101.

No.	Asserted Patent	Asserted Claims Invalid Pursuant to 35 U.S.C. § 101
1	U.S. Patent No. 9,477,744 ("the '744 Patent")	1, 4, 10, 15, 17, 19-20
2	U.S. Patent No. 9,727,634 ("the '634 Patent")	1-3, 7-9, 14-16, 20-21
3	U.S. Patent No. 10,740,305 ("the '305 Patent")	1, 3, 4, 7-9, 12-13, 15, 17-18
4	U.S. Patent No. 10,963,439 ("the '439 Patent")	1, 8-10, 12-13, 15-18, 21-22

VI. UNENFORCEABILITY CONTENTIONS

Snap reserves its right to assert inequitable conduct and any other enforceability defense as fact discovery progresses.

VII. DOCUMENT PRODUCTION ACCOMPANYING INITIAL INVALIDITY CONTENTIONS

Contemporaneously with these Initial Invalidity Contentions and this Court's Scheduling Order (D.I. 36), Snap produces a copy of "the known related invalidating references." These documents are produced at Bates label SNAP_00003749-00005576.

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March 23, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2022, copies of the foregoing were caused to be served upon the following in the manner indicated:

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