UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION AND VIMEO, INC.,
Petitioner,

v.

LINK ENGINE TECHNOLOGIES LLC,
Patent Owner.

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Case IPR2017-00886
Patent 7,480,694 B2

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Before RAMA G. ELLURU, SCOTT A. DANIELS, and
DANIEL J. GALLIGAN, *Administrative Patent Judges.*

DANIELS, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a)

I.   INTRODUCTION

A. *Background*

RPX Corporation and VIMEO, Inc. ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1–33 of U.S. Patent No. 7,480,694 B2 ("the '694 patent"). Paper 3 ("Pet."). Link Engine Technologies LLC ("Patent Owner") filed a Preliminary Response. Paper 8 ("Prelim. Resp."). We instituted trial for claims 1–33 of the '694 patent on all grounds of unpatentability alleged in the Petition. Paper 13 ("Decision to Institute" or "Inst. Dec.").

After institution of trial, Patent Owner filed a Patent Owner Response and a Contingent Motion to Amend seeking to replace claims 1–33 with substitute claims 34–51. Paper 15 ("PO Resp."), Paper 16 ("Mot. to Amend"). Petitioner filed a Reply and an Opposition to the Contingent Motion to Amend. Papers 17 ("Reply"), 18 ("Opp. to Mot. to Amend"). Subsequently, Patent Owner filed a Reply to the Opposition. Paper 19 ("PO Reply to Opp."). By an order on March 28, 2018 (Paper 20), we granted Petitioner a Sur-Reply to the Reply to the Opposition. Paper 23 ("Pet. Sur-Reply to Opp.").

Petitioner relies on the declarations of Phillip Greenspun, Ph.D. Ex. 1010, Ex. 1035. Patent Owner did not submit testimony from a declarant in support of its positions.

 A hearing for IPR2017-00886 was held on May 8, 2018. The transcript of the consolidated hearing has been entered into the record. Paper 29 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a). Based on the record before us, Petitioner has shown by a preponderance of the evidence that

claims 1–33 of the '694 patent are unpatentable. We further deny Patent Owner's Motion to Amend as to substitute claims 34–51.

B. Additional Proceedings

Petitioner states that the '694 patent is asserted against VIMEO Inc. in Case No. 0:2-16-cv-01070 in the United States District Court, Eastern District of Texas. Pet. 1.

C. The '694 Patent

The '694 patent (Ex. 1001), titled "Web Playlist System, Method, and Computer Program," relates generally to a computer program that displays a sequence of web pages, i.e. a playlist, to a viewer and provides a control panel that allows the user to control the display. Ex. 1001, 1:52–57, 5:20–21. Stating that its program is more functional than "a simple static list of addresses or URLs such as, for example, Internet Explorer 'Favorites,'" the '694 patent describes "a computer program that performs all the usual functions of a browser but with additional functionality . . . allowing a user to access web-sites and selectively capture a sequence of HTML pages or URLs for later playback and editing." *Id.* at 1:41–42, 4:52–5:2.

