

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MAPLEBEAR INC. D/B/A INSTACART,  
Petitioner,

v.

FALL LINE PATENTS, LLC,  
Patent Owner.

---

Patent No. 9,454,748  
Filing Date: October 22, 2010  
Issue Date: September 27, 2016  
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT

---

*Inter Partes* Review No.: IPR2025-00958

**DECLARATION OF DR. HENRY HOUH IN SUPPORT OF PETITION  
FOR *INTER PARTES* REVIEW OF U.S. PAT. NO. 9,454,748**

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	PROFESSIONAL BACKGROUND AND QUALIFICATIONS .....	1
III.	MATERIALS REVIEWED .....	9
IV.	UNDERSTANDING OF APPLICABLE LEGAL STANDARDS .....	9
V.	OVERVIEW OF THE '748 PATENT .....	14
VI.	PROSECUTION HISTORY .....	15
VII.	RELATED LITIGATION .....	18
	A.    IPRs Involving the '748 Patent .....	32
VIII.	TECHNICAL BACKGROUND .....	35
	A.    Computer Hardware, Software, and Firmware .....	35
	B.    Graphic Images and Graphical User Interfaces .....	36
	C.    Computer-Based Questionnaires.....	36
	D.    Tokens and Tokenizing .....	38
	E.    Global Positioning System (GPS) and Location Identification .....	40
	F.    Data Synchronization .....	41
	G.    Making Data Available Over the Internet.....	41
IX.	OVERVIEW OF THE RELIED UPON PRIOR ART .....	42
	A.    Barbosa .....	42
	B.    Falls .....	43
	C.    Heath.....	44
	D.    Short .....	45
	E.    Torrance.....	46
	F.    Bandera.....	46
	G.    Pinera.....	47
	H.    Morris .....	48
	I.    Hamlin .....	49
X.	THE RELEVANT ART AND LEVEL OF ORDINARY SKILL IN THE RELEVANT ART .....	50

XI.	CLAIM CONSTRUCTION .....	52
A.	Constructions from Related IPRs .....	52
1.	“GPS integral thereto” .....	52
2.	“token” .....	52
3.	“central computer”/“originating computer”/“recipient computer” .....	53
4.	“loosely networked” .....	53
5.	“executable” .....	53
B.	Constructions from District Court Litigations .....	53
1.	“customized for a particular location” .....	54
2.	“questionnaire” .....	54
3.	“when said loosely networked computer is at said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user” .....	54
4.	“requests location identifying information” .....	54
5.	“automatically transferring” .....	55
XII.	ANALYSIS .....	55
A.	Ground A: Barbosa in view of Falls Renders Obvious Claim 7 .....	57
1.	Independent Claim 7 .....	60
B.	Ground B: Barbosa in view of Falls and Heath Renders Obvious Claim 7 .....	111
1.	Independent Claim 7 .....	112
C.	Grounds C & D: Barbosa in view of Falls and Short, and Barbosa in view of Falls, Heath, and Short Render Obvious Claim 7 .....	123
1.	Independent Claim 7 .....	124
D.	Grounds E-H: Barbosa in view of Falls and Torrance, Barbosa in view of Falls, Heath, and Torrance, Barbosa in view of Falls, Short, and Torrance, and Barbosa in view of Falls, Heath, Short, and Torrance Render Obvious Claim 8 .....	133

1.	Dependent Claim 8: “The method for collecting survey data according to claim 7 further comprising: .....	133
E.	Grounds I-J: Barbosa and Barbosa in view of Bandera Render Obvious Claims 3, 4, 9-11, and 13-15 .....	143
1.	Independent Claim 9 .....	143
2.	Dependent Claim 10 .....	171
3.	Dependent Claim 11: “The method for managing data according to claim 9, wherein said originating computer and said recipient computer are a same computer.” .....	177
4.	Dependent Claim 13: “The method for managing data according to claim 9, wherein said questionnaire comprises at least one question that requests location identifying information and at least one other Question.” .....	179
5.	Dependent Claim 14: “The method for managing data according to claim 13, wherein at least one of said at least one other question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.” .....	180
6.	Dependent Claim 15: “The method for managing data according to claim 9, wherein step (a) comprises the step of establishing communications via a global computer network between said handheld computing device and said originating computer.” .....	181
7.	Dependent Claim 3 .....	182
8.	Dependent Claim 4 .....	191
F.	Grounds K-L: Barbosa in view of Heath and Barbosa in view of Bandera and Heath Render Obvious Claim 6 .....	200
1.	Dependent Claim 6 .....	200
G.	Grounds M-N: Barbosa in view of Heath and Pinera and Barbosa in view of Bandera, Heath, and Pinera Each Renders Obvious Claim 6.....	209

H.	Grounds O-P: Barbosa in view of Morris and Barbosa in view of Bandera and Morris Each Renders Claim 12 Obvious.....	215
1.	Dependent Claim 12 .....	215
I.	Grounds Q-R: Barbosa in view of Hamlin and Barbosa in view of Bandera and Hamlin .....	221
XIII.	EVIDENCE OF NON-OBVIOUSNESS .....	225
XIV.	CONCLUSION.....	225
	Appendix A.....	A-1
	Appendix B.....	B-1

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.