

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHEGG INC., MATCH GROUP, LLC, AND RPX CORPORATION,
Petitioner,

v.

NETSOC, LLC,
Patent Owner.

IPR2019-01165
Patent 9,978,107 B2

Before KALYAN K. DESHPANDE, SHEILA F. McSHANE, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons discussed herein, we determine that Petitioner has shown, by a preponderance of the evidence, that claims 1–11 of U.S. Patent No. 9,978,107 B2 (Ex. 1001, “the ’107 patent”) are unpatentable.

A. Procedural Background

Chegg, Inc., Match Group, LLC, and RPX Corporation (collectively, “Petitioner”)¹ filed a Petition requesting *inter partes* review of claims 1–11 (“the challenged claims”) of the ’107 patent pursuant to 35 U.S.C. § 312, along with the supporting Declaration of Benjamin Goldberg, Ph.D. Paper 4 (“Pet.”); Ex. 1004. NETSOC, LLC (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 12 (“Prelim. Resp.”). Pursuant to 35 U.S.C. § 314(a), on December 5, 2019, we instituted *inter partes* review on the grounds of:

Claims Challenged	35 U.S.C. §	References
1–3, 5–8, 10, 11	103(a) ²	Beaudoin ³ , Shubov ⁴

¹ Petitioner identifies IAC/InterActiveCorp, Humor Rainbow, Inc., PlentyOfFish Media, ULC, and Match Group, Inc. as other real parties-in-interest. Pet. 1.

² The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103, and was effective March 16, 2013. Because the ’107 patent’s effective filing date predates the AIA’s amendments to § 103, this decision refers to the pre-AIA version of § 103.

³ US 7,096,193 B1, issued August 22, 2006, claiming priority to Provisional Application No. 60/135,522, filed on May 21, 1999. Ex. 1005.

⁴ US Pub. No. 2002/0038233 A1, published March 28, 2002. Ex. 1006.

4, 9	103(a)	Beaudoin, Shubov, Herz ⁵
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Pet. 5; Paper 14 (“Inst. Dec.” or “Dec.”).

Patent Owner filed a Patent Owner Response (“PO Resp.”). Paper 20. Petitioner filed a Reply (“Pet. Reply”) to the Patent Owner Response. Paper 22. Patent Owner filed a Sur-Reply (“PO Sur-Reply”). Paper 24.

An oral hearing was held on September 9, 2020. A transcript of the hearing is included in the record. Paper 31 (“Tr.”).

B. Related Proceedings

The parties identify these proceedings involving the ’107 patent: *NetSoc, LLC v. Match Group, Inc.*, 2:18-cv-00217 (E.D. Tex.); *NetSoc, LLC v. Match Group, LLC et al.*, 3:18-cv-01809 (N.D. Tex.); *NetSoc, LLC v. Chegg Inc.*, 1:18-cv-10262 (S.D.N.Y.); *NetSoc, LLC v. LinkedIn Corp.*, 1:18-cv-12215 (S.D.N.Y.); *NetSoc, LLC v. Quora, Inc.*, 1:18-cv-12250 (S.D.N.Y.); and *NetSoc, LLC v. Yahoo! Inc.*, 1:18-cv-12267 (S.D.N.Y.). Pet. 1–3; Paper 7, 2. The parties indicate that *NetSoc, LLC v. Teladoc Health, Inc.*, 2:18-cv-00542 (E.D. Tex.) involves U.S. Patent No. 7,565,344 (“the ’344 Patent”), which is related to the ’107 patent. Pet. 2; Paper 7, 2.

Petitioner and Patent Owner also identify another petition, IPR2019-01171 (“the -01171 proceeding”), challenging the patentability of claims 1–11 of the ’107 patent. Pet. 1; Paper 7, 3. The final written decision in the -01171 proceeding is being issued concurrently with this decision.

C. The ’107 Patent

The ’107 patent is entitled “Method and System for Establishing and Using a Social Network to Facilitate People in Life Issues” and issued on

⁵ US Pub. No. 2004/0019579 A1, published January 29, 2004. Ex. 1007.