By way of example, the '694 patent explains that the computer program could be implemented by an internet browser retrieving a plurality of network addresses, e.g. uniform resource locators ("URLs"), from a computer memory and displaying the addresses in a panel in a browser window. *Id.* at 5:6–21, Fig. 3. Figure 3 of the '694 patent is reproduced below.
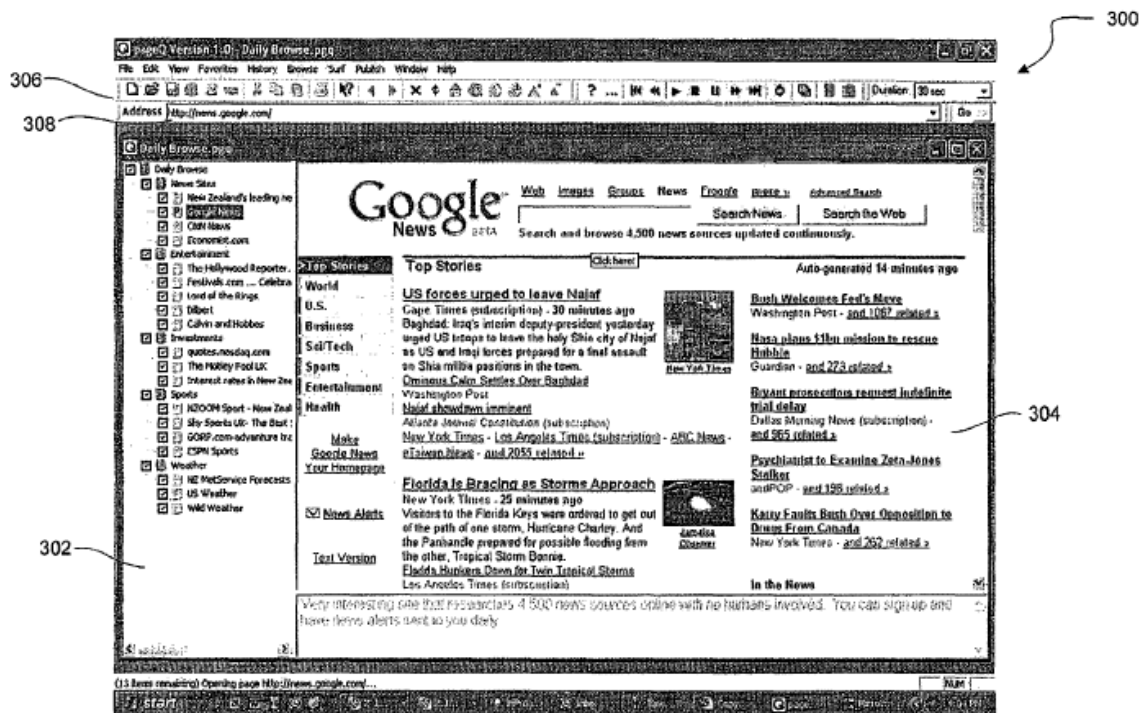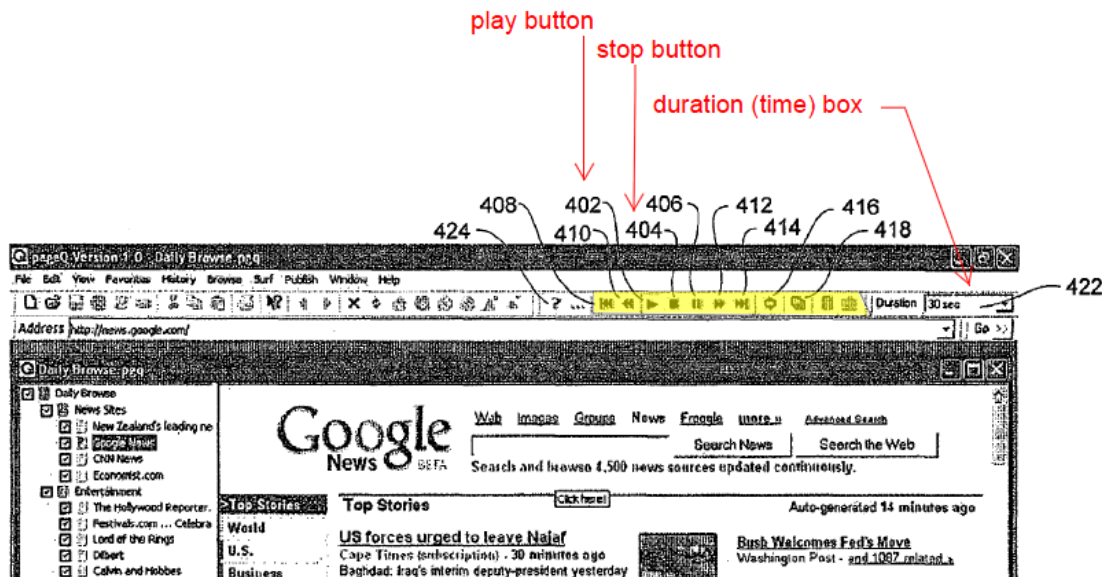
300

FIGURE 3

Figure 3 of the '694 patent, above, depicts browser window 304 including a display of the "GoogleNews" web page identified in a playlist of network addresses 302 and shown darkened in the panel on the left-hand side of the browser window.

In one embodiment of the invention, the '694 patent describes that the internet browser "comprises a playlist engine that is configured to retrieve successive network addresses 302 from the sequence and to display in the browser window 304 web pages corresponding to the network addresses." *Id.* at 5:39–42. The '694 patent states that "[i]n one preferred form, the playlist engine is implemented as a software program or series of software functions." *Id.* at 5:42–44.

Browser window 304 may also include a control panel as shown in annotated Figure 4 from the '694 patent, reproduced in part below and enlarged for ease of viewing.

Partial Figure 4 of the '694 patent, above with annotations added by the Board, illustrates a control panel, a portion of which is highlighted in yellow (no reference number), including for example, play button 402 and stop button 404. *See id.* at 6:3–18. Also illustrated is "duration" box 422, which conveys to the viewer a default time, "30 sec," for the web page to be displayed. *Id.* at 7:30–37.

D. Illustrative Claim

Of the challenged claims, claims 1, 7, 13, 20, and 28 are independent. Each of dependent claims 2–6, 8–12, and 14–19 depend directly or indirectly from respective independent claims 1, 7, and 13. Claims 21–27 depend directly or indirectly from claim 20, and dependent claims 29–33 depend directly from independent claim 28. Claim 1 illustrates the claimed subject matter and is reproduced below:

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