UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FACEBOOK, INC.,
Petitioner,

v.

REMBRANDT SOCIAL MEDIA, L.P.,
Patent Owner.

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Case IPR2014-00415
Patent 6,415,316

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Before PHILLIP J. KAUFFMAN, JENNIFER S. BISK, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I.   INTRODUCTION

Facebook, Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 1, 4, 17, 18, 20, and 26 ("the challenged claims") of U.S. Patent No. 6,415,316 (Ex. 1001, "the '316 patent"). Paper 1 ("Pet."). Rembrandt Social Media, L.P. ("Patent Owner") filed a Preliminary Response. Paper 8 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

> THRESHOLD.—The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition and Preliminary Response, we determine that the information presented by Petitioner establishes that there is a reasonable likelihood that Petitioner would prevail in showing unpatentability of the challenged claims of the '316 patent. Accordingly, pursuant to 35 U.S.C. § 314, we institute an *inter partes* review of claims 1, 4, 17, 18, 20, and 26 of the '316 patent.

A. Related Proceedings

Petitioner and Patent Owner indicate that the '316 patent is involved in one co-pending district court case: *Rembrandt Social Media, L.P. v. Facebook, Inc.*, Case No. 13-CV-00158 TSE (E.D. Va.), filed February 4, 2013, and served on February 6, 2013. Pet. 1; Paper 5, 2. The case is

currently stayed pending an appeal to the U.S. Court of Appeals for the Federal Circuit. Pet. 1; Paper 5, 2.

B. The '316 Patent

The '316 patent relates generally to computer networks and, specifically, to a method and apparatus for implementing a diary of web pages on a computer network. Ex. 1001, 1:19-22. According to the '316 patent, there was a need for a way for users to keep track of locations that they have visited in a more visual and memorable way. *Id.* at 1:65-67.

To address this need, the '316 patent discloses a method and apparatus for implementing a web page diary. *Id.* at Title. The diary allows a diary owner to organize information, including links to websites and other content, like a book. *Id.* at 4:62-64. A diary has a book design that determines the graphics and layout of content within pages of a diary. *Id.* at 5:9-10. The book design includes page designs. *Id.* at 5:11. Page designs define the visual and audible appearance of the page, provides slots for content entries or objects, and determines the size and location of such slots within the page. *Id.* at 5:14-17. Diary owners can insert content objects into pages. *Id.* at 5:18. When a content object is inserted into a page, it is displayed in one of the slots provided by the page design of the page. *Id.* at 5:19-20. A content object can be any type of object, including text, bookmarks, images, programs, movies, etc. *Id.* at 5:20-22. The book design and book content are independent. *Id.* at 5:26-27. Diary software dynamically combines the diary's book design and book content to present a cohesive view of the "book." *Id.* at 5:32-34. The diary may enforce privacy rules on any part or level of the book—i.e., book, section, page, or individual content object. *Id.* at 5:55-57.
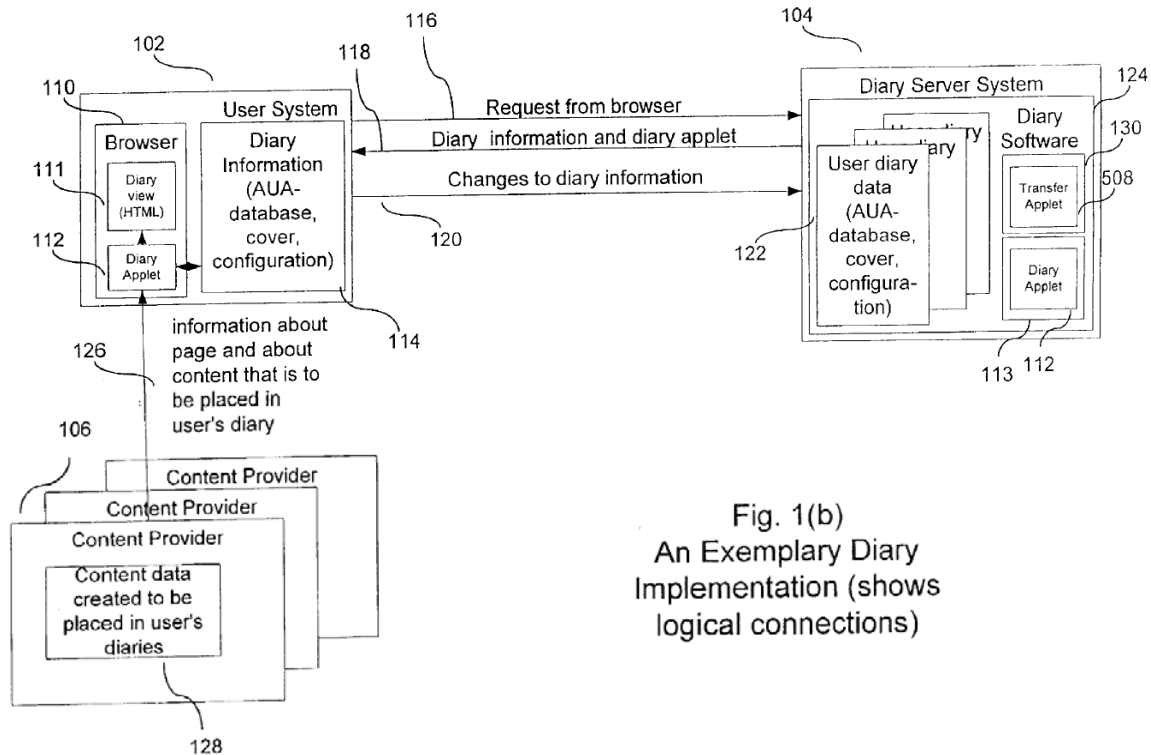
Figure 1(b) is reproduced below.