May 22, 2018 from an application filed on December 18, 2015. Ex. 1001, codes (22), (45), (54). The '107 patent claims priority as a continuation or continuation-in-part of several applications, and claims priority to provisional application No. 60/499,543, filed on September 3, 2003. *Id.*, codes (60), (63).

The '107 patent is directed to “applications and implementations of a social network to facilitate individuals to resolve various life issues.” Ex. 1001, code (57). Under its embodiments, a social network may be established and used to assist individuals with issues to be resolved at a particular geographic location, including maintaining a list of participants who can assist in resolving issues at that location. *Id.* at 2:17–23. Users may submit inquiries to the service, and the service may select which participants are best suited to respond to inquiries. *Id.* at 3:39–41.

The invention of the '107 patent includes several embodiments, such as those depicted in Figures 3 and 4, reproduced below.

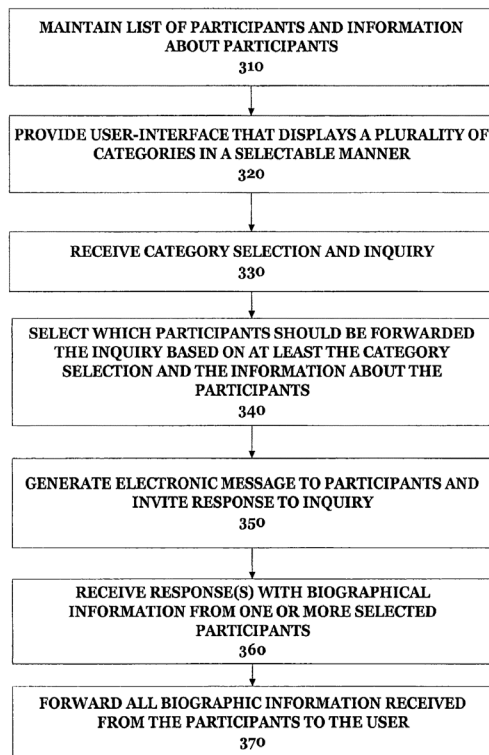


FIG. 3

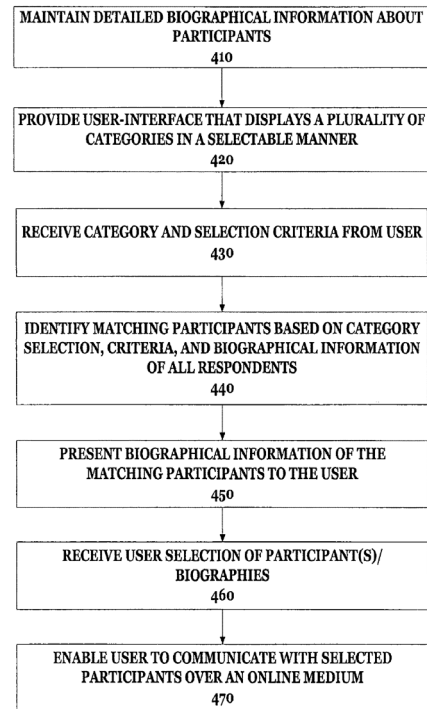


FIG. 4

Figures 3 and 4, above, are implementations of the invention, such as those depicted in Figures 1 and 2. Ex. 1001, 1:50–55, 6:46–50, 7:63–82. The embodiment shown in Figure 3 may be implemented, in part, in accordance with the example below.

A person may need to relocate to Chicago. The person may be in need of a special heart medication. What the person may need to know is how much the medication will cost in Chicago, and how readily available the new medication is. Under an embodiment such as described in FIGS. 1–3, the user may access service 110, select “medical category” through UI 212, enter an inquiry “I need to check the availability of my heart medicine in Chicago, and its price . . .” and then send the message. The service 110 will receive the message, locate the geographic information (Chicago) and make a selection of who should receive the information. In one example, the service 110

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