

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

MIRROR WORLDS TECHNOLOGIES, LLC,
Plaintiff-Appellant

v.

FACEBOOK, INC.,
Defendant-Appellee

2018-2276

Appeal from the United States District Court for the
Southern District of New York in No. 1:17-cv-03473-JGK,
Judge John G. Koeltl.

Decided: January 23, 2020

MARC AARON FENSTER, Russ August & Kabat, Los Angeles, CA, argued for plaintiff-appellant. Also represented by BRIAN DAVID LEDAHL, JAMES S. TSUEI, BENJAMIN T. WANG; CHARLES R. MACEDO, Amster Rothstein & Ebenstein LLP, New York, NY.

HEIDI LYN KEEFE, Cooley LLP, Palo Alto, CA, argued for defendant-appellee. Also represented by DENA CHEN, LOWELL D. MEAD, MARK R. WEINSTEIN; PHILLIP EDWARD MORTON, Washington, DC.

Before PROST, *Chief Judge*, TARANTO and STOLL, *Circuit Judges*.

TARANTO, *Circuit Judge*.

Mirror Worlds Technologies, LLC owns U.S. Patent Nos. 6,006,227, 7,865,538, and 8,255,439, which describe and claim systems and methods for presenting and storing data in time-ordered streams on a computer system. Mirror Worlds brought the present action against Facebook, Inc., alleging that Facebook's making, selling, using, and other actions involving various Facebook systems infringed the '227, '538, and '439 patents. Facebook filed a motion for summary judgment of non-infringement before discovery ended, and the district court granted it. Mirror Worlds appeals.

We agree with Mirror Worlds that the district court's judgment must be reversed. The district court relied for its decision on an erroneous conclusion that there is no genuine dispute about certain facts. Facebook defends the summary judgment on alternative grounds. We will not affirm on those alternative grounds. We reverse the court's judgment and remand for further proceedings.

I

A

The '227 patent issued from an application filed in June 1996. The '538 and '439 patents are descendants of the '227 patent through a series of continuation applications, with an intervening continuation-in-part application. The '227 patent is representative for the purposes of this appeal.

The patent states that, as of its priority date, conventional computers used certain kinds of hierarchical directories to store and organize data. '227 patent, col. 1, lines 21–30. Under the conventional system, a user created a

new document by naming the document and choosing a storage location. *Id.* According to the patent, requiring such operations has disadvantages: specifically, the operations involve needless overhead; file names are often meaningless to a user; and a user of such a system must remember not just the file name but where the document is stored. *Id.*, col. 1, lines 40–59. The '227 patent describes an alternative: storing documents in a chronologically ordered “stream.” *Id.*, col. 1, lines 4–6.

A “stream” is “a time-ordered sequence of documents that functions as a diary of a person or an entity’s electronic life. Every document created and every document sen[t] to a person or entity is stored in a main stream.” *Id.*, col. 4, lines 6–10. Past documents are contained in the tail of the stream, *id.*, col. 4, lines 10–12, and new documents are added to the present time point in the stream, *id.*, col. 4, lines 35–43. Besides containing documents from the past and present, a stream may contain “documents allotted to future times and events, such as[] reminders, calendar items, and to-do lists.” *Id.*, col. 4, lines 18–21. “A document can contain any type of data,” including “pictures, correspondence, bills, movies, voice mail and software programs.” *Id.*, col. 4, lines 16–18.

A user may create “substreams” by filtering the main stream. *Id.*, col. 4, lines 48–61. Describing preferred embodiments, the patent characterizes a substream as dynamic and persistent in the following sense: if a user filters for “all emails from Smith,” a substream containing all emails from Smith will collect any such emails as they are added to the main stream, and the substream will continue to exist “until destroyed by the user.” *Id.*, col. 4, line 62, through col. 5, line 13. A substream is a subset of the main stream, in that each substream document is in the main stream, though a particular document may be in multiple substreams. *Id.*, col. 5, lines 14–19.

Claim 13 of the '227 patent is representative for the issues on appeal:

13. A method which organizes each data unit received by or generated by a computer system, comprising the steps of:

generating a main stream of data units and at least one substream, the main stream for receiving each data unit received by or generated by the computer system, and each substream for containing data units only from the main stream;

receiving data units from other computer systems;

generating data units in the computer system;

selecting a timestamp to identify each data unit;

associating each data unit with at least one chronological indicator having the respective timestamp;

including each data unit according to the timestamp in the respective chronological indicator in at least the main stream; and

maintaining at least the main stream and the substreams as persistent streams.

Id., col. 16, lines 9–25. Each of the asserted claims contains a “main stream” or “main collection” limitation and a “substream” or “subcollection” limitation.

The parties agree that the “main stream” has two properties: *first*, it includes every data unit received or generated by the “computer system”; *second*, it is a time-ordered sequence of data units.¹ While Facebook contends that

¹ The '538 and '439 patents use the term “documents” rather than “data units.” Although the parties

“main stream”—used in the ’227 and ’538 patents—and “main collection”—used in the ’439 patent—are synonymous, Mirror Worlds disagrees. Mirror Worlds admits, however, that any difference is immaterial to the resolution of Facebook’s summary judgment motion.

B

Facebook provides a popular social networking service. Several features of Facebook’s service are relevant to this appeal. According to Facebook’s description in this case, the “News Feed” for a Facebook user displays a variety of items that Facebook has “deemed to be relevant” to that user. J.A. 1104. “Timeline,” Facebook says, “focuse[s] on a particular Facebook user,” showing “basic information about that user, as well as actions taken on Facebook by or directed toward that user.” *Id.* And “Activity Log” provides “a list of activities that occurred on Facebook that pertain to a particular user.” J.A. 1106.²

Generally, the content Facebook users see is an amalgamation of “objects” and “associations,” which are two classes of data. Users, pictures, and comments are types of objects, while associations describe the relationship between objects. For example, if user “Alice” posts a comment on Facebook, an “authorship” association would connect Alice and the comment.

In providing content to users, both News Feed and Timeline rely on certain “front-end” hardware and software. The evidence—when understood most favorably to Mirror Worlds, as required when considering summary judgment—indicates that these front-end components

disagree about whether those terms are synonymous, any difference is immaterial to our decision in this appeal.

² At least two of the three patents at issue here have expired. Nevertheless, following the parties’ usage, we use the present tense in describing the accused services.

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