Fig. 1(b)
An Exemplary Diary
Implementation (shows
logical connections)

Figure 1(b) is a block diagram of a computer network in accordance with an
embodiment of the invention of the '316 patent that illustrates how a diary is
viewed or edited. Ex. 1001, 6:30-32. The system comprises user system
102, diary server 104, and one or more content providers 106. *Id.* at 6:32-
34. User system 102 can be the system of the owner of the diary or of a
person who wishes to view the diary. *Id.* at 6:34-36. User system 102
includes browser 110, which is shown executing diary applet 112
downloaded from diary server 104, and diary information 114, which
contains information about the diary of this diary owner. *Id.* at 6:36-40.
Diary applet 112 generates HTML 111 for the web pages of the user's diary,
which are preferably displayed by browser 110. *Id.* at 6:40-43.

Diary server 104 includes diary information 122 (including diary
information for a plurality of users' diaries), diary software 124, an original

copy of diary applet 112, and the HTML needed to display an initial web page. Ex. 1001, 6:44-48.

A user begins viewing or editing a diary by viewing web page 113 available from diary server 104. *Id.* at 6:56-59. Web page 113 allows the user to indicate that he wishes to view or edit a specified diary. *Id.* at 6:59-60. This indication begins execution of diary applet 112, which sends a request 116 to diary server 104 for the contents of the specified diary. *Id.* at 6:60-62. When diary software 124 receives request 116 from browser 110, it sends information 118, including diary information, appropriate for the specified diary to the user system. *Id.* at 6:63-67. Diary applet 112 reads diary information 114 received from diary server 104 and generates HTML 111 for one or more diary pages in accordance with diary information 114. *Id.* at 7:1-3. Diary applet 112 instructs browser 110 to display the diary page(s) in the browser window. *Id.* at 7:3-5.

C. Illustrative Claim

Of the challenged claims, claims 1 and 17 are independent. Claim 1 is reproduced below:

> 1.   A method of organizing information for display, comprising:
>
> sending from a diary server to a user system, a diary program capable of being executed by a browser in the user system;
>
> sending diary information from the diary server to the user system, the information comprising content data including an associated time, a page design to specify the presentation of the content data, and configuration information for controlling behavior of a cohesive diary page, the configuration information including privacy level information;

